

05-643-CD

Mortgage Elec vs. M. Yusnukis, et al

Netbank v. Michael Yusnukis et al
2005-643-CD

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

ATTORNEY FOR PLAINTIFF

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

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-643-CD

CLEARFIELD COUNTY

FILED *2cc*
5/14/2005 *Shff*
MAY 06 2005 *Att'y pd.*
William A. Shaw
Prothonotary/Clerk of Courts

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

[Signature]
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 (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>
TOTAL	\$ 24,380.52

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: 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 Northwesterly 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 Northwesterly 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

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

FILED
01/58/05
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

So Answers,

____ Day of _____ 2005



Chester A. Hawkins
Sheriff

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

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

MAY 04 2005

Attest:

William B. R.
Prothonotary/
Clerk of Courts

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

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

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

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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.

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TOTAL	\$ 24,380.52

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 Northwesterly 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 Northwesterly 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.

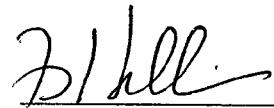
BEING the same premises conveyed to First Commonwealth Bank, f/k/a Deposit Bank, by Deed of the High Sheriff of Clearfield County, pursuant to Writ of Execution, dated July 19, 2001, recorded December 17, 2001, as Clearfield County Instrument No. 200120208.

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

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

ATTORNEY FOR PLAINTIFF

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

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: 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. Hall
FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: June 8, 2005

/mmt, Svc Dept.
File# 114919

FILED Atty pd. 7.00
m/11:41p01
JUN 13 2005 No cc

William A. Shaw I Compl. Reinstated
Prothonotary/Clerk of Courts to Atty

(64)

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	:	COURT OF COMMON PLEAS
Registration Systems, Inc.	:	
	:	CIVIL DIVISION
Vs.	:	CLEARFIELD COUNTY
Michael Yusnukis	:	
Debbie J. Henry	:	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
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: June 8, 2005

FILED
m/13/05
JUN 20 2005
CR

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Mortgage Electronic Registration
Systems, Inc.

CIVIL DIVISION
NO. 05-643-CD

vs.
Michael Yusnukis
Debbie J. Henry

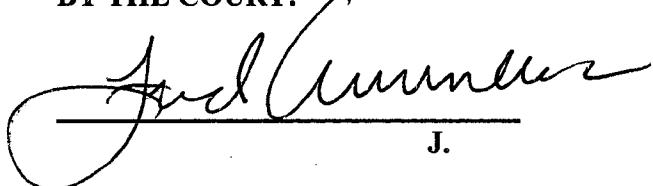
ORDER

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 ^{ice}
06/22/2005 Atty
JUN 22 2005 Schmeig
William A. Shaw
Prothonotary/Clerk of Courts
Copy to Shaw

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

FILED *cc*
JUN 1 30 2005 *Am*
JUN 20 2005 *Schmieg*
GP

William A. Shaw
Prothonotary/Clerk of Courts

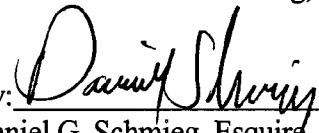
**MOTION FOR SERVICE PURSUANT TO
SPECIAL ORDER OF COURT**

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).**

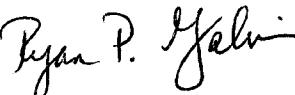
*** Please be advised all database information indicates the subject resides at the current address.**

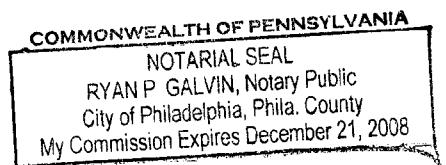
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I hereby 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 5th 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

Mortgage Electronic Registration Systems,
Inc
Plaintiff

vs.

Michael Yusnukis
Debbie J. Henry

Defendant(s)

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: Clearfield COUNTY

: NO. 05-643-CD

FILED ^{No cc}
m 11:23 AM
JUN 29 2005 JH

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. Hall
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 19:00
William A. Shaw
Prothonotary/Clerk of Courts
NOTICE TO DEF.
STATEMENT

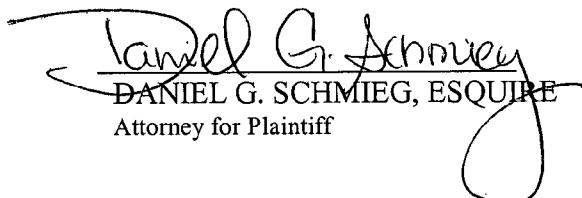
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

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>
TOTAL	\$24,792.60

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: _____

PRO PROTHY

KIO

PHELAN, HALLINAN AND SCHMIEG
By: Francis S. Hallinan, Esq., Id. No. 62695
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

ATTORNEY FOR PLAINTIFF

Plaintiff

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

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

: CLEARFIELD COUNTY

FILE COPY

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

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

PHELAN, 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
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100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375

FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 05-643-CD

vs.

