

05-195-CD
Mortgage Electronic vs. V. A. Flanagan

S, INC. vs. VIRGINIA A. FLANAGAN

2005-195-CD

Netbank v. Virginia Flanagan

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff
v.

VIRGINIA A. FLANAGAN
12068 RIDGE ROAD
MAHAFFEY, PA 15757

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-195-4

CLEARFIELD COUNTY

Defendant

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
M 11:51 am rec'd 8-5-05
200 to Shff
FEB 11 2005

William A. Shaw
Prothonotary

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff, is or will be, the owner of legal title to the mortgage that is the subject of this action, and nominee for the entity indicated below, which is the owner of the entire beneficial interest in the mortgage:

COUNTRYWIDE HOME LOANS, INC.
7105 CORPORATE DRIVE
PLANO, TX 75024

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

VIRGINIA A. FLANAGAN
12068 RIDGE ROAD
MAHAFFEY, PA 15757

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

3. On 08/20/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200213306.
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 06/01/2004 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	\$31,032.05
Interest	2,064.92
05/01/2004 through 02/10/2005	
(Per Diem \$7.22)	
Attorney's Fees	1,250.00
Cumulative Late Charges	47.80
08/20/2002 to 02/10/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 34,944.77
Escrow	
Credit	0.00
Deficit	53.27
Subtotal	<u>\$ 53.27</u>
TOTAL	\$ 34,998.04

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. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

9. This action does not come under Act 91 of 1983 because the mortgage premises is not the principal residence of Defendant(s).

WHEREFORE, PLAINTIFF demands an *in rem* Judgment against the Defendant(s) in the sum of \$ 34,998.04, together with interest from 02/10/2005 at the rate of \$7.22 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: Francis S. Hall
 /s/Francis S. Hallinan
 LAWRENCE T. PHELAN, ESQUIRE
 FRANCIS S. HALLINAN, ESQUIRE
 Attorneys for Plaintiff

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN BELL TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN, SAID IRON PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322, AND SAID IRON PIN BEING LOCATED THREE HUNDRED NINETY-SIX AND SEVEN HUNDREDTHS (396.07) FEET FROM LINE OF LAND OF WILBUR LEE;

THENCE ALONG LAND OF W. A. DILLON, SOUTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES EAST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN;

THENCE CONTINUING ALONG LAND OF W. A. DILLON, SOUTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES WEST ONE HUNDRED (100) FEET TO AN IRON PIN;

THENCE STILL CONTINUING ALONG LAND OF W. A. DILLON, NORTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES WEST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN, SAID PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322;

THENCE ALONG EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322 NORTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES EAST ONE HUNDRED (100) FEET TO THE IRON PIN AND PLACE OF BEGINNING.

BEING A LOT FRONTING ONE HUNDRED (100) FEET ON TOWNSHIP ROAD NO. T-322 AND EXTENDING BACK IN PARALLEL LINES ONE HUNDRED TWENTY-FIVE (125) FEET. THE DESCRIPTION FOR SAID LOT WAS MADE FROM A SURVEY BY FREDERIC H. SHUSS, A REGISTERED PROFESSIONAL ENGINEER, DATED OCTOBER 5, 1972.

Property Address: 1566 Deer Run Road.

VERIFICATION

MICHAEL D. VESTAL hereby states that he/she is VICE PRESIDENT of COUNTRYWIDE HOME LOANS, INC. mortgage servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Michael D. Vestal

DATE:

2/8/5

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100218
NO: 05-195-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
vs.
DEFENDANT: VIRGINIA A. FLANAGAN

SHERIFF RETURN

NOW, February 25, 2005 AT 12:00 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON VIRGINIA A. FLANAGAN DEFENDANT AT employment: Absolute Settlement Co. Beaver Dr., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VIRGINIA A. FLANAGAN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
02/23/05
MAR 14 2005 (GK)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100218
NO: 05-195-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
VS.
DEFENDANT: VIRGINIA A. FLANAGAN

SHERIFF RETURN

NOW, February 25, 2005 AT 12:00 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON VIRGINIA A. FLANAGAN DEFENDANT AT employment: Absolute Settlement Co. Beaver Dr, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO VIRGINIA A. FLANAGAN, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100218
NO: 05-195-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: VIRGINIA A. FLANAGAN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	406228	20.00
SHERIFF HAWKINS	PHELAN	406228	57.21

Sworn to Before Me This

____ Day of _____ 2005

So Answers,

Chester A. Hawkins
by Marlyn Hays

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

No.: 05-195-CD

vs.

VIRGINA A. FLANAGAN
1566 DEER RUN ROAD
MAHAFFEY, PA 15757

**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against VIRGINA A. FLANAGAN , Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in Complaint	\$34,998.04
Interest (2/11/05 to 3/30/05)	<u>346.56</u>
TOTAL	\$35,344.60

I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) that notice has been given in accordance with Rule 237.1, copy attached.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: March 31, 2005


PRO PROTHY

KIO

FILED ICC Notice
3/2/2005 to Def.
MAR 31 2005 Statement
William A. Shaw to Atty
Prothonotary/Clerk of Courts
Atty pd. \$0.00
GK



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

Plaintiff No.: 05-195-CD

VS.

VIRGINIA A. FLANAGAN

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on March 31, 2005.

By: John DEPUTY

If you have any questions concerning this matter please contact:

DANIEL G. SCHMIEG, ESQUIRE
Attorney or Party Filing
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.

PHELAN, HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

VIRGINIA A. FLANAGAN
Defendants : NO. 05-195-CD

TO: VIRGINIA A. FLANAGAN
12068 RIDGE ROAD
MAHAFFEY, PA 15757

DATE OF NOTICE: MARCH 18, 2005

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

IMPORTANT NOTICE

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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.

CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375

FILE COPY

FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN, HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

VIRGINIA A. FLANAGAN

: NO. 05-195-CD

Defendants

TO: VIRGINIA A. FLANAGAN
1566 DEER RUN ROAD
MAHAFFEY, PA 15757

DATE OF NOTICE: MARCH 18, 2005

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DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

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SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375

FILE COPY

FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN, HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

VIRGINIA A. FLANAGAN
Defendants

: NO. 05-195-CD

TO: ABSOLUTE SETTLEMENT CO
VIRGINIA A. FLANAGAN
900 BEAVER DRIVE #A
DU BOIS, PA 15801

DATE OF NOTICE: MARCH 18, 2005

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375

FILE COPY

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG, ESQUIRE
IDENTIFICATION NO. 62205
ONE PENN CENTER AT SUBURBAN STATION
1617 JOHN F. KENNEDY BLVD., SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-195-CD

vs.

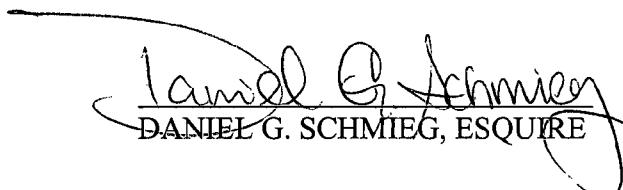
VIRGINA A. FLANAGAN

VERIFICATION OF NON-MILITARY SERVICE

DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

- (a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.
- (b) that defendant, VIRGINA A. FLANAGAN, is over 18 years of age, and resides at P.O.E. ABSLUTE SETTLEMENT CO., 900 BEAVER DRIVE # A, DU BOIS, PA 15801.

