

05-261-CD  
Apex Mortgage vs. Fullington et al

NGTON, JR. et al.

Apex Mort. Corp v. Richard Fullington et al  
2005-261-CD

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL ACTION-LAW

RICHARD F. STERN, ESQUIRE  
STERN AND STERCHO  
410 The Pavilion  
Jenkintown, PA 19046  
(215) 572-8111  
I.D. #03315

Apex Mortgage Corp. :  
185 Commerce Drive, Unit 102  
Fort Washington, PA 19034 :

VS. : NO. 05-261-CD

J. RICHARD FULLINGTON Jr. AND :  
LORETTA P. FULLINGTON :  
RD 2 Box 225 :  
Du Bois, Pa 15801 :

**FILED**  
M 2:13 AM P&P 85-2  
2005 2500

FEB 25 2005

William A. Shaw  
Prothonotary

**CIVIL ACTION - MORTGAGE FORECLOSURE**

This is an attempt to collect  
a debt and any information obtained  
will be used for that purpose.

**NOTICE**

You have been sued in Court. If you wish to defend the claims set forth in the following pages, you must take action within twenty (20) days after this Civil Action and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense 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 Civil Action or for any other claim or relief requested by the plaintiff. You may lose money or property of other rights important to you.

YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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.

PENNSYLVANIA LAWYER REFERRAL SERVICE  
PENNSYLVANIA BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG, PA 17108  
(800)692-7375

NOTICE

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §1692 ET SEQ., YOU MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF YOU DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE YOU WITH WRITTEN VERIFICATION OF THE DEBT, AS WELL AS THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR. OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. IF YOU DO NOT DISPUTE THE DEBT, IT IS NOT AN ADMISSION OF LIABILITY BY YOU.

IF YOU NOTIFY US IN WRITING WITHIN THE THIRTY (30) DAY PERIOD, WE WILL CEASE COLLECTION OF THIS DEBT, OR ANY DISPUTED PORTION OF IT, UNTIL WE HAVE OBTAINED THE REQUIRED INFORMATION AND MAILED IT TO YOU. ONCE WE HAVE MAILED YOU THE REQUIRED INFORMATION, WE WILL CONTINUE THE COLLECTION OF THIS DEBT.

THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR. THIS ACTION IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
CIVIL ACTION-LAW

RICHARD F. STERN, ESQUIRE  
STERN AND STERCHO  
410 The Pavilion  
Jenkintown, PA 19046  
(215) 572-8111  
I.D. #03315

Apex Mortgage Corp. :  
185 Commerce Drive, Unit 102  
Fort Washington, PA 19034 :

VS. : NO.

J. RICHARD FULLINGTON Jr. AND :  
LORETTA P. FULLINGTON  
RD 2 Box 225 :  
Du Bois, Pa 15801

**CIVIL ACTION - MORTGAGE FORECLOSURE**

1. Plaintiff is Apex Mortgage Corp. located at 185 Commerce Drive, Unit 102, Fort Washington, PA 19034.
2. Defendants are J. Richard Fullington Jr. and Loretta P. Fullington, adult individuals with a last-known mailing address of RD 2 Box 225, Du Bois, Pa 15801.
3. Under date of November 30, 2001, defendants executed and delivered Apex Mortgage Corp. a mortgage upon premises Route 322 East, Clearfield, PA 16830 to secure the payment of the sum of \$300,000.00. The said mortgage is recorded in the Office for the Recording of Deeds in and for Clearfield County in Mortgage Book No. 200119482, and is incorporated herein by reference. A copy of the legal description of the premises is attached hereto and made a part hereof as Exhibit "A".
4. Said defendants are the real owners of said premises.

5. In accordance with Act 91 of 1983, as amended, a combined notice providing the information required by §403 of Act No. 6 of 1974, and Act 91, aforesaid, was not required because the property is not the defendants primary address. A true and correct copy of the aforesaid notice is attached hereto and made a part hereof as Exhibit "B".

6. The said loan is in default as a result of the failure to pay the monthly installments of \$2,813.82 due on December 10, 2004 and on the 10<sup>th</sup> day of each month thereafter.

7. The following is due on the loan:

PRINCIPAL BALANCE	\$ 281,468.56
INTEREST (accrued thru 2/10/05 of \$5,934.00. Interest after 2/10/05 shall accrue at the per diem rate of \$64.50.)	5,934.00
LATE CHARGES (accrued thru 1/05 of \$1,794.08. Late charges after 1/05 shall accrue at the monthly rate)	1,794.08
FCL/BANK FEES	110.00
T&I BALANCE	(890.28)
UNAPPLIED BALANCE	(255.16)
COSTS	300.00
ATTORNEY'S FEE	<u>7,000.00</u>
TOTAL	\$ 295,461.20

The attorney 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 Sale, reasonable attorney fees will be charged based on work actually performed.

