

05-651-CD

Mortgage Elec. vs. W. Smeal et al

Netbank as Successor v. William Smeal  
2005-651-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

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

NO. 05-651-CD

CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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.

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

FILED 4/13/2005 85.00

RECD M/13/2005  
MAY 09 2005 8CCASHff

William A. Shaw  
Prothonotary/Clerk of Courts

June 20, 2005 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy Prothonotary

IF THIS IS THE FIRST NOTICE THAT YOU HAVE RECEIVED FROM THIS OFFICE, BE ADVISED THAT:

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977), DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S) DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE DEFENDANT(S) WITH WRITTEN VERIFICATION THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. LIKEWISE, IF REQUESTED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S) THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM ABOVE.

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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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest	5,357.60
07/01/2004 through 04/22/2005	
(Per Diem \$18.10)	
Attorney's Fees	1,250.00
Cumulative Late Charges	202.96
01/18/1994 to 04/22/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

ALL those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

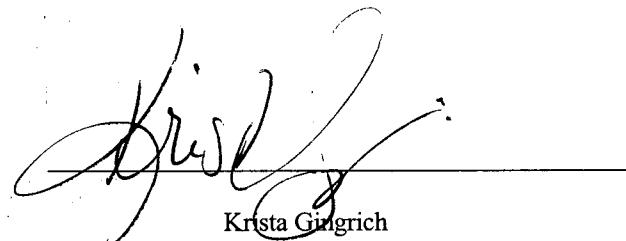
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czeefsky; thence along the line of lands of John Czeefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 1 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

NOW, May 11, 2005, SHERIFF OF FRANKLIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM I. SMEAL.

NOW, August 03, 2005 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM I. SMEAL, DEFENDANT. THE RETURN OF FRANKLIN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED  
09/44/05  
OCT 13 2005  
LJ

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 2 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

VS.

DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

NOW, May 11, 2005, SHERIFF OF FRANKLIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARGARET J. SMEAL a/k/a PEGGY J. SMEAL.

NOW, August 03, 2005 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARGARET J. SMEAL a/k/a PEGGY J. SMEAL, DEFENDANT. THE RETURN OF FRANKLIN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 3 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

NOW, May 23, 2005 AT 9:45 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM I. SMEAL DEFENDANT AT 258 FLEGAL ROAD, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WILLIAM I. SMEAL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

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

Service # 4 of 6 Services

**Sheriff Docket # 100464**

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC**

**Case # 05-651-CD**

vs.

**WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL**

**SHERIFF RETURNS**

NOW August 11, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, DEFENDANT. 6058 Morrisdale/Allport Hy.Morrisdale "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 5 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

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SERVED BY: HUNTER / NEVLING

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

Service # 6 of 6 Services

**Sheriff Docket # 100464**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

**Case # 05-651-CD**

vs.

WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURNS**

NOW August 11, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, DEFENDANT. RR#2 Box 184, Morrisdale "EMPTY". NEW: 6085 Anthony Highway, Waynesboro, Pa. 17268.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICES 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC  
vs.  
DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	422806	20.00
SURCHARGE	PHELAN	422844	40.00
SHERIFF HAWKINS	PHELAN	422844	60.00
SHERIFF HAWKINS			17.06
FRANKLIN SO.	PHELAN	422848	73.96

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

SHERIFF'S RETURN - NOT FOUND

CASE NO: 2005-00100 T  
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF FRANKLIN

MORTGAGE ELECTRONIC REGISTRATI

VS

WILLIAM I/MARGARET J SMEAL

GUS ALEXIOU , Deputy Sheriff, who being duly sworn according to law, says, that he made a diligent search and inquiry for the within named DEFENDANT , to wit: \_\_\_\_\_

SMEAL WILLIAM I \_\_\_\_\_ but was unable to locate Him in his bailiwick. He therefore returns the COMP MORT FORE , \_\_\_\_\_

\_\_\_\_\_, NOT FOUND , as to the within named DEFENDANT , SMEAL WILLIAM I \_\_\_\_\_

7085 ANTHONY HIGHWAY

WAYNESBORO, PA 17268

DEF MOVED TO 59 FLEGLE RD

MORRISDALE PA 16858

Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00

So answers:

*Gus Alexiou* *Robert B. Hallinan*  
GUS ALEXIOU ROBERT WOLLYUNG, Sheriff

PHELAN HALLINAN AND SCHMIEG  
08/03/2005

Sworn and subscribed to before me

this 3d day of August

2005 A.D.

*Richard D. McCarty*

Notary

Notarial Seal  
Richard D. McCarty, Notary Public  
Chambersburg Boro, Franklin County  
My Commission Expires Jan. 29, 2007



PHELAN HALLINAN & SCHMIEG, LLP  
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FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
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Plaintiff

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WAYNESBORO, PA 17268

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-651-CDS

CLEARFIELD COUNTY

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

MAY 09 2005

Attest.

*William L. Shan*  
Prothonotary/  
Clerk of Courts

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

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Clearfield County Courthouse  
2<sup>nd</sup> 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  
FEDEHMAN AND PHELAN*

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601 5TH AVENUE  
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2. The name(s) and last known address(es) of the Defendant(s) are:

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MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
6 2085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

ALL those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 36 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

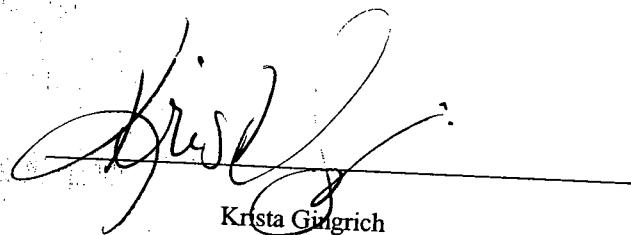
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czebsky; thence along the line of lands of John Czebsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 765.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

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.

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO 05-651-CD  
CLEARFIELD COUNTY

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

MAY 09 2005

Attest.

*William B. Brown*  
Prothonotary/  
Clerk of Courts

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

**NOTICE**

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

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

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

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

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

*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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest	5,357.60
07/01/2004 through 04/22/2005	
(Per Diem \$18.10)	
Attorney's Fees	1,250.00
Cumulative Late Charges	202.96
01/18/1994 to 04/22/2005	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	\$ 0.00
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 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

*Lawrence T. Phelan* *Francis S. Hallinan*  
 By: /s/ Francis S. Hallinan  
 LAWRENCE T. PHELAN, ESQUIRE  
 FRANCIS S. HALLINAN, ESQUIRE  
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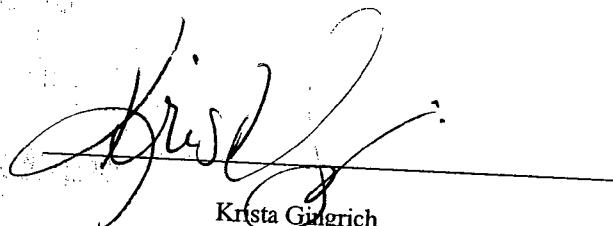
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PREMISES: RR 2 BOX 184

**VERIFICATION**

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Krista Gingrich

Vice President

DATE:

4/19/08

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.

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

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

MAY 09 2005

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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Harrisburg, PA 17108  
800-692-7375

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David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

**R E C E I V E D**  
MAY 16 2005

FRANKLIN COUNTY SHERIFF'S OFFICE

*We hereby certify the  
within to be a true and  
correct copy of the*

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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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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PHELAN HALLINAN & SCHMIEG, LLP

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

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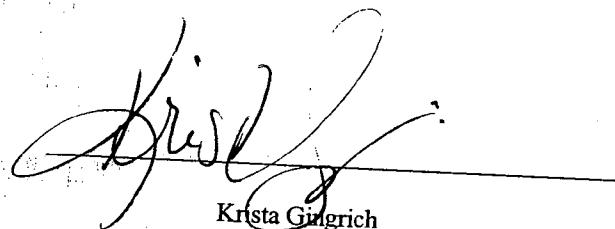
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czejsky; thence along the line of lands of John Czejsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

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.

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-651-CD

CLEARFIELD COUNTY

Franklin 05-1007

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

MAY 09 2005

Attest.

*William L. Shan*  
Prothonotary/  
Clerk of Courts

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

**NOTICE**

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

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

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

Lawyer Referral Service:  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
PO Box 186

Harrisburg, PA 17108  
800-692-7375

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

RECEIVED  
MAY 16 2005

FRANKLIN COUNTY SHERIFF'S OFFICE

We hereby certify the  
within to be a true and  
correct copy of the  
original filed on record  
RECEIVED  
MAY 16 2005

**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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest	5,357.60
07/01/2004 through 04/22/2005	
(Per Diem \$18.10)	
Attorney's Fees	1,250.00
Cumulative Late Charges	202.96
01/18/1994 to 04/22/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 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

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

All those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being south 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 161.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 185.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

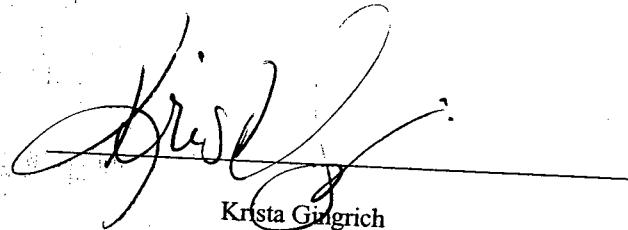
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czelesky; thence along the line of lands of John Czelesky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

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.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO. 05-651-CD  
CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

MAY 09 2005

Defendants

Attest

*John C. Coughlin*  
Prothonotary/  
Clerk of Courts

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

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

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

We hereby certify, within to be a true and correct copy of the original filed of record  
**FEDERMAN AND PHELAN**  
File #: 107694

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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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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Subtotal	\$ 172,482.94
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PHELAN HALLINAN & SCHMIEG, LLP

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

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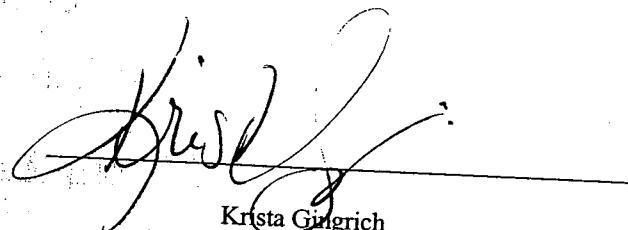
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PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

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.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO. *05-651-CD*  
CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

MAY 09 2005

Defendants

Attest.

*Linda L. Brown*  
Prothonotary/  
Clerk of Courts

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

**NOTICE**

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

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

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

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

Notice to Defend:  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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.**

**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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest	5,357.60
07/01/2004 through 04/22/2005	
(Per Diem \$18.10)	
Attorney's Fees	1,250.00
Cumulative Late Charges	202.96
01/18/1994 to 04/22/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 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

All those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 36 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

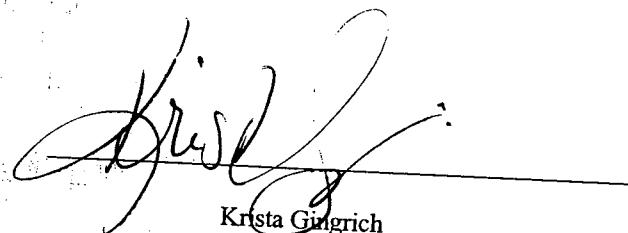
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czefsky; thence along the line of lands of John Czefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

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.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

: No. 2005-651-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 14, 2005

/mmt, Svc Dept.  
File# 107694

FILED <sup>No CC</sup>  
M 110:07694 2 Reinstated to  
JUN 20 2005 Shff

William A. Shaw  
Prothonotary/Clerk of Courts  
*(GK)*

Atty pd. 7.00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

**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 WILLIAM I. SMEAL and MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, 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	\$172,482.94
Interest (4/23/05 to 11/28/05)	<u>3,982.00</u>
<b>TOTAL</b>	<b>\$176,464.94</b>

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

*Daniel G. Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 11/30/05

*William A. Shaw*  
PRO PROTHY

PMB

FILED (60) Atty pd 20.00  
M11/30/05 11:48 AM  
NOV 30 2005 ICC Notice  
to Defs.

William A. Shaw Statement  
Prothonotary/Clerk of Courts to  
Atty

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

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**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, WILLIAM I. SMEAL, is over 18 years of age, and resides at RR 2 BOX 184, MORRISDALE, PA 16858 .
- (c) that defendant, MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, is over 18 years of age, and resides at 7085 ANTHONY HIGHWAY, WAYNESBORO, PA 17268.

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

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

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

Plaintiff

ATTORNEY FOR PLAINTIFF

Vs.

COURT OF COMMON PLEAS

CIVIL DIVISION

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
Defendants

CLEARFIELD COUNTY

NO. 2005-651-CD

TO: WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

DATE OF NOTICE: AUGUST 9, 2005

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

#### IMPORTANT NOTICE

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

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

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

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

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

*FILE COPY*

*Francis S. Hallinan*  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
Defendants

: NO. 2005-651-CD

TO: MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

DATE OF NOTICE: AUGUST 9, 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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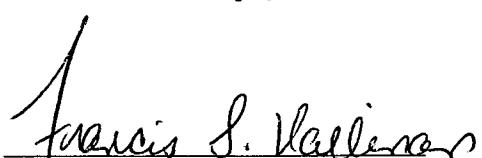
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

FILE COPY

  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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

## CIVIL ACTION - LAW

## MORTAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

Plaintiff

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**Defendant(s)**

Notice is given that a Judgment in the above captioned matter has been entered  
against you on November 30, 2005.

By: **DEPUTY**

If you have any questions concerning this matter please contact:

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

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

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

Mortgage Electronic Registration Systems, Inc.  
Plaintiff(s)

No.: 2005-00651-CD

Real Debt: \$176,464.94

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

William I. Smeal  
Margaret J. Smeal  
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: November 30, 2005

Expires: November 30, 2010

Certified from the record this 30th day of November, 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 OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100574  
NO: 05-651-CD  
SERVICE # 1 OF 1  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC  
vs.  
DEFENDANT: WILLIAM I. SMEAL & MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

NOW, July 06, 2005, SHERIFF OF FRANKLIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARGARET J. SMEAL aka PEGGY J. SMEAL.

NOW, July 18, 2005 AT 3:38 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARGARET J. SMEAL aka PEGGY J. SMEAL, DEFENDANT. THE RETURN OF FRANKLIN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED  
09/443  
OCT 13 2005  
LJM  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100574  
NO: 05-651-CD  
SERVICES 1  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: WILLIAM I. SMEAL & MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	433493	10.00
SHERIFF HAWKINS	PHELAN	433527	21.00
FRANKLIN CO.	PHELAN	433536	53.48

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

SHERIFF'S RETURN - REGULAR

CASE NO: 2005-00149 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF FRANKLIN

MORTGAGE ELECTRONIC REGISTRATI

VS

MARGARET J SMEAL ET AL

WILLIAM M KAUFFMAN, Deputy Sheriff of FRANKLIN  
County, Pennsylvania, who being duly sworn according to law,  
says, the within COMP MORT FORE was served upon  
SMEAL MARGARET J the  
DEFENDANT, at 0015:38 Hour, on the 18th day of July, 2005  
at 7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268 by handing to  
MARGARET J. SMEAL  
a true and attested copy of COMP MORT FORE together with

and at the same time directing Her attention to the contents thereof.

Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00
	.00
	.00
	.00

So Answers:

WILLIAM M KAUFFMAN

By

William M. Kauffman

Deputy Sheriff

07/20/2005

PHELAN HALLINA AND SCHMIEG

Sworn and Subscribed to before

me this 20 day of

&00

July, 2005 A.D.

Richard D. McCarty  
Notary

Notarial Seal  
Richard D. McCarty, Notary Public  
Chambersburg, Franklin County  
Commission Expires Jan. 29, 2007

Notarial Seal  
Richard D. McCarty, Notary Public  
Chambersburg, Franklin County  
My Commission Expires Jan. 29, 2007

**COPY**

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.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO. 05-651-CD  
CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

**FILED**  
3/25  
MAY 09 2005  
William A. Shaw  
Prothonotary/Clerk of Courts

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

**NOTICE**

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

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

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

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

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

We hereby certify that  
within to be a true and  
correct copy of the  
original filed of record  
**FEDERMAN AND PHELAN**  
File #: 107694

6-20-05 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Will A. Shaw  
Deputy Prothonotary

**FEDERMAN AND PHELAN**  
ATTORNEY FOR PLAINTIFF  
PLEASE RETURN

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

ATTORNEY FOR PLAINTIFF

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

Plaintiff

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO.  
CLEARFIELD COUNTY

Defendants

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

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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.