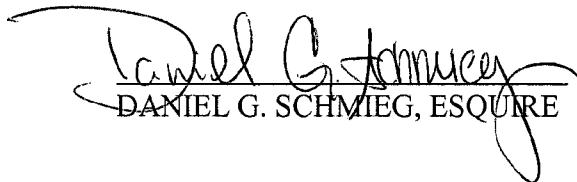
MICHAEL YUSNUKIS
DEBBIE J. HENRY A/K/A
DEBBIE J. MOVELOCK

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.

CIVIL DIVISION
NO. 05-643-CD

Michael Yusnukis
Debbie J. Henry

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. Ammerman
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 _____ and Costs.
Date of Sale (\$4.08 per diem)

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

Note: Please attach description of Property.

KIO

FILED

AUG 12 2005

m/9:30 am

William A. Shaw

Prothonotary/Clerk of Courts

I CERT TO ATTY

6 WRITS TO SHAW

W/20. - CK.

*2,500-- CK.
NOT ENLARGED*

No. 05-643-CD

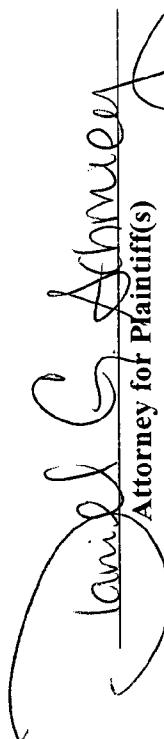
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

vs.

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

PRAECEPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)



Lanie C. Schmuck
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.

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

**MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.**

vs.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

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):

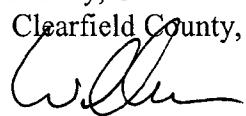
Premises: **436-438 SOUTH CHURCH STREET, DU BOIS, PA 18501**

(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
14.00	73.78

Dated Aug. 12, 2005
(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	_____


Daniel G. Schmieg
Attorney for Plaintiff, no. 514

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 Northwesterly 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 Northwesterly 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 Yusmukis 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

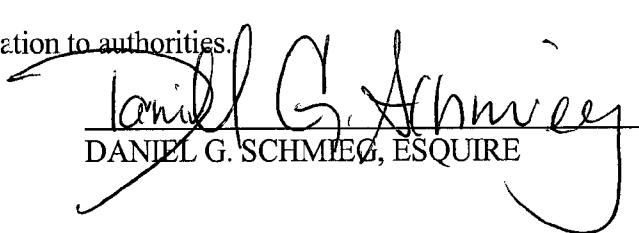
vs.

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 NOCC
M 10:50 AM
NOV 21 2005
Clerk
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 1st day of Nov., 2005, at 2:07, o'clock P. M., at RR 1 Box 190 Dubois, 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 8th 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

vs.

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

FILED
m/1139cm NOV 22 2005
Nacc.
S

William A. Shaw
Prothonotary

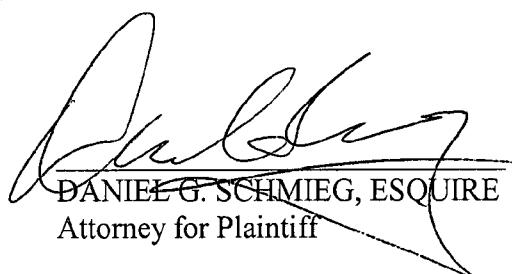
**AFFIDAVIT PURSUANT TO RULE 3129.1
AND RETURN OF SERVICE PURSUANT TO
Pa. R.C.P. 405 OF NOTICE OF SALE**

Plaintiff in the above action sets forth as of the date the Praeclipe 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

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. 1)

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 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 Praecept for the Writ of Execution was filed the following information concerning the real property located at 436-438 SOUTH CHURCH STREET, DUBLIN, 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 reasonably 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 Suite 1400
Philadelphia, PA 19103-1814 SANDRA COOPER/KIO

Line	Article Number	Name of Addressee, Street, and Post Office Address
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 subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.



