



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

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC.  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff

v.

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2005-277-CD

CLEARFIELD COUNTY

MELANIE A. FLEMING  
516 RAILROAD STREET  
A/K/A, P.O. BOX 450 RAILROAD STREET  
COALPORT, PA 16627

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  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

**FILED**

MAR 02 2005

m/3:30/12  
William A. Shaw  
Prothonotary

1 CENT TO Sheriff

**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

05-277-CD

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME  
MORTGAGE, INC.  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

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

MELANIE A. FLEMING  
516 RAILROAD STREET  
A/K/A. P.O. BOX 450 RAILROAD STREET  
COALPORT, PA 16627

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

3. On 03/31/2004 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: 200405190.
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 12/01/2004 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.

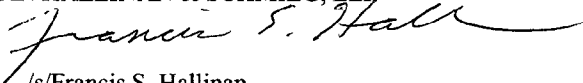
6. The following amounts are due on the mortgage:

Principal Balance	\$30,348.81
Interest	626.78
11/01/2004 through 03/01/2005 (Per Diem \$5.18)	
Attorney's Fees	1,250.00
Cumulative Late Charges	9.41
03/31/2004 to 03/01/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 32,785.00
Escrow	
Credit	0.00
Deficit	189.97
Subtotal	<u>\$ 189.97</u>
<b>TOTAL</b>	<b>\$ 32,974.97</b>

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 32,974.97, together with interest from 03/01/2005 at the rate of \$5.18 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 the Borough of Coalport, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad Street and Beaver Alley; thence in a Northerly direction by the right-of-way of Railroad Street, fifty (50') feet to a Post; thence in an Easterly direction by line of Lot No. 24, one hundred fifty (150') feet to a Post on Lumber Alley; thence in a Southerly direction by the right-of-way of Lumber Alley, fifty (50') feet to a Post on Beaver Alley; thence in a Westerly direction by the right-of-way of Beaver Alley, one hundred fifty (150') feet to the post and place of beginning.

BEING Lot No. 25 as marked and numbered on the general Plan of Coalport Borough.

BEING the same premises which Dolores R. (Midlam) Caldwell and Richard S. Caldwell, wife and husband, by deed dated September 6, 1996 and recorded September 9, 1996 in Clearfield County in Deed Book Volume 1786 at Page 519, granted and conveyed unto Thomas L. Swauger and Mary L. Swauger, his wife. Thomas L. Swauger departed his life on January 12, 2002, therefore vesting fee simple title in Mary L. Swauger by operation of law as the surviving tenant by the entireties.

PROPERTY BEING: P.O. BOX 450 RAILROAD STREET  
A/K/A 516 RAILROAD STREET


**VERIFICATION**

Juliann Smith hereby states that he/she is VP Loan Documentation of Wells Fargo Bank, NA 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.

\_\_\_\_\_

Juliann Smith  
Vice President Loan  
Documentation

DATE: \_\_\_\_\_



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100271  
NO: 05-277-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WELLS FARGO BANK, N.A.  
vs.  
DEFENDANT: MELANIE A. FLEMING

SHERIFF RETURN

NOW, March 07, 2005 AT 9:27 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MELANIE A. FLEMING DEFENDANT AT 516 RAILROAD ST., COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MELANIE A. FLEMING, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED  
0/9:30/sw  
APR 11 2005

William A. Shaw  
Prothonotary



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

DOCKET # 100271  
NO: 05-277-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WELLS FARGO BANK, N.A.  
vs.  
DEFENDANT: MELANIE A. FLEMING

**SHERIFF RETURN**

---

NOW, March 07, 2005 AT 9:27 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MELANIE A. FLEMING DEFENDANT AT 516 RAILROAD ST, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MELANIE A. FLEMING, A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100271  
NO: 05-277-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WELLS FARGO BANK, N.A.  
VS.  
DEFENDANT: MELANIE A. FLEMING

SHERIFF RETURN

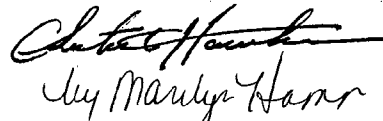
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	410385	20.00
SHERIFF HAWKINS	PHELAN	410385	46.68

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC.  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

No.: 2005-277-CD

vs.