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

**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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest 07/01/2004 through 04/22/2005 (Per Diem \$18.10)	5,357.60
Attorney's Fees	1,250.00
Cumulative Late Charges 01/18/1994 to 04/22/2005	202.96
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 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

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

ALL those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 161.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 1/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 595.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

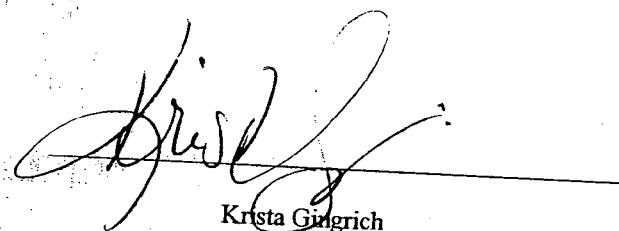
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czefsky; thence along the line of lands of John Czefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY  
F&P. #107694

PLAINTIFF  
MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

DEFENDANT  
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

FILED NO CC  
M/11/12 2006  
APR 26 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

SERVE MARGARET J. SMEAL A/K/A PRGGY  
J. SMEAL AT: XX Notice of Sheriff's Sale  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268 SALE DATE: May 5, 2006

SERVED

Served and made known to Margaret J. SMEAL, Defendant on the 28 day of March, 2006, at 5:57 o'clock P. M., at 7085 Anthony Highway, Commonwealth of Pennsylvania, in the manner described below:

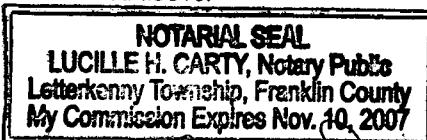
Defendant personally served.

Adult family member with whom Defendant(s) reside(s). Jeff Wilson  
Relationship is Husband  
 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 45 Height 6' Weight 200 lbs Race W Sex M Other Mustache

I, Lucille H. Carty Jr, 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 28 day  
of March, 2006.



Notary: Lucille H. Carty By: Lucille H. Carty

NOT SERVED

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

Moved  Unknown  No Answer  Vacant

Other:

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

Notary:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

No.: 2005

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

**PRAECIPE FOR IN REM JUDGMENT  
ANSWER AND ASSESSMENT**

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and MARGARET J. SMEAL A/K/A PEGGY J. SMEAL to Plaintiff's Complaint within 20 days from service the mortgaged premises, and assess Plaintiff's damages as

As set forth in Complaint  
Interest (4/23/05 to 11/28/05)

**TOTAL**

I hereby certify that (1) the addresses of the parties above, and (2) that notice has been given in accordance with the law.

Damages are hereby assessed as indicated.

DATE: 11/30/05

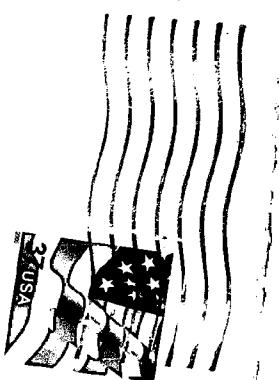
15430-2444-33 0004

WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

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

**RITS**  
RETURN TO SENDER

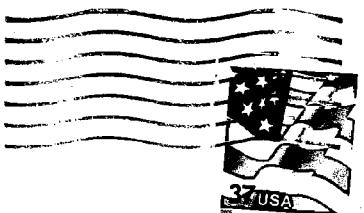
FILED  
3/11/28/05  
DEC 05 2005  
William A. Shaw  
Prothonotary/Clerk of Courts



Office of the Prothonotary  
Clearfield County Courthouse  
Clearfield, PA 16830

Office of the Prothonotary  
Clearfield County Courthouse  
Clearfield, PA 16830

FILED  
M/1/2005  
DEC 05 2005  
WATSON  
William A. Shaw  
Prothonotary/Clerk of Courts



WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

UAT  
RE2  
A  INSUFFICIENT ADDRESS  
C  ATTEMPTED NOT KNOWN  OTHER  
S  NOT DELIVERABLE AS ADDRESSED  
- UNABLE TO FORWARD

**RTS**  
RETURN TO SENDER

16830-2446-99 0004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

**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 WILLIAM I. SMEAL and MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, 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	\$172,482.94
Interest (4/23/05 to 11/28/05)	<u>3,982.00</u>
<b>TOTAL</b>	<b>\$176,464.94</b>

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

*Daniel G. Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 11/30/05

*Will Schmieg*  
PRO PROTHY

PMB

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

NOV 30 2005

Attest.

*W. Max B. Schmieg*  
Prothonotary/  
Clerk of Courts

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

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

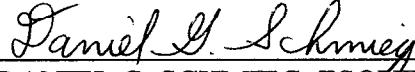
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**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, WILLIAM I. SMEAL, is over 18 years of age, and resides at RR 2 BOX 184, MORRISDALE, PA 16858 .
- (c) that defendant, MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, is over 18 years of age, and resides at 7085 ANTHONY HIGHWAY, WAYNESBORO, PA 17268.

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

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

Plaintiff      No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered  
against you on November 30, 2005.

By: William Schmieg DEPUTY

If you have any questions concerning this matter please contact:

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

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

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

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

Plaintiff

ATTORNEY FOR PLAINTIFF

Vs.

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

WILLIAM I. SMEAL

MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
Defendants

: NO. 2005-651-CD

TO: WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

DATE OF NOTICE: AUGUST 9, 2005

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

#### IMPORTANT NOTICE

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

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

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

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

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

*FILE COPY*

*Francis S. Hallinan*  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

WILLIAM I. SMEAL : NO. 2005-651-CD  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
Defendants

TO: MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

DATE OF NOTICE: AUGUST 9, 2005

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

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

FILE COPY

  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG LLP  
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

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISION

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

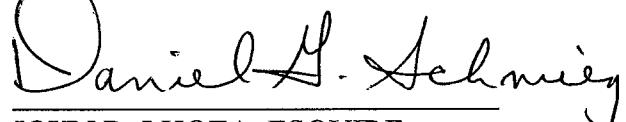
CLEARFIELD COUNTY  
No.: 2005-651-CD

**CERTIFICATION OF SERVICE**

I, Daniel G. Schmieg, hereby certify that a copy of the Motion for Postponement of Sheriff's Sale has been sent to the individuals indicated below on May 3, 2006.

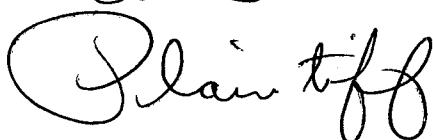
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

PHELAN HALLINAN & SCHMIEG, LLP

  
Daniel G. Schmieg

JOHN R. LHOTA, ESQUIRE  
FOR DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

  
by John R. Lhota,  
Co-Counsel to

  
Plaintiff

FILED  
MAY 03 2006  
011:40(w)  
William A. Shaw  
Prothonotary/Clerk of Courts GR  
1 Cents to Amt

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

COURT OF COMMON PLEAS  
CIVIL DIVISION

CLEARFIELD COUNTY  
No.: 2005-651-CD

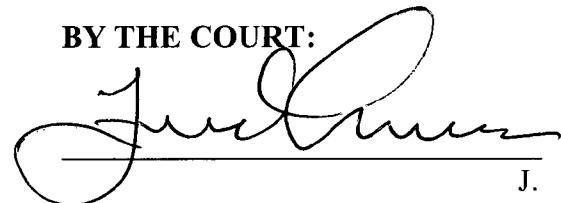
**ORDER**

AND NOW, this 3<sup>rd</sup> day of May, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended to the regularly scheduled CLEARFIELD  
COUNTY Sheriff's Sale dated JULY 7, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

BY THE COURT:



J. [Signature]

FILED  
010:38 AM MAY 04 2006  
2006-651-CD Atty2hota  
JCC Sheriff

William A. Shaw (without  
Prothonotary/Clerk of Courts notice)

(GK)

PHELAN HALLINAN & SCHMIEG LLP  
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

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISION

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY  
No.: 2005-651-CD

**MOTION FOR POSTPONEMENT OF SHERIFF'S SALE**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP, petitions this Honorable Court for a postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for May 5, 2006.
2. Plaintiff has been unable to have the Notice of Sale served upon the Defendant(s) within the thirty day time limit set forth by Pennsylvania Rule of Civil Procedure 3129.
3. A two month postponement of the Sheriff's sale will allow Plaintiff a sufficient amount of time to serve the notice of sheriff's sale upon the Defendant(s).

WHEREFORE, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued to July 7, 2006.

FILED *Em*  
MAY 03 2006  
011135/2  
William A. Shaw  
Prothonotary/Clerk of Courts  
3 cent to Print

PHELAN HALLINAN & SCHMIEG, LLP

*Daniel G. Schmieg*  
JOHN R. LHOTA, ESQUIRE  
FOR DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
*by John R. Lhota*  
*co-counsel to Plaintiff*

**VERIFICATION**

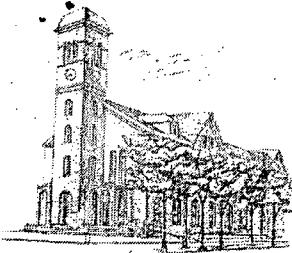
Daniel G. Schmieg, Esquire, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

Date: May 3, 2006

Daniel G. Schmieg  
JOHN R. LHOTA, ESQUIRE  
FOR DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

by John. Lhota,  
as counsel to  
Plaintiff



## Clearfield County Office of the Prothonotary and Clerk of Courts

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 5/4/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.      CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

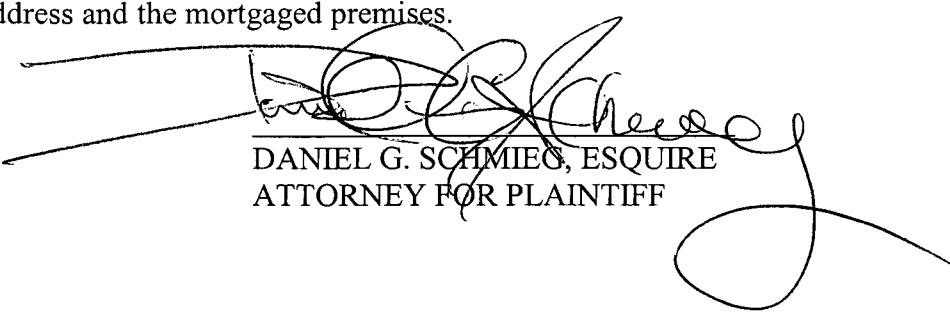
**MOTION FOR SERVICE PURSUANT TO  
SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, DANIEL G. SCHMIEG, Esquire, moves this Honorable Court for an Order directing service of the Notice of Sale upon the above captioned Defendant(s) by certified mail and regular mail to Defendant's last known address.

1. Attempts to serve Defendant with Notice of Sale have been unsuccessful, as indicated by the Affidavit of Service attached hereto as Exhibit "A."

2. Pursuant to Pennsylvania Rule of Civil Procedure 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Good Faith Investigation setting forth the specific inquiries made and the results therefrom is attached hereto as Exhibit "B."

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pennsylvania Rule of Civil Procedure 430 directing service of the Notice of Sale by certified mail and regular mail to Defendant's last known address and the mortgaged premises.

  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED  
MAY 08 2006  
6R  
William A. Shaw  
Prothonotary/Clerk of Courts

**AFFIDAVIT OF SERVICE**

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

**COUNTY CLEARFIELD**  
**ACCT. #0104875562**

**DEFENDANT**  
**WILLIAM I. SMEAL**  
**MARGARET J. SMEAL A/K/A PEGGY J. SMEAL**

**COURT NO.: 2005-651-CD**

**SERVE WILLIAM I. SMEAL AT:**  
**33 RR 3 BOX 184**  
**MORRISDALE, PA 16858**

**TYPE OF ACTION**  
**XX Notice of Sheriff's Sale**  
**SALE DATE: MAY 5, 2006**

**SERVED**

Served and made known to William SMEAL, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_, o'clock \_\_. M., at \_\_\_\_\_, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
 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 \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, Thomas Holmley, 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 \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

**NOT SERVED**

On the 14<sup>th</sup> day of April, 2006, at 3:07 o'clock P. M., Defendant NOT FOUND because:

Moved    Unknown    No Answer    Vacant

Other: Joyce Bell, Postmaster, Morrisdale, says the SMEALS moved approx 1 yr ago

Sworn to and subscribed  
before me this 17<sup>th</sup> day of APRIL, 2006. By Thomas Holmley

Notary:

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

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

AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY

PLAINTIFF  
MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

F&P. #107694

DEFENDANT  
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

SERVE WILLIAM I. SMEAL AT:  
RR 2 BOX 184  
MORRISDALE, PA 16858

TYPE OF ACTION  
XX Notice of Sheriff's Sale  
SALE DATE: MARCH 3, 2006

SERVED

Served and made known to William I. Smeal, Defendant on the 28<sup>th</sup> day of Feb., 2006, at 2:25, o'clock P. M., at RR 2 Box 184 Morrisdale, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
 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 \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ 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 \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

NOT SERVED

On the 28<sup>th</sup> day of Feb., 2006, at 2:25 o'clock P. M., Defendant NOT FOUND because:

Moved    Unknown    No Answer    Vacant   Postmaster Joyce Bell claims Mr. Smeal no longer resides at this address. Moved in 2003  
Other: \_\_\_\_\_

Sworn to and subscribed  
before me this 28<sup>th</sup> day  
of February, 2006.

By: Thomas H. Only

Notary:

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

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

**FULL SPECTRUM LEGAL SERVICES, INC.**  
**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 107694  
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**  
Subject: William I. Smeal & Margaret J. Smeal

Property Address: RR 2 Box 184, Morrisdale, PA 16858  
Possible Mailing Address: (William I. Smeal) 33 RR 3 Box 184, Morrisdale, PA 16858  
(Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268

**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  
William I. Smeal - 171-44-5004  
Margaret J. Smeal - 103-40-8257

**B. EMPLOYMENT SEARCH**

William I. Smeal & Margaret J. Smeal - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that William I. Smeal reside(s) at 33 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal reside(s) at: 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which had no listing for William I. Smeal & Margaret J. Smeal.  
B. On 03-24-06 our office made a telephone call to the phone number (814) 342-0892 and received the following information: fax tone. On 03-24-06 our office made several telephone calls to the phone number (814) 342-3065 and received the following information: no answer.

**III. INQUIRY OF NEIGHBORS**

On 03-24-06 our office made several phone calls in an attempt to contact M.J.Ostrom (814) 342-7335, RR 2 Box 157, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Paula S. Sweetser (814) 343-4584, RR 2 Box 165, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Larry Williams (814) 342-6198, RR 2 Box 171, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact William T. Guiher (814) 342-4694, RR 3 Box 113, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Anna Jane Hoover (814) 345-5016, RR 3 Box 132, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Diana M. Timko (814) 345-6888, RR 3 Box 136, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made a phone call in an attempt to contact William H. Geesaman (717) 749-5244, 7080 Anthony Highway # Y, Waynesboro, PA 17268: spoke with an unidentified female who could not confirm that the subject reside(s) at 7085 Anthony Highway # Y, Waynesboro, PA 17268.

On 03-24-06 our office made several phone calls in an attempt to contact Audrey E. Minnich (717) 749-5247, 7053 Anthony Highway # Y, Waynesboro, PA 17268: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Norma L. Miller (717) 749-7604, 7128 Anthony Highway # Y, Waynesboro, PA 17268: no answer.

**IV. ADDRESS INQUIRY**

**A. NATIONAL ADDRESS UPDATE**

On 03-24-06 we reviewed the National Address database and found the following information: William I. Smeal - 33 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal - 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**B. ADDITIONAL ACTIVE MAILING ADDRESSES**

Per our inquiry of creditors, the following is a possible mailing address: (William I. Smeal) 33 RR 3 Box 184, Morrisdale, PA 16858 & (Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**V. DRIVERS LICENSE INFORMATION**

**A. MOTOR VEHICLE & DMV OFFICE**

Per the PA Department of Motor Vehicles, we were unable to obtain address information on William I. Smeal & Margaret J. Smeal.

**VI. OTHER INQUIRIES**

**A. DEATH RECORDS**

As of 03-24-06 Vital Records and all public databases have no death record on file for William I. Smeal & Margaret J. Smeal.

**B. COUNTY VOTER REGISTRATION**

The county voter registration was unable to confirm a registration for William I. Smeal & Margaret J. Smeal residing at: last registered address.

**VII. ADDITIONAL INFORMATION OF SUBJECT**

**A. DATE OF BIRTH**

William I. Smeal -not available  
Margaret J. Smeal - not available

**B. A.K.A.**

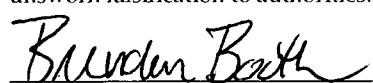
Peggie J. Smeal

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

**\* Please be advised our 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 statements 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  
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 24<sup>th</sup> day of March, 2006



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

IND

**COMMONWEALTH OF PENNSYLVANIA**

**NOTARIAL SEAL**

THOMAS P. STRAIN, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires February 4, 2010

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**CERTIFICATION OF SERVICE**

I, DANIEL G. SCHMIEG, ESQUIRE, hereby certify that a copy of the Motion  
for Service Pursuant to Special Order of Court has been sent to the individuals indicated  
below on

May 5, 2006.