This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.


Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

Mortgage Electronic Registration Systems, Inc.
Plaintiff(s)

No.: 2005-00195-CD

Real Debt: \$35,344.60

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Virginia A. Flanagan
Defendant(s)

Entry: \$20.00
Instrument: In Rem Judgment

Date of Entry: March 31, 2005

Expires: March 31, 2010

Certified from the record this 31st day of March, 2005.

William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

PRAECIPE FOR WRIT OF EXECUTION--(MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180-3183

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.**

vs.

VIRGINIA A. FLANAGAN

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA**

No. 05-195-CD

**PRAECIPE FOR WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

To the Director of the Office of the Prothonotary:

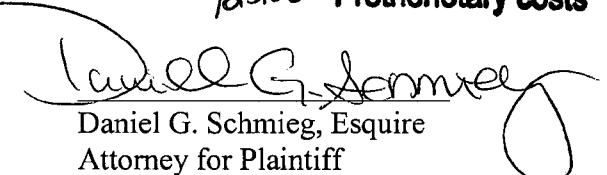
Issue writ of execution in the above matter:

Amount Due	<u>\$35,344.60</u>
------------	--------------------

Interest from 3/30/05 to	
Date of Sale (\$5.81 per diem)	

and Costs.

125.00 **Prothonotary costs**


Daniel G. Schmieg, Esquire

Attorney for Plaintiff

One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814

Note: Please attach description of Property.

KIO

FILED *CCS*
3/2/2005 *LeWorts/*
MAR 31 2005 *Prop deser.*
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 20.00
(6)

etcc3 No. 05-195-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

vs.

VIRGINIA A. FLANAGAN

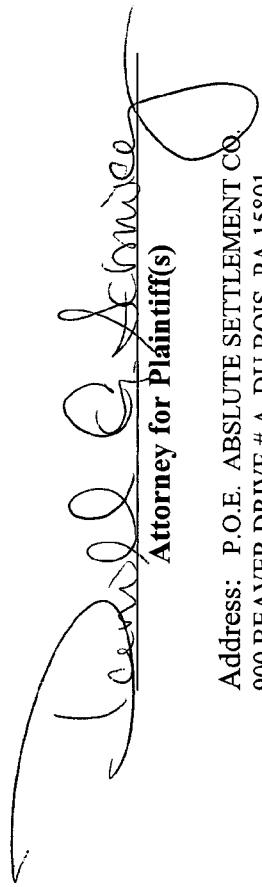
Prothonotary/Clerk of Courts

William A. Shaw

MAR 3 1 2005

FILED

PRAECLPTE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)


Attorney for Plaintiff(s)

Address: P.O.E. ABSOLUTE SETTLEMENT CO
900 BEAVER DRIVE # A, DU BOIS, PA 15801
Where papers may be served.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-195-CD

vs.

VIRGINA A. FLANAGAN

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 1566 DEER RUN ROAD, MAHAFFEY, PA 15757:

1. Name and address of Owner(s) or reputed Owner(s):

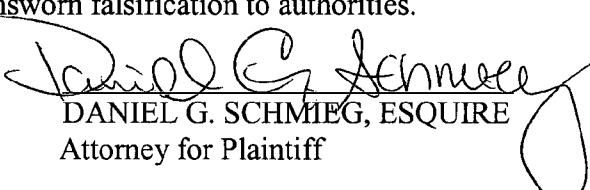
Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	--

VIRGINA A. FLANAGAN	P.O.E. ABSLUTE SETTLEMENT CO. 900 BEAVER DRIVE # A DU BOIS, PA 15801
---------------------	--

2. Name and address of Defendant(s) in the judgment:

SAME AS ABOVE

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

March 29, 2005

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-195-CD

vs.

VIRGINA A. FLANAGAN

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 1566 DEER RUN ROAD, MAHAFFEY, PA 15757:

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	---

BLOOM ELECTRIC	RD 4, BOX 91 CLEARFIELD, PA 16830
----------------	--------------------------------------

4. Name and address of last recorded holder of every mortgage of record:

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
------	---

BENEFICIAL CONSUMER DISCOUNT CO. D/B/A BENEFICIAL MORTGAGE CO. OF PA.	80 BEAVER DRIVE, SUITE 114 C DUBOIS, PA 15801
--	--

5. Name and address of every other person who has any record lien on the property:

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
------	---

None.

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	---

Clearfield County Domestic Relations	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
--------------------------------------	--

COMMONWEALTH OF PA BUREAU OF INDIVIDUAL TAX INHERITANCE TAX DIVISION ATTN: JOHN MURPHY	6 TH FLOOR, STRAWBERRY SQUARE DEPT. # 280601 HARRISBUR, PA 17128
--	---

DEPARTMENT OF PUBLIC WELFARE TPL CASUALTY UNT ESTATE RECOVERY PROGRAM	P.O. BOX 8486 WILLOW OAK BUILDING HARRISBURG, PA 17105-8486
---	---

INTERNAL REVENUE SERVICE FEDERATED INVESTORS TOWER	13 TH FLOOR, SUITE 1300 1001 LIBERTY AVENUE PITTSBURGH, PA 15222
---	---

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	---

Commonwealth of Pennsylvania Department of Welfare	PO Box 2675 Harrisburg, PA 17105
---	-------------------------------------

Tenant/Occupant	1566 DEER RUN ROAD MAHAFFEY, PA 15757
-----------------	--

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

March 29, 2005

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG, ESQUIRE
ONE PENN CENTER AT
SUBURBAN STATION
1617 JOHN F. KENNEDY BOULEVARD
SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF
COURT OF COMMON PLEAS
CIVIL DIVISION

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

No.: 05-195-CD

vs.

CLEARFIELD COUNTY

VIRGINA A. FLANAGAN

CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

This certification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

WRIT OF EXECUTION -- (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180 to 3183 and Rule 3257

COPY

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

vs.

NO.: 05-195-CD

VIRGINIA A. FLANAGAN

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (specifically described property below):

Premises: **1566 DEER RUN ROAD, MAHAFFEY, PA 15757**

(See legal description attached.)

Amount Due	<u>\$35,344.60</u>
Interest from 3/30/05 to Date of Sale (\$5.81 per diem)	\$ _____
Total	\$ _____ <small>Plus costs as endorsed.</small> <u>125.00</u> Prothonotary costs

Dated 3/31/05
(SEAL)

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By: **Deputy**

KIO

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

No. 05-195-CD

**In the Court of Common Pleas of
Clearfield County, Pennsylvania**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

VIRGINIA A. FLANAGAN

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt \$35,344.60

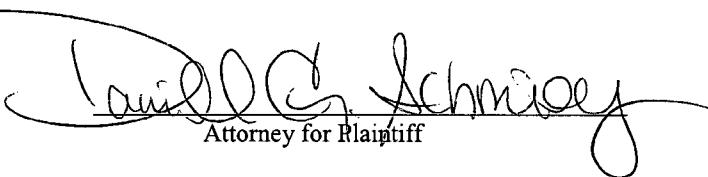
Int. from 3/30/05
to Date of Sale (\$5.81 per diem) _____

Costs _____

Proth. Pd. 125.00

Sheriff _____

2005-10-10 10:59:59



Attorney for Plaintiff

Address: P.O.E. ABSLUTE SETTLEMENT CO.
900 BEAVER DRIVE # A, DU BOIS, PA 15801
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN BELL TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN, SAID IRON PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322, AND SAID IRON PIN BEING LOCATED THREE HUNDRED NINETY-SIX AND SEVEN HUNDREDTHS (396.07) FEET FROM LINE OF LAND OF WILBUR LEE;

THENCE ALONG LAND OF W. A. DILLON, SOUTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES EAST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN;

THENCE CONTINUING ALONG LAND OF W. A. DILLON, SOUTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES WEST ONE HUNDRED (100) FEET TO AN IRON PIN;

THENCE STILL CONTINUING ALONG LAND OF W. A. DILLON, NORTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES WEST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN, SAID PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322;

THENCE ALONG EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322 NORTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES EAST ONE HUNDRED (100) FEET TO THE IRON PIN AND PLACE OF BEGINNING.