WHEREFORE, Plaintiff, Apex Mortgage Corp. requests this Court to enter judgment for foreclosure of the mortgaged property for the sum of \$281,468.56 plus interest

thereon of \$5,934.00 plus \$64.50 per day from 2/10/05 until judgment is paid in full, late charges of \$1,794.08, plus late charges per month from 1/05 until judgment is paid in full, fees billed of \$110.00, T&I Balance of \$890.28, Unapplied Balance of \$255.16, legal costs of \$300.00, attorney's fee of \$7,000.00 and record costs.

STERN AND STERCHO

BY: 

RICHARD F. STERN,  
Attorney for Plaintiff

**VERIFICATION**

**THEODORE H. KAPNEK, III** is the President of APEX MORTGAGE CORP. and is authorized to sign this Verification on behalf of same, and states that he/she verifies the foregoing Civil Action against J. RICHARD FULLINGTON Jr. AND LORETTA FULLINGTON and avers the statements of fact therein contained are made subject to the penalties of 18 PA C.S. Section 4904 relating to the unsworn falsification to authorities, and that same are true upon the signer's personal knowledge or information and belief.



THEODORE H. KAPNEK, III

DATE:

loan # 46094

Feb-14-2005 12:52pm From-REGISTER RECORDER

8147656088

T-430 P.010/016 F-779

11/28/01 18:07 FAX 1 215 283 8885

APEX MORTGAGE CO

2004

NOV-29-2001 14:54

COMMERCE SETTLEMENT

P.05 05

200119482

Commitment Number: C52315A

## SCHEDULE C

## PROPERTY DESCRIPTION

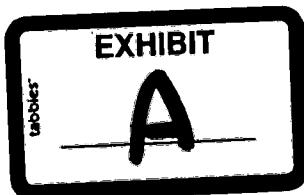
The land referred to in this Commitment is described as follows:

## LEGAL DESCRIPTION TO FOLLOW

LAWRENCE Twp.

PARCEL NUMBER: 123-L03-000-00090.

BEING the same premises which Fullington GMC Sales Inc. by indenture dated May 30, 2001 and recorded in the Office of the Recorder of Deeds in and for the County of Clearfield to Number 200108623, granted and conveyed unto J. Richard Fullington, Jr. and Loretta P. Fullington, his wife.



ALTA Commitment

TOTAL P.05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100256  
NO: 05-261-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: APEX MORTGAGE CORP.

vs.

DEFENDANT: J. RICHARD FULLINGTON JR. and LORETTA P. FULLINGTON

**SHERIFF RETURN**

NOW, March 04, 2005 AT 9:14 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON J. RICHARD FULLINGTON JR. DEFENDANT AT work: ARROWHEAD RESTAURANT, RT. 322, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO J. RICHARD FULLINGTON JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

ESW

FILED  
01/10/45 AM  
APR 06 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100256  
NO: 05-261-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: APEX MORTGAGE CORP.

VS.

DEFENDANT: J. RICHARD FULLINGTON JR. and LORETTA P. FULLINGTON

**SHERIFF RETURN**

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NOW, March 03, 2005 AT 3:02 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LORETTA FULLINGTON DEFENDANT AT 929 S. 6TH ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LORETTA FULLINGTON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100256  
NO: 05-261-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: APEX MORTGAGE CORP.

vs.

DEFENDANT: J. RICHARD FULLINGTON JR. and LORETTA P. FULLINGTON

**SHERIFF RETURN**

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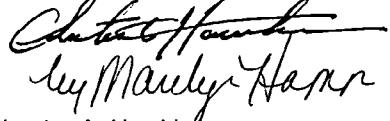
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	STERN	6698	20.00
SHERIFF HAWKINS	STERN	6698	28.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2005

  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY  
CIVIL ACTION - LAW

KEVIN P. DISKIN, ESQUIRE  
STERN AND EISENBERG LLP  
The Pavilion  
261 Old York Road, Suite 410  
Jenkintown, PA 19046  
(215) 572-8111  
I.D. #86727

Apex Mortgage Corp.  
185 Commerce Drive  
Unit 102  
Fort Washintong, PA 19034

Civil Action Number: 05-261-CD

v.

J. Richard Fullington, JR. and Loretta P.  
Fullington  
RD 2 Box 225 DuBois, PA 15801

**ORDER TO SETTLE, DISCONTINUE AND END WITHOUT PREJUDICE**

To the Prothonotary:

Kindly mark the above captioned matter as settled, discontinued and ended, without  
prejudice, upon payment of your costs only.

BY:   
STERN AND EISENBERG LLP  
KEVIN P. DISKIN,  
Attorney for Plaintiff

3/19/2010

5 FILED NO  
MTH 08 2010  
MAR 24 2010  
William A. Shaw  
Prothonotary/Clerk of Courts