WILLIAM I. SMEAL  
RR2 BOX 184  
MORRISDALE, PA 16858  
&  
33 RR 3 BOX 184  
MORRISDALE, PA 16858

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTAGE ELECTRONIC REGISTRATION SYSTEMS, INC.      CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith Investigation attached thereto, it is hereby **ORDERED** that Plaintiff may obtain service of the Notice of Sale on the above captioned Defendant(s), **WILLIAM I. SMEAL**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to Defendant's last known address and the mortgaged premises.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

BY THE COURT:

---

J.

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
Plaintiff  
vs.

WILLIAM I. SMEAL and  
MARGARET J. SMEAL a/k/a PEGGY  
J. SMEAL,  
Defendants

)  
)  
) No. 2005-651-CD  
)  
) Type of Pleading:  
) Certificate of Service  
)  
) Filed on Behalf of:  
) Mortgage Electronic Registration  
) Systems, Inc., Plaintiff  
)  
) Counsel of Record for this  
) Party:  
)  
) PHELAN HALLINAN & SCHMIEG LLP  
) BY: DANIEL G. SCHMIEG, ESQUIRE  
) IDENTIFICATION No. 62205  
) ONE PENN CENTER AT SUBURBAN STATION  
) 1617 JOHN F. KENNEDY BLVD, STE. 1400  
) PHILADELPHIA, PA 19103-1814  
) (215) 563-7000

FILED

JUN 16 2006  
Q13012cc aty  
William A. Shaw  
Prothonotary/Clerk of Court  
Lkota

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

MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC., )  
Plaintiff ) No. 2005-651-CD  
vs. )  
WILLIAM I. SMEAL and ) Type of Pleading:  
MARGARET J. SMEAL a/k/a PEGGY ) Certificate of Service  
J. SMEAL, )  
Defendants )

**CERTIFICATE OF SERVICE**

I, John R. Lhota, Attorney at Law, co-counsel to Plaintiff in the above captioned matter, hereby certify that a certified copy of an Order dated May 3, 2006, postponing the sheriff's sale in the above captioned matter to July 7, 2006 was sent to the individuals indicated below on May 4, 2006, by regular United States first class mail. Original certificates of mailing evidencing the foregoing are attached hereto and made a part hereof as Exhibit A hereto.

William I. Smeal and  
Margaret J. Smeal a/k/a Peggy J. Smeal  
R.R. 2, Box 184  
Morrisdale, PA 16858

  
John R. Lhota, Attorney at Law  
for Daniel G. Schmieg, Attorney at Law,  
counsel to plaintiff.

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:  
John R. Lhota, P.C.

110 North Second Street  
Clearfield, PA 16830

One piece of ordinary mail addressed to:  
William I. Smeal  
Margaret J. Smeal a/k/a Peggy J. Smeal  
R.R. 2, Box 184  
Morrisdale, PA 16858

PS Form 3817, January 2001

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:  
John R. Lhota, P.C.

110 North Second Street

Clearfield, PA 16830

One piece of ordinary mail addressed to:  
William I. Smeal  
Margaret J. Smeal a/k/a Peggy J. Smeal  
R.R. 2, Box 184  
Morrisdale, PA 16858

PS Form 3817, January 2001

Exhibit A

SEP 1 2006

William A. Shaw  
Prothonotary/Clerk of Courts

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

Mortgage Electronic Registration  
Systems, Inc.

\*

\*

Plaintiff,

\*

\*

vs.

\*

\*

\*

No. 2005-651-CD

William I Smeal, and  
Margaret J. Smeal,, a/k/a Peggy Smeal  
Defendant(s)

\*

\*

\*

\*

Type of Pleading:  
Motion for Postponement of  
Sheriff's Sale

Filed on behalf of:  
Mortgage Electronic Registrations  
Systems, Inc.  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.  
110 North Second Street  
Clearfield, PA 16830  
(814) 765-9611

Supreme Court No. 22492

By:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.

FILED *2cc*  
07/06/2006 Atty Lhota  
JUL 06 2006  
*CA*

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG  
BY: DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY I.D. NO. 62205  
ONE PENN CENTER AT SUBURBAN  
STATION, SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY

**MOTION FOR POSTPONEMENT OF SHERIFF'S SALE**

Plaintiff, by its counsel, PHELAN HALLINAN & SCHMIEG, petitions this Honorable Court for a two month postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for July 7, 2006.
2. Plaintiff has been unable to have the Notice of Sale served upon the Defendant(s) within the thirty day time limit set forth by Pennsylvania Rule of Civil Procedure 3129.
3. A two month postponement of the Sheriff's Sale will allow plaintiff a sufficient amount of time to serve the notice of sheriff's sale upon the Defendant(s).

**WHEREFORE**, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued to September 1, 2006.

PHELAN HALLINAN &amp; SCHMIEG

BY:

John R. Lhota, Esquire for  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

VERIFICATION

**DANIEL G. SCHMIEG, Esquire**, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

Date: July 6, 2006



John R. Lhota, Esquire for  
**DANIEL G. SCHMIEG, ESQUIRE**  
ATTORNEY FOR PLAINTIFF



CP

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY

ORDER

AND NOW, this 6<sup>th</sup> day of July, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended two month(s) to the regularly scheduled CLEARFIELD County Sheriff's Sale dated September 1, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

BY THE COURT:



J.

FILED *sec*  
07/06/2006 Atty Lhota  
JUL 06 2006 *jm*

William A. Shaw  
Prothonotary/Clerk of Courts

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

Mortgage Electronic Registration  
Systems, Inc.

Plaintiff,

vs.

William I Smeal, and  
Margaret J. Smeal,, a/k/a Peggy Smeal  
Defendant(s)

\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 2005-651-CD

Type of Pleading:  
Certificate of Service

Filed on behalf of:  
Mortgage Electronic Registrations  
Systems, Inc.  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.  
110 North Second Street  
Clearfield, PA 16830  
(814) 765-9611

Supreme Court No. 22492

By:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.

**FILED** *2cc*  
*07-06-2006* *JUL 06 2006* *Atty Lhota*  
*(68)*

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG  
BY: DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY I.D. NO. 62205  
ONE PENN CENTER AT SUBURBAN  
STATION, SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 533-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

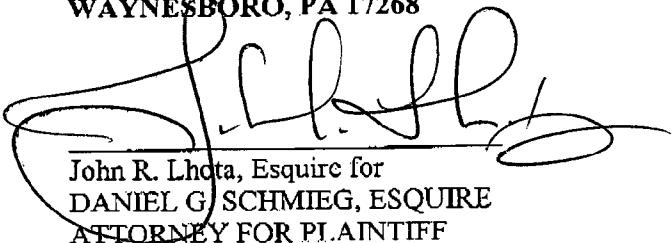
CLEARFIELD COUNTY

CERTIFICATION OF SERVICE

I, DANIEL G. SCHMIEG, Esquire, hereby certify that a copy of the Motion to Postpone  
Sheriff's Sale relative to the above matter has been sent to the individuals indicated below on  
July 6, 2006.

WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

  
John R. Lhota, Esquire for  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

July 6, 2006

**AFFIDAVIT OF SERVICE**

CQS

**FILED**

No. C

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

CLEARFIELD County

MID: 35/01  
AUG 17 2006

Our File #: 107694

William A. Shaw

Prothonotary/Clerk of Courts

**DEFENDANT(S)** WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J. SMEAL

Type of Action

- Notice of Sheriff's Sale

Please serve upon: WILLIAM I. SMEAL

Sale Date: SEPTEMBER 1, 2006

**SERVE AT:** RR 3 BOX 194  
MORRISDALE, PA 16858**SERVED**Served and made known to William L. Smeal, Defendant, on the 5<sup>th</sup> day of August,  
2006 at 3:50, o'clock P.m., at RR 3 Box 194 Morrisdale,

Commonwealth of Pennsylvania, in the manner described below:

 Defendant personally served. Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_. Adult in charge of Defendant(s)'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)'s office or usual place of business. an officer of said Defendant(s)'s company. Other: \_\_\_\_\_Description: Age 50 Height 5'11" Weight 200 Race W Sex M OtherI, 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 7<sup>th</sup> day  
of AUGUST, 2006

Notary:

By: Thomas Holmberg  
NOT SERVED

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

 Moved     Unknown     No Answer     Vacant

1st attempt \_\_\_\_\_, 2nd attempt \_\_\_\_\_, 3rd attempt \_\_\_\_\_

Other:

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

Notary:

Attorney for Plaintiff

Daniel G. Schmieg, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

By:

  
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

AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY

PLAINTIFF  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

F&P. #107694

DEFENDANT  
WILLIAM L. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

SERVE MARGARET J. SMEAL A/K/A PRGGY J. SMEAL AT:  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

TYPE OF ACTION  
XX Notice of Sheriff's Sale  
SALE DATE: MARCH 3, 2006

FILED  
M 12 35 6 AM  
AUG 17 2006

William A. Shaw  
Prothonotary/Clerk of Courts  
No CC

SERVED

Served and made known to Margaret J. SMEAL Wilson, Defendant on the 26 day of Feb, 2006, at 2:25, o'clock P. M., at 7085 Anthony Hwy., Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

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

Relationship is \_\_\_\_\_.

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).

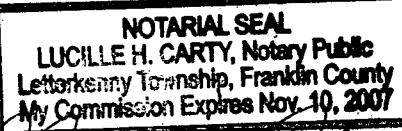
Agent or person in charge of Defendant's office or usual place of business.  
an officer of said Defendant's company.

Other: \_\_\_\_\_

Description: Age 50 Height 5'6" Weight 160 Race Wh Sex F Other 1bs long hair  
No glasses

I, Lucille H. Carty, 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 28th day  
of Feb, 2006.



Notary: Lucille H. Carty By: Lucille H. Carty

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 200 day  
of 200. By:

Notary:

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

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

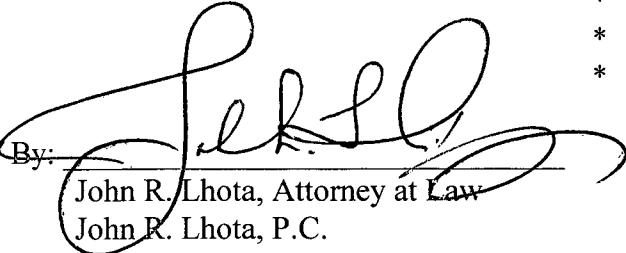
**MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,**  
Plaintiff,

vs.

**WILLIAM I. SMEAL and  
MARGARET J. SMEAL, a/k/a  
PEGGY SMEAL,**  
Defendants.

\*  
\*  
\*  
\*  
\*  
\* **No. 2005-651-CD**  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\* Type of Pleading:  
\* Motion for Postponement of Sheriff's Sale  
\* And Order  
\*  
\* Filed on behalf of:  
\* Mortgage Electronic Registrations Systems, Inc.  
\* Plaintiff  
\*  
\* COUNSEL OF RECORD FOR THIS PARTY:  
\*  
\* John R. Lhota, Attorney at Law  
\* John R. Lhota, P.C.  
\* 110 North Second Street  
\* Clearfield, PA 16830  
\* (814) 765-9611  
\*  
\* Supreme Court No. 22492

By:

  
John R. Lhota, Attorney at Law  
John R. Lhota, P.C.

FILED <sup>acc</sup>  
013:00:61 Aug 31 2006 Atty Lhota  
AUG 31 2006  
©

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
By: MICHELE BRADFORD, ESQUIRE  
IDENTIFICATION NO. 69849  
PLAINTIFF  
ONE PENN CENTER AT SUBURBAN STATION  
1617 JOHN F. KENNEDY BLVD., SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC vs. WILLIAM I.  
SMEAL MARGARET J. SMEAL COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

**MOTION FOR POSTPONEMENT OF SHERIFF'S SALE**

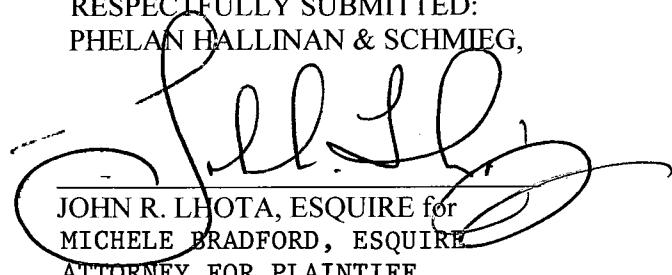
Plaintiff, by its counsel, PHELAN HALLINAN & SCHMIEG, LLP, petitions this Honorable Court for a postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for SEPTEMBER 1, 2006.
2. Plaintiff has been unable to have the Notice of Sale served upon the Defendants within the thirty-day time limit set forth by Pennsylvania Rule of Civil Procedure 3129.2.
3. A one-month postponement of the Sheriff's sale will enable Plaintiff to have the Notice of Sale served upon the Defendants.

**WHEREFORE**, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued to OCTOBER 6, 2006.

LLP

RESPECTFULLY SUBMITTED:  
PHELAN HALLINAN & SCHMIEG,

  
JOHN R. LHOTA, ESQUIRE for  
MICHELE BRADFORD, ESQUIRE  
ATTORNEY FOR PLAINTIFF

**VERIFICATION**

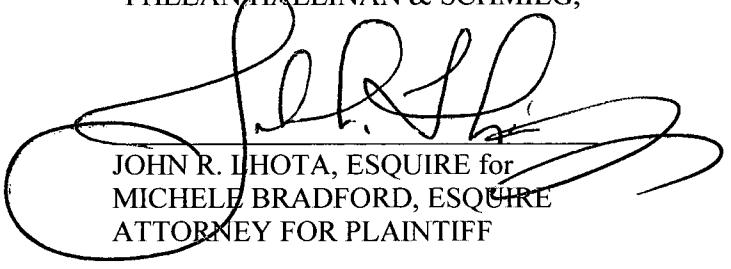
MICHELE BRADFORD, ESQUIRE, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

LLP

Date: August 31, 2006

RESPECTFULLY SUBMITTED:  
PHELAN HALLINAN & SCHMIEG,

  
JOHN R. LHOTA, ESQUIRE for  
MICHELE BRADFORD, ESQUIRE  
ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC vs. WILLIAM I.  
SMEAL MARGARET J. SMEAL COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

## ORDER

AND NOW, this 31<sup>st</sup> day of August, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended to the regularly scheduled  
CLEARFIELD County Sheriff's Sale dated OCTOBER 6, 2006 .

No further advertising or additional notice to lienholder or defendants is required.

**BY THE COURT:**

Paul E. Cherry J

FILED 07/31/2006 sec  
AUG 31 2006 Atty/Chota  
(will serve)  
William A. Shaw  
Prothonotary/Clerk of Courts  
6W

PHELAN HALLINAN & SCHMIEG, LLP  
By: MICHELE BRADFORD, ESQUIRE  
IDENTIFICATION NO. 69849

ATTORNEY FOR

PLAINTIFF  
ONE PENN CENTER AT SUBURBAN STATION  
1617 JOHN F. KENNEDY BLVD., SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC vs. WILLIAM I.  
SMEAL MARGARET J. SMEAL** COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

**CERTIFICATION OF SERVICE**

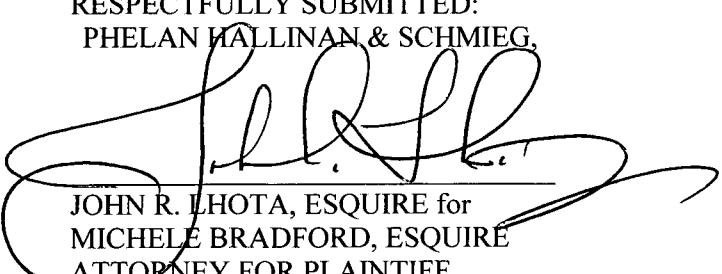
I, MICHELE BRADFORD, hereby certify that a copy of the Motion for Postponement of Sheriff's Sale has been sent to the individuals indicated below on August 31, 2006.

WILLIAM I. SMEAL  
RR 3 BOX 194  
MORRISDALE PA 16858

MARGARET J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO PA 17268

LLP

RESPECTFULLY SUBMITTED:  
PHELAN HALLINAN & SCHMIEG,

  
JOHN R. LHOTA, ESQUIRE for  
MICHELE BRADFORD, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED *01/31/2006* acc  
SEP 01 2006 *Atty Lhota*  
*100*

William A. Shaw  
Prothonotary/Clerk of Courts

FILED NO  
OCT 12 5:30 PM  
2006 CC  
S

William A. Shaw  
Prothonotary/Clerk of Courts

SALE DATE: **OCTOBER 6, 2006**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

**MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.**

**No.: 2005-651-CD**

**vs.**

**WILLIAM I. SMEAL  
MARGARET J. SMEAL**

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

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

**RR 2 BOX 184, MORRISDALE, PA 16858.**

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 Amended 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.