BEING A LOT FRONTING ONE HUNDRED (100) FEET ON TOWNSHIP ROAD NO. T-322 AND EXTENDING BACK IN PARALLEL LINES ONE HUNDRED TWENTY-FIVE (125) FEET. THE DESCRIPTION FOR SAID LOT WAS MADE FROM A SURVEY BY FREDERIC H. SHUSS, A REGISTERED PROFESSIONAL ENGINEER, DATED OCTOBER 5, 1972.

Vested by: Warranty Deed dated 8/1/02, given by Wilma A. Dillon, widow to Virginia A. Flanagan, as an individual recorded 8/21/02 in Instrument # 200213305

Premises: 1566 Deer Run Road, Mahaffey, PA 15757

PHELAN, HALLINAN & SCHMIEG LLP
BY: DANIEL G. SCHMIEG, ESQUIRE
Identification No. 62205
ONE PENN CENTER AT SUBURBAN STATION
1617 JOHN F. KENNEDY BLVD.
PHILADELPHIA, PA 19103-1814
(215) 563-7000

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff

vs

CLEARFIELD COUNTY

VIRGINA A. FLANAGAN

NO. 05-195-CD

Defendant(s)

SUGGESTION OF RECORD CHANGE
RE: DEFENDANT'S NAME

TO THE PROTHONOTARY:

FRANK FEDERMAN, ESQUIRE, attorney for the Plaintiff, hereby certifies that, to the best of his knowledge, information and belief the Defendant's name was erroneously listed as:

VIRGINA A. FLANAGAN

The correct name for the Defendant(s) are:

VIRGINIA A. FLANAGAN

Kindly change the information on the docket.



Daniel G. Schmieg, Esquire
Attorney for Plaintiff

FILED

SEP 02 2005

W/ 4:00pm
William A. Shaw
Prothonotary

2 chts to APL

**PRAECIPE FOR RE-ISSUING WRIT OF EXECUTION--(MORTGAGE
FORECLOSURE)
Pa.R.C.P. 3180-3183**

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.**

vs.

VIRGINIA A. FLANAGAN

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA**

No. 05-195-CD

**PRAECIPE FOR WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

To the Director of the Office of the Prothonotary:

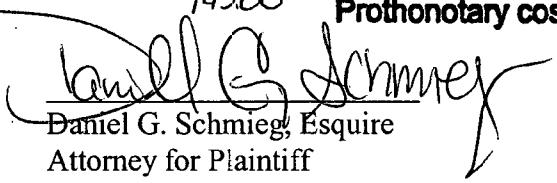
Issue writ of execution in the above matter:

Amount Due	<u>\$35,344.60</u>
------------	--------------------

Interest from 3/30/05 to	_____
Date of Sale (\$5.81 per diem)	and Costs.

145.00

Prothonotary costs


Daniel G. Schmieg, Esquire
Attorney for Plaintiff
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814

Note: Please attach description of Property.

KIO

FILED Atty pd. 20.00

3:12:54 PM SEP 29 2005 1CC & Lewnts to Shaff

William A. Shaw
Prothonotary/Clerk of Courts

No. 05-195-CD

William A. Shaw
Prothonotary/Clerk of Courts

SEP 29 2005

FILED

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.**

vs.

VIRGINIA A. FLANAGAN

PRAECLP FOR RE-ISSUING WRIT OF EXECUTION
(Mortgage Foreclosure)

Attorney for Plaintiff(s)

Address: P.O.E. ABSOLUTE SETTLEMENT C
900 BEAVER DRIVE # A, DU BOIS, PA 15801

Where papers may be served.

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG, ESQUIRE
ONE PENN CENTER AT
SUBURBAN STATION
1617 JOHN F. KENNEDY BOULEVARD
SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

ATTORNEY FOR PLAINTIFF
COURT OF COMMON PLEAS
CIVIL DIVISION

No.: 05-195-CD

vs.

CLEARFIELD COUNTY
VIRGINIA A. FLANAGAN

CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

This certification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-195-CD

vs.

VIRGINIA A. FLANAGAN

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 1566 DEER RUN ROAD, MAHAFFEY, PA 15757:

1. Name and address of Owner(s) or reputed Owner(s):

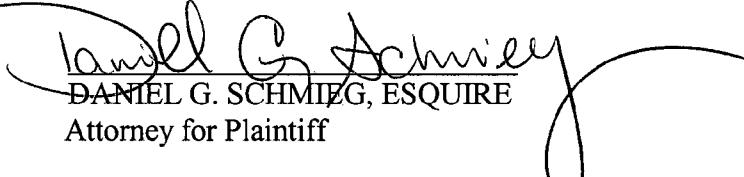
Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	--

VIRGINIA A. FLANAGAN	P.O.E. ABSLUTE SETTLEMENT CO. 900 BEAVER DRIVE # A DU BOIS, PA 15801
----------------------	--

2. Name and address of Defendant(s) in the judgment:

SAME AS ABOVE

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

September 28, 2005

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-195-CD

vs.

VIRGINIA A. FLANAGAN

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 1566 DEER RUN ROAD, MAHAFFEY, PA 15757:

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	---

BLOOM ELECTRIC	RD 4, BOX 91 CLEARFIELD, PA 16830
----------------	--------------------------------------

4. Name and address of last recorded holder of every mortgage of record:

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
------	---

BENEFICIAL CONSUMER DISCOUNT CO. D/B/A BENEFICIAL MORTGAGE CO. OF PA.	80 BEAVER DRIVE, SUITE 114 C DUBOIS, PA 15801
--	--

5. Name and address of every other person who has any record lien on the property:

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
------	---

None.

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	---

Clearfield County Domestic Relations	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
--------------------------------------	--

COMMONWEALTH OF PA BUREAU OF INDIVIDUAL TAX INHERITANCE TAX DIVISION ATTN: JOHN MURPHY	6 TH FLOOR, STRAWBERRY SQUARE DEPT. # 280601 HARRISBURG, PA 17128
--	--

DEPARTMENT OF PUBLIC WELFARE TPL CASUALTY UNT ESTATE RECOVERY PROGRAM	P.O. BOX 8486 WILLOW OAK BUILDING HARRISBURG, PA 17105-8486
---	---

INTERNAL REVENUE SERVICE FEDERATED INVESTORS TOWER	13 TH FLOOR, SUITE 1300 1001 LIBERTY AVENUE PITTSBURGH, PA 15222
---	---

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	---

Commonwealth of Pennsylvania Department of Welfare	PO Box 2675 Harrisburg, PA 17105
---	-------------------------------------

Tenant/Occupant	1566 DEER RUN ROAD MAHAFFEY, PA 15757
-----------------	--

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

September 28, 2005

WRIT OF EXECUTION -- (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180 to 3183 and Rule 3257

 COPY

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.**

vs.

