



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.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY  
A/K/A DEBBIE J MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-643-CD

CLEARFIELD COUNTY

FILED 2cc  
m/14:00/ snff  
MAY 06 2005 Any pd.  
85:00  
William A. Shaw  
Prothonotary/Clerk of Courts

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

6-13-05 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy 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  
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PROOF OF THE DEBT OR THE NAME AND  
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EFFORTS (THROUGH LITIGATION OR  
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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:

PHH MORTGAGE CORPORATION F/K/A CENDANT  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

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

MICHAEL YUSNUKIS  
DEBBIE J. HENRY  
A/K/A DEBBIE J MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

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

3. On 02/25/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CENTURY 21 MORTGAGE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200203011. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
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.

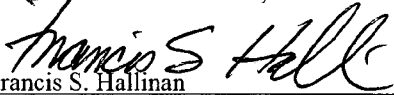
6. The following amounts are due on the mortgage:

Principal Balance	\$20,077.56
Interest	727.20
11/01/2004 through 04/29/2005 (Per Diem \$4.04)	
Attorney's Fees	1,250.00
Cumulative Late Charges	28.52
02/25/2002 to 04/29/2005	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 22,633.28
Escrow	
Credit	0.00
Deficit	1,747.24
Subtotal	\$ 1,747.24
<b>TOTAL</b>	<b>\$ 24,380.52</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 \$ 24,380.52, together with interest from 04/29/2005 at the rate of \$4.04 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

## LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the 4th Ward, City of Dubois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Northwestern side of Church Street at the common corner of Lots No. 167 and 168 of the plot of lots of Knarr's first addition to said Borough of Dubois (now City); thence Northwesternly along the dividing lines between Lots No. 167 and 168 aforesaid, 150 feet, more or less, to an alley; thence Southwest by said alley, 50 feet to corner of Lot No. 169, of said plot; thence Easterly by line of Lot No. 169, 150 feet, more or less, to line of Church Street; thence by line of Church Street, Northeastly 50 feet to place of beginning.

BEING known as Lot No. 168 in H.S. Knarr's First Addition of lots to the Borough of Dubois (now City) dated 1882, recorded February 1, 1904, in Book U, Page 278.

HAVING erected thereon a dwelling known as 436-438 Church Street.

Designated Tax Parcel No. 7-4-011-3158.

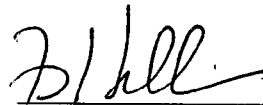
BEING the same premises conveyed to First Commonwealth Bank, f/k/a Deposit Bank, by Deed of the High Sheriff of Clearfield County. pursuant to Writ of Execution, dated July 19, 2001, recorded December 17, 2001, as Clearfield County Instrument No. 200120208.

BEING NO. 436-438 SOUTH CHURCH STREET

VERIFICATION

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

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



Francis S. Hallinan, Esquire  
Attorney for Plaintiff

DATE: 4/27/05

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

DOCKET # 100454  
NO: 05-643-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: MICHAEL YUSNUKIS and DEBBIE J. HENRY a/k/a DENNIE J. MOVELOCK

**SHERIFF RETURN**

NOW, May 12, 2005 AT 12:30 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL YUSNUKIS DEFENDANT AT 436 CHURCH ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MICHAEL YUSNUKIS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / DEHAVEN

*CR* **FILED**  
*01:58 PM*  
**MAY 24 2005**

William A. Shaw  
Prothonotary/Clerk of Courts



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

Service # 2 of 2 Services

Sheriff Docket # **100454**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

Case # 05-643-CD

vs.

MICHAEL YUSNUKIS and DEBBIE J. HENRY a/k/a DENNIE J. MOVELOCK

**SHERIFF RETURNS**

NOW May 24, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO DEBBIE J. HENRY AKA DEBBIE J. MOVELOCK, DEFENDANT. MOVED TO AUSTRALIA.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100454  
NO: 05-643-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC  
vs.  
DEFENDANT: MICHAEL YUSNUKIS and DEBBIE J. HENRY a/k/a DENNIE J. MOVELOCK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	424502	20.00
SHERIFF HAWKINS	PHELAN	424502	53.78

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
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436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

**NOTICE**

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

MAY 06 2005

Attest.

*William D. Pugh*  
Prothonotary/  
Clerk of Courts

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.

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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  
FEDERMAN AND PHELAN**

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DEBBIE J. HENRY  
A/K/A DEBBIE J MOVELOCK  
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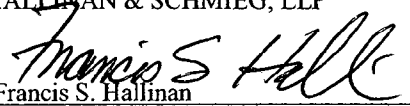
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<b>TOTAL</b>	<b>\$ 24,380.52</b>

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PHELAN HALLINAN & SCHMIEG, LLP

By:

  
/s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

## LEGAL DESCRIPTION

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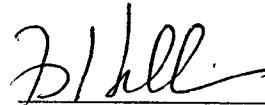
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BEING NO. 436-438 SOUTH CHURCH STREET

VERIFICATION

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

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



---

Francis S. Hallinan, Esquire  
Attorney for Plaintiff

DATE: 4/27/05



PHELAN HALLINAN & SCHMIEG, LLP  
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FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
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(215) 563-7000

ATTORNEY FOR PLAINTIFF

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

: COURT OF COMMON PLEAS  
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: CLEARFIELD County

Plaintiff

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK

:  
: No. 05-643-CD  
:  
:  
:

Defendants

**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP

By: Francis S. Hallinan  
FRANCIS S. HALLINAN, ESQUIRE  
LAWRENCE T. PHELAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
Attorneys for Plaintiff

Date: June 8, 2005

/mnt, Svc Dept.  
File# 114919

FILED *Attg pd. 7.00*  
*m/1:41:00*  
JUN 13 2005 *No cc*

William A. Shaw *1 Compl. Reinstated*  
Prothonotary/Clerk of Courts *to Attg*  
*@*

Phelan Hallinan & Schmieg, L.L.P.  
By: Daniel G. Schmieg, Esquire No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Plaintiff

Mortgage Electronic  
Registration Systems, Inc.

COURT OF COMMON PLEAS

Vs.

CIVIL DIVISION

Michael Yusnukis  
Debbie J. Henry

CLEARFIELD COUNTY

NO. 05-643-CD

**CERTIFICATION OF SERVICE**

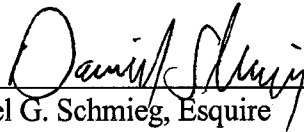
I, Daniel G. Schmieg, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court, Memorandum of Law, Proposed Order and attached exhibits have been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

Debbie J. Henry at:

436-438 South Church Street  
Du Bois, PA 18501

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

Respectfully submitted,  
Phelan Hallinan & Schmieg, L.L.P.

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: June 8, 2005

FILED <sup>no</sup>  
mll:3061 cc  
JUN 20 2005 @

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Mortgage Electronic Registration  
Systems, Inc.

vs.