PHELAN HALLINAN & SCHMIEG
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,

SMC

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

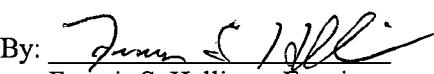
**SUGGESTION OF DEATH
RE: DEFENDANT MICHAEL YUSNUKIS
AND RELEASE OF DEFENDANT'S LIABILITY**

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

7/1/06

William A. Shaw

Prothonotary/Clerk of Courts

L C 547 to A

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

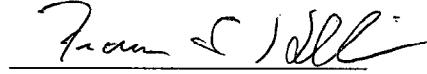
NO. 05-643-CD

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

Mortgage Electronic Registration Systems, Inc.

ATTORNEY FOR PLAINTIFF

Plaintiff : Court of Common Pleas
vs. : Civil Division
Michael Yusnukis : Clearfield County
Debbie J. Henry, a/k/a Debbie J. Movelock : No. 05-643-CD
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 *12:05 PM*
JAN 30 2006
William A. Shaw
Prothonotary/Clerk of Courts
W.C.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>
TOTAL	\$27,653.96

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

By:

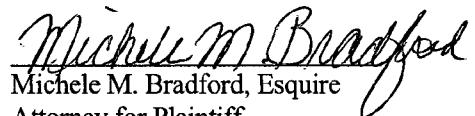
Phelan Hallinan & Schmieg, LLP

 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

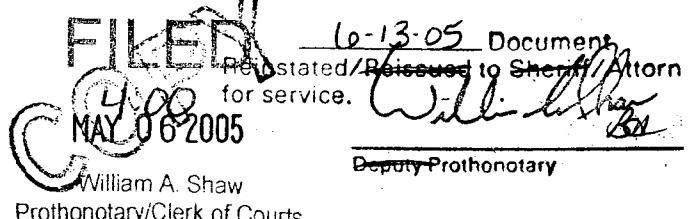
COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-643-CJ

CLEARFIELD COUNTY



CIVIL ACTION - LAW **ATTORNEY FILE COPY**
COMPLAINT IN MORTGAGE FORECLOSURE **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. Meholic, Court Administrator
Clearfield County Courthouse
2nd 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 11/01/2004 through 04/29/2005 (Per Diem \$4.04)	727.20
Attorney's Fees	1,250.00
Cumulative Late Charges 02/25/2002 to 04/29/2005	28.52
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>
TOTAL	\$ 24,380.52

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 Northwesterly 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 Northwesterly 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
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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

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ATTORNEY FOR PLAINTIFF

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

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: CLEARFIELD County

Plaintiff

vs.

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

: No. 05-643-CD

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Defendants

FILER
JUN 10 2005
Chew
Commonwealth 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. Hall
FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: June 8, 2005

/mmt, Svc Dept.
File# 114919

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ATTORNEY FILE COPY
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ATTORNEY FILE COPY
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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

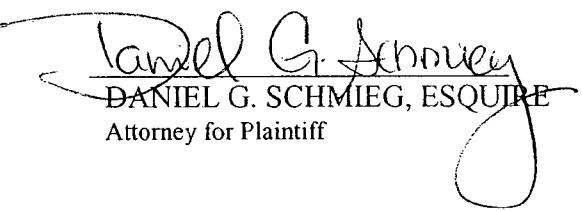
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

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>
TOTAL	\$24,792.60

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


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 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: 11/27/06

Phelan Hallinan & Schmieg, LLP

By: 
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
Debbie J. Henry, a/k/a Debbie J. Movelock
Defendants

: No. 05-643-CD

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>
 TOTAL	 \$27,653.96

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

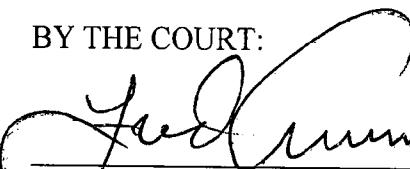
MORTGAGE ELECTRONIC :
REGISTRATION SYSTEMS, INC. :
vs. : No. 05-643-CD
MICHAEL YUSNUKIS :
DEBBIE J. HENRY, a/k/a :
DEBBIE J. MOVELOCK :

O R D E R

NOW, this 31 day of January, 2006, upon consideration of Plaintiff's Motion to Reassess Damages, a Rule is hereby issued upon the Defendants' to Appear and Show Cause why said Motion should not be granted. Argument be and is hereby scheduled for the 6th day of March, 2006, at 11:00 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
FEB 01 2006

cc
Aly Bradford
(60)

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 : No. 05-643-CD
Debbie J. Henry,
a/k/a Debbie J. Movelock