VIRGINIA A. FLANAGAN

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: **05-195-CD**

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (specifically described property below):

Premises: **1566 DEER RUN ROAD, MAHAFFEY, PA 15757**

(See legal description attached.)

Amount Due	\$35,344.60
Interest from 3/30/05 to Date of Sale (\$5.81 per diem)	\$ _____
Total	\$ _____ Plus costs as endorsed. 145.00 Prothonotary costs

Dated 01/29/05
(SEAL)

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By: **Deputy**

KIO

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

No. 05-195-CD

**In the Court of Common Pleas of
Clearfield County, Pennsylvania**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

VIRGINIA A. FLANAGAN

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt \$35,344.60

Int. from 3/30/05
to Date of Sale (\$5.81 per diem) _____

Costs _____

Proth. Pd. 145.00

Sheriff _____

Daniel G. Schmieg
Attorney for Plaintiff

Address: P.O.E. ABSLUTE SETTLEMENT CO.
900 BEAVER DRIVE # A, DU BOIS, PA 15801
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN BELL TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN, SAID IRON PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322, AND SAID IRON PIN BEING LOCATED THREE HUNDRED NINETY-SIX AND SEVEN HUNDREDTHS (396.07) FEET FROM LINE OF LAND OF WILBUR LEE;

THENCE ALONG LAND OF W. A. DILLON, SOUTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES EAST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN;

THENCE CONTINUING ALONG LAND OF W. A. DILLON, SOUTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES WEST ONE HUNDRED (100) FEET TO AN IRON PIN;

THENCE STILL CONTINUING ALONG LAND OF W. A. DILLON, NORTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES WEST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN, SAID PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322;

THENCE ALONG EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322 NORTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES EAST ONE HUNDRED (100) FEET TO THE IRON PIN AND PLACE OF BEGINNING.

BEING A LOT FRONTING ONE HUNDRED (100) FEET ON TOWNSHIP ROAD NO. T-322 AND EXTENDING BACK IN PARALLEL LINES ONE HUNDRED TWENTY-FIVE (125) FEET. THE DESCRIPTION FOR SAID LOT WAS MADE FROM A SURVEY BY FREDERIC H. SHUSS, A REGISTERED PROFESSIONAL ENGINEER, DATED OCTOBER 5, 1972.

Vested by: Warranty Deed dated 8/1/02, given by Wilma A. Dillon, widow to Virginia A. Flanagan, as an individual recorded 8/21/02 in Instrument # 200213305

Premises: 1566 Deer Run Road, Mahaffey, PA 15757

SALE DATE: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

No.: 05-195-CD

vs.

VIRGINA A. FLANAGAN

FILED NO
MIA:BLB
DEC 19 2005

William A. Shaw
Prothonotary/Clerk of Courts

**AFFIDAVIT PURSUANT TO RULE 3129.1
AND RETURN OF SERVICE PURSUANT TO
Pa. R.C.P. 405 OF NOTICE OF SALE**

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at:

1566 DEER RUN ROAD, MAHAFFEY, PA 15757.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the attached Affidavit No. 2 (previously filed) and Supplemental Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
Main Fax 215-563-5534

Office of the Sheriff
CLEARFIELD County Courthouse

RE: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
V. VIRGINIA A. FLANAGAN
CLEARFIELD COUNTY,
NO. 05-195-CD

Dear Sir/madam,

Please find attached a copy of the original Affidavit(s), which has been sent for filing with the CLEARFIELD Prothonotary's Office as of the date of this letter.

Yours truly,

SMC

SANDRA COOPER
for PHELAN HALLINAN & SCHMIEG

PROPERTY IS LISTED FOR THE 11/6/04 SHERIFF'S SALE.

Name and Address Of Sender

PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station Suite 1400
Philadelphia, PA 19103-1814 SANDRA COOPER/KIO

Line	Article Number	Name of Addressee, Street, and Post Office Address	Fee
1	VIRGINIA A. FLANAGAN	Tenant/Occupant, 1566 DEER RUN ROAD, MAHAFFEY, PA 15757	
2	20500835	Clearfield County Domestic Relations Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830	
3		Commonwealth of Pennsylvania Department of Welfare PO Box 2675 Harrisburg, PA 17105	
4		BLOOM ELECTRIC RD 4, BOX 91 CLEARFIELD, PA 16830	
5		BENEFICIAL CONSUMER DISCOUNT CO. D/B/A BENEFICIAL MORTGAGE CO. OF PA. 80 BEAVER DRIVE, SUITE 114 C DUBOIS, PA 15801	
6		COMMONWEALTH OF PA BUREAU OF INDIVIDUAL TAX INHERITANCE TAX DIVISION ATTN: JOHN MURPHY 6TH FLOOR, STRAWBERRY SQUARE DEPT. # 280601 HARRISBURG, PA 17128	
7		DEPARTMENT OF PUBLIC WELFARE TPL CASUALTY UNIT ESTATE RECOVERY PROGRAM P.O. BOX 8486 WILLOW OAK BUILDING HARRISBURG, PA 17105-8486	
8		INTERNAL REVENUE SERVICE FEDERATED INVESTORS TOWER 13TH FLOOR, SUITE 1300 1001 LIBERTY AVENUE PITTSBURGH, PA 15222	
9		Total Number of Pieces Received at Post Office	Postmaster, Per (Name Of Receiving Employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000.00 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Mortgage Electronic Registration Systems, Inc.

ATTORNEY FOR PLAINTIFF

6th FILED No
M 11:06 AM cc
JAN 27 2006

William A. Shaw
Prothonotary/Clerk of Courts

Plaintiff : Court of Common Pleas
vs. : Civil Division
Virginia A. Flanagan : Clearfield County
Defendant : No. 05-195-CD

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorney, Michele M. Bradford, Esquire, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on February 11, 2005, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on March 31, 2005 in the amount of \$35,344.60. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".
3. A Sheriff's Sale of the mortgaged property at 1566 Deer Run Road, Mahaffey, PA 15757 (hereinafter the "Property") was postponed or stayed for the following reasons:
 - a) The Defendant filed a Chapter 7 Bankruptcy at docket number 04-32828 on September 28, 2004. The Bankruptcy was dismissed by order of court dated January 18, 2005. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "C".
4. The Property is listed for Sheriff's Sale on March 3, 2006. However, in the event this motion has not been heard by this Honorable Court by that date, Plaintiff may continue the sale in accordance with Pennsylvania Rule of Civil Procedure 3129.3.