*Daniel G. Schmieg*  
\_\_\_\_\_  
DANIEL SCHMIEG, ESQUIRE  
Attorney for Plaintiff

October 3, 2006

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**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 RR 2 BOX 184, MORRISDALE, PA 16858:

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

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

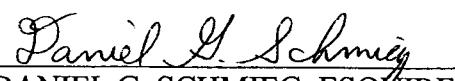
WILLIAM I. SMEAL	RR 2 BOX 184 MORRISDALE, PA 16858
------------------	--------------------------------------

MARGARET J. SMEAL A/K/A PEGGY J. SMEAL	7085 ANTHONY HIGHWAY WAYNESBORO, PA 17268
--	--

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

November 28, 2005

## MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

## CLEARFIELD COUNTY

No.: 2005-651-CD

VS.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

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

MORTAGE 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 RR 2 BOX 184, MORRISDALE, PA 16858:

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) \_\_\_\_\_

PNC BANK, NATIONAL ASSOCIATION      PNC CONSUMER BUILDING  
2730 LIBERTY AVENUE  
PITTSBURGH, PA 15222

PNC BANK, NATIONAL ASSOCIATION 8800 TINICUM BOULEVARD  
PHILADELPHIA, PA 15153

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

RR 2 BOX 184  
MORRISDALE, PA 16858

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.

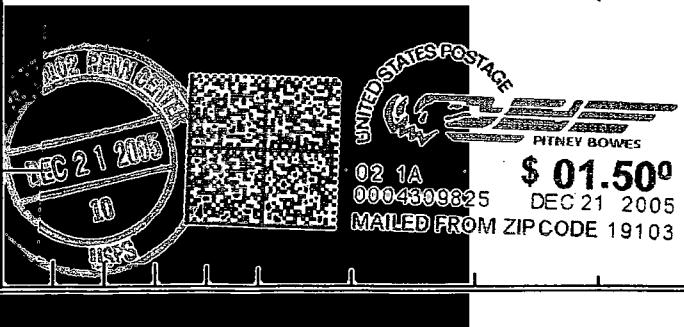
  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

November 28, 2005

Name and  
Address  
Of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	WILLIAM I. SMEAL	Tenant/Occupant, RR 2 BOX 184 MORRISDALE, PA 16858		
2	0104875562	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		PNC BANK, NATIONAL ASSOCIATION PNC CONSUMER BUILDING 2730 LIBERTY AVENUE PITTSBURGH, PA 15222		
5		PNC BANK, NATIONAL ASSOCIATION 8800 TINICUM BOULEVARD PHILADELPHIA, PA 15153		
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.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20256  
NO: 05-651-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

DEFENDANT: WILLIAM I. SMEAL AND MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 12/01/2005

LEVY TAKEN 12/29/2005 @ 11:27 AM

POSTED 12/29/2005 @ 11:27 AM

SALE HELD 10/06/2006

SOLD TO DEBORAH K. SMEAL AND WILLIAM I. SMEAL

SOLD FOR AMOUNT \$128,000.00 PLUS COSTS

WRIT RETURNED 11/02/2006

DATE DEED FILED 11/02/2006

PROPERTY ADDRESS RR 2, BOX 184 POSSIBLE 911 6058 MORRISDALE-ALLPORT HWY MORRISDALE , PA 16858

FILED  
NOV 02 2006  
William A. Shaw  
Prothonotary/Clerk of Courts

**SERVICES**

01/04/2006 @ 9:14 AM SERVED WILLIAM I. SMEAL

SERVED WILLIAM I. SMEAL, DEFENDANT, AT HIS RESIDENCE 6058 MORRISDALE-ALLPORT HWY, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEBBIE SMEAL WIFE/AAR

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

01/26/2006 @ 2:40 PM SERVED MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

FRANKLIN COUNTY SERVED MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, DEFENDANT, AT HER RESIDENCE 7085 ANTHONY HIGHWAY, WAYNESBORO, PA BY HANDING TO JEFFREY WILSON, HUSBAND OF DEFENDANT

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

@ SERVED

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

@ SERVED

NOW, MAY 4, 2006 RECEIVED AN ORDER OF COURT TO CONTINUE THE SHERIFF SALE SCHEDULED FOR MAY 5, 2006 TO JULY 7, 2006 WITHOUT FURTHER ADVERTISING.

@ SERVED

NOW, JULY 6, 2006 RECEIVED A FAX COPY OF COURT ORDER TO CONTINUE THE SHERIFF SALE SCHEDULED FOR JULY 7, 2006 TO SEPTEMBER 1, 2006 WITHOUT FURTHER ADVERTISING.

@ SERVED

NOW, SEPTEMBER 1, 2006 RECEIVED AN ORDER OF COURT TO CONTINUE THE SHERIFF SALE SCHEDULED FOR SEPTEMBER 1, 2006 TO OCTOBER 6, 2006 WITHOUT FURTHER ADVERTISING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20256  
NO: 05-651-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

DEFENDANT: WILLIAM I. SMEAL AND MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

Execution REAL ESTATE

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$2,928.02

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

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

  
In *Cynthia Beller-Ayehloch*  
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.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

NO.: 2005-651-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: **RR 2 BOX 184, MORRISDALE, PA 16858**

(See legal description attached.)

Amount Due	<u>\$176,464.94</u>
Interest from 11/28/05 to Date of Sale (\$29.01 per diem)	\$ _____
Total	\$ _____ Plus costs as endorsed. <u>132.00</u> <b>Prothonotary costs</b>

  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

By:

Deputy

PMB

Received December 1, 2005 @ 3:00 P.M.  
Chester A. Stankus

By Courtney Butler - Auctioneer

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

DESCRIPTION

ALL THOSE CERTAIN pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

PARCEL NO. I:

BEGINNING at a point at the Northeastern corner of lands of the Methodist Church, said point being on the Easterly right of way of Pennsylvania State Route SR-0053, said place of beginning being the Southwestern corner of the parcel herein conveyed; thence along the Easterly right of way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 Degrees 22 Minutes 26 Seconds East a distance of 238.17 feet to a point, said point being South 73 Degrees 12 Minutes 41 Seconds East a distance of 2.33 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantor South 73 Degrees 12 Minutes 41 Seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantor North 09 Degrees 34 Minutes 40 Seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarity South 77 Degrees 36 Minutes 57 Seconds East a distance of 312.37 feet to a 5/8" pipe (found), said pipe being the common corner of lands of Frances M. Moriarity, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantor; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 Degrees 46 Minutes 28 Seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 Degrees 25 Minutes 44 Seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of William I. Smeal and Margaret J. Smeal South 3 Degrees 24 Minutes 09 Seconds West a distance of 552.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 Degrees 19 Minutes 28 Seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 Degrees 13 Minutes 31 Seconds West a distance of 153.24 feet to a 3/4" rebar (set); North 19 Degrees 31 Minutes 29 Seconds East a distance of 100.00

feet to a 3/4" rebar (set); North 37 Degrees 00 Minutes 57 Seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 Degrees 46 Minutes 28 Seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Cable and lands of the Methodist Church North 36 Degrees 55 Minutes 34 Seconds West passing through a 1" square pin (found) at a distance of 385.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Cucy and Associates dated January 14, 1991, and revised on July 8, 1993.

PARCEL NO. II

BEGINNING at a post of stone on the right of way of New York Central and Hudson River Railroad; thence North 04 Degrees 33 Minutes East a distance of 977 feet to a post on lands now or formerly John Czebsky; thence along the line of lands of John Czebsky and lands of the estate of O.L. Schonmover, deceased, South 83 Degrees 45 Minutes East a distance of 785.00 feet to a post; thence South 07 Degrees 50 Minutes West a distance of 963.00 feet to a post; thence North 85 Degrees 05 Minutes West a distance of 729.00 feet to a post and place of beginning. Containing 16 acres 137 perches as shown on the map prepared by Cucy and Associates dated January 14, 1991 and revised on July 8, 1993.

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)  
Tax Parcel #124-R9-21 (Assessment for Parcel 2, 16.86 acres)

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Margaret J. Smeal by reason of the following:

BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Deed dated 10/26/1988 and recorded 10/26/1988 in the County of Clearfield in Deed Book Volume 1250 Page 449 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Corrective Deed dated 4/30/1992 and recorded 4/30/1992 in the county of Clearfield in Deed Book Volume 1457 Page 280 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

NOTE: The above recited Corrective Deed was recorded to eliminate an error in the legal description from prior Deed.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 10/1/1993 and recorded \_\_\_\_\_ in the County of Clearfield in Deed Book Volume 1561 Page 339 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 6/9/1995 and recorded 6/9/1995 in the County of Clearfield in Deed Book Volume 1681 Page 398 conveyed unto Margaret J. Smeal.

AND BEING AS TO PARCEL NO. 1 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102306 conveyed unto Margaret J. Smeal.

AND ALSO BEING AS TO PARCEL NO. 2 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102307 conveyed unto Margaret J. Smeal.

PREMISES BEING: RR 2 BOX 184, MORRISDALE, PA 16858

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)

Tax Parcel #124-R9-21 (Assessment for Parcel 2, 16.86 acres)

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME WILLIAM I. SMEAL

NO. 05-651-CD

NOW, November 02, 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 October 06, 2006, I exposed the within described real estate of William I. Smeal And Margaret J. Smeal A/K/A Peggy J. Smeal to public venue or outcry at which time and place I sold the same to DEBORAH K. SMEAL AND WILLIAM I. SMEAL he/she being the highest bidder, for the sum of \$128,000.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

**PLAINTIFF COSTS, DEBT AND INTEREST:**

RDR	15.00	DEBT-AMOUNT DUE	176,464.94
SERVICE	15.00	INTEREST @ 29.0100 %	9,051.12
MILEAGE	12.61	FROM 11/28/2005 TO 10/06/2006	
LEVY	15.00		
MILEAGE	12.61	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	2,560.00	FORECLOSURE FEES	
POSTAGE	8.58	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	2,500.00
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	25.22	MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	128,000.00	TOTAL DEBT AND INTEREST	\$188,056.06
RETURNS/DEPUTIZE	9.00		
COPIES	15.00	<b>COSTS:</b>	
	5.00	ADVERTISING	2,749.22
BILLING/PHONE/FAX	50.00	TAXES - COLLECTOR	3,057.89
CONTINUED SALES	60.00	TAXES - TAX CLAIM	452.72
MISCELLANEOUS		DUE	
<b>TOTAL SHERIFF COSTS</b>	<b>\$2,928.02</b>	LIEN SEARCH	300.00
		ACKNOWLEDGEMENT	5.00
DEED COSTS:		DEED COSTS	3,035.80
ACKNOWLEDGEMENT	5.00	SHERIFF COSTS	2,928.02
REGISTER & RECORDER	35.50	LEGAL JOURNAL COSTS	702.00
TRANSFER TAX 2%	3,000.30	PROTHONOTARY	132.00
<b>TOTAL DEED COSTS</b>	<b>\$3,035.80</b>	MORTGAGE SEARCH	120.00
		MUNICIPAL LIEN	988.73
		<b>TOTAL COSTS</b>	<b>\$14,471.38</b>

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

CHESTER A. HAWKINS, Sheriff



# Sheriff's Office Clearfield County

CHESTER A. HAWKINS  
SHERIFF

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

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533  
FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

2006-11-1

## DEPUTATION

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

PAGE 20256

TERM & NO. 05-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

WILLIAM I. SMEAL AND MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

DOCUMENTS TO BE SERVED:  
NOTICE OF SALE  
WRIT OF EXECUTION  
COPY OF LEVY

**SERVE BY: JAN. 6, 2006**

1-19-6  
per Clearfield, Feb. 3, 2006  
Co. Sheriff's office.

**MAKE REFUND PAYABLE TO ATTY OFFICE PHELAN HALLINAN & SCHMI**  
**RETURN TO BE SENT TO THIS OFFICE**

**RECEIVED**  
R JAN 11 2006

**SERVE:** MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

FRANKLIN COUNTY SHERIFF'S OFFICE

**ADDRESS:** 7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF FRANKLIN COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Monday, January 9, 2006.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERIFF'S RETURN - REGULAR

CASE NO: 2006-00011 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF FRANKLIN

MORTGAGE ELECTRONIC REGISTRATI

VS

WILLIAM AND MARGARET SMEAL

WILLIAM D MCCOY, Deputy Sheriff of FRANKLIN  
County, Pennsylvania, who being duly sworn according to law,  
says, the within NOTICE OF SHERIFF SALE was served upon  
SMEAL MARGARET J AKA PEGGY J S MEAL the  
DEFENDANT, at 0014:40 Hour, on the 26th day of January, 2006  
at 7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268 by handing to  
JEFFREY WILSON HUSBAND  
a true and attested copy of NOTICE OF SHERIFF SALE together with

and at the same time directing His attention to the contents thereof.

Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00

So Answers:

WILLIAM D MCCOY

By Wesley D. McCarty  
Deputy Sheriff

01/30/2006  
PHELAN HALLINAN & SCHMIEG

Sworn and Subscribed to before

me this 30<sup>th</sup> day of  
January, 2006 A.D.  
Richard D. McCarty  
Notary

Notarial Seal  
Richard D. McCarty, Notary Public  
Chambersburg Boro, Franklin County  
My Commission Expires Jan. 29, 2007

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](mailto:Sandra.Cooper@fedphe.com)

Sandra Cooper  
Judgment Department, Ext. 1258

Representing Lenders in  
Pennsylvania and New Jersey

March 1, 2006

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

**ATTENTION: CINDY (814) 765-5915**

**Re: MORTAGE ELECTRONIC REGISTRATION SYSTEMS, INC. v.  
WILLIAM I. SMEAL MARGARET J. SMEAL A/K/A PRGGY J. SMEAL  
No. 2005-651-CD  
RR 2 BOX 184, MORRISDALE, PA 16858**

Dear Cindy:

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

The property is to be relisted for the May 5, 2006 Sheriff's Sale.

Very truly yours,  
SMC  
Sandra Cooer

VIA TELECOPY (814) 765-5915

CC: WILLIAM I SMEAL MARGARET J. SMEAL

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

COURT OF COMMON PLEAS  
CIVIL DIVISION

CLEARFIELD COUNTY  
No.: 2005-651-CD

**ORDER**

AND NOW, this 3<sup>rd</sup> day of May, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended to the regularly scheduled CLEARFIELD COUNTY Sheriff's Sale dated JULY 7, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

**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.

MAY 04 2006

Attest:

*William J. Ammerman*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY

ORDER

AND NOW, this 6<sup>th</sup> day of *July*, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

ORDERED that the said sale is extended two month(s) to the regularly scheduled  
CLEARFIELD County Sheriff's Sale dated September 1, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

BY THE COURT:

  
J.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. vs. WILLIAM I.  
SMEAL MARGARET J. SMEAL COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

## **ORDER**

AND NOW, this 31<sup>st</sup> day of August, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended to the regularly scheduled  
CLEARFIELD County Sheriff's Sale dated OCTOBER 6, 2006.

No further advertising or additional notice to lienholder or defendants is required.

**BY THE COURT:**

/s/ Paul E. Cherry

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

SEP 01 2006

Attest,

William H. Lee  
Prothonotary/  
Clerk of Court

FILED 2cc  
013-00321 Aug 31 2006 Atty/Chata  
(will serve)

William A. Shaw  
Prothonotary/Clerk of Courts

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

---

**MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.**

---

vs.

---

**WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL**

---

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

**No. 2005-651-CD**

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

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

Amount Due	
	<u>\$176,464.94</u>

Interest from 11/28/05 to Date of Sale (\$29.01 per diem)	<u>132.00</u> and Costs.
--	--------------------------

**Prothonotary costs**

*Daniel G. Schmieg*

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

Note: Please attach description of Property.

PMB

©  
**FILED**  
11/30/2005  
NOV 30 2005  
to Shff  
cc: elements

William A. Shaw *Atty pd. 20.00*  
Prothonotary/Clerk of Courts

CLEARFIELD COUNTY

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

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

MORTAGE 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 RR 2 BOX 184, MORRISDALE, PA 16858:

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

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

WILLIAM I. SMEAL	RR 2 BOX 184 MORRISDALE, PA 16858
------------------	--------------------------------------

MARGARET J. SMEAL A/K/A PEGGY J. SMEAL	7085 ANTHONY HIGHWAY WAYNESBORO, PA 17268
--	--

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  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

November 28, 2005

## MORTAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

## CLEARFIELD COUNTY

No.: 2005-651-CD

VS.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

**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 RR 2 BOX 184, MORRISDALE, PA 16858:

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) \_\_\_\_\_

PNC BANK, NATIONAL ASSOCIATION

PNC CONSUMER BUILDING  
2730 LIBERTY AVENUE  
PITTSBURGH, PA 15222

PNC BANK, NATIONAL ASSOCIATION

8800 TINICUM BOULEVARD  
PHILADELPHIA, PA 15153

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

RR 2 BOX 184  
MORRISDALE, PA 16858

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

November 28, 2005

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

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

ATTORNEY FOR PLAINTIFF  
COURT OF COMMON PLEAS  
CIVIL DIVISION

No.: 2005-651-CD

vs.

CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

CERTIFICATION

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

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

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

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**MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.**

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

**vs.**

**NO.: 2005-651-CD**

---

**WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL**

---

**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: RR 2 BOX 184, MORRISDALE, PA 16858**

**(See legal description attached.)**

Amount Due

\$176,464.94

Interest from 11/28/05 to

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

Date of Sale (\$29.01 per diem)

Total

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

*132.00*

*Prothonotary costs*

*Willie J. Chang*  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated 11/30/05  
(SEAL)

By:

*Deputy*

PMB

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

DESCRIPTION

ALL THOSE CERTAIN pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1

BEGINNING at a point at the Northeastern corner of lands of the Methodist Church, said point being on the Eastern right of way of Pennsylvania State Route SR-0053, said place of beginning being the Southeastern corner of the parcel herein conveyed; thence along the Eastern right of way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 Degrees 22 Minutes 26 Seconds East a distance of 238.17 feet to a point, said point being South 73 Degrees 12 Minutes 41 Seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantor South 73 Degrees 12 Minutes 41 Seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantor North 09 Degrees 34 Minutes 40 Seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarity South 77 Degrees 26 Minutes 57 Seconds East a distance of 311.37 feet to a 5/8" pipe (found), said pipe being the common corner of lands of Frances M. Moriarity, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantor, thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 Degrees 46 Minutes 28 Seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 Degrees 23 Minutes 44 Seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of William I. Smeal and Margaret J. Smeal South 3 Degrees 24 Minutes 09 Seconds West a distance of 552.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 Degrees 19 Minutes 28 Seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 Degrees 13 Minutes 31 Seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 Degrees 31 Minutes 29 Seconds East a distance of 100.00

feet to a 3/4" rebar (set); North 37 Degrees 00 Minutes 57 Seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 Degrees 46 Minutes 28 Seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 Degrees 55 Minutes 34 Seconds West passing through a 1" square pin (found) at a distance of 385.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

PARCEL NO. 2

BEGINNING at a post of stone on the right of way of New York Central and Hudson River Railroad; thence North 04 Degrees 33 Minutes East a distance of 977 feet to a post on lands now or formerly John Czebsky; thence along the line of lands of John Czebsky and lands of the estate of O.L. Schowalter, deceased, South 83 Degrees 45 Minutes East a distance of 785.00 feet to a post; thence South 07 Degrees 50 Minutes West a distance of 963.00 feet to a post; thence North 85 Degrees 05 Minutes West a distance of 729.00 feet to a post and place of beginning. Containing 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1991 and revised on July 8, 1993.

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)  
Tax Parcel #124-R9-21 (Assessment for Parcel 2, 16.86 acres)

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Margaret J. Smeal by reason of the following:

BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Deed dated 10/26/1988 and recorded 10/26/1988 in the County of Clearfield in Deed Book Volume 1250 Page 449 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Corrective Deed dated 4/29/1992 and recorded 4/30/1992 in the county of Clearfield in Deed Book Volume 1457 Page 280 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

NOTE: The above recited Corrective Deed was recorded to eliminate an error in the legal description from prior Deed.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 10/1/1993 and recorded \_\_\_\_\_ in the County of Clearfield in Deed Book Volume 1561 Page 339 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 6/9/1995 and recorded 6/9/1995 in the County of Clearfield in Deed Book Volume 1681 Page 398 conveyed unto Margaret J. Smeal.

AND BEING AS TO PARCEL NO. 1 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102306 conveyed unto Margaret J. Smeal.

AND ALSO BEING AS TO PARCEL NO. 2 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102307 conveyed unto Margaret J. Smeal.

PREMISES BEING: RR 2 BOX 184, MORRISDALE, PA 16858

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)  
Tax Parcel #124-R9-21 (Assessment for Parcel 2, 16.86 acres)

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
Plaintiff

vs.

WILLIAM I. SMEAL,  
MARGARET J. SMEAL, a/k/a  
PEGGY J. SMEAL,  
Defendants

\*  
\*  
\*  
\*  
\*

NO. 05-651-CD

FILED  
01/14/2006 3cc  
MAY 19 2006 Atty  
Selling  
William A. Shaw  
Prothonotary/Clerk of Courts  
GP

ORDER

NOW, this 18<sup>th</sup> day of May, 2006, the Court is in receipt of the Plaintiff's Motion for Service Pursuant to Special Order of Court and notes the below information after a review of the file:

- 1) The Plaintiff is attempting to serve Defendant William I. Smeal at RR 2, Box 184, Morrisdale, PA, the property in question, which is vacant;
- 2) The Sheriff Return filed with the record on October 13, 2005 indicates William I. Smeal was served with the Complaint in Mortgage Foreclosure at the address of 258 Flegal Road, Morrisdale, PA;
- 3) The Court, through contact with the Morrisdale Post Office, has confirmed that the physical address of William I. Smeal is 258 Flegal Road, Morrisdale, PA and his mailing address is P.O. Box 33, Morrisdale, PA 16858;
- 4) The Court has verified with the Clearfield County Election Office that William I. Smeal has been registered to vote since 1997 and that his address information is 258 Flegal Road, PO Box 33, Morrisdale, PA 16858. The Court notes that the Affidavit of Good Faith Investigation by Full Spectrum Legal Services (March 24, 2006) included by the Plaintiff with the Motion for Service Pursuant to Special Order of Court

indicates in Section VI, B that it was unable to confirm a voter registration for William A. Smeal. This averment is clearly incorrect.

In consideration of the above information, it is the ORDER of this Court that the Plaintiff's Motion for Service Pursuant to Special Order of Court be and is hereby DENIED. The Plaintiff is advised to take the above information into consideration and re-attempt service.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

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

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY

No.: 2005-651-CD

RECEIVED

MAY 8 2006

COURT ADMINISTRATOR'S  
OFFICE

**MEMORANDUM OF LAW**

Pennsylvania Rule of Civil Procedure 430(a) specifically provides:

(a) If service cannot be made under the applicable rule, the plaintiff may move the Court for a special order directing the method of service. The Motion shall be accompanied by an Affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the Defendant and the reasons why service cannot be made.

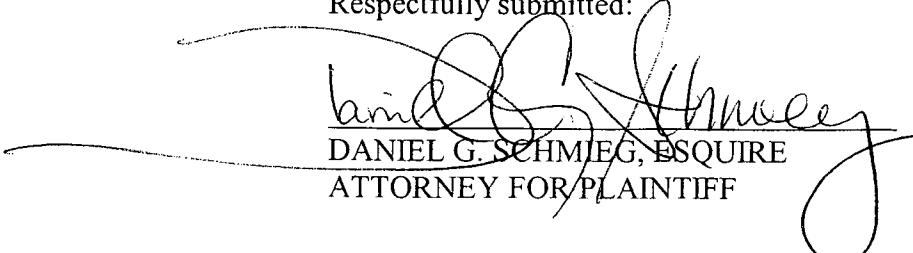
Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address." Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

An illustration of good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives neighbors, friends and employers of the Defendant and (3) examinations of local telephone directories, voter registration records, local tax records, and motor vehicle records.

As indicated by the attached Affidavit of Service, marked hereto as Exhibit "A", the Sheriff has been unable to serve the Notice of Sale. A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Good Faith Investigation, marked Exhibit "B."

**WHEREFORE**, Plaintiff respectfully requests service of the Notice of Sale by certified mail and regular mail to Defendant's last known address.

Respectfully submitted:

  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

AFFIDAVIT OF SERVICE

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

**COUNTY CLEARFIELD**

**ACCT. #0104875562**

**DEFENDANT**  
**WILLIAM I. SMEAL**  
**MARGARET J. SMEAL A/K/A PEGGY J. SMEAL**

**COURT NO.: 2005-651-CD**

**SERVE WILLIAM I. SMEAL AT:**  
**33 RR 3 BOX 184**  
**MORRISDALE, PA 16858**

**TYPE OF ACTION**  
**XX Notice of Sheriff's Sale**  
**SALE DATE: MAY 5, 2006**

**SERVED**

Served and made known to William SMEAL, Defendant, on the        day of       , 200      , at       , o'clock        M., at       , Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

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

Relationship is       .

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        Height        Weight        Race        Sex        Other       

I, Thomas Holmley, 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        day of       , 200      .

Notary: By:

**NOT SERVED**

On the 14<sup>th</sup> day of April, 2006, at 3:07 o'clock P. M., Defendant NOT FOUND because:

Moved  Unknown  No Answer  Vacant

Other: Joyce Bell, Postmaster, Morrisdale, says the SMEALS moved approx 1 yr ago

Sworn to and subscribed  
before me this 17<sup>th</sup> day of April, 2006. By Thomas Holmley

Notary:

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

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

AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY

PLAINTIFF  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

F&P. #107694

DEFENDANT  
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

SERVE WILLIAM I. SMEAL AT:  
RR 2 BOX 184  
MORRISDALE, PA 16858

TYPE OF ACTION  
XX Notice of Sheriff's Sale  
SALE DATE: MARCH 3, 2006

SERVED

Served and made known to William I. Smeal, Defendant on the 28<sup>th</sup> day of Feb., 2006, at 2:25, o'clock P. M., at RR 2 Box 184 Morrisdale, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
 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 \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ 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 \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

NOT SERVED

On the 28<sup>th</sup> day of Feb., 2006, at 2:25 o'clock P. M., Defendant NOT FOUND because:

Moved  Unknown  No Answer  Vacant Postmaster Joyce Bell claims Mr. Smeal no longer resides at this address. Moved in 2003  
Other: \_\_\_\_\_

Sworn to and subscribed  
before me this 28<sup>th</sup> day  
of February, 2006.

By: Thomas Holmberg

Notary:

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

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

**FULL SPECTRUM LEGAL SERVICES, INC.**  
**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 107694  
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**  
Subject: William I. Smeal & Margaret J. Smeal

Property Address: RR 2 Box 184, Morrisdale, PA 16858  
Possible Mailing Address: (William I. Smeal) 33 RR 3 Box 184, Morrisdale, PA 16858  
(Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268

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  
William I. Smeal - 171-44-5004

Margaret J. Smeal - 103-40-8257

**B. EMPLOYMENT SEARCH**

William I. Smeal & Margaret J. Smeal - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that William I. Smeal reside(s) at 33 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal reside(s) at: 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which had no listing for William I. Smeal & Margaret J. Smeal.

**B.** On 03-24-06 our office made a telephone call to the phone number (814) 342-0892 and received the following information: fax tone. On 03-24-06 our office made several telephone calls to the phone number (814) 342-3065 and received the following information: no answer.

**III. INQUIRY OF NEIGHBORS**

On 03-24-06 our office made several phone calls in an attempt to contact M.J.Ostrom (814) 342-7335, RR 2 Box 157, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Paula S. Sweetser (814) 343-4584, RR 2 Box 165, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Larry Williams (814) 342-6198, RR 2 Box 171, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact William T. Guiher (814) 342-4694, RR 3 Box 113, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Anna Jane Hoover (814) 345-5016, RR 3 Box 132, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Diana M. Timko (814) 345-6888, RR 3 Box 136, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made a phone call in an attempt to contact William H. Geesaman (717) 749-5244, 7080 Anthony Highway # Y, Waynesboro, PA 17268: spoke with an unidentified female who could not confirm that the subject reside(s) at 7085 Anthony Highway # Y, Waynesboro, PA 17268.

On 03-24-06 our office made several phone calls in an attempt to contact Audrey E. Minnich (717) 749-5247, 7053 Anthony Highway # Y, Waynesboro, PA 17268: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Norma L. Miller (717) 749-7604, 7128 Anthony Highway # Y, Waynesboro, PA 17268: no answer.

**IV. ADDRESS INQUIRY**

**A. NATIONAL ADDRESS UPDATE**

On 03-24-06 we reviewed the National Address database and found the following information: William I. Smeal - 3 3 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal - 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**B. ADDITIONAL ACTIVE MAILING ADDRESSES**

Per our inquiry of creditors, the following is a possible mailing address: (William I. Smeal) 3 3 RR 3 Box 184, Morrisdale, PA 16858 & (Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**V. DRIVERS LICENSE INFORMATION**

**A. MOTOR VEHICLE & DMV OFFICE**

Per the PA Department of Motor Vehicles, we were unable to obtain address information on William I. Smeal & Margaret J. Smeal.

**VI. OTHER INQUIRIES**

**A. DEATH RECORDS**

As of 03-24-06 Vital Records and all public databases have no death record on file for William I. Smeal & Margaret J. Smeal.

**B. COUNTY VOTER REGISTRATION**

The county voter registration was unable to confirm a registration for William I. Smeal & Margaret J. Smeal residing at: last registered address.

**VII. ADDITIONAL INFORMATION OF SUBJECT**

**A. DATE OF BIRTH**

William I. Smeal -not available

Margaret J. Smeal - not available

**B. A.K.A.**

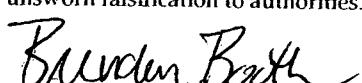
Peggie J. Smeal

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

\* Please be advised our 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 statements 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  
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 24<sup>th</sup> day of March, 2006



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

IND

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

THOMAS P. STRAIN, Notary Public

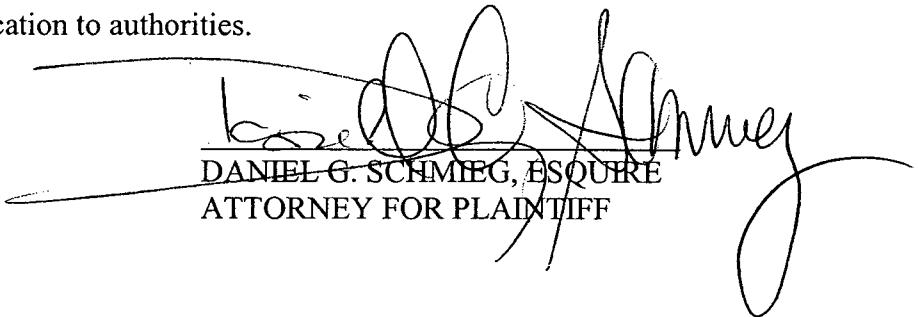
City of Philadelphia, Phila. County

My Commission Expires February 4, 2010

**VERIFICATION**

**DANIEL G. SCHMIEG, ESQUIRE**, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to take this Affidavit, and that the statements made in the foregoing **MOTION FOR SERVICE OF THE NOTICE OF SALE PURSUANT TO SPECIAL ORDER OF COURT** are true and correct to the best of his knowledge, information and belief.