Michael Yusnukis  
Debbie J. Henry

:  
:  
: CIVIL DIVISION  
: NO. 05-643-CD  
:

**ORDER**

AND NOW, this 21 day of June, 2005, upon

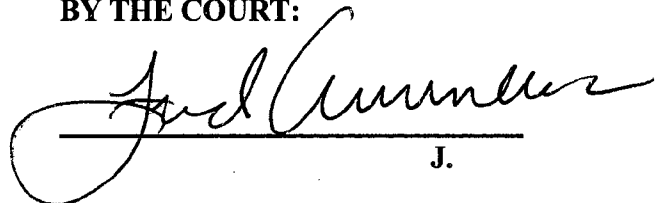
consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby

**ORDERED** and **DECREED** that said Motion is **GRANTED**.

It is further **ORDERED** and **DECREED** that Plaintiff may obtain service of the  
Complaint and all future pleadings on the above captioned Defendant, Debbie J. Henry, by:

1. First class mail to Debbie J. Henry at the mortgaged premises located at 436-438  
South Church Street, Du Bois, PA 18501; and
2. Certified mail to Debbie J. Henry at the mortgaged premises located at 436-438  
South Church Street, Du Bois, PA 18501.

BY THE COURT:

  
J.

FILED <sup>ice</sup>  
0121501 <sup>Att</sup>  
JUN 22 2005 <sup>Schweig</sup>  
William A. Shaw  
Prothonotary/Clerk of Courts  
copy to Shiff

Phelan Hallinan & Schmieg, L.L.P.  
By: Daniel G. Schmieg, Esquire No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Plaintiff

Mortgage Electronic Registration  
Systems, Inc.

COURT OF COMMON PLEAS

CIVIL DIVISION

vs.

CLEARFIELD COUNTY

Michael Yusnukis  
Debbie J. Henry

NO. 05-643-CD

FILED 1cc  
JUN 11 30 31 AM '05  
Schmieg

William A. Shaw  
Prothonotary/Clerk of Courts


**MOTION FOR SERVICE PURSUANT TO  
SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant, Debbie J. Henry, by first class mail and certified mail to the mortgaged premises, located at 436-438 South Church Street, Du Bois, PA 18501, and in support thereof avers the following:

1. Attempts to serve Defendant, Debbie J. Henry, with the Complaint have been unsuccessful. The Sheriff of CLEARFIELD County attempted to serve the Defendant at the mortgaged premises, 436-438 South Church Street, Du Bois, PA 18501. As indicated by the Sheriff's Return of Service attached hereto as Exhibit "A", defendant moved to Australia.
2. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "B".
3. Plaintiff has reviewed its internal records and has not been contacted by the Defendant as of June 8, 2005 to bring loan current.
4. Plaintiff submits that it has made a good faith effort to locate the defendant, but has been unable to do so.

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by first class mail and certified mail.

Respectfully submitted,  
Phelan Hallinan & Schmieg, L.L.P.

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: June 8, 2005



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

Service # 2 of 2 Services

Sheriff Docket # **100454**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC**

Case # **05-643-CD**

vs.

**MICHAEL YUSNUKIS and DEBBIE J. HENRY a/k/a DENNIE J. MOVELOCK**

**SHERIFF RETURNS**

NOW May 24, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO DEBBIE J. HENRY AKA DEBBIE J. MOVELOCK, DEFENDANT. MOVED TO AUSTRALIA.

SERVED BY: /





**FORECLOSURE REVIEW SERVICES, INC.  
AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 114919

Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**

Subject: Michael Yusnukis & Debbie J. Henry

Current Address: 436-43 South Church Street, Du Bois, PA 18501

Property Address: 436-43 South Church Street, Du Bois, PA 18501

Mailing Address: 436-43 South Church Street, Du Bois, PA 18501

**I, Brendan Booth, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:**

**I. CREDIT INFORMATION**

**A. SOCIAL SECURITY NUMBER**

Our search verified the following information to be true and correct

Michael Yusnukis - 175-52-1528

Debbie J. Henry - 173-52-0570

**B. EMPLOYMENT SEARCH**

Michael Yusnukis & Debbie J. Henry - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that Michael Yusnukis & Debbie J. Henry reside(s) at: 436-43 South Church Street, Du Bois, PA 18501.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which indicated that Michael Yusnukis & Debbie J. Henry reside(s) at: 436-43 South Church Street, Du Bois, PA 18501.

On 4/5/05 our office made a telephone call to the subject's phone number, (814) 541-7035 and received the following information: answering machine "Hey it's Mike" confirming that Michael Yusnukis resides at 436-43 South Church Street, Du Bois, PA 18501.

**III. ADDRESS INQUIRY**

**A. NATIONAL ADDRESS UPDATE**

On 4/5/05 we reviewed the National Address database and found the following information: Michael Yusnukis & Debbie J. Henry- 436-43 South Church Street, Du Bois, PA 18501.

**B. ADDITIONAL ACTIVE MAILING ADDRESSES**

Per our inquiry of creditors, the following is a possible mailing address: no addresses on file.

IV. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Michael Yusnukis & Debbie J. Henry.

V. OTHER INQUIRIES

A. DEATH RECORDS

As of 4/5/05 Vital Records and all public databases have no death record on file for Michael Yusnukis & Debbie J. Henry.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Michael Yusnukis & Debbie J. Henry residing at: last registered address.

VI. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Michael Yusnukis - Not Available  
Debbie J. Henry - 8/1968

B. A.K.A.

Debbie J. Movelock

**\* All accessible public databases have been checked and cross-referenced for the above named individual(s).**

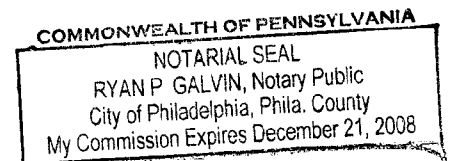
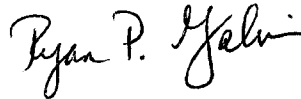
**\* Please be advised all database information indicates the subject resides at the current address.**

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I herby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.



AFFIANT - Brendan Booth  
Foreclosure Review Services, Inc.



Sworn to and subscribed before me this 5<sup>th</sup> day of April 2005.

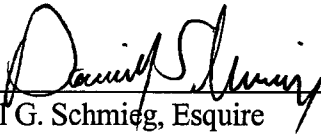
The above information is obtained from available public records  
and we are only liable for the cost of the affidavit.

## VERIFICATION

Daniel G. Schmieg, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements made are subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Respectfully submitted,  
Phelan Hallinan & Schmieg, L.L.P.

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: June 8, 2005

PHELAN HALLINAN & SCHMIEG LLP  
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  
Plaintiff

: COURT OF COMMON PLEAS

vs.