5. Additional sums have been incurred or expended on Defendant's behalf since the Complaint was filed and Defendant has been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	31,032.05
Interest Through 3/3/06	4,779.00
Per Diem \$7.12	
Late Charges	35.85
Legal fees	1,675.00
Cost of Suit and Title	847.50
Sheriff's Sale Costs	5,000.00
Property Inspections	3,890.00
Appraisal/BPO	0.00
MIP/PMI	162.90
NSF	0.00
Suspense/Misc. Credits	0.00
Escrow Deficit	<u>1,366.48</u>
TOTAL	\$48,788.78

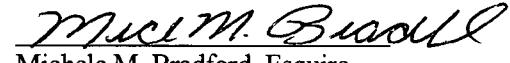
6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

7. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendant.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

Date: 1/26/06

By:


Michele M. Bradford, Esquire
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

Exhibit “A”

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO.
CLEARFIELD COUNTY

v.
Plaintiff
VIRGINIA A. FLANAGAN
12068 RIDGE ROAD
MAHAFFEY, PA 15757

Defendant

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. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

We hereby certify the
within to be a true and
correct copy of the
original filed of record

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff, is or will be, the owner of legal title to the mortgage that is the subject of this action, and nominee for the entity indicated below, which is the owner of the entire beneficial interest in the mortgage:

COUNTRYWIDE HOME LOANS, INC.
7105 CORPORATE DRIVE
PLANO, TX 75024

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

VIRGINIA A. FLANAGAN
12068 RIDGE ROAD
MAHAFFEY, PA 15757

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

3. On 08/20/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200213306.
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 06/01/2004 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	\$31,032.05
Interest	2,064.92
05/01/2004 through 02/10/2005	
(Per Diem \$7.22)	
Attorney's Fees	1,250.00
Cumulative Late Charges	47.80
08/20/2002 to 02/10/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 34,944.77
Escrow	
Credit	0.00
Deficit	53.27
Subtotal	<u>\$ 53.27</u>
TOTAL	\$ 34,998.04

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. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

9. This action does not come under Act 91 of 1983 because the mortgage premises is not the principal residence of Defendant(s).

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 34,998.04, together with interest from 02/10/2005 at the rate of \$7.22 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

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN BELL TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN, SAID IRON PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322, AND SAID IRON PIN BEING LOCATED THREE HUNDRED NINETY-SIX AND SEVEN HUNDREDTHS (396.07) FEET FROM LINE OF LAND OF WILBUR LEE;

THENCE ALONG LAND OF W. A. DILLON, SOUTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES EAST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN;

THENCE CONTINUING ALONG LAND OF W. A. DILLON, SOUTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES WEST ONE HUNDRED (100) FEET TO AN IRON PIN;

THENCE STILL CONTINUING ALONG LAND OF W. A. DILLON, NORTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES WEST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN, SAID PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322;

THENCE ALONG EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322 NORTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES EAST ONE HUNDRED (100) FEET TO THE IRON PIN AND PLACE OF BEGINNING.

BEING A LOT FRONTING ONE HUNDRED (100) FEET ON TOWNSHIP ROAD NO. T-322 AND EXTENDING BACK IN PARALLEL LINES ONE HUNDRED TWENTY-FIVE (125) FEET. THE DESCRIPTION FOR SAID LOT WAS MADE FROM A SURVEY BY FREDERIC H. SHUSS, A REGISTERED PROFESSIONAL ENGINEER, DATED OCTOBER 5, 1972.

Property Address: 1566 Deer Run Road.

VERIFICATION

MICHAEL D. VESTAL hereby states that he/she is VICE PRESIDENT of COUNTRYWIDE HOME LOANS, INC. mortgage servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Michael D. Vestal

DATE: 2/8/5

Exhibit “B”

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

No.: 05-195-CD

vs.

VIRGINIA A. FLANAGAN
1566 DEER RUN ROAD
MAHAFFY, PA 15757

**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against VIRGINIA A. FLANAGAN, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in Complaint	\$34,998.04
Interest (2/11/05 to 3/30/05)	<u>346.56</u>
TOTAL	\$35,344.60

I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) that notice has been given in accordance with Rule 237.1, copy attached.

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: March 31, 2005

KIO

2/20
FILED
2/20
MAR 31 2005
William A. Shaw
Prothonotary/Clerk of Courts

Exhibit “C”

United States Bankruptcy Court

Western District of Pennsylvania

Case No. 04-32828-BM

Chapter 7

In re: Debtor(s) (name(s) used by the debtor(s) in the last 6 years, including married, maiden, trade, and address):

Virginia A. Flanagan
aka Virginia A. Dillon
12068 Ridge Road
Mahaffey, PA 15757

Social Security No.:

xxx-xx-6504

Employer's Tax I.D. No.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 1/18/05

Bernard Markovitz
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

EXPLANATION OF BANKRUPTCY DISCHARGE IN A CHAPTER 7 CASE

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

Collection of Discharged Debts Prohibited

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:]* [There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

Debts That are Discharged

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

Debts that are Not Discharged.

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts that are in the nature of alimony, maintenance, or support;
- c. Debts for most student loans;
- d. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- e. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle while intoxicated;
- f. Some debts which were not properly listed by the debtor;
- g. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- h. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts.

This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.

VERIFICATION

Michele M. Bradford, Esquire, hereby states that she is the attorney for Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Phelan Hallinan & Schmieg, LLP

DATE: 1/26/06

By: Michele M. Bradford
Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Virginia A. Flanagan : No. 05-195-CD
Defendant

CERTIFICATION OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof, were sent to the following individual on the date indicated below.

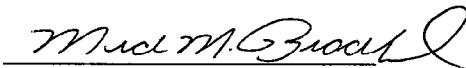
Virginia A. Flanagan
12068 Ridge Road
Mahaffey, PA 15757

Virginia A. Flanagan
1566 Deer Run Road
Mahaffey, PA 15757

Phelan Hallinan & Schmieg, LLP

DATE: 1/26/06

By:


Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

Mortgage Electronic Registration Systems, Inc.

: Court of Common Pleas

Plaintiff

: Civil Division

vs.

Virginia A. Flanagan

: No. 05-195-CD

Defendant

RULE

AND NOW, this _____ day of _____ 2006, a Rule is entered upon the Defendants
to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the _____ day of _____ 2006, at _____ in the Main
Courtroom of the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

J.

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas

Plaintiff : Civil Division

vs. : Clearfield County

Virginia A. Flanagan : No. 05-195-CD
Defendant

PRAECIPE FOR RULE TO SHOW CAUSE

AND NOW, this day of , 2006, a Rule is entered upon Virginia A. Flanagan, Defendant to show cause why the attached Order for Reassessment of Damages should not be entered.

RULE RETURNABLE this day of , 2006.

BY THE COURT:

J.

**IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA**

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Virginia A. Flanagan : No. 05-195-CD
Defendant

ORDER

AND NOW, this _____ day of _____, 2006 the Prothonotary is ORDERED to amend the judgment in this case as follows:

Principal Balance	31,032.05
Interest Through 3/3/06	4,779.00
Per Diem \$7.12	
Late Charges	35.85
Legal fees	1,675.00
Cost of Suit and Title	847.50
Sheriff's Sale Costs	5,000.00
Property Inspections	3,890.00
Appraisal/BPO	0.00
MIP/PMI	162.90
NSF	0.00
Suspense/Misc. Credits	0.00
Escrow Deficit	<u>1,366.48</u>
TOTAL	\$48,788.78

Plus interest from 3/3/06 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

J.

316

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas

Plaintiff : Civil Division

vs. : Clearfield County

Virginia A. Flanagan : No. 05-195-CD
Defendant

MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION TO REASSESS DAMAGES

I. BACKGROUND OF CASE

Defendant executed a Promissory Note agreeing to pay principal, interest, late charges, real estate taxes, hazard insurance premiums, and mortgage insurance premiums as these sums became due. Plaintiff's Note was secured by a Mortgage on the Property located at 1566 Deer Run Road, Mahaffey, PA 15757. The Mortgage indicates that in the event a default in the mortgage, Plaintiff may advance any necessary sums, including taxes, insurance, and other items, in order to protect the security of the Mortgage.