The undersigned understands that this statement herein is 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

Date: 10/1/2019

Time: 11:36 AM

Page 1 of 3

Clearfield County Court of Common Pleas

ROA Report

Case: 2005-00651-CD

Current Judge: No Judge

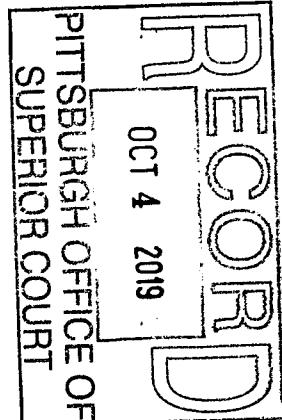
Netbank as Successor in Interest to RBMG, Inc. vs. William I. Smeal, et al

User: ARICHARDS1

COPY

Mortgage Foreclosures

Date		Judge
5/9/2005	New Case Filed.	No Judge
	Filing: Complaint in Mortgage Foreclosure Paid by: Hallinan, Francis S. (attorney for Mortgage Electronic Registration Systems, Inc.) Receipt number: 1901020 Dated: 05/09/2005 Amount: \$85.00 (Check) Property located in the Township of Morris, Clearfield County, PA. Eight CC Sheriff	No Judge
6/20/2005	Filing: Praeclipe To Reinstate Civil Action/Mortgage Foreclosure Paid by: Hallinan, Francis S. (attorney for Mortgage Electronic Registration Systems, Inc.) Receipt number: 1903133 Dated: 06/20/2005 Amount: \$7.00 (Check). Filed by s/ Francis S. Hallinan, Esquire. No CC, 2 Reinstated to Shff.	No Judge
10/13/2005	Sheriff Return, May 11, 2005 Sheriff of Franklin County was Deputized. August 3, 2005 Attempted to serve the within Complaint in Mortgage Foreclosure on William I. Smeal and Margaret J. Smeal a/k/a Peggy J. Smeal "NOT FOUND" May 23, 2005 served the within Complaint in Mortgage Foreclosure on William I. Smeal. August 11, 2005 after diligent search in my bailwick I returned the within Complaint in Mortgage Foreclosure on Margaret J. Smeal a/k/a Peggy J. Smeal 'NOT FOUND' 'EMPTY' So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by atty for plf f \$137.06; Franklin County costs \$73.96 Sheriff Return, July 6, 2005, Sheriff of Franklin County was deputized. July 18, 2005 served the within Complaint in Mortgage Foreclosure on Margaret J. Smeal aka Peggy J. Smeal. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by atty for plff \$31.00, Franklin County Costs pd by atty for plff \$53.48	No Judge
11/30/2005	Filing: Praeclipe For In Rem Judgment For Failure to Answer and Assessment of Damages Paid by: Hallinan, Francis S. (attorney for Mortgage Electronic Registration Systems, Inc.) Receipt number: 1911476 Dated: 11/30/2005 Amount: \$20.00 (Check) Judgment in favor of the Plaintiff and against William I. Smeal and Margaret J. Smeal a/k/a Peggy J. Smeal, Defendants in the amount of \$176,464.94. Filed by s/Daniel G. Schmieg, Esquire. 1CC & Notice to Defs., Statement to Atty Filing: Praeclipe For Writ of Execution (Mortgage Foreclosure) Paid by: Hallinan, Francis S. (attorney for Mortgage Electronic Registration Systems, Inc.) Receipt number: 1911476 Dated: 11/30/2005 Amount: \$20.00 (Check) Judgment Amount: \$176,464.94 Filed by s/ Daniel G. Schmieg, Esquire. 1CC & 6 Writs to Shff	No Judge
12/5/2005	Returned mail of Praeclipe for in Rem Judgment for Failure to answer and Assessment of Damages to William I. Smeal, filed.	No Judge
4/26/2006	Affidavit of Service filed. Served Margaret J. Smeal on the 28th day of March 2006 a true and correct copy of the Notice of Sheriff's Sale, filed by s/ Daniel G. Schmieg Esq. No CC.	No Judge
5/3/2006	Motion for Postponement of Sheriff's Sale, filed by Atty. Lhota 3 Cert. to Atty.	No Judge



Date: 10/1/2019

Time: 11:36 AM

Page 2 of 3

Clearfield County Court of Common Pleas

User: ARICHARDS1

ROA Report

Case: 2005-00651-CD

Current Judge: No Judge

Netbank as Successor in Interest to RBMG, Inc. vs. William I. Smeal, et al

Mortgage Foreclosures

Date	Judge	
5/3/2006	Certificate of Service, copy of the Motion for Postponement of Sheriff's Sale, served upon William I. Smeal and Margaret J. Smeal a/k/a Peggy J. Smeal, on May 3, 2006. Filed by s/ John R. Lhota, Esquire for Daniel G. Schmieg, Esquire. 1CC to Atty	No Judge
5/4/2006	Order, NOW, this 3rd day of May, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is Ordered that the said sale is extended to the regularly scheduled Clfd. Co. Sheriff's Sale dated July 7, 2006. No further advertising or additional notice to lienholder or defendants is required. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Lhota, 1CC sheriff (without notice)	No Judge
5/8/2006	Motion For Service Pursuant to Special Order of Court, filed by s/ Daniel G. Schmieg, Esquire. 1CC Atty	No Judge
5/19/2006	Order, NOW, this 18th day of May, 2006, the Court is in receipt of the Plaintiff's Motion for Service Pursuant to Special Order of court and notes the below information after review of the file: (see original). In consideration of the above information, Ordered that the Plaintiff's Motion for Service Pursuant to Special Order of Court be and is hereby Denied. The plaintiff is advised to take the above information into consideration and re-attempt service. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. Schmieg	Fredric Joseph Ammerman
6/16/2006	Certificate of Service, filed. Hereby certify that a certified copy of an Order dated May 3, 2006, postponing the sheriff's sale in the above captioned matter to July 7, 2006 was sent to William I Smeal and Margaret J. Smeal a/k/a Peggy J. Smeal, filed by s/ John R. Lhota Esq. 2 CC atty Lhota.	No Judge
7/6/2006	Motion For Postponement of Sheriff's Sale, filed by s/ John R. Lhota Esq. Order AND NOW, this 6th day of July 2006, after consideration of Plaintiffs Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby ORDERED that the said is extended two month(s) to the regularly scheduled Clearfield County Sheriff's Sale dated September 1, 2006. No further advertising or additional notice to lienholder of defendant(s) is required. bY THE COURT: /s/ Paul E. Cherry, Judge. 2 CC Lhota.	No Judge No Judge
	Certificate of Service, copy of the Motion to Postpone Sheriff's Sale sent to William Smeal and Margaret J. Smeal A/K/A Peggy J. Smeal on July 6, 2006. Filed by s/ John R. Lhota, Esquire for Daniel G. Schmieg, Esquire. 2 CC Atty. Lhota	No Judge
8/17/2006	Affidavit of Service filed. Served and made known to William L. Smeal a true and correct copy of the Notice of Sheriff's Sale, filed by s/ Daniel G. Schmieg Esq. No CC.	No Judge
	Affidavit of Service filed. Served and made known to Margaret J. Smeal Wilson a true and correct copy to the Notice of Sheriff's Sale, filed by s/ Daniel G. Schmieg Esq. No CC.	No Judge
8/31/2006	Motion For Postponement of Sheriff's Sale, filed by s/ John R. Lhota, Esquire. 2CC Atty. Lhota	No Judge
	Order, NOW, this 31st day of August, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is Ordered that the said sale is extended to the regularly scheduled Clfd. Co. sheriff's Sale dated Oct. 6, 2006. No further advertising or additional notice to lienholder or defendants is required. By The Court, /s/ Paul E. Cherry, Judge. 2CC Atty. Lhota (will serve)	Paul E. Cherry

Date: 10/1/2019

Time: 11:36 AM

Page 3 of 3

Clearfield County Court of Common Pleas

User: ARICHARDS1

ROA Report

Case: 2005-00651-CD

Current Judge: No Judge

Netbank as Successor in Interest to RBMG, Inc. vs. William I. Smeal, et al

Mortgage Foreclosures

Date		Judge
9/1/2006	Certification of Service, filed. I, Michele Bradford, hereby certify that a copy of the Motion for Postponement of Sheriff's Sale has been sent to William I. Smeal and Margaret J. Smeal, filed by s/ John R. Lhota Esq. 2CC Atty Lhota.	No Judge
10/4/2006	Affidavit Pursuant to Rule 3129.1 and Return of Service Pursuant to Pa.R.C.P. 405 of Notice of Sale, filed by s/ Daniel Schmieg Esq. No CC.	No Judge
11/2/2006	Sheriff Return, Sale Held: 10/06/2006: Date Deed Filed: 11/02/2006 So Answers, Chester A. Hawkins, Sheriff by s/Cynthia Butler-Aughenbaugh. Shff Hawkins costs pd by atty \$2,968.02	No Judge

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.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO. 05-651-C  
CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

June 20, 2005 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy Prothonotary

FILED May 09 2005 8:00 AM  
MAY 13 2005  
MAY 09 2005 8:00 AM  
William A. Shaw  
Prothonotary/Clerk of Courts

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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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  owing amounts are due on the mortgage:

Principal Balance	\$165,122.38
Interest	5,357.60
07/01/2004 through 04/22/2005	
(Per Diem \$18.10)	
Attorney's Fees	1,250.00
Cumulative Late Charges	202.96
01/18/1994 to 04/22/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 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

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

ALL those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 161.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

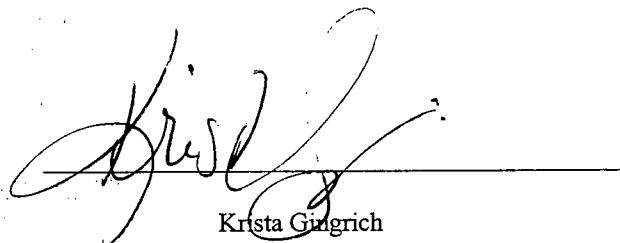
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czefsky; thence along the line of lands of John Czefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/8

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.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

: No. 2005-651-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 14, 2005

/mmt, Svc Dept.  
File# 107694

FILED <sup>No CC</sup>  
m 110:07/01/2005 2 Reinstated to  
JUN 20 2005 Shff

William A. Shaw  
Prothonotary/Clerk of Courts

Atty pd. 7.00  
(6)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 1 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC  
vs.  
DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

NOW, May 11, 2005, SHERIFF OF FRANKLIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM I. SMEAL.

NOW, August 03, 2005 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM I. SMEAL, DEFENDANT. THE RETURN OF FRANKLIN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED

09:44 AM  
OCT 13 2005

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 2 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC  
VS.  
DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

SHERIFF RETURN

---

NOW, May 11, 2005, SHERIFF OF FRANKLIN COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARGARET J. SMEAL a/k/a PEGGY J. SMEAL.

NOW, August 03, 2005 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARGARET J. SMEAL a/k/a PEGGY J. SMEAL, DEFENDANT. THE RETURN OF FRANKLIN COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENN~~LVANIA~~LVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 3 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

NOW, May 23, 2005 AT 9:45 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM I. SMEAL DEFENDANT AT 258 FLEGAL ROAD, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WILLIAM I. SMEAL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 4 of 6 Services

Sheriff Docket # **100464**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

Case # **05-651-CD**

VS.

WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURNS**

NOW August 11, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, DEFENDANT. 6058 Morrisdale/Allport Hy.Morrisdale "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENN~~O~~VANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICE # 5 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC  
vs.  
DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

NOW, May 23, 2005 AT 9:45 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM I. SMEAL DEFENDANT AT 258 FLEGAL ROAD, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WILLIAM I. SMEAL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 6 of 6 Services

Sheriff Docket # **100464**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

Case # **05-651-CD**

vs.

WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURNS**

NOW August 11, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, DEFENDANT. RR#2 Box 184, Morrisdale "EMPTY". NEW: 6085 Anthony Highway, Waynesboro, Pa. 17268.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100464  
NO: 05-651-CD  
SERVICES 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

vs.

DEFENDANT: WILLIAM I. SMEAL, MARGARET J. SMEAL a/k/a PEGGY J. SMEAL

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	422806	20.00
SURCHARGE	PHELAN	422844	40.00
SHERIFF HAWKINS	PHELAN	422844	60.00
SHERIFF HAWKINS			17.06
FRANKLIN SO.	PHELAN	422848	73.96

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

## SHERIFF'S RETURN - NOT FOUND

CASE NO: 2005-00100 T  
 COMMONWEALTH OF PENNSYLVANIA  
 COUNTY OF FRANKLIN

MORTGAGE ELECTRONIC REGISTRATI

VS

WILLIAM I/MARGARET J SMEAL

GUS ALEXIOU, Deputy Sheriff, who being duly sworn according to law, says, that he made a diligent search and inquiry for the within named DEFENDANT, to wit: \_\_\_\_\_  
SMEAL WILLIAM I \_\_\_\_\_ but was unable to locate Him in his bailiwick. He therefore returns the COMP MORT FORE \_\_\_\_\_,

\_\_\_\_\_, NOT FOUND, as to the within named DEFENDANT, SMEAL WILLIAM I \_\_\_\_\_,

7085 ANTHONY HIGHWAYWAYNESBORO, PA 17268DEF MOVED TO 59 FLEGLE RDMORRISDALE PA 16858

## Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00

## So answers:

*Gus Alexiou* *Robert B. Hallinan*  
GUS ALEXIOU ROBERT B. HALLINAN  
 ROBERT WOLLYUNG, Sheriff

PHELAN HALLINAN AND SCHMIEG  
 08/03/2005

Sworn and subscribed to before me

this 3<sup>rd</sup> day of August

2005 A.D.

*Deborah D. Early*

Notary

Notarial Seal  
 Richard D. McCarty, Notary Public  
 Chambersburg Boro, Franklin County  
 My Commission Expires Jan. 29, 2007

CASE NO: 2005-00100 T  
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF FRANKLIN

MORTGAGE ELECTRONIC REGISTRATI

VS

WILLIAM I/MARGARET J SMEAL

GUS ALEXIOU , Deputy Sheriff, who being duly sworn according to law, says, that he made a diligent search and inquiry for the within named DEFENDANT , to wit:

SMEAL MARGARET J but was unable to locate Her in his bailiwick. He therefore returns the  
COMP MORT FORE

\_\_\_\_\_  
NOT SERVED , as to  
the within named DEFENDANT , SMEAL MARGARET J

7085 ANTHONY HIGHWAY

WAYNESBORO, PA 17268

UNABLE TO LOCATE DEFENDANT

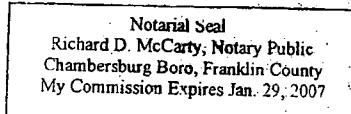
Sheriff's Costs:

Docketing	.00	So answers:
Service	.00	<i>Gus Alexiou</i>
Affidavit	.00	<i>Gus Alexiou, Deputy Sheriff</i>
Surcharge	.00	
	.00	
	.00	
	.00	
	.00	
		PHELAN HALLINAN AND SCHMIEG
		08/03/2005

Sworn and subscribed to before me

this 3<sup>d</sup> day of August  
2005 Richard McCarty

Notary



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

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

Plaintiff

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-651-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.

*Willie L. Lee*  
Prothonotary/  
Clerk of Courts

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

**NOTICE**

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

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

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

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

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

**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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
6085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest	5,357.60
07/01/2004 through 04/22/2005	
(Per Diem \$18.10)	
Attorney's Fees	1,250.00
Cumulative Late Charges	202.96
01/18/1994 to 04/22/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: /s/ Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

All those certain pieces or parcels of land situate, 103 and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 36 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

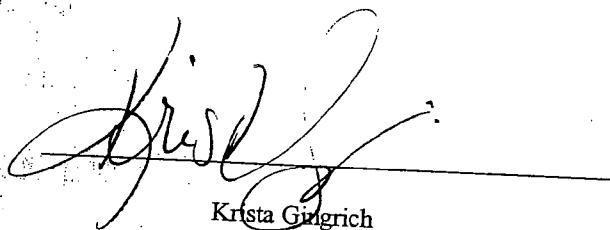
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czefsky; thence along the line of lands of John Czefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE: 4/19/08

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.

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO 05-651-CD  
CLEARFIELD COUNTY

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

MAY 03 2005

Attest.

*William B. New*  
Prothonotary/  
Clerk of Courts

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

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Clearfield County Courthouse  
2<sup>nd</sup> 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:

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601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

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6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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PHELAN HALLINAN & SCHMIEG, LLP



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

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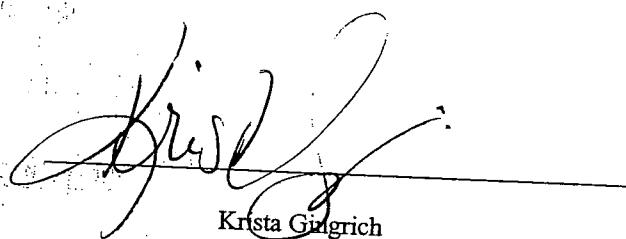
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BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE:

4/19/08

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.

WILLIAM I. SMEAL  
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7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

I hereby certify this to be a true  
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MAY 09 2005

Attest.

*William L. Meholick*  
Prothonotary/  
Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**NOTICE**

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

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

**R E C E I V E D**  
MAY 16 2005

FRANKLIN COUNTY SHERIFF'S OFFICE

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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest	5,357.60
07/01/2004 through 04/22/2005	
(Per Diem \$18.10)	
Attorney's Fees	1,250.00
Cumulative Late Charges	202.96
01/18/1994 to 04/22/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP



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

ALL those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 161.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 195.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

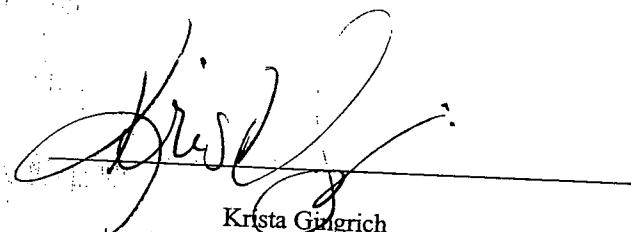
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czeefsky; thence along the line of lands of John Czeefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 765.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE: 4/19/08

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

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

Plaintiff

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-651-CD

CLEARFIELD COUNTY

*Franklin* 05-1007

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

MAY 09 2005

Attest.