: CIVIL DIVISION

Michael Yusnukis  
Debbie J. Henry

: Clearfield COUNTY

Defendant(s)

: NO. 05-643-CD

**FILED** *no cc*  
*m 11:23 AM*  
**JUN 29 2005** *JS*

William A. Shaw  
Prothonotary/Clerk of Courts

**AFFIDAVIT OF SERVICE OF COMPLAINT**  
**BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt requested, to the following persons **Debbie J. Henry at 436-438 South Church Street, Du Bois, PA 18501**, on 6/27/05, in accordance with the Order of Court dated **6/21/05**. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: June 27, 2005

  
FRANCIS S. HALLINAN, ESQUIRE  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

No.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

FILED

AUG 11 2005  
M 9:00  
William A. Shaw  
Prothonotary/Clerk of Courts  
NOTICE TO DEFT.  
STATEMENT

**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 MICHAEL YUSNUKIS and DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK, 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	\$24,380.52
Interest (4/30/05 to 8/9/05)	<u>412.08</u>
<b>TOTAL</b>	<b>\$24,792.60</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, ESQUIRE  
Attorney for Plaintiff

Damages are hereby assessed as indicated.

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

\_\_\_\_\_  
PRO PROTHY

KJO

PHILAN, HALLINAN AND SCHMIEG  
By: 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.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
Defendants

: NO. 05-643

TO: MICHAEL YUSNUKIS  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

**FILE COPY**

DATE OF NOTICE: JULY 19, 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 AND SCHMIEG  
By: 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.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
Defendants

: NO. 05-643

TO: DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

**FILE COPY**

**DATE OF NOTICE: JULY 19, 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

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK

**VERIFICATION OF NON-MILITARY SERVICE**

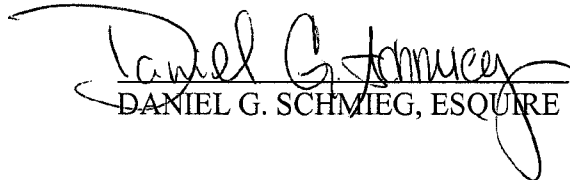
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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, MICHAEL YUSNUKIS, is over 18 years of age, and resides at 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501 .

(c) that defendant, DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK, is over 18 years of age, and resides at 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501.

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

Plaintiff

No.: 05-643-CD

vs.

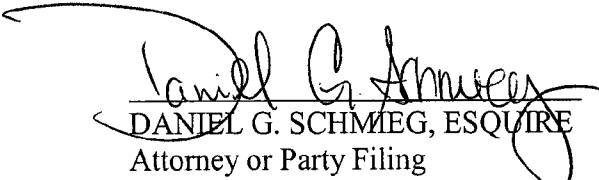
MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered  
against you on \_\_\_\_\_, 200\_\_.

By: \_\_\_\_\_ 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.\*\***

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

Mortgage Electronic Registration Systems, Inc.  
Plaintiff(s)

No.: 2005-00643-CD

Real Debt: \$24,792.60

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Michael Yusnukis  
Debbie J. Henry a/k/a  
Debbie J. Movelock  
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 11, 2005

Expires: August 11, 2010

Certified from the record this August 11, 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

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Mortgage Electronic Registration  
Systems, Inc.

vs.

Michael Yusnukis  
Debbie J. Henry

CIVIL DIVISION  
NO. 05-643-CD

**ORDER**

AND NOW, this 21 day of June, 2005, upon

consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby

**ORDERED** and **DECREED** that said Motion is **GRANTED**.

It is further **ORDERED** and **DECREED** that Plaintiff may obtain service of the  
Complaint and all future pleadings on the above captioned Defendant, Debbie J. Henry, by:

1. First class mail to Debbie J. Henry at the mortgaged premises located at 436-438  
South Church Street, Du Bois, PA 18501; and
2. Certified mail to Debbie J. Henry at the mortgaged premises located at 436-438  
South Church Street, Du Bois, PA 18501.

**BY THE COURT:**

/s/ Fredric J. Ammerman

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

JUN 22 2005

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

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

**MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.**

**vs.**

**MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK**

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

**No. 05-643-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:

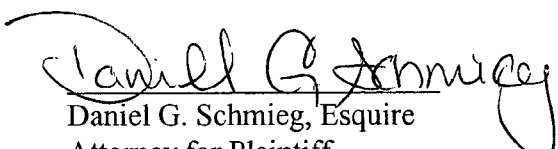
Amount Due

\$24,792.60

Interest from 8/9/05 to

Date of Sale (\$4.08 per diem)

\_\_\_\_\_ and 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**

**AUG 12 2005**

*m/9:30 am*  
William A. Shaw

Prothonotary/Clerk of Courts

*1 sent to ATT*

*6 units to SHR*

*W/20. - CK.*

*2,500. - CK.*

*NOT ENLARGED*

No. 05-643-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

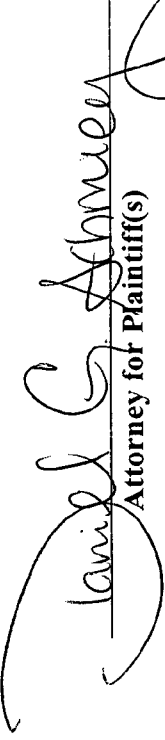
vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK

---

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

  
Attorney for Plaintiff(s)

Address: 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501  
436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501  
Where papers may be served.

2

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

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

vs.

NO.: 05-643-CD

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK

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: 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501

(See legal description attached.)

Amount Due	\$ <u>24,792.60</u>
Interest from 8/9/05 to Date of Sale (\$4.08 per diem)	\$ _____
Total	\$ _____ Plus costs as endorsed.

**Prothonotary costs** 132.00  
81444 73.72

Dated Aug. 12, 2006  
(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. 05-643-CD

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

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.


MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK

---

**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

---

Real Debt	<u>\$24,792.60</u>
Int. from 8/9/05 to Date of Sale (\$4.08 per diem)	_____
Costs	_____
Prothy. Pd.	_____
Sheriff	_____

  
Attorney for Plaintiff

Address: 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501  
436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501  
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 situate in the 4th Ward, City of Dubois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Northwesternly side of Church Street at the common corner of Lots No. 167 and 168 of the plot of lots of Knarr's first addition to said Borough of Dubois (now City); thence Northwesternly along the dividing line between Lots No. 167 and 168 aforesaid, 150 feet, more or less to an alley; thence Southwest by said alley, 50 feet to corner of Lot No. 169, of said plot; thence Easterly by line of Lot No. 169, 150 feet, more or less, to line of Church Street; thence by line of Church Street, Northeastly 50 feet to the place of beginning.

Designated Tax Parcel No. 7.4-011-3158.