MELANIE A. FLEMING  
516 RAILROAD STREET A/K/A  
P.O. BOX 450 RAILROAD STREET  
COALPORT, PA 16627

**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 MELANIE A. FLEMING, 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	\$32,974.97
Interest (3/2/05 to 4/12/05)	<u>217.56</u>
<b>TOTAL</b>	<b>\$33,192.53</b>

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: April 15, 2005

William A. Shaw  
PRO PROTHY

PMB

**FILED** 1008  
m) 3:31 PM  
APR 15 2005  
Notice to Def.  
Statement to Adv.  
Any pd. 20.00  
William A. Shaw  
Prothonotary/Clerk of Courts

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

WELLS FARGO BANK, N.A., S/B/M TO WELLS : COURT OF COMMON PLEAS

FARGO HOME MORTGAGE, INC.

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

MELANIE A. FLEMING

: NO. 05-277-CD

Defendants

TO: MELANIE A. FLEMING

516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET A/K/A 4 RAILROAD STREET

COALPORT, PA 16627

FILE COPY FILE COPY

DATE OF NOTICE: MARCH 30, 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

FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

PHILAN 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

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC.

CLEARFIELD COUNTY

No.: 2005-277-CD

vs.

MELANIE A. FLEMING

**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, MELANIE A. FLEMING, is over 18 years of age, and resides at 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET, COALPORT, PA 16627 .

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

  
DANIEL G. SCHMIEG, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC.

Plaintiff

No.: 2005-277-CD

vs.

MELANIE A. FLEMING

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered  
against you on April 15, 2005.

By: Will [Signature] DEPUTY  
[Signature]

If you have any questions concerning this matter please contact:

Daniel G. Schmieg  
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.\*\*

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

COPY

Wells Fargo Bank N.A.  
Wells Fargo Home Mortgage, Inc.  
Plaintiff(s)

No.: 2005-00277-CD

Real Debt: \$33,192.53

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Melanie A. Fleming  
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: April 15, 2005

Expires: April 15, 2010

Certified from the record this 15th day of April, 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**

**WELLS FARGO BANK, N.A., S/B/M TO WELLS  
FARGO HOME MORTGAGE, INC.**

**vs.**

**MELANIE A. FLEMING**

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

**No. 2005-277-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

\$33,192.53

Interest from 4/12/05 to  
Date of Sale (\$5.46 per diem)

125.00 and Costs  
**Prothonotary costs**

*Daniel G. Schmieg*

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.

PMB

**FILED** 1009 Lewitz  
m/3:36 PM w/prop descr.  
APR 15 2005 to shff  
William A. Shaw My pd 20.00  
Prothonotary/Clerk of Courts



No. 2005-277-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WELLS FARGO BANK, N.A., S/B/M TO WELLS  
FARGO HOME MORTGAGE, INC.

vs.

MELANIE A. FLEMING

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Prothonotary/Clerk of Courts  
William A. Shaw

APR 15 2005

FILED

*Daniel J. Schrey*  
Attorney for Plaintiff(s)

Address: 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET,  
COALPORT, PA 16627

Where papers may be served.

CLEARFIELD COUNTY

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC. No.: 2005-277-CD

vs.

MELANIE A. FLEMING

**AFFIDAVIT PURSUANT TO RULE 3129  
(Affidavit No. 1)**

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET, COALPORT, PA 16627:

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

Name

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

MELANIE A. FLEMING  
RAILROAD STREET

516 RAILROAD STREET A/K/A P.O. BOX 450  
COALPORT, PA 16627

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

April 12, 2005

CLEARFIELD COUNTY

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC. No.: 2005-277-CD

vs.

MELANIE A. FLEMING

**AFFIDAVIT PURSUANT TO RULE 3129  
(Affidavit No. 2)**

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET, COALPORT, PA 16627:

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)
------	---

None.

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)
------	---

None.

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

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  
450 RAILROAD STREET

516 RAILROAD STREET A/K/A P.O. BOX  
COALPORT, PA 16627

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

April 12, 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

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC. No.: 2005-277-CD

vs.

CLEARFIELD COUNTY

MELANIE A. FLEMING

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

WELLS FARGO BANK, N.A., S/B/M TO WELLS  
FARGO HOME MORTGAGE, INC.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

vs.