*William L. Shanahan*  
Prothonotary/  
Clerk of Courts

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MAY 16 2005

RECEIVED  
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*We hereby certify the  
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MORRISDALE, PA 16858

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PHELAN HALLINAN & SCHMIEG, LLP

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

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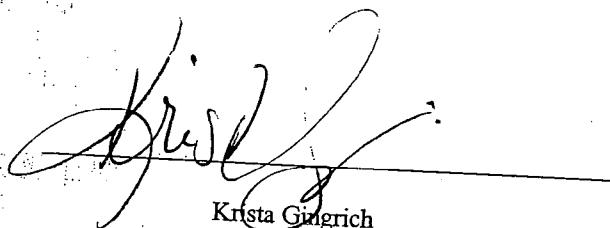
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Krista Gingrich

Vice President

DATE: 4/19/8

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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.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO. 05-651-CD  
CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
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7085 ANTHONY HIGHWAY  
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I hereby certify this to be a true  
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MAY 03 2005

Defendants

Attest.

*Lydia L. P.*  
Pro bono attorney/  
Clerk of Courts

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Clearfield, PA 16830  
814-765-2641 x 5982

We hereby certify, within to be a true and correct copy of the original filed of record  
**FEDERMAN AND PHELAN**  
File #: 107694

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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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

3. On 01/18/1994 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MELLON BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Book: 1583, Page: 420. By Assignment of Mortgage recorded 06/14/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument# 200209529.
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 08/01/2004 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	\$165,122.38
Interest 07/01/2004 through 04/22/2005 (Per Diem \$18.10)	5,357.60
Attorney's Fees	1,250.00
Cumulative Late Charges 01/18/1994 to 04/22/2005	202.96
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 172,482.94
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	\$ 0.00
<b>TOTAL</b>	<b>\$ 172,482.94</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 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

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

those certain pieces or parcels of land situate and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 36 degrees 19 minutes 28 seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

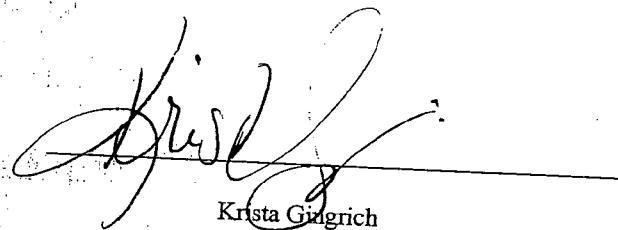
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czebsky; thence along the line of lands of John Czebsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recorded in Clearfield County Deed Book Volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE: 4/19/08

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.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO. 05-651-CD  
CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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

MAY 09 2005

Defendants

Attest.

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

*Law Clerk*  
Prothonotary/  
Clerk of Courts

**NOTICE**

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

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

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

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

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

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:

AURORA LOAN SERVICES, INC.  
601 5TH AVENUE  
SCOTTSEBLUFF, NE 69361

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

WILLIAM I. SMEAL  
6058 MORRISDALE ALPORT HIGHWAY  
MORRISDALE, PA 16858

MARGARET J. SMEAL  
A/K/A PEGGY J SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

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Subtotal	\$ 172,482.94
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Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 172,482.94</b>

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WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 172,482.94, together with interest from 04/22/2005 at the rate of \$18.10 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

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

all those certain pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point at the northeastern corner of lands of the Methodist Church, said point being on the eastern right-of-way of Pennsylvania State Route SR-0053, said place of beginning being the southwestern corner of the parcel herein conveyed; thence along the eastern right-of-way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 degrees 22 minutes 26 seconds East a distance of 238.17 feet to a point, said point being South 73 degrees 12 minutes 41 seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantors South 73 degrees 12 minutes 41 seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantors North 09 degrees 34 minutes 40 seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarty South 77 degrees 26 minutes 57 seconds East a distance of 312.37 feet to a 5/8" pipe (found); said pipe being the common corner of lands of Frances M. Moriarty, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantors; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 degrees 46 minutes 28 seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 degrees 25 minutes 44 seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of Grantors South 3 degrees 24 minutes 09 seconds West a distance of 562.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 degrees 19 minutes 28 seconds West a distance of 714.87 feet to a 3/4" rebar (set); North 37 degrees 13 minutes 31 seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 degrees 31 minutes 29 seconds East a distance of 100.00 feet to a 3/4" rebar (set); North 37 degrees 00 minutes 57 seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 degrees 46 minutes 28 seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 degrees 55 minutes 34 seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

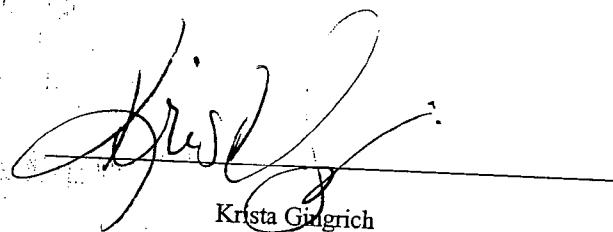
BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czefsky; thence along the line of lands of John Czefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning. CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981 and revised on July 8, 1993.

BEING the same premises as were granted and conveyed unto Grantors herein by Deed of William I. Smeal and Margaret J. Smeal, dated October 1, 1993, and recordad in Clearfield County Deed Book volume 1561, page 339.

PREMISES: RR 2 BOX 184

**VERIFICATION**

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



Krista Gingrich

Vice President

DATE: 4/19/08

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

**MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.**

vs.

**WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL**

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

**No. 2005-651-CD**

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

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

Amount Due	<u>\$176,464.94</u>
------------	---------------------

Interest from 11/28/05 to Date of Sale (\$29.01 per diem)	<u>133.00</u> and Costs.
--	--------------------------

**Prothonotary costs**

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

Note: Please attach description of Property.

PMB

*3/10/5681*  
**FILED** *NOV 30 2005*  
*1cc & 6wnts to Shff*

William A. Shaw *Atty pd. 20.00*  
Prothonotary/Clerk of Courts

CLEARFIELD COUNTY

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

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

MORTAGE 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 RR 2 BOX 184, MORRISDALE, PA 16858:

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

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

WILLIAM I. SMEAL	RR 2 BOX 184 MORRISDALE, PA 16858
------------------	--------------------------------------

MARGARET J. SMEAL A/K/A PEGGY J. SMEAL	7085 ANTHONY HIGHWAY WAYNESBORO, PA 17268
--	--

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*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

November 28, 2005

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

## CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

**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 RR 2 BOX 184, MORRISDALE, PA 16858:

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.

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

#### 4. Name

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)

PNC BANK, NATIONAL ASSOCIATION

PNC CONSUMER BUILDING  
2730 LIBERTY AVENUE  
PITTSBURGH, PA 15222

PNC BANK, NATIONAL ASSOCIATION

8800 TINICUM BOULEVARD  
PHILADELPHIA, PA 15153

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

RR 2 BOX 184  
MORRISDALE, PA 16858

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

November 28, 2005

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

ATTORNEY FOR PLAINTIFF  
COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 2005-651-CD

VS.

CLEARFIELD COUNTY

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

CERTIFICATION

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

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

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

vs.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

NO.: 2005-651-CD

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

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: **RR 2 BOX 184, MORRISDALE, PA 16858**

(See legal description attached.)

Amount Due	<u>\$176,464.94</u>
Interest from 11/28/05 to Date of Sale (\$29.01 per diem)	\$ _____
Total	\$ _____ Plus costs as endorsed. <u>132.00</u> <u>Prothonotary costs</u>

Will J. O'Leary  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated 11/30/05  
(SEAL)

By: Deputy

PMB

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

DESCRIPTION

ALL THOSE CERTAIN pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1

BEGINNING at a point at the Northeastern corner of lands of the Methodist Church, said point being on the Eastern right of way of Pennsylvania State Route SR-0053, said place of beginning being the Southwestern corner of the parcel herein conveyed; thence along the Eastern right of way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 Degrees 22 Minutes 26 Seconds East a distance of 238.17 feet to a point said point being South 73 Degrees 12 Minutes 41 Seconds East a distance of 2.23 feet from a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantor South 73 Degrees 12 Minutes 41 Seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantor North 09 Degrees 34 Minutes 40 Seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarity South 77 Degrees 26 Minutes 57 Seconds East a distance of 312.37 feet to a 5/8" pipe (found), said pipe being the common corner of lands of Frances M. Moriarity, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantor; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 Degrees 46 Minutes 28 Seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 Degrees 25 Minutes 44 Seconds East a distance of 115.26 feet to a 3/4" rebar (set); thence along the other lands of William I. Smeal and Margaret J. Smeal South 3 Degrees 24 Minutes 09 Seconds West a distance of 552.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 Degrees 19 Minutes 28 Seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 Degrees 13 Minutes 31 Seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 Degrees 31 Minutes 29 Seconds East a distance of 100.00

feet to a 3/4" rebar (set); North 37 Degrees 00 Minutes 57 Seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 Degrees 46 Minutes 28 Seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 Degrees 55 Minutes 34 Seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

PARCEL NO. 2

BEGINNING at a post of stone on the right of way of New York Central and Hudson River Railroad; thence North 04 Degrees 33 Minutes East a distance of 977 feet to a post on lands now or formerly John Czebsky; thence along the line of lands of John Czebsky and lands of the estate of O.L. Schriener, deceased, South 83 Degrees 45 Minutes East a distance of 785.00 feet to a post; thence South 07 Degrees 50 Minutes West a distance of 963.00 feet to a post; thence North 85 Degrees 05 Minutes West a distance of 729.00 feet to a post and place of beginning. Containing 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1991 and revised on July 8, 1993.

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)  
Tax Parcel #124-R9-21 (Assessment for Parcel 2, 16.86 acres)

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Margaret J. Smeal by reason of the following:

BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Deed dated 10/26/1988 and recorded 10/26/1988 in the County of Clearfield in Deed Book Volume 1250 Page 449 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Corrective Deed dated 4/29/1992 and recorded 4/30/1992 in the county of Clearfield in Deed Book Volume 1457 Page 280 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

NOTE: The above recited Corrective Deed was recorded to eliminate an error in the legal description from prior Deed.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 10/1/1993 and recorded \_\_\_\_\_ in the County of Clearfield in Deed Book Volume 1561 Page 339 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 6/9/1995 and recorded 6/9/1995 in the County of Clearfield in Deed Book Volume 1681 Page 398 conveyed unto Margaret J. Smeal.

AND BEING AS TO PARCEL NO. 1 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102306 conveyed unto Margaret J. Smeal.

AND ALSO BEING AS TO PARCEL NO. 2 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102307 conveyed unto Margaret J. Smeal.

PREMISES BEING: RR 2 BOX 184, MORRISDALE, PA 16858

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)  
Tax Parcel #124-R9-21 (Assessment for Parcel 2, 16.86 acres)

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
Plaintiff

vs.

WILLIAM I. SMEAL,  
MARGARET J. SMEAL, a/k/a  
PEGGY J. SMEAL,  
Defendants

NO. 05-651-CD

FILED 3CC  
07/14/2006 AMY  
MAY 19 2006 Schmitz  
William A. Shaw  
Prothonotary/Clerk of Courts

ORDER

NOW, this 18<sup>th</sup> day of May, 2006, the Court is in receipt of the Plaintiff's Motion for Service Pursuant to Special Order of Court and notes the below information after a review of the file:

- 1) The Plaintiff is attempting to serve Defendant William I. Smeal at RR 2, Box 184, Morrisdale, PA, the property in question, which is vacant;
- 2) The Sheriff Return filed with the record on October 13, 2005 indicates William I. Smeal was served with the Complaint in Mortgage Foreclosure at the address of 258 Flegal Road, Morrisdale, PA;
- 3) The Court, through contact with the Morrisdale Post Office, has confirmed that the physical address of William I. Smeal is 258 Flegal Road, Morrisdale, PA and his mailing address is P.O. Box 33, Morrisdale, PA 16858;
- 4) The Court has verified with the Clearfield County Election Office that William I. Smeal has been registered to vote since 1997 and that his address information is 258 Flegal Road, PO Box 33, Morrisdale, PA 16858. The Court notes that the Affidavit of Good Faith Investigation by Full Spectrum Legal Services (March 24, 2006) included by the Plaintiff with the Motion for Service Pursuant to Special Order of Court

indicates in Section VI, B that it was unable to confirm a voter registration for William A. Smeal. This averment is clearly incorrect.

In consideration of the above information, it is the ORDER of this Court that the Plaintiff's Motion for Service Pursuant to Special Order of Court be and is hereby DENIED. The Plaintiff is advised to take the above information into consideration and re-attempt service.

BY THE COURT,



FREDRIC J. AMMERMAN  
President Judge

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY PENNSYLVANIA

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

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

**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 WILLIAM I. SMEAL and MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, 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	\$172,482.94
Interest (4/23/05 to 11/28/05)	<u>3,982.00</u>
<b>TOTAL</b>	<b>\$176,464.94</b>

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

*Daniel G. Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 11/30/05

*Will A. Shaw*  
PRO PROTHY

PMB

*cc*  
FILED *Atty pd 20.00*  
11/24/05 *1CCS Notice to Defs.*  
NOV 30 2005

William A. Shaw *Statement to Atty*  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG  
By: DANIEL 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

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**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, WILLIAM I. SMEAL, is over 18 years of age, and resides at RR 2 BOX 184, MORRISDALE, PA 16858 .
- (c) that defendant, MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, is over 18 years of age, and resides at 7085 ANTHONY HIGHWAY, WAYNESBORO, PA 17268.

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

*Daniel G. Schmiege*  
DANIEL G. SCHMIEG, ESQUIRE

PHELAN, HALLINAN AND SCHMIEG  
By: Lawrence Helan, 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.

ATTORNEY FOR PLAINTIFF

Plaintiff : COURT OF COMMON PLEAS  
Vs. : CIVIL DIVISION  
WILLIAM I. SMEAL : CLEARFIELD COUNTY  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL : NO. 2005-651-CD  
Defendants

TO: WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

DATE OF NOTICE: AUGUST 9, 2005

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

#### IMPORTANT NOTICE

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

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

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

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

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

*FILE COPY*

*Francis S. Hallinan*  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

ATTORNEY FOR PLAINTIFF

Plaintiff : COURT OF COMMON PLEAS  
Vs. : CIVIL DIVISION  
WILLIAM I. SMEAL : CLEARFIELD COUNTY  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL : NO. 2005-651-CD  
Defendants

TO: MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

DATE OF NOTICE: AUGUST 9, 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  
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100 SOUTH STREET  
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HARRISBURG, PA 17108  
800-692-7375

FILE COPY

*Francis S. Hallinan*  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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

## CIVIL ACTION - LAW

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

Plaintiff No.: 2005-651-CD

VS.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered  
against you on November 30, 2005.

By: DEPUTY

If you have any questions concerning this matter please contact:

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

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

Mortgage Electronic Registration Systems, Inc.  
Plaintiff(s)

No.: 2005-00651-CD

Real Debt: \$176,464.94

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

William I. Smeal  
Margaret J. Smeal  
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: November 30, 2005

Expires: November 30, 2010

Certified from the record this 30th day of November, 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.

---

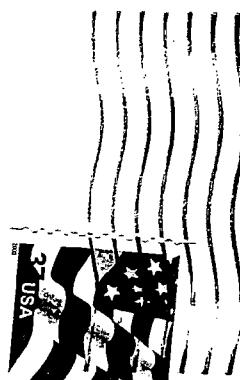
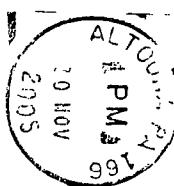
Plaintiff/Attorney

Office of the Prothonotary  
Clearfield County Courthouse  
Clearfield, PA 16830

FILED

3/11/28/05  
DEC 05 2005

William A. Shaw  
Prothonotary/Clerk of Courts



WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

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

RTS  
RETURN TO SENDER

16830-2442-39 0004

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

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

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

**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 WILLIAM I. SMEAL and MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, 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	\$172,482.94
Interest (4/23/05 to 11/28/05)	<u>3,982.00</u>
<b>TOTAL</b>	<b>\$176,464.94</b>

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

*Daniel G. Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: 11/30/05

*Willie A. Schmieg*  
PRO PROTHY

PMB

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

NOV 30 2005

Attest.

*Willie A. Schmieg*  
Prothonotary/  
Clerk of Courts

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

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**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, WILLIAM I. SMEAL, is over 18 years of age, and resides at RR 2 BOX 184, MORRISDALE, PA 16858 .
- (c) that defendant, MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, is over 18 years of age, and resides at 7085 ANTHONY HIGHWAY, WAYNESBORO, PA 17268.

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

*Daniel G. Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

Plaintiff No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered  
against you on November 30, 2005.

By: Willie Allen DEPUTY

If you have any questions concerning this matter please contact:

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

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

PHELAN, HALLINAN AND SCHMIEG  
By: Lawrence T. Ph○ 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.