TITLE TO SAID PREMISES IS VESTED IN Michael Yusnukis and Debbie J. Henry, Individual by Deed from Commonwealth Bank f/k/a Deposit Bank, dated 2-25-02 and recorded 2-26-02. Document Instrument No. 200203010.

Premises: 436-438 South Church Street, Du Bois, PA 18501



PHELAN HALLINAN & SCHMIEG, LLP  
By: DANIEL SCHMIEG, ESQUIRE  
IDENTIFICATION NO. 12248  
ONE PENN CENTER AT SUBURBAN STATION,  
SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFILED COUNTY

No.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK


AFFIDAVIT

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK** on **11/1/05** at **436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501**, in accordance with the Order of Court dated **6/21/05**.

The undersigned understands that this statement is made subject to the penalties of 18 PA C.S. s 4904 relating to unsworn falsification to authorities.

  
DANIEL G. SCHMIEG, ESQUIRE

Date: November 14, 2005

FILED *no cc*  
*mip:5061*  
NOV 21 2005 

William A. Shaw  
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

**PLAINTIFF**  
**MORTGAGE ELECTRONIC REGISTRATION**  
**SYSTEMS, INC.**

**CLEARFIELD COUNTY**

**F&P. #114919**

**DEFENDANT**  
**MICHAEL YUSNUKIS**  
**DEBBIE J. HENRY A/K/A DEBBIE J.**  
**MOVELOCK**

**COURT NO.: 05-643-CD**

**SERVE MICHAEL YUSNUKIS AT:**  
**190 RR# 1 BOX 190**  
**DU BOIS, PA 15801**

**TYPE OF ACTION**  
**XX Notice of Sheriff's Sale**  
**SALE DATE: December 2, 2005**

**SERVED**

Served and made known to Michael Yusnukis, Defendant on the 7<sup>th</sup> day of NOV., 2005, at 2:07, o'clock P. M., at RR 1 Box 190 Du Bois, Commonwealth of Pennsylvania, in the manner described below:

- ☐ Defendant personally served.  
☒ Adult family member with whom Defendant(s) reside(s).  
     Relationship is Mother/Deanne  
☐ Adult in charge of Defendant's residence who refused to give name or relationship.  
☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
☐ Agent or person in charge of Defendant's office or usual place of business.  
☐ \_\_\_\_\_ an officer of said Defendant's company.  
☐ Other: \_\_\_\_\_

Description: Age 62 Height 5'6" Weight 140 Race W Sex F Other \_\_\_\_\_

I, Thomas Holmberg, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
 before me this 8<sup>th</sup> day  
 of November, 2005.

Notary:

By: Thomas Holmberg

*Marilyn A. Campbell*  
 COMMONWEALTH OF PENNSYLVANIA  
 Notarial Seal  
 Marilyn A. Campbell, Notary Public  
 City of Altoona, Blair County  
 My Commission Expires Oct. 28, 2007  
 Member, Pennsylvania Association of Notaries

**NOT SERVED**

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, at \_\_\_\_\_ o'clock \_\_. M., Defendant NOT FOUND because:

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant

Other:

Sworn to and subscribed  
 before me this \_\_\_\_\_ day  
 of \_\_\_\_\_, 200\_\_.

By:

Notary:

**ATTORNEY FOR PLAINTIFF**  
**DANIEL G. SCHMIEG, ESQUIRE**  
 I.D.#62205  
 One Penn Center at Suburban Station  
 1617 John F. Kennedy Blvd., Suite 1400  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

SALE DATE: 12/2/05

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 05-643-CD

**FILED**  
m/1139cm  
NOV 22 2005  
NACC.  
CW

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK

William A. Shaw  
Prothonotary

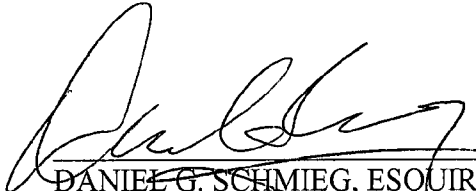
**AFFIDAVIT PURSUANT TO RULE 3129.1  
AND RETURN OF SERVICE PURSUANT TO  
Pa. R.C.P. 405 OF NOTICE OF SALE**

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:

436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501.

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK

**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 Praecipe for the Writ of Execution was filed the following information concerning the real property located at 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501:

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

Name

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

MICHAEL YUSNUKIS

436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

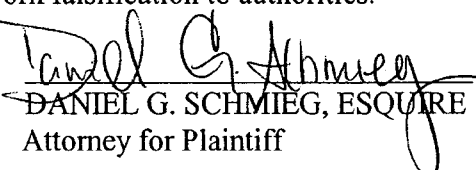
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK

436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

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

August 9, 2005

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK

**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 Praecipe for the Writ of Execution was filed the following information concerning the real property located at 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501:

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)

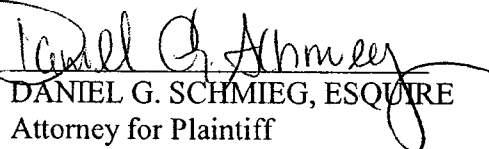
Commonwealth of Pennsylvania  
Department of Welfare

PO Box 2675  
Harrisburg, PA 17105

Tenant/Occupant

436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

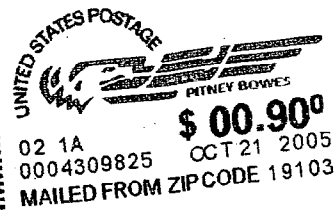
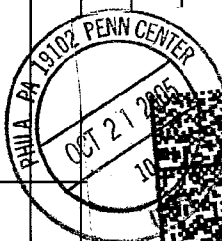
I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

August 9, 2005

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	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 \$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.
1	MICHAEL YUSNUKIS	Tenant/Occupant, 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501			
2	0016877607	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 \$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  
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 Prothonotary  
CLEARFILED County Courthouse

RE: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
v. MICHAEL YUSNUKIS and DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
CLEARFILED COUNTY,  
NO. 05-643-CD

Dear Sir,

Please file the enclosed affidavit(s) in reference to the above captioned matter.

Thank you for your cooperation.

Yours truly,

A handwritten signature in cursive script, appearing to read 'SMC', is written in dark ink.

SANDRA COOPER  
for PHELAN HALLINAN & SCHMIEG

CC: Sheriff's Office of CLEARFILED County



PHELAN HALLINAN & SCHMIEG, LLP

BY: Francis S. Hallinan, Esquire

Identification No. 62695

One Penn Center Plaza

Suite 1400

Philadelphia, PA 19103

(215) 563-7000

Attorney For Plaintiff

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC

COURT OF COMMON PLEAS  
CIVIL DIVISION

v.