In the instant case, Defendant defaulted under the Mortgage by failing to tender numerous, promised monthly mortgage payments. Accordingly, after it was clear that the default would not be cured, Plaintiff commenced the instant mortgage foreclosure action. Judgment was subsequently entered by the Court, and the Property is currently scheduled for Sheriff's Sale.

Because of the excessive period of time between the initiation of the mortgage foreclosure action, the entry of judgment and the Sheriff's Sale date, damages as previously assessed are outdated and need to be adjusted to include current interest, real estate taxes, insurance premiums, costs of collection, and other expenses which Plaintiff has been obligated to pay under the Mortgage in order to protect its interests. It is also appropriate to give Defendant credit for monthly payments tendered through bankruptcy, if any.

RECEIVED

11/17/2006

Office

II. INTEREST

The Mortgage clearly requires that the Defendant shall promptly pay when due the principal and interest due on the outstanding debt. In addition, the Note specifies the rate of interest to be charged until the debt is paid in full or otherwise satisfied. Specifically, interest from 30 days prior to the date of default through the date of the impending Sheriff's sale has been requested.

III. TAXES AND INSURANCE

If Plaintiff had not advanced monies for taxes and insurance throughout the foreclosure proceeding, Plaintiff would have risked loss of its collateral. If the Property were sold at a tax sale, Plaintiff's interest very well may be divested, and Plaintiff would sustain a complete loss on the outstanding balance due on the loan. If the Property were damaged in a fire, Plaintiff would not be able to obtain insurance proceeds to restore the Property if it did not pay the insurance premiums.

Most importantly, the Mortgage specifically provides that the mortgagee may advance the monies for taxes and insurance and charge these payments against the escrow account. Plaintiff is simply seeking to have the Court enforce the terms of the Mortgage.

IV. ATTORNEY'S FEES

The amount of attorney's fees requested in the Motion to Reassess Damages is in accordance with the loan documents and Pennsylvania law. Pennsylvania Courts have long and repeatedly concluded that a request of five percent of the outstanding principal balance is reasonable and enforceable as an attorney's fee. Robinson v. Loomis, 51 Pa. 78 (1865); First Federal Savings and Loan Association v. Street Road Shopping Center, 68 D&C 2d 751, 755 (1974). The provision of the Mortgage which allows the Plaintiff to recover attorney's fees in the instant action is highlighted for the court's reference.

In Federal Land Bank of Baltimore v. Fetner, the Superior Court held that an attorney's fee of ten percent of the original mortgage amount is not unconscionable. 410 A.2d 344 (Pa. Super. 1979). Recently, the Superior Court cited Fetner in confirming that an attorney's fee of ten percent included in the judgment in mortgage foreclosure action was reasonable. Citicorp v. Morrisville Hampton Realty, 662 A.2d 1120 (Pa.

Super. 1995). Importantly, Plaintiff recognizes this Honorable Court's equitable authority to set attorney's fees and costs as it deems reasonable.

V. LEGAL ARGUMENT TO AMEND PLAINTIFF'S IN REM JUDGMENT

It is settled law in Pennsylvania that the Court may exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. 20 P.L.E., Judgments § 191. Stephenson v. Butts, 187 Pa.Super. 55, 59, 142 A.2d 319, 321 (1958), Chase Home Mortgage Corporation of the Southwest v. Good, 537 A.2d 22, 24 (Pa.Super. 1988).

The Supreme Court of Pennsylvania recognized in Landau v. Western Pa. Nat. Bank, 445 Pa. 117, 282 A.2d 335 (1971), that the debt owed on a Mortgage is subject to change and, in fact, can be expected to change from day to day because the bank must advance sums in order to protect its collateral. Because a Mortgage lien is not extinguished until the debt is paid, Plaintiff must protect its collateral up until the date of sale. Beckman v. Altoona Trust Co., 332 Pa. 545, 2 A.2d 826 (1939). Because a judgment in mortgage foreclosure is strictly in rem, it is critical that the judgment reflect those amounts expended by the Plaintiff in protecting the property. Meco Reality Company v. Burns, 414 Pa. 495, 200 A.2d 335 (1971). Plaintiff submits that if it goes to sale without the requested amended judgment, and if there is competitive bidding for the Property, Plaintiff will suffer a significant loss in that it would not be able to recoup monies it advanced to protect its interests. Conversely, amending the in rem judgment will not be detrimental to Defendant as it imputes no personal liability.

In B.C.Y. v. Bukovich, the Pennsylvania Superior Court reiterated its long standing rule that a Court has the inherent power to correct a judgment to conform to the facts of a case. 257 Pa. Super. 157, 390 A.2d 276 (1978). In the within case, the amount of the original judgment does not adequately reflect the additional sums due on the Mortgage due to Defendant's failure to tender payments during the foreclosure proceeding and the advances made by the mortgage company. The Mortgage plainly requires the mortgagors to tender to the mortgagee monthly payments of principal and interest until the Promissory Note accompanying the Mortgage is paid in full. The mortgagor is also required to remit to the mortgagee sufficient sums to pay monthly mortgage insurance premiums, fire insurance premiums, taxes and other assessments relating to the Property.

The mortgagor has breached the terms of the Mortgage, and Plaintiff has been forced to incur significant unjust financial losses on this loan.

VI. CONCLUSION

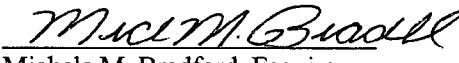
Therefore, Plaintiff respectfully submits that if the enforcement of its rights is delayed by legal proceedings, and such delays require the mortgagee to expend additional sums provided for by the Mortgage, then the expenses necessarily become part of the mortgagee's lien and should be included in the judgment.

Plaintiff respectfully requests that this Honorable Court grant its Motion to Reassess Damages. Plaintiff submits that it has acted in good faith in maintaining the Property in accordance with the Mortgage, and has relied on terms of the Mortgage with the understanding that it would recover the monies it expended to protect its collateral.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

DATE: 1/26/06

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

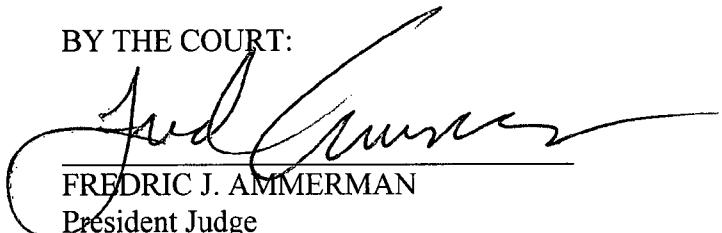
MORTGAGE ELECTRONIC :
REGISTRATION SYSTEMS, INC. :
: vs. : No. 05-195-CD
: :
VIRGINIA A. FLANAGAN :
:

O R D E R

NOW, this 31 day of January, 2006, upon consideration of Plaintiff's Motion to Reassess Damages, a Rule is hereby issued upon the Defendant to Appear and Show Cause why said Motion should not be granted. Argument be and is hereby scheduled for the 6th day of March, 2006, at 11:30 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of Plaintiff's Counsel to serve certified copies of said Motion and scheduling Order on the Defendant.

BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED
2/1/2006 2CC
FEB 01 2006 Atty Bradford
CK
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

PHELAN HALLINAN & SCHMIEG
by: MICHELE M. BRADFORD, Esquire
Atty. I.D. No. 69849
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102-1799
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas
vs. : Civil Division
Virginia Flanagan : Clearfield County
: No. 05-195-CD

CERTIFICATION OF SERVICE

I, MICHELE M. BRADFORD, Esquire, hereby certify that a true and correct copy of our Motion to Reassess Damages noting a Rule Return date of March 6, 2006 has been served upon the following persons:

Virginia A. Flanagan
12068 Ridge Road
Mahaffey, PA 15757

Virginia A. Flanagan
1566 Deer Run Road
Mahaffey, PA 15757

Date: 2/6/06

PHELAN HALLINAN & SCHMIEG, LLP

By: Michele M. Bradford
Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED
m 11:38 AM NO
FEB 08 2006
ce
WM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL DIVISION

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

vs.

No. 05-195-CD

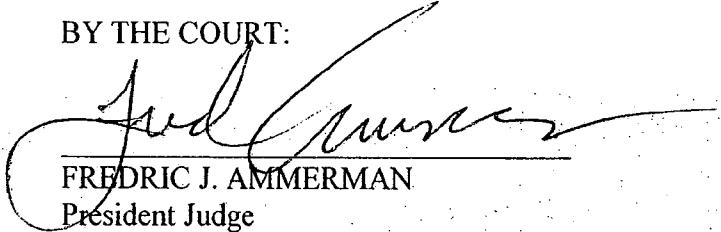
VIRGINIA A. FLANAGAN

ORDER

NOW, this 31 day of January, 2006, upon consideration of Plaintiff's Motion to Reassess Damages, a Rule is hereby issued upon the Defendant to Appear and Show Cause why said Motion should not be granted. Argument be and is hereby scheduled for the 6th day of March, 2006, at 11:30 A.M. in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

It is the responsibility of Plaintiff's Counsel to serve certified copies of said Motion and scheduling Order on the Defendant.

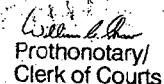
BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

I hereby certify this to be a true and attested copy of the original statement filed in this case.

FEB 01 2006

Attest.


Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20133
NO: 05-195-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
vs.
DEFENDANT: VIRGINA A. FLANAGAN

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 03/31/2005

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 02/14/2006

DATE DEED FILED **NOT SOLD**

DETAILS

@ SERVED VIRGINA A. FLANAGAN

NOW, SEPTEMBER 20, 2005 SPOKE WITH ATTORNEY TO REISSUE WRIT BECAUSE THE DEFENDANT'S NAME WAS MISPELLED ON THE WRIT. THE ATTORNEY OFFICE DID NOT REISSUE THE WRIT THEY ISSUED A NEW WRIT WITH NEW CHECKS.

@ SERVED

NOW, FEBRUARY 14, 2006 RETURN WRIT AS UNEXECUTED. TIME EXPIRED.

FILED
0134661
FEB 14 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20133
NO: 05-195-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

DEFENDANT: VIRGINIA A. FLANAGAN

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$25.00

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
By Cynthia Butcher-Deigheney
Chester A. Hawkins
Sheriff

WRIT OF EXECUTION -- (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180 to 3183 and Rule 3257

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.**

vs.

VIRGINA A. FLANAGAN

**IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA**

NO.: 05-195-CD

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (specifically described property below):

Premises: 1566 DEER RUN ROAD, MAHAFFEY, PA 15757

(See legal description attached.)

Amount Due	<u>\$35,344.60</u>
Interest from 3/30/05 to Date of Sale (\$5.81 per diem)	<u>\$</u> _____
Total	<u>\$</u> _____ Plus costs as endorsed. <u>125.00</u> Prothonotary costs

Dated 3/31/05
(SEAL)

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By:

Deputy

KIO

Received March 31, 2005 @ 3:30 P.M.
Chester A. Hawkeis
By Centralia Butler Auctioneers

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

No. 05-195-CD

**In the Court of Common Pleas of
Clearfield County, Pennsylvania**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

VIRGINIA A. FLANAGAN

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

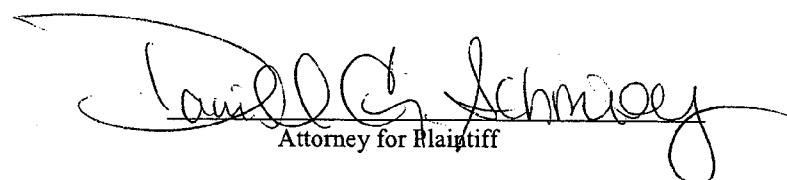
Real Debt \$35,344.60

Int. from 3/30/05
to Date of Sale (\$5.81 per diem) _____

Costs _____

Proth. Pd. 125.00

Sheriff _____


Daniel G. Schmieg
Attorney for Plaintiff

Address: P.O.E. ABSLUTE SETTLEMENT CO.
900 BEAVER DRIVE # A, DU BOIS, PA 15801
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN BELL TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN, SAID IRON PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322, AND SAID IRON PIN BEING LOCATED THREE HUNDRED NINETY-SIX AND SEVEN HUNDREDTHS (396.07) FEET FROM LINE OF LAND OF WILBUR LEE;

THENCE ALONG LAND OF W. A. DILLON, SOUTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES EAST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN;

THENCE CONTINUING ALONG LAND OF W. A. DILLON, SOUTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES WEST ONE HUNDRED (100) FEET TO AN IRON PIN;

THENCE STILL CONTINUING ALONG LAND OF W. A. DILLON, NORTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES WEST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN, SAID PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322;

THENCE ALONG EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322 NORTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES EAST ONE HUNDRED (100) FEET TO THE IRON PIN AND PLACE OF BEGINNING.

BEING A LOT FRONTING ONE HUNDRED (100) FEET ON TOWNSHIP ROAD NO. T-322 AND EXTENDING BACK IN PARALLEL LINES ONE HUNDRED TWENTY-FIVE (125) FEET. THE DESCRIPTION FOR SAID LOT WAS MADE FROM A SURVEY BY FREDERIC H. SHUSS, A REGISTERED PROFESSIONAL ENGINEER, DATED OCTOBER 5, 1972.

Vested by: Warranty Deed dated 8/1/02, given by Wilma A. Dillon, widow to Virginia A. Flanagan, as an individual recorded 8/21/02 in Instrument # 200213305

Premises: 1566 Deer Run Road, Mahaffey, PA 15757

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME VIRGINA A. FLANAGAN

NO. 05-195-CD

NOW, February 14, 2006, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Virgina A. Flanagan to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	15.00	DEBT-AMOUNT DUE INTEREST @ 5.8100 FROM TO	35,344.60 0.00
MILEAGE		PROTH SATISFACTION	
LEVY		LATE CHARGES AND FEES	
MILEAGE		COST OF SUIT-TO BE ADDED	
POSTING		FORECLOSURE FEES	
CSDS		ATTORNEY COMMISSION	
COMMISSION	0.00	REFUND OF ADVANCE	20.00
POSTAGE		REFUND OF SURCHARGE	
HANDBILLS		SATISFACTION FEE	
DISTRIBUTION		ESCROW DEFICIENCY	
ADVERTISING		PROPERTY INSPECTIONS	
ADD'L SERVICE		INTEREST	
DEED		MISCELLANEOUS	
ADD'L POSTING			
ADD'L MILEAGE			
ADD'L LEVY			
BID/SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	\$35,364.60
RETURNS/DEPUTIZE			
COPIES			
BILLING/PHONE/FAX	10.00	ADVERTISING	0.00
CONTINUED SALES		TAXES - COLLECTOR	
MISCELLANEOUS		TAXES - TAX CLAIM	
TOTAL SHERIFF COSTS	\$25.00	DUE	
		LIEN SEARCH	
		ACKNOWLEDGEMENT	
		DEED COSTS	0.00
DEED COSTS:		SHERIFF COSTS	25.00
ACKNOWLEDGEMENT		LEGAL JOURNAL COSTS	0.00
REGISTER & RECORDER		PROTHONOTARY	125.00
TRANSFER TAX 2%	0.00	MORTGAGE SEARCH	
TOTAL DEED COSTS	\$0.00	MUNICIPAL LIEN	
		TOTAL COSTS	\$150.00