FILED
M 11 27 2006 NO CC
FEB 08 2006
WAS

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

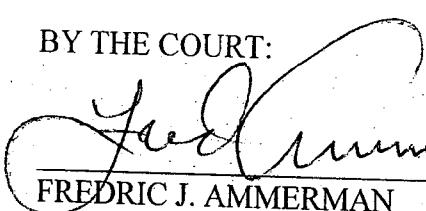
MICHAEL YUSNUKIS
DEBBIE J. HENRY, a/k/a
DEBBIE J. MOVELOCK

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 6th 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:

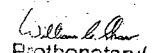

FREDRIC J. AMMERMAN

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:


William L. Brown
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
m 11:28 AM
MAR 02 2006
cc

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

William A. Shaw
Prothonotary/Clerk of Courts

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 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)
------	-----------------------------------------------------------------------------------

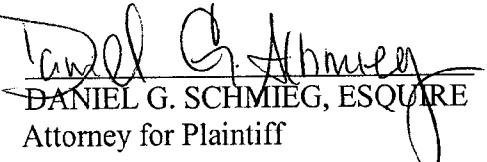
MICHAEL YUSNUKIS	436-438 SOUTH CHURCH STREET DU BOIS, PA 18501
------------------	--------------------------------------------------

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 Praeclipe 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
--------------------------------------	--------------------------------------------------------------------------------

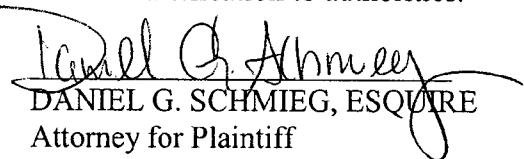
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

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

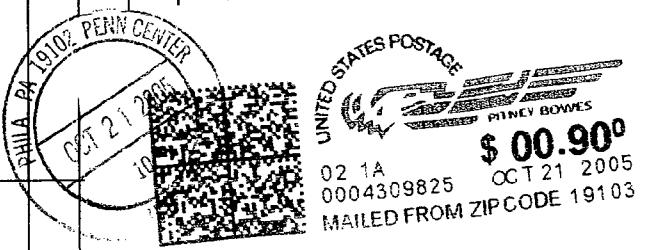
Name and
Address
Of Sender

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

Line Article Number

Name of Addressee, Street, and Post Office Address

1	MICHAEL YUSNUKIS	Tenant/Occupant, 436-438 SOUTH CHURCH STREET, DUBOIS, 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, 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.		



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 2nd 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
03/21/06
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 TUE 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

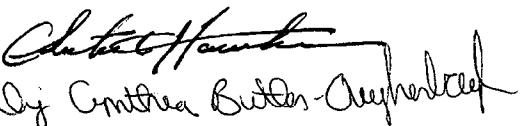
SHERIFF HAWKINS \$360.95

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2006


By Cynthia Butler-Cayhens
Chester A. Hawkins
Sheriff

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

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

vs.

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

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-}
Suff 73.78


Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By: 

Deputy

KIO

Dated Aug. 12, 2005
(SEAL)

Received August 12, 2005 @ 2:30 P.M.

Chester A. Wauhers

by Andrea Butter 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)**

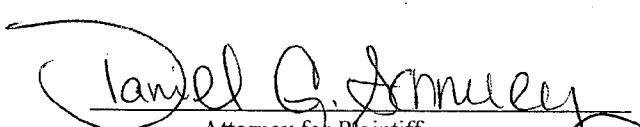
Real Debt \$24,792.60

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

Costs

Prothy. Pd.

Sheriff


Daniel G. Schmieg
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 Northwesterly 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 Northwesterly 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:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	15.00	DEBT-AMOUNT DUE	24,792.60
MILEAGE	15.00	INTEREST @ 4.0800 %	840.48
LEVY	18.43	FROM 08/09/2005 TO 03/03/2006	
MILEAGE	18.43	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	15.94	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	40.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED	30.00	PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	92.15	MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	1.00	TOTAL DEBT AND INTEREST	\$25,673.08
RETURNS/DEPUTIZE			
COPIES	15.00		
	5.00		
BILLING/PHONE/FAX	5.00	ADVERTISING	296.20
CONTINUED SALES	20.00	TAXES - COLLECTOR	401.92
MISCELLANEOUS		TAXES - TAX CLAIM	
		DUE	
TOTAL SHERIFF COSTS	\$360.95	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	5.00
DEED COSTS:		DEED COSTS	29.50
ACKNOWLEDGEMENT	5.00	SHERIFF COSTS	360.95
REGISTER & RECORDER	29.50	LEGAL JOURNAL COSTS	162.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	205.78
TOTAL DEED COSTS	\$29.50	MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
		TOTAL COSTS	\$1,601.35

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, 2005

SERVED

Served and made known to Michael Yusnukis, Defendant on the 7th day of Nov., 2005, at 2:07, o'clock P. M., at RR 1 Box 190 Dubois, 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 8th 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

Sheriff

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Mortgage Electronic Registration
Systems, Inc.

vs.