CLEARFIELD COUNTY

MICHAEL YUSNUKIS

DEBBIE J. HENRY

A/K/A DEBBIE J. MOVELOCK

NO. 05-643-CD

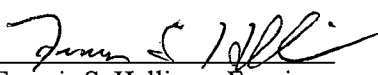
**SUGGESTION OF DEATH  
RE: DEFENDANT MICHAEL YUSNUKIS  
AND RELEASE OF DEFENDANT'S LIABILITY**

COMMONWEALTH OF PENNSYLVANIA:

FRANCIS S. HALLINAN, ESQUIRE, attorney for the Plaintiff, hereby certifies that, to the best of his knowledge, information and belief, the Defendant, MICHAEL YUSNUKIS is deceased -- date of death on or about November 8, 2005. Plaintiff hereby releases MICHAEL YUSNUKIS from liability for the debt secured by the mortgage.

As the property was owned by defendants, MICHAEL YUSNUKIS AND DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK as joint tenants with the right of survivorship, upon the death of MICHAEL YUSNUKIS, DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK became sole owner of the mortgaged premises as surviving joint tenant with the right of survivorship.

PHELAN HALLINAN & SCHMIEG, LLP

By:   
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

Dated: 12/8/05

**FILED**

DEC 12 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

*1 sent to Agent*

PHELAN HALLINAN & SCHMIEG, LLP

BY: Francis S. Hallinan, Esquire

Identification No. 62695

One Penn Center Plaza

Suite 1400

Philadelphia, PA 19103

(215) 563-7000

Attorney For Plaintiff

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC

COURT OF COMMON PLEAS  
CIVIL DIVISION

v.

CLEARFIELD COUNTY

MICHAEL YUSNUKIS

DEBBIE J. HENRY

A/K/A DEBBIE J. MOVELOCK


NO. 05-643-CD

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Suggestion of Death Re: MICHAEL YUSNUKIS was sent via first class mail to the following on the date listed below:

DEBBIE J. HENRY  
A/K/A DEBBIE J. MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

DIANNA YUSNUKIS, HEIR  
OF MICHAEL YUSNUKIS, DECEASED  
868 BEHRINGER HIGHWAY  
DU BOIS, PA 15801



Francis S. Hallinan, Esquire  
Attorney for Plaintiff

Dated: 12/8/05

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

Michael Yusnukis

: No. 05-643-CD

Debbie J. Henry, a/k/a Debbie J. Movelock

Defendants

**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 May 6, 2005, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on August 12, 2005 in the amount of \$24,792.60. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

3. 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.

4. Additional sums have been incurred or expended on Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment.

The amount of damages should now read as follows:

**FILED**

JAN 30 2006  
m/12:05/16  
William A. Shaw  
Prothonotary/Clerk of Courts  
WOC/C

Principal Balance	20,077.56
Interest Through 3/3/06	1,948.78
Per Diem \$3.99	
Late Charges	28.52
Legal fees	1,325.00
Cost of Suit and Title	1,458.92
Sheriff's Sale Costs	2,500.00
Property Inspections	84.15
Appraisal/BPO	0.00
MIP/PMI	231.03
NSF	0.00
Suspense/Misc. Credits	0.00
Escrow Deficit	<u>0.00</u>

<b>TOTAL</b>	<b>\$27,653.96</b>
--------------	--------------------

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

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

Date: 1/27/06

Phelan Hallinan & Schmieg, LLP  
 By: Michele M. Bradford  
 Michele M. Bradford, Esquire  
 Attorney for Plaintiff

**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

Plaintiff

v.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY  
A/K/A DEBBIE J MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-643-C

CLEARFIELD COUNTY

**FILED** 10-13-05 Document  
Reinstated/Reissued to Sheriff/Attorn  
for service. *William A. Shaw*  
MAY 06 2005  
William A. Shaw  
Prothonotary/Clerk of Courts  
Deputy Prothonotary

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE** **FEDERMAN AND PHELAN**  
**ATTORNEY FILE COPY**  
**PLEASE RETURN**

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

**FEDERMAN AND PHELAN**  
**ATTORNEY FILE COPY**  
**PLEASE RETURN**

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

**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:

PHH MORTGAGE CORPORATION F/K/A CENDANT  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

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

MICHAEL YUSNUKIS  
DEBBIE J. HENRY  
A/K/A DEBBIE J MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

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

3. On 02/25/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CENTURY 21 MORTGAGE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200203011. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
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.



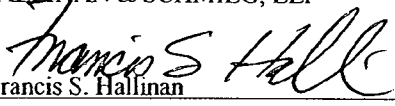
6. The following amounts are due on the mortgage:

Principal Balance	\$20,077.56
Interest	727.20
11/01/2004 through 04/29/2005 (Per Diem \$4.04)	
Attorney's Fees	1,250.00
Cumulative Late Charges	28.52
02/25/2002 to 04/29/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 22,633.28
Escrow	
Credit	0.00
Deficit	1,747.24
Subtotal	<u>\$ 1,747.24</u>
<b>TOTAL</b>	<b>\$ 24,380.52</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 \$ 24,380.52, together with interest from 04/29/2005 at the rate of \$4.04 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

## LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the 4th Ward, City of Dubois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Northwestern side of Church Street at the common corner of Lots No. 167 and 168 of the plot of lots of Knarr's first addition to said Borough of Dubois (now City); thence Northwesternly along the dividing lines between Lots No. 167 and 168 aforesaid, 150 feet, more or less, to an alley; thence Southwest by said alley, 50 feet to corner of Lot No. 169, of said plot; thence Easterly by line of Lot No. 169, 150 feet, more or less, to line of Church Street; thence by line of Church Street, Northeasterly 50 feet to place of beginning.

BEING known as Lot No. 168 in H.S. Knarr's First Addition of lots to the Borough of Dubois (now City) dated 1882, recorded February 1, 1904, in Book U, Page 278.

HAVING erected thereon a dwelling known as 436-438 Church Street.

Designated Tax Parcel No. 7-4-011-3158.


BEING the same premises conveyed to First Commonwealth Bank, f/k/a Deposit Bank, by Deed of the High Sheriff of Clearfield County, pursuant to Writ of Execution, dated July 19, 2001, recorded December 17, 2001, as Clearfield County Instrument No. 200120208.