ATTORNEY FOR PLAINTIFF ○

Plaintiff : COURT OF COMMON PLEAS  
Vs. : CIVIL DIVISION  
WILLIAM I. SMEAL : CLEARFIELD COUNTY  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL : NO. 2005-651-CD  
Defendants

TO: WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

DATE OF NOTICE: AUGUST 9, 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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IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

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

*FILE COPY*

*Francis S. Hallinan*  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

WILLIAM I. SMEAL

: NO. 2005-651-CD

MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
Defendants

TO: MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

DATE OF NOTICE: AUGUST 9, 2005

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

#### IMPORTANT NOTICE

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

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

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

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

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

FILE COPY

*Francis S. Hallinan*  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

PLAINTIFF  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY

F&P. #107694

DEFENDANT  
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

FILED NOCC  
M 11/12/06  
APR 26 2006  
JW  
William A. Shaw  
Prothonotary/Clerk of Courts

SERVE MARGARET J. SMEAL A/K/A PRGGY  
J. SMEAL AT:  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

TYPE OF ACTION  
XX Notice of Sheriff's Sale  
SALE DATE: May 5, 2006

SERVED

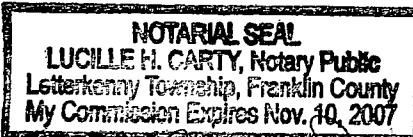
Served and made known to Margaret J. SMEAL, Defendant on the 28 day of March, 2006, at 5157  
o'clock P. M., at 7085 Anthony Hwy, Commonwealth of Pennsylvania, in the manner  
described below:

Defendant personally served.

Adult family member with whom Defendant(s) reside(s). Jeff Wilson  
Relationship is Husband  
 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 45 Height 6' Weight 200 lbs Race W Sex M Other Mustache  
I, Clarence L. Conley Jr 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 28 day  
of March, 2006.



Notary: Lucille H. Cart By: Cheree L. Cart

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

PHELAN HALLINAN & SCHMIEG LLP  
By: DANIEL G. SCHIEG, 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

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISION

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY  
No.: 2005-651-CD

**CERTIFICATION OF SERVICE**

I, Daniel G. Schmieg, hereby certify that a copy of the Motion for Postponement of Sheriff's Sale has been sent to the individuals indicated below on May 3, 2006.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

PHELAN HALLINAN & SCHMIEG, LLP

Daniel G. Schmieg

JOHN R. LHOTA, ESQUIRE  
FOR DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

By John R. Lhota,  
Co-Counsel to

Plaintiff

**FILED**

MAY 03 2006

011140(w)

William A. Shaw  
Prothonotary/Clerk of Courts

(CR)

1 CERT TO ATR

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

COURT OF COMMON PLEAS  
CIVIL DIVISION

CLEARFIELD COUNTY  
No.: 2005-651-CD

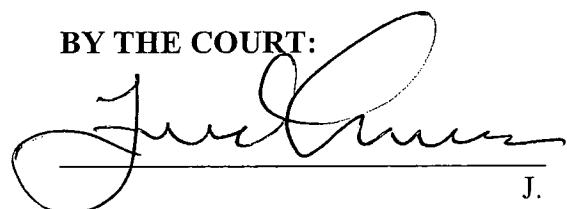
**ORDER**

AND NOW, this 3<sup>rd</sup> day of May, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended to the regularly scheduled CLEARFIELD COUNTY Sheriff's Sale dated JULY 7, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

BY THE COURT:



J.

FILED  
010:38 AM MAY 04 2006  
2CC  
Att'y 2h.o.  
MAY 04 2006  
JCC  
Sheriff  
William A. Shaw (without  
Prothonotary/Clerk of Courts notice)  
(GK)

PHELAN HALLINAN & SCHMIEG LLP  
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

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISION

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY  
No.: 2005-651-CD

**MOTION FOR POSTPONEMENT OF SHERIFF'S SALE**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP, petitions this Honorable Court for a postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for May 5, 2006.
2. Plaintiff has been unable to have the Notice of Sale served upon the Defendant(s) within the thirty day time limit set forth by Pennsylvania Rule of Civil Procedure 3129.
3. A two month postponement of the Sheriff's sale will allow Plaintiff a sufficient amount of time to serve the notice of sheriff's sale upon the Defendant(s).

WHEREFORE, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued to July 7, 2006.

FILED  
MAY 03 2006  
0111:35/0  
William A. Shaw  
Prothonotary/Clerk of Court  
3 Cents to Print

PHELAN HALLINAN & SCHMIEG, LLP

*Daniel G. Schmieg*  
JOHN R. LHOTA, ESQUIRE  
FOR DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF  
*by John R. Lhota*  
*co-counsel to Plaintiff*

VERIFICATION

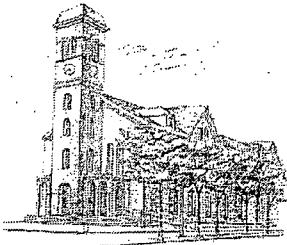
Daniel G. Schmieg, Esquire, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

Date: May 3, 2006

Daniel G. Schmieg  
JOHN R. LHOTA, ESQUIRE  
FOR DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

*by John R. Lhota,  
as counsel to  
Plaintiff*



## Clearfield County Office of the Prothonotary and Clerk of Courts

---

**William A. Shaw**  
Prothonotary/Clerk of Courts

**David S. Ammerman**  
Solicitor

**Jacki Kendrick**  
Deputy Prothonotary

**Bonnie Hudson**  
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

Sincerely,

William A. Shaw  
Prothonotary

DATE: 5/4/06

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions:

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTAGE ELECTRONIC REGISTRATION CLEARFIELD COUNTY  
SYSTEMS, INC.

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

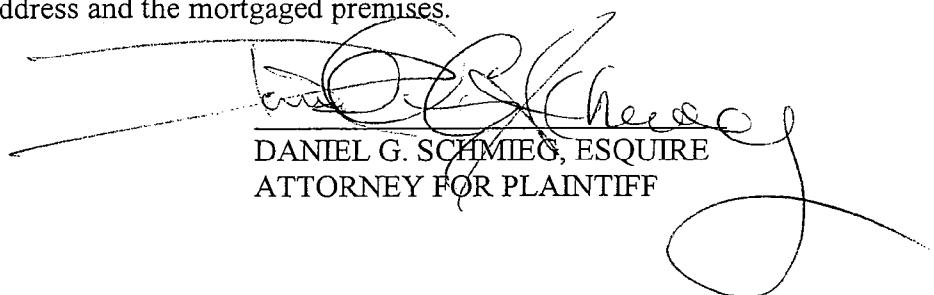
**MOTION FOR SERVICE PURSUANT TO  
SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, DANIEL G. SCHMIEG, Esquire, moves this Honorable Court for an Order directing service of the Notice of Sale upon the above captioned Defendant(s) by certified mail and regular mail to Defendant's last known address.

1. Attempts to serve Defendant with Notice of Sale have been unsuccessful, as indicated by the Affidavit of Service attached hereto as Exhibit "A."

2. Pursuant to Pennsylvania Rule of Civil Procedure 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Good Faith Investigation setting forth the specific inquiries made and the results therefrom is attached hereto as Exhibit "B."

**WHEREFORE**, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pennsylvania Rule of Civil Procedure 430 directing service of the Notice of Sale by certified mail and regular mail to Defendant's last known address and the mortgaged premises.

  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED *cc*  
MAY 10 2006 Atty  
MAY 08 2006  
*GR*

William A. Shaw  
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

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

**COUNTY** CLEARFIELD  
**ACCT.** #0104875562

**DEFENDANT**  
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

**COURT NO.:** 2005-651-CD

**SERVE WILLIAM I. SMEAL AT:**  
33 RR 3 BOX 184  
MORRISDALE, PA 16858

**TYPE OF ACTION**  
XX Notice of Sheriff's Sale  
**SALE DATE:** MAY 5, 2006

**SERVED**

Served and made known to William SMEAL, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_ M., at \_\_\_\_\_, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
 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 \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, Thomas Holmley, 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 \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

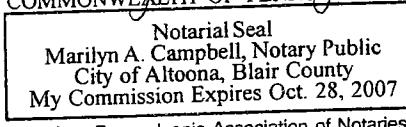
**NOT SERVED**

On the 14<sup>th</sup> day of April, 2006, at 3:07 o'clock P. M., Defendant NOT FOUND because:

Moved  Unknown  No Answer  Vacant  
Other: Joyce Bell, Postmaster, Morrisdale, says the SMEALS moved approx 1 yr ago

Sworn to and subscribed  
before me this 17<sup>th</sup> day of APRIL, 2006. By Thomas Holmley

Notary:

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

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

AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY

PLAINTIFF  
MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

F&P. #107694

DEFENDANT

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

SERVE WILLIAM I. SMEAL AT:

RR 2 BOX 184  
MORRISDALE, PA 16858

TYPE OF ACTION

XX Notice of Sheriff's Sale  
SALE DATE: MARCH 3, 2006

SERVED

Served and made known to William I. Smeal, Defendant on the 28<sup>th</sup> day of Feb., 2006, at 2:25, o'clock P. M., at RR 2 Box 184 Morrisdale, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
 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 \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ 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 \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

NOT SERVED

On the 28<sup>th</sup> day of Feb., 2006, at 2:25 o'clock P. M., Defendant NOT FOUND because:

Moved     Unknown     No Answer     Vacant Postmaster Joyce Bell claims Mr. Smeal no longer resides at this address. Moved in 2003  
Other: \_\_\_\_\_

Sworn to and subscribed  
before me this 28<sup>th</sup> day  
of February, 2006.

By: Thomas Holmberg

Notary:

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

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

**FULL SPECTRUM LEGAL SERVICES, INC.**  
**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 107694  
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**  
Subject: William I. Smeal & Margaret J. Smeal

Property Address: RR 2 Box 184, Morrisdale, PA 16858  
Possible Mailing Address: (William I. Smeal) 33 RR 3 Box 184, Morrisdale, PA 16858  
(Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268

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  
William I. Smeal - 171-44-5004  
Margaret J. Smeal - 103-40-8257

**B. EMPLOYMENT SEARCH**

William I. Smeal & Margaret J. Smeal - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that William I. Smeal reside(s) at 3 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal reside(s) at: 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which had no listing for William I. Smeal & Margaret J. Smeal.  
B. On 03-24-06 our office made a telephone call to the phone number (814) 342-0892 and received the following information: fax tone. On 03-24-06 our office made several telephone calls to the phone number (814) 342-3065 and received the following information: no answer.

**III. INQUIRY OF NEIGHBORS**

On 03-24-06 our office made several phone calls in an attempt to contact M.J.Ostrom (814) 342-7335, RR 2 Box 157, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Paula S. Sweetser (814) 343-4584, RR 2 Box 165, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Larry Williams (814) 342-6198, RR 2 Box 171, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact William T. Guiher (814) 342-4694, RR 3 Box 113, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Anna Jane Hoover (814) 345-5016, RR 3 Box 132, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Diana M. Timko (814) 345-6888, RR 3 Box 136, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made a phone call in an attempt to contact William H. Geesaman (717) 749-5244, 7080 Anthony Highway # Y, Waynesboro, PA 17268: spoke with an unidentified female who could not confirm that the subject reside(s) at 7085 Anthony Highway # Y, Waynesboro, PA 17268.

On 03-24-06 our office made several phone calls in an attempt to contact Audrey E. Mennich (717) 749-5247, 7053 Anthony Highway # Y, Waynesboro, PA 17268: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Norma L. Miller (717) 749-7604, 7128 Anthony Highway # Y, Waynesboro, PA 17268: no answer.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 03-24-06 we reviewed the National Address database and found the following information: William I. Smeal - 33 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal - 7085 Anthony Highway # Y, Waynesboro, PA 17268.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: (William I. Smeal) 33 RR 3 Box 184, Morrisdale, PA 16858 & (Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268.

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on William I. Smeal & Margaret J. Smeal.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 03-24-06 Vital Records and all public databases have no death record on file for William I. Smeal & Margaret J. Smeal.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for William I. Smeal & Margaret J. Smeal residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

William I. Smeal - not available

Margaret J. Smeal - not available

B. A.K.A.

Peggie J. Smeal

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

\* Please be advised our 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 statements 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  
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 24<sup>th</sup> day of March, 2006



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

IND

COMMONWEALTH OF PENNSYLVANIA  
NOTARIAL SEAL  
THOMAS P. STRAIN, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires February 4, 2010

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

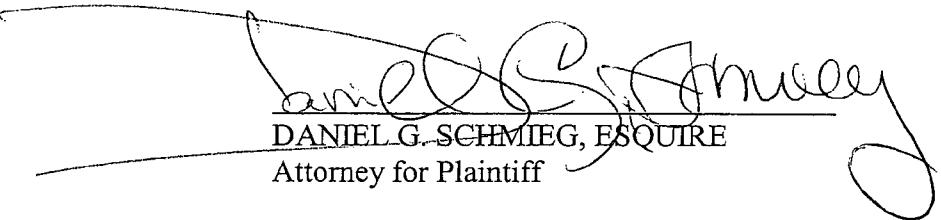
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**CERTIFICATION OF SERVICE**

I, DANIEL G. SCHMIEG, ESQUIRE, hereby certify that a copy of the Motion  
for Service Pursuant to Special Order of Court has been sent to the individuals indicated  
below on

May 5, 2006.

WILLIAM I. SMEAL  
RR2 BOX 184  
MORRISDALE, PA 16858  
&  
33 RR 3 BOX 184  
MORRISDALE, PA 16858

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

ATTORNEY FOR PLAINTIFF  
COURT OF COMMON PLEAS  
CIVIL DIVISION

MORTAGE ELECTRONIC REGISTRATION SYSTEMS, INC.      CLEARFIELD COUNTY

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

**ORDER**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, upon consideration of Plaintiff's Motion and the Affidavit of Good Faith Investigation attached thereto, it is hereby **ORDERED** that Plaintiff may obtain service of the Notice of Sale on the above captioned Defendant(s), **WILLIAM I. SMEAL**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to Defendant's last known address and the mortgaged premises.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

BY THE COURT:

---

J.

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

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,  
Plaintiff

VS.

WILLIAM I. SMEAL and  
MARGARET J. SMEAL a/k/a PEGGY  
J. SMEAL,  
Defendants

)  
) No. 2005-651-CD  
)  
) Type of Pleading:  
) Certificate of Service  
)  
) Filed on Behalf of:  
) Mortgage Electronic Registration  
) Systems, Inc., Plaintiff  
)  
) Counsel of Record for this  
) Party:  
)  
) PHELAN HALLINAN & SCHMIEG LLP  
) BY: DANIEL G. SCHMIEG, ESQUIRE  
) IDENTIFICATION No. 62205  
) ONE PENN CENTER AT SUBURBAN STATION  
) 1617 JOHN F. KENNEDY BLVD, STE. 1400  
) PHILADELPHIA, PA 19103-1814  
) (215) 563-7000

FILED

JUN 16 2006

03012ccathy  
William A. Shaw  
Prothonotary/Clerk of Court  
U. S. Courthouse

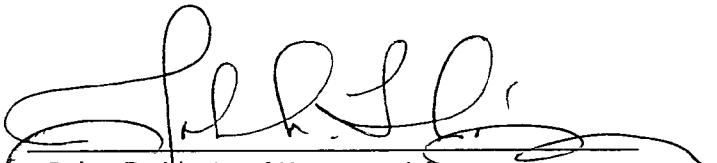
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

MORTGAGE ELECTRONIC )  
REGISTRATION SYSTEMS, INC., )  
Plaintiff ) No. 2005-651-CD  
vs. )  
WILLIAM I. SMEAL and ) Type of Pleading:  
MARGARET J. SMEAL a/k/a PEGGY ) Certificate of Service  
J. SMEAL, )  
Defendants )

**CERTIFICATE OF SERVICE**

I, John R. Lhota, Attorney at Law, co-counsel to Plaintiff in the above captioned matter, hereby certify that a certified copy of an Order dated May 3, 2006, postponing the sheriff's sale in the above captioned matter to July 7, 2006 was sent to the individuals indicated below on May 4, 2006, by regular United States first class mail. Original certificates of mailing evidencing the foregoing are attached hereto and made a part hereof as Exhibit A hereto.

William I. Smeal and  
Margaret J. Smeal a/k/a Peggy J. Smeal  
R.R. 2, Box 184  
Morrisdale, PA 16858



John R. Lhota, Attorney at Law  
for Daniel G. Schmieg, Attorney at Law,  
counsel to plaintiff.

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:  
John R. Lhota, P.C.

110 North Second Street  
Clearfield, PA 16830

One piece of ordinary mail addressed to:  
William I. Smeal  
Margaret J. Smeal a/k/a Peggy J. Smeal  
R.R. 2, Box 184  
Morrisdale, PA 