

05-185-CD
Washington Mutual et al vs. J. Peoples et al.
JAMES C. PEOPLES, et al.

Wash. Mut. Bank et al v. James Peoples et al
2005-185-CD

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

WASHINGTON MUTUAL BANK, F.A., S/B/M TO
WASHINGTON MUTUAL HOME LOANS, INC., F/K/A
PNC MORTGAGE CORP. OF AMERICA
8120 NATIONS WAY
BUILDING 100
JACKSONVILLE, FL 32256

Plaintiff

v.

JAMES C. PEOPLES
SUSAN A. PEOPLES
1411 ROBINSON AVENUE
HYDE, PA 16843

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO. 2005 - 185 - CV
CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

FILED

FEB 09 2005

M 12:15

William A. Shaw

Prothonotary/Clerk of Courts

2 CENT TO SHAW

IF THIS IS THE FIRST NOTICE THAT YOU HAVE RECEIVED FROM THIS OFFICE, BE ADVISED THAT:

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977), DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S) DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE DEFENDANT(S) WITH WRITTEN VERIFICATION THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. LIKEWISE, IF REQUESTED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S) THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM ABOVE.

THE LAW DOES NOT REQUIRE US TO WAIT UNTIL THE END OF THE THIRTY (30) DAY PERIOD FOLLOWING FIRST CONTACT WITH YOU BEFORE SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH THE LAW PROVIDES THAT YOUR ANSWER TO THIS COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

WASHINGTON MUTUAL BANK, F.A., S/B/M TO WASHINGTON
MUTUAL HOME LOANS, INC., F/K/A PNC MORTGAGE
CORP. OF AMERICA
8120 NATIONS WAY
BUILDING 100
JACKSONVILLE, FL 32256

2. The name(s) and last known address(es) of the Defendant(s) are:

JAMES C. PEOPLES
SUSAN A. PEOPLES
1411 ROBINSON AVENUE
HYDE, PA 16843

who is/are the mortgagor(s) and real owner(s) of the property hereinafter described.

3. On 12/09/1998 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to TOWNE & COUNTRY MORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 199800787. By Assignment of Mortgage recorded 12/11/98 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument No: 199800788.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/01/2004 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$49,852.93
Interest	23,388.16
7/1/04 through 02/08/2005	
(Per Diem \$10.24)	
Attorney's Fees	1,250.00
Cumulative Late Charges	54.18
12/09/1998 to 02/08/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 75,095.27
Escrow	
Credit	0.00
Deficit	672.98
Subtotal	<u>\$ 672.98</u>
TOTAL	\$ 75,768.25

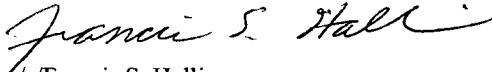
7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

8. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

9. This action does not come under Act 91 of 1983 because the mortgage is FHA-insured.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 75,768.25, together with interest from 02/08/2005 at the rate of \$10.24 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP


By: /s/ Francis S. Hallinan
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land located in the Village of Hyde City, Lawrence Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the western right-of-way line of Robinson Avenue at the intersection of the southern boundary of the land of Curtis O. Reider; thence in a westerly direction along the southern boundary of the Reider lands a distance of 120 feet to an alley; thence South along the alley a distance of 75 feet to a point at the northern line of Lot No. 4, Block 54; thence easterly along the northern line of Lot No. 4, a distance of 120 feet to a point on the western line of Robinson Avenue; thence North along Robinson Avenue a distance of 75 feet to a point, this being the place of beginning.

BEING Lots 5 and 6, Block 54, in the Steel and Iron Works Addition to Clearfield each having been 40 X 120 foot lots. However, Lot #6 was subject to a reduction in acreage of a strip 5 X 120 feet on the northern boundary as conveyed to Curtis O. Reider and Faye C. Reider by Deed dated July 30, 1964 and recorded in Clearfield County Deed Volume 509, Page 491.

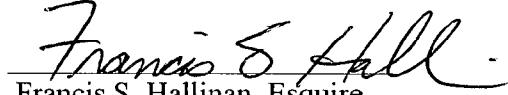
BEING the same premises which Ronald J. Ogden and Joyce Ogden, his wife, by deed dated May 13, 1969 and recorded in Clearfield County in Deed Book 548 at Page 60 conveyed to Elwood G. Coleman and Doris M. Coleman, his wife, Grantors herein.

BEING NO. 1411 ROBINSON AVENUE

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, it is counsel's intention to substitute a verification from Plaintiff as soon as it is received by counsel.

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C. S. Sec. 4904 relating to unsworn falsifications to authorities.


Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 2/8/5

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100211
NO: 05-185-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WASHINGTON MUTUAL BANK, F.A.

VS.

DEFENDANT: JAMES C. PEOPLES and SUSAN A. PEOPLES

SHERIFF RETURN

NOW, February 11, 2005 AT 1:39 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JAMES C. PEOPLES DEFENDANT AT 1411 ROBINSON AVE., HYDE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SUSAN PEOPLES, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

FILED
02/13/2005
6K
MAR 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100211
NO: 05-185-CD
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COMPLAINT IN MORTGAGE FORECLOSURE

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SERVED BY: HUNTER /

FILED
02/14/05
MAR 14 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100211
NO: 05-185-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WASHINGTON MUTUAL BANK, F.A.
VS.

DEFENDANT: JAMES C. PEOPLES and SUSAN A. PEOPLES

SHERIFF RETURN

NOW, February 11, 2005 AT 1:39 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SUSAN A. PEOPLES DEFENDANT AT 1411 ROBINSON AVE., HYDE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO SUSAN A. PEOPLES, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100211
NO: 05-185-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WASHINGTON MUTUAL BANK, F.A.
vs.

DEFENDANT: JAMES C. PEOPLES and SUSAN A. PEOPLES

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	405316	20.00
SHERIFF HAWKINS	PHELAN	405316	27.24

Sworn to Before Me This

So Answers,

Day of _____ 2005


Chester A. Hawkins
Sheriff