CIVIL DIVISION
NO. 05-643-CD

Michael Yusnukis
Debbie J. Henry

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 accurate copy of the original
document filed in this case.



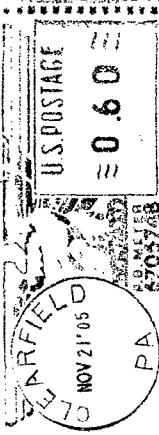
JUN 22 2005

Attest.

William J. Ammerman
Prothonotary/
Clerk of Courts



CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830



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

436-438 SOUTH CHURCH STREET

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

R/S
RETURN TO SENDER

Rec 1/28/55

16830-2438-01 0002

16830-2438-01 0002

CERTIFIED MAIL
RECEIVED BY MAIL
RECEIVED BY MAIL
RECEIVED BY MAIL

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

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 7005 0390 0003 7235 1148
(Transfer from service label)

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
7005 0390 0003 7235 1148

rec
WPA

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

RTS
RETURN TO SENDER

PS Form 3800, June 2002 See Reverse for Instructions	
Street, Attn No.: or P.O. Box No.: City, State, Zip+4	DEBBIE J. HENRY A/K/A DEBBIE J. MOVELOCK 436-438 SOUTH CHURCH STREET DUBOIS, PA 15801
Sent to	
11/21/2005	
Total Postage & Fees \$ 44.65	
Certified Fee \$ 0.00	
Endorsement Fee (Endorsement Required) \$ 1.75	
Return Receipt Fee (Return Receipt Required) \$ 2.30	
Postage \$ 40.60	
0830	07 Postmark Here
For delivery information, visit our website at www.usps.com	
Domestic Mail Only. No Insurance Coverage Provided	
U.S. POSTAL SERVICE CERTIFIED MAIL RECEIPT	
PA 15801	

54472 2222 0003 0000 5394 5555

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

A. Signature	<i>Michael Yuskukis</i>	Agent <input checked="" type="checkbox"/> Addressee <input type="checkbox"/>
B. Received by (Printed Name)	<i>DIANNA YUSUKIS</i>	C. Date of Delivery <i>2/27/06</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		

- 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

2. Article Number*(Transfer from service label)*

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

3. Service Type	<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail
	<input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise
	<input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
4. Restricted Delivery? <input type="checkbox"/> Extra Fee <input type="checkbox"/> Yes	

PS Form 3800, June 2002 See Reverse for Instructions															
MICHAEL YUSNUKIS RD #1, BOX 190 A/K/A 868 BEHRINGER HIGHWAY DUBOIS, PA 15801															
Street Address or PO Box No.	City State Zip+4														
Sent To															
<table border="1"> <tr> <td>Postage</td> <td>\$ 0.63</td> </tr> <tr> <td>Certified Fee</td> <td>\$2.40</td> </tr> <tr> <td>Return Receipt Fee</td> <td>\$1.85</td> </tr> <tr> <td>Endorsement Fee (Required)</td> <td>\$0.00</td> </tr> <tr> <td>Postmark</td> <td>0830</td> </tr> <tr> <td>Delivery Fee (Required)</td> <td>07</td> </tr> <tr> <td colspan="2">Total Postage & Fees \$ 4.88</td> </tr> </table>		Postage	\$ 0.63	Certified Fee	\$2.40	Return Receipt Fee	\$1.85	Endorsement Fee (Required)	\$0.00	Postmark	0830	Delivery Fee (Required)	07	Total Postage & Fees \$ 4.88	
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Postmark	0830														
Delivery Fee (Required)	07														
Total Postage & Fees \$ 4.88															
DU 8015PA 3800															
For delivery information visit our website at www.usps.com															
(Domestic Mail Only; No Insurance Coverage Provided)															

DU 8015PA 3800	
For delivery information visit our website at www.usps.com	
(Domestic Mail Only; No Insurance Coverage Provided)	
U.S. POSTAL SERVICE MAIL RECEIPT CERTIFIED MAIL	
U.S. POSTAL SERVICE MAIL RECEIPT CERTIFIED MAIL	

7005 0390 0000 2225 2444

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 Cooper

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

RECEIVED

JAN 30 2006

CLERK'S OFFICE
 ADMINISTRATIVE OFFICE

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.

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: 1/27/04

By:

Phelan Hallinan & Schmieg, LLP


Michele M. Bradford, Esquire
Attorney for Plaintiff