BEING NO. 436-438 SOUTH CHURCH STREET

VERIFICATION

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

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



Francis S. Hallinan, Esquire  
Attorney for Plaintiff

DATE: 4/27/05

ATTORNEY FILE COPY  
PLEASE RETURN

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

ATTORNEY FILE COPY  
PLEASE RETURN

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

Plaintiff

: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: CLEARFIELD County

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK

Defendants

: No. 05-643-CD  
:  
:  
:  
:

ATTORNEY FILE COPY  
PLEASE RETURN

FILED  
JUN 9 2005  
Shaw  
Prothonotary/Clerk of Courts

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

ATTORNEY FILE COPY  
PLEASE RETURN

PHELAN HALLINAN & SCHMIEG, LLP

By: Francis S. Hallinan  
FRANCIS S. HALLINAN, ESQUIRE  
LAWRENCE T. PHELAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
Attorneys for Plaintiff

Date: June 8, 2005

/mnt, Svc Dept.  
File# 114919

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## **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.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK  
436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

**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 MICHAEL YUSNUKIS and DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK, 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	\$24,380.52
Interest (4/30/05 to 8/9/05)	<u>412.08</u>
<b>TOTAL</b>	<b>\$24,792.60</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, ESQUIRE  
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 1/27/06

\_\_\_\_\_  
PRO PROTHY

KJO

**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.

DATE: 1/27/06

Phelan Hallinan & Schmieg, LLP  
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

Michael Yusnukis

: No. 05-643-CD

Debbie J. Henry, a/k/a Debbie J. Movelock

Defendants

**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 individuals on the date indicated below.

Michael Yusnukis

Debbie J. Henry,

a/k/a Debbie J. Movelock

436-438 South Church Street

Du Bois, PA 18501

Phelan Hallinan & Schmieg, LLP

DATE: 1/27/06

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

Michael Yusnukis

: No. 05-643-CD

Debbie J. Henry, a/k/a Debbie J. Movelock

Defendants

**PRAECIPE FOR RULE TO SHOW CAUSE**

AND NOW, this       day of       , 2006, a Rule is entered upon Michael YusnukisDebbie J. Henry, a/k/a Debbie J. Movelock, Defendants 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 OF CLEARFIELD COUNTY  
PENNSYLVANIA

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas  
Plaintiff : Civil Division  
vs. : Clearfield County  
Michael Yusnukis : No. 05-643-CD  
Debbie J. Henry, a/k/a Debbie J. Movelock  
Defendants

**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.

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

Mortgage Electronic Registration Systems, Inc.	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs.	:	Clearfield County
Michael Yusnukis	:	No. 05-643-CD
Debbie J. Henry, a/k/a Debbie J. Movelock	:	
Defendants	:	

**ORDER**

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

Principal Balance	20,077.56
Interest Through 3/3/06	1,948.78
Per Diem \$3.99	
Late Charges	28.52
Legal fees	1,325.00
Cost of Suit and Title	1,458.92
Sheriff's Sale Costs	2,500.00
Property Inspections	84.15
Appraisal/BPO	0.00
MIP/PMI	231.03
NSF	0.00
Suspense/Misc. Credits	0.00
Escrow Deficit	<u>0.00</u>
<b>TOTAL</b>	<b>\$27,653.96</b>

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.

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY, a/k/a  
DEBBIE J. MOVELOCK

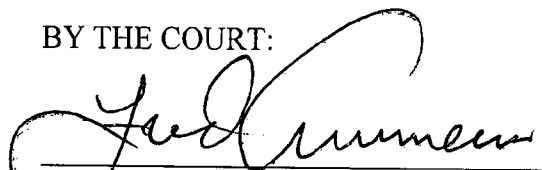
:  
:  
:  
: No. 05-643-CD  
:  
:  
:

ORDER

NOW, this 31 day of January, 2006, upon consideration of Plaintiff's Motion to Reassess Damages, a Rule is hereby issued upon the Defendants' to Appear and Show Cause why said Motion should not be granted. Argument be and is hereby scheduled for the 6<sup>th</sup> day of March, 2006, at 11:00 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 Defendants'.

BY THE COURT:

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
JAN 11 14 00  
FEB 01 2006

2cc  
Atty Bradford  
@

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD 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

: Civil Division

vs.

: Clearfield County

Michael Yusnukis  
Debbie J. Henry,  
a/k/a Debbie J. Movelock

: No. 05-643-CD

FILED  
m11:2731 no cc  
FEB 08 2006  
JMA

William A. Shaw  
Prothonotary/Clerk of Courts

**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:

Michael Yusnukis  
Debbie J. Henry,  
a/k/a Debbie J. Movelock  
436-438 South Church Street  
Du Bois, PA 18501

PHELAN HALLINAN & SCHMIEG, LLP

Date: 2/6/06

By: Michele M. Bradford  
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. 05-643-CD

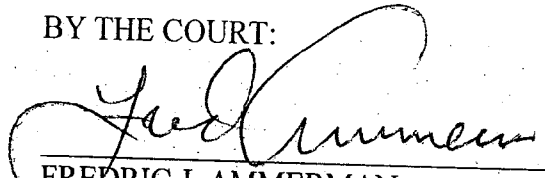
MICHAEL YUSNUKIS  
DEBBIE J. HENRY, a/k/a  
DEBBIE J. MOVELOCK

**ORDER**

NOW, this 31 day of January, 2006, upon consideration of Plaintiff's Motion to Reassess Damages, a Rule is hereby issued upon the Defendants' to Appear and Show Cause why said Motion should not be granted. Argument be and is hereby scheduled for the 6<sup>th</sup> day of March, 2006, at 11:00 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 Defendants'.

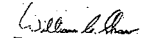
BY THE COURT:

  
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

CLEARFIELD COUNTY

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK

FILED *no cc*  
MAR 02 2006

William A. Shaw  
Prothonotary/Clerk of Courts

**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 Praecept for the Writ of Execution was filed the following information concerning the real property located at 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501:

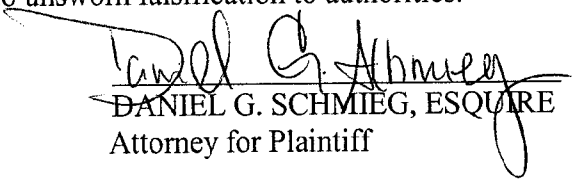
1. Name and address of Owner(s) or reputed Owner(s):

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
MICHAEL YUSNUKIS	436-438 SOUTH CHURCH STREET DU BOIS, PA 18501
DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK	436-438 SOUTH CHURCH STREET DU BOIS, PA 18501

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

August 9, 2005

CLEARFIELD COUNTY

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 05-643-CD

vs.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A  
DEBBIE J. MOVELOCK

**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 Praecipe for the Writ of Execution was filed the following information concerning the real property located at 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501:

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

436-438 SOUTH CHURCH STREET  
DU BOIS, PA 18501

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

August 9, 2005

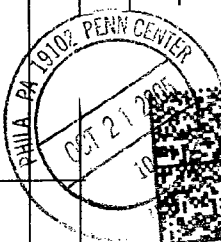
**Name and**

**Address**

**Of Sender**

PHILAN 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	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.
1	MICHAEL YUSNOUKIS	Tenant/Occupant, 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501			
2	0016877607	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					
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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 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.	



UNITED STATES POSTAGE  
 PINNEY BOWES  
 \$ 00.90<sup>00</sup>  
 02 1A  
 0004309825  
 MAILED FROM ZIP CODE 19103

August 9, 2005

**MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.**

vs.

**MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK**

**TO: All parties in Interest and Claimants**

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

**OWNER(S): MICHAEL YUSNUKIS and DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK**

**PROPERTY: 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501**

Improvements: Residential dwelling

Judgment Amount: \$24,792.60

CLEARFIELD COUNTY  
No. 05-643-CD

The above captioned property is scheduled to be sold at the Clearfield County Sheriff's Sale on December 2, 2005, at the Clearfield County Courthouse, 1 North 2<sup>nd</sup> Street, Suite 116, Clearfield, PA 16830 at 10:00 A.M..

Our records indicate that you may hold a mortgage, judgment, or other interest on the property, which may be extinguished by the sale. You may wish to attend the sale to protect your interests. If you have any questions regarding the type of lien or the effect of the Sheriff's Sale upon your lien, we urge you to **CONTACT YOUR OWN ATTORNEY**, as we are not permitted to give you legal advice.

The Sheriff will file a schedule of Distribution on a date specified by the Sheriff not later than 30 days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 10 days after the filing of the schedule.

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

DOCKET # 20224  
NO: 05-643-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

DEFENDANT: MICHAEL YUSNUKIS, DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 08/12/2005

LEVY TAKEN 10/18/2005 @ 10:50 AM

POSTED 10/18/2005 @ 10:50 AM

SALE HELD 03/03/2006

SOLD TO FANNIE MAE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 03/16/2006

DATE DEED FILED 03/16/2006

PROPERTY ADDRESS 436-438 SOUTH CHURCH STREET DUBOIS , PA 15801

**FILED**

013:21801  
MAR 16 2006

William A. Shaw  
Prothonotary/Clerk of Courts

**SERVICES**

02/27/2006 @ SERVED MICHAEL YUSNUKIS

THE ATTORNEY PERSONALLY SERVED MICHAEL YUSNUKIS NOV. 7, 2005. MAILED REG & CERT MAIL TO 868 BEHRINGER HWY, DUBOIS, CLFD COUNTY, PENNSYLVANIA SIGNED FOR BY DIANNA YUSNUKIS CERT #70050390000372352404

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

11/21/2005 @ SERVED DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK

SERVED DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK BY REG & CERT MAIL PER COURT ORDER TO 436-438 SOUTH CHURCH STREET, DUBOIS, PENNSYLVANIA. CERT. MAIL RECEIVED BACK SHERIFF'S OFFICE UNCLAIMED 11/29/05 AND REG MAIL BACK ON 11/28/05.

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

@ SERVED

NOW, DECEMBER 1, 2005 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR DECEMBER 2, 2005 TO MARCH 3, 2006.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20224  
NO: 05-643-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
vs.

DEFENDANT: MICHAEL YUSNUKIS, DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK

Execution REAL ESTATE

SHERIFF RETURN

---


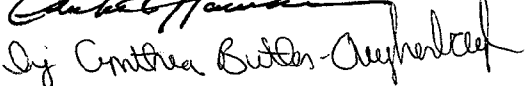
SHERIFF HAWKINS \$360.95

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2006  
\_\_\_\_\_

So Answers,

  
  
Chester A. Hawkins  
Sheriff

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

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

vs.

NO.: 05-643-CD

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J.  
MOVELOCK

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: 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501

(See legal description attached.)

Amount Due

\$24,792.60

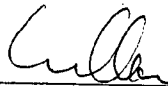
Interest from 8/9/05 to  
Date of Sale (\$4.08 per diem)

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

Total

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

Prothonotary costs \$132.00  
SAFF 73.78

  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated Aug. 12, 2005

(SEAL)

By: \_\_\_\_\_

Deputy

KIO

Received August 12, 2005 @ 2:30 PM.  
Chester A. Brounke

by Cynthia Butler-Aughenbaugh

**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. 05-643-CD

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

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

MICHAEL YUSNUKIS  
DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK

---

**WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)**

---

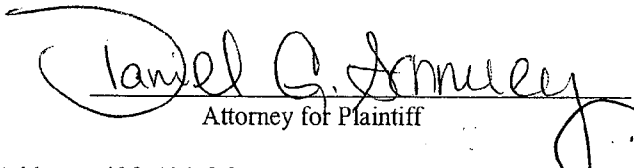
Real Debt \$24,792.60

Int. from 8/9/05  
to Date of Sale (\$4.08 per diem) \_\_\_\_\_

Costs \_\_\_\_\_

Prothy. Pd. \_\_\_\_\_

Sheriff \_\_\_\_\_

  
Attorney for Plaintiff

Address: 436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501  
436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501  
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 situate in the 4th Ward, City of Dubois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Northwestern side of Church Street at the common corner of Lots No. 167 and 168 of the plot of lots of Knarr's first addition to said Borough of Dubois (now City); thence Northwesternly along the dividing line between Lots No. 167 and 168 aforesaid, 150 feet, more or less to an alley; thence Southwest by said alley, 50 feet to corner of Lot No. 169, of said plot; thence Easterly by line of Lot No. 169, 150 feet, more or less, to line of Church Street; thence by line of Church Street, Northeasterly 50 feet to the place of beginning.

Designated Tax Parcel No. 7.4-011-3158.

TITLE TO SAID PREMISES IS VESTED IN Michael Yusnukis and Debbie J. Henry, Individual by Deed from Commonwealth Bank f/k/a Deposit Bank, dated 2-25-02 and recorded 2-26-02. Document Instrument No. 200203010.

Premises: 436-438 South Church Street, Du Bois, PA 18501



**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME MICHAEL YUSNUKIS

NO. 05-643-CD

NOW, March 15, 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 March 03, 2006, I exposed the within described real estate of Michael Yusnukis, Debbie J. Henry A/K/A Debbie J. Movelock to public venue or outcry at which time and place I sold the same to FANNIE MAE 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	18.43
LEVY	15.00
MILEAGE	18.43
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	15.94
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	92.15
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	

**TOTAL SHERIFF COSTS                   \$360.95**

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.50
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$29.50</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	24,792.60
INTEREST @ 4.0800 %	840.48
FROM 08/09/2005 TO 03/03/2006	

PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	

ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	

**TOTAL DEBT AND INTEREST                   \$25,673.08**

**COSTS:**

ADVERTISING	296.20
TAXES - COLLECTOR	401.92
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.50
SHERIFF COSTS	360.95
LEGAL JOURNAL COSTS	162.00
PROTHONOTARY	205.78
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,601.35</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

AFFIDAVIT OF SERVICE

PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

CLEARFIELD COUNTY

F&P. #114919

DEFENDANT

MICHAEL YUSNUKIS

DEBBIE J. HENRY A/K/A DEBBIE J.

MOVELOCK

COURT NO.: 05-643-CD

SERVE MICHAEL YUSNUKIS AT:

190 RR# 1 BOX 190

DU BOIS, PA 15801

TYPE OF ACTION

XX Notice of Sheriff's Sale

SALE DATE: December 2, 2005

SERVED

Served and made known to Michael Yusnukis, Defendant on the 7<sup>th</sup> day of NOV., 200 5, at 2:07, o'clock P. M., at RR# 1 Box 190 DuBois, Commonwealth of Pennsylvania, in the manner described below:

   Defendant personally served.

X Adult family member with whom Defendant(s) reside(s).

Relationship is Mother/Deanne

   Adult in charge of Defendant's residence who refused to give name or relationship.

   Manager/Clerk of place of lodging in which Defendant(s) reside(s).

   Agent or person in charge of Defendant's office or usual place of business.

                        an officer of said Defendant's company.

   Other:                     

Description: Age 62 Height 5'6" Weight 140 Race W Sex F Other           

I, Thomas Holmberg, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this 8<sup>th</sup> day  
of November, 200 5.

Notary:

By: Thomas Holmberg

Marilyn A. Campbell  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Marilyn A. Campbell, Notary Public  
City of Altoona, Blair County  
My Commission Expires Oct. 28, 2007  
Member, Pennsylvania Association of Notaries

NOT SERVED

On the        day of                     , 200   , at        o'clock    M., Defendant NOT FOUND because:

   Moved    Unknown    No Answer    Vacant

Other:                     

Sworn to and subscribed  
before me this        day  
of                     , 200   .

By:                     

Notary:

ATTORNEY FOR PLAINTIFF  
DANIEL G. SCHMIEG, ESQUIRE  
I.D.#62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Blvd., Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Mortgage Electronic Registration  
Systems, Inc.

vs.

Michael Yusnukis  
Debbie J. Henry

CIVIL DIVISION  
NO. 05-643-CD

ORDER

AND NOW, this 21 day of June, 2005, upon  
consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby  
**ORDERED** and **DECREED** that said Motion is **GRANTED**.

It is further **ORDERED** and **DECREED** that Plaintiff may obtain service of the  
Complaint and all future pleadings on the above captioned Defendant, Debbie J. Henry, by:

1. First class mail to Debbie J. Henry at the mortgaged premises located at 436-438  
South Church Street, Du Bois, PA 18501; and
2. Certified mail to Debbie J. Henry at the mortgaged premises located at 436-438  
South Church Street, Du Bois, PA 18501.

BY THE COURT:

/s/ Fredric J. Ammerman

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



Attest.

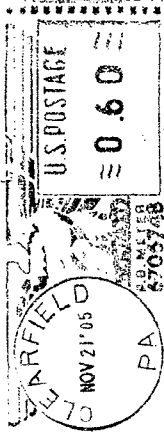
JUN 22 2005

*William L. Shenett*  
Prothonotary/  
Clerk of Courts



CHESTER A. HAWKINS  
SHERIFF

COURTHOUSE  
1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



*Rec'd 11/28/05*

DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
436-438 SOUTH CHURCH STREET

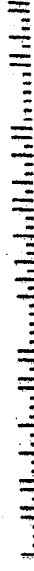
DUBC A C S

☐ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☒ UNABLE TO FORWARD

☐ OTHER

**RTS**  
RETURN TO SENDER

16830-2438-01 0002



INITIALS  
CERTIFIED MAIL<sup>™</sup>  
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
436-438 SOUTH CHURCH STREET  
DUBOIS, PA 15801

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ X ☐ Agent  
☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0003 7235 1148

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540





CHESTER A. HAWKINS

SHERIFF

COURTHOUSE

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



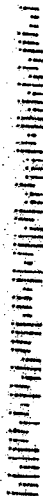
7005 0390 0003 7235 1148



DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
436-438 SOUTH CHURCH STREET

DUE ☒ A ☐ C ☐ S  
☐ INSUFFICIENT ADDRESS  
☐ ATTEMPTED NOT KNOWN  
☐ NO SUCH NUMBER/ STREET  
☐ NOT DELIVERABLE AS ADDRESSED  
☒ UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER



U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

Postage	\$ 4.65
Certified Fee	\$2.30
Return Receipt Fee (Endorsement Required)	\$1.75
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 4.65

0830  
Postmark Here

11/21/2005

PS Form 3800, June 2002  
See Reverse for Instructions  
Sent To: DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
Street Apt No.: 436-438 SOUTH CHURCH STREET  
City, State, ZIP+4: DUBOIS, PA 15801

7005 0390 0003 7235 1148

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MICHAEL YUSNUKIS  
RD #1, BOX 190 A/K/A  
868 BEHRINGER HIGHWAY  
DUBOIS, PA 15801

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature Michael Yusnukis ☒ Agent  
B. Received by (Printed Name) DIANNA YUSNUKIS ☐ Addressee  
C. Date of Delivery 2-27-06  
D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ G.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

(Transfer from service label)

7005 0390 0003 7235 2404

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

DU 9015 PA 15801

**OFFICIAL USE**

Postmark Here 07 0830

Postage \$40.63

Certified Fee \$2.40

Return Receipt Fee \$1.85

Restricted Delivery Fee \$0.00

Total Postage & Fees \$44.88

02/23/2006

Sent To

MICHAEL YUSNUKIS  
RD #1, BOX 190 A/K/A  
868 BEHRINGER HIGHWAY  
DUBOIS, PA 15801

City, State, ZIP+4

PS Form 3800, June 2002

See Reverse for Instructions

4042 5E2Z E000 D6ED 500Z

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  
Lenders in  
Judgment Department, Ext. 1258  
New Jersey

Representing  
  
Pennsylvania and

December 1, 2005

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.  
MICHAEL YUSNUKIS DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK  
No. 05-643-CD  
436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property which  
is scheduled for December 2, 2005.

The property is to be relisted for the 3/3/06 Sheriff's Sale.

Very truly yours,  
SMC  
Sandra Coouer



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

Michael Yusnukis

: No. 05-643-CD

Debbie J. Henry, a/k/a Debbie J. Movecock

Defendants

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

**I. BACKGROUND OF CASE**

Defendants 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 436-438 South Church Street, Du Bois, PA 18501. 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, Defendants 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 Defendants credit for monthly payments tendered through bankruptcy, if any.

RECEIVED

JAN 16 3 02 PM '06

CLEARFIELD COUNTY  
SHERIFF'S OFFICE

## **II. INTEREST**

The Mortgage clearly requires that the Defendants 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 Defendants 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 Defendants' 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 mortgagors are 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 mortgagors have 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: 1/27/06

Phelan Hallinan & Schmieg, LLP  
By: Michele M. Bradford  
Michele M. Bradford, Esquire  
Attorney for Plaintiff