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20233
NO: 05-195-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

DEFENDANT: VIRGINIA A. FLANAGAN

Execution REAL ESTATE

FILED

02:58 PM
MAY 23 2006

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

DATE RECEIVED WRIT: 09/29/2005

LEVY TAKEN 11/17/2005 @ 9:35 AM

POSTED 11/17/2005 @ 9:35 AM

SALE HELD 05/05/2006

SOLD TO BANK OF NEW YORK, AS TRUSTEE FOR CERTIFICATE HOLDER OF CWMBS 2002-28,
MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2002-28

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 05/23/2006

DATE DEED FILED 05/23/2006

PROPERTY ADDRESS 1566 DEER RUN ROAD MAHAFFEY , PA 15757

SERVICES

11/29/2005 @ 12:30 PM SERVED VIRGINIA A. FLANAGAN

SERVED. VIRGINIA A. FLANAGAN, DEFENDANT, AT HER PLACE OF EMPLOYMENT P. O. E. ABSLUTE SETTLEMENT CO., 900 BEAVER DRIVE #A, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO VIRGINIA A. FLANGAN

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING
KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, JANUARY 4, 2006 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED
FOR JANUARY 6, 2006 TO MARCH 3, 2006.

@ SERVED

NOW, MARCH 1, 2006 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR
MARCH 3, 2006 TO MAY 5, 2006.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20233
NO: 05-195-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

DEFENDANT: VIRGINIA A. FLANAGAN

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$283.64

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

Chester A. Hawkins
by *Connie Butter-Augustine*
Chester A. Hawkins
Sheriff

WRIT OF EXECUTION -- (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180 to 3183 and Rule 3257

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

vs.

VIRGINIA A. FLANAGAN

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 05-195-CD

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (specifically described property below):

Premises: **1566 DEER RUN ROAD, MAHAFFEY, PA 15757**

(See legal description attached.)

Amount Due	<u>\$35,344.60</u>
Interest from 3/30/05 to Date of Sale (\$5.81 per diem)	<u>\$</u> _____
Total	<u>\$</u> _____ Plus costs as endorsed. <i>145.00</i> Prothonotary costs <i>Will Shaffer</i>

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated 9/29/05
(SEAL)

By:

Deputy

Received September 29, 2005 @ 3:00 P.M.
Chester A. Hawken
By Cynthia Butler Aughenbaugh

KIO

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

No. 05-195-CD

**In the Court of Common Pleas of
Clearfield County, Pennsylvania**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

VIRGINIA A. FLANAGAN

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt \$35,344.60

Int. from 3/30/05
to Date of Sale (\$5.81 per diem) _____

Costs _____

Proth. Pd. 145.00

Sheriff _____

Daniel G. Schmieg
Attorney for Plaintiff

Address: P.O.E. ABSLUTE SETTLEMENT CO.
900 BEAVER DRIVE # A, DU BOIS, PA 15801
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATED IN BELL TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN, SAID IRON PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322, AND SAID IRON PIN BEING LOCATED THREE HUNDRED NINETY-SIX AND SEVEN HUNDREDTHS (396.07) FEET FROM LINE OF LAND OF WILBUR LEE;

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THENCE STILL CONTINUING ALONG LAND OF W. A. DILLON, NORTH FIFTY-TWO (52) DEGREES FIFTY-SIX (56) MINUTES WEST ONE HUNDRED TWENTY-FIVE (125) FEET TO AN IRON PIN, SAID PIN BEING LOCATED ON THE EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322;

THENCE ALONG EASTERN RIGHT-OF-WAY LINE OF TOWNSHIP ROAD NO. T-322 NORTH THIRTY-SEVEN (37) DEGREES FOUR (4) MINUTES EAST ONE HUNDRED (100) FEET TO THE IRON PIN AND PLACE OF BEGINNING.

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Vested by: Warranty Deed dated 8/1/02, given by Wilma A. Dillon, widow to Virginia A. Flanagan, as an individual recorded 8/21/02 in Instrument # 200213305

Premises: 1566 Deer Run Road, Mahaffey, PA 15757

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME VIRGINIA A. FLANAGAN

NO. 05-195-CD

NOW, May 23, 2006, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on May 05, 2006, I exposed the within described real estate of Virginia A. Flanagan to public venue or outcry at which time and place I sold the same to BANK OF NEW YORK, AS TRUSTEE FOR CERTIFICATE HOLDER OF CWMB 2002-28, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2002-28 he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	15.00
MILEAGE	15.00
LEVY	18.43
MILEAGE POSTING	15.00
CSDS	21.34
COMMISSION	10.00
POSTAGE	0.00
HANDBILLS	4.44
DISTRIBUTION	15.00
ADVERTISING	25.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	15.00
ADD'L MILEAGE	30.00
ADD'L LEVY	18.43
BID AMOUNT	1.00
RETURNS/DEPUTIZE COPIES	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$283.64

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	28.50
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$28.50

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	35,344.60
INTEREST @ 5.8100 %	2,329.81
FROM 03/30/2005 TO 05/05/2006	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$37,694.41

COSTS:

ADVERTISING	712.28
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	300.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	28.50
SHERIFF COSTS	283.64
LEGAL JOURNAL COSTS	396.00
PROTHONOTARY	145.00
MORTGAGE SEARCH	120.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,990.42

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

Federman and Phelan is now
Law Offices

PHELAN HALLINAN & SCHMIEG, LLP

One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Sandra.Cooper@fedphe.com

Sandra Cooper
Judgment Department, Ext 1258

Representing Lenders in
Pennsylvania and New Jersey

January 4, 2006

Office of the Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

ATTENTION: CINDY (814) 765-5915

Re: **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. v.**
VIRGINIA A. FLANAGAN
No. 05-195-CD
1566 DEER RUN ROAD, MAHAFFEY, PA 15757

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property which
is scheduled for January 6, 2006.

The property is to be relisted for the March 3, 2006 Sheriff's Sale.

Very truly yours,

SMC

Sandra Cooper

VIA TELECOPY (814) 765-5915

CC: VIRGINIA A. FLANAGAN

Law Offices
PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Sandra.Cooper@fedphe.com

Sandra Cooper
Judgment Department, Ext 1258

Representing Lenders in
Pennsylvania and New Jersey

March 1, 2006

Office of the Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

ATTENTION: CINDY (814) 765-5915

Re: **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. v. VIRGINIA A. FLANAGAN**
No. 05-195-CD
1566 DEER RUN ROAD, MAHAFFEY, PA 15757

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property, which is scheduled for
March 3, 2006.

The property is to be relisted for the 5/5/06 Sheriff's Sale.

Very truly yours,
Sandra Cooper

VIA TELECOPY (814) 765-5915