NO.: 2005-277-CD

MELANIE A. FLEMING

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: 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET,  
COALPORT, PA 16627

(See legal description attached.)

Amount Due

\$33,192.53

Interest from 4/12/05 to

\$ \_\_\_\_\_

Date of Sale (\$5.46 per diem)

Total

\$ \_\_\_\_\_ Plus costs as endorsed.

125.00 Prothonotary costs

Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated April 15, 2005  
(SEAL)

By:

Deputy

PMB

**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.



**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situated in the Borough of Coalport, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad Street and Beaver Alley; thence in a Northerly direction by the right-of-way of Railroad Street fifty (50') feet to a post; thence in an Easterly direction by line of Lot No. 24, one hundred fifty (150') feet to a post on Lumber Alley; thence in a Southerly direction by the right-of-way of Lumber Alley, fifty (50') feet to a post on Beaver Alley; thence in a Westerly direction by the right-of-way of Beaver Alley, one hundred fifty (150') feet to the post and place of beginning.

BEING Lot No. 25 as marked and numbered on the general Plan of Coalport Borough.

Tax Parcel -H17-347-38

**RECORD OWNER**

TITLE TO SAID PREMISES IS VESTED IN Melanie A. Fleming, single by Deed from Mary L. Swauger, widow dated 3/31/2004 and recorded 4/6/2004 in Instrument #200405189.

PREMISES BEING: 516 RAILROAD STREET A/K/A  
P.O. BOX 450 RAILROAD STREET

COALPORT, PA 16627



SALE DATE: 8/5/05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC. No.: 2005-277-CD

vs.

MELANIE A. FLEMING

*FILED* *NO CC*  
*m/11:03*  
JUL 14 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 Praecept for the Writ of Execution was filed the following information concerning the real property located at:

516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET, COALPORT, PA 16627.

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

CLEARFIELD COUNTY

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC. No.: 2005-277-CD

vs.

MELANIE A. FLEMING

**AFFIDAVIT PURSUANT TO RULE 3129**  
**(Affidavit No. 1)**

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET, COALPORT, PA 16627:

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

Name

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

MELANIE A. FLEMING  
RAILROAD STREET

516 RAILROAD STREET A/K/A P.O. BOX 450  
COALPORT, PA 16627

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

April 12, 2005

CLEARFIELD COUNTY

WELLS FARGO BANK, N.A., S/B/M TO  
WELLS FARGO HOME MORTGAGE, INC. No.: 2005-277-CD

vs.

MELANIE A. FLEMING

**AFFIDAVIT PURSUANT TO RULE 3129  
(Affidavit No. 2)**

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET, COALPORT, PA 16627:

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)

None.

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)

None.

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

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  
450 RAILROAD STREET

516 RAILROAD STREET A/K/A P.O. BOX  
COALPORT, PA 16627

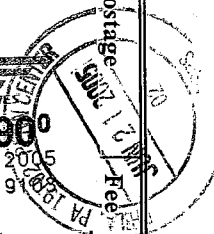
I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

April 12, 2005

Name and Address of Sender  
 PHELAN HALLINAN & SCHMIEG  
 One Penn Center at Suburban Station  
 Philadelphia, PA 19103-1814  
 Suite 1400  
 SANDRA COOPER/PMB

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	MELANIE A. FLEMING	Tenant/Occupant 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET, COALPORT, PA 16627		
2	0136332236	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				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
Total Number of Pieces Listed By Sender		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 \$500,000.00 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.



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

DOCKET # 20144

NO: 05-277-CD

PLAINTIFF: WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC.

vs.

DEFENDANT: MELANIE A. FLEMING

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 04/18/2005

LEVY TAKEN 06/27/2005 @ 10:14 AM

POSTED 06/27/2005 @ 10:14 AM

SALE HELD 08/05/2005

SOLD TO FEDERAL NATIONAL MORTGAGE ASSOCIATION

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 09/23/2005

DATE DEED FILED 09/23/2005

PROPERTY ADDRESS 516 RAILROAD STREET A/K/A P. O. BOX 450 RAILROAD STREET COALPORT , PA 16627

**SERVICES**

06/27/2005 @ 10:14 AM SERVED MELANIE A. FLEMING

SERVED MELANIE A. FLEMING, DEFENDANT, AT HER RESIDENCE 516 RAILROAD STREET A/K/A P. O. BOX 450 RAILROAD ST., COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MELANIE A. FLEMING

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.

**FILED**

SEP 23 2005

09/11/30/05

William A. Shaw

Prothonotary/Clerk of Courts

PP  
Sca  
(F)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20144  
NO: 05-277-CD

PLAINTIFF: WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC.

vs.

DEFENDANT: MELANIE A. FLEMING

Execution REAL ESTATE

SHERIFF RETURN

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SHERIFF HAWKINS \$230.80

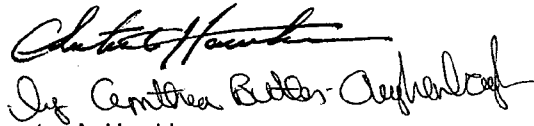
SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

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

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

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

WELLS FARGO BANK, N.A., S/B/M TO WELLS  
FARGO HOME MORTGAGE, INC.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

vs.

NO.: 2005-277-CD

MELANIE A. FLEMING

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COALPORT, PA 16627

(See legal description attached.)

Amount Due

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Interest from 4/12/05 to  
Date of Sale (\$5.46 per diem)

\$ \_\_\_\_\_

Total

\$ \_\_\_\_\_ Plus costs as endorsed.

125.00 Prothonotary costs  
*William L. Hays*  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated April 15, 2005  
(SEAL)

By:

Deputy

PMB

*Received April 18, 2005 @ 11:00 A.M.  
Cheston A. Hanks  
by Cynthia Butler-Johnson*  
**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. 2005-277-CD

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

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME  
MORTGAGE, INC.

vs.

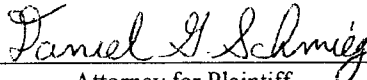
MELANIE A. FLEMING

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**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

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Real Debt	<u>\$33,192.53</u>
Int. from 4/12/05 to Date of Sale (\$5.46 per diem)	<u>                    </u>
Costs	<u>                    </u>
Prothy. Pd.	<u>125.00</u>
Sheriff	<u>                    </u>

  
\_\_\_\_\_  
Attorney for Plaintiff

Address: 516 RAILROAD STREET A/K/A P.O. BOX 450 RAILROAD STREET,  
COALPORT, PA 16627

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

**DESCRIPTION**

ALL THAT CERTAIN piece or parcel of land situated in the Borough of Coalport, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad Street and Beaver Alley; thence in a Northerly direction by the right-of-way of Railroad Street fifty (50') feet to a post; thence in an Easterly direction by line of Lot No. 24, one hundred fifty (150') feet to a post on Lumber Alley; thence in a Southerly direction by the right-of-way of Lumber Alley, fifty (50') feet to a post on Beaver Alley; thence in a Westerly direction by the right-of-way of Beaver Alley, one hundred fifty (150') feet to the post and place of beginning.

BEING Lot No. 25 as marked and numbered on the general Plan of Coalport Borough.

Tax Parcel -H17-347-38

**RECORD OWNER**

TITLE TO SAID PREMISES IS VESTED IN Melanie A. Fleming, single by Deed from Mary L. Swauger, widow dated 3/31/2004 and recorded 4/6/2004 in Instrument #200405189.

PREMISES BEING: 516 RAILROAD STREET A/K/A  
P.O. BOX 450 RAILROAD STREET

COALPORT, PA 16627

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME MELANIE A. FLEMING

NO. 05-277-CD

NOW, September 23, 2005, 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 August 05, 2005, I exposed the within described real estate of Melanie A. Fleming to public venue or outcry at which time and place I sold the same to FEDERAL NATIONAL MORTGAGE ASSOCIATION he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	22.68
LEVY	15.00
MILEAGE	22.68
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	4.44
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$230.80</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.00
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$29.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	33,192.53
INTEREST @ 5.4600 %	627.90
FROM 04/12/2005 TO 08/05/2005	

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	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$33,840.43</b>

**COSTS:**

ADVERTISING	298.00
TAXES - COLLECTOR	413.74
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	230.80
LEGAL JOURNAL COSTS	180.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	168.75
<b>TOTAL COSTS</b>	<b>\$1,590.29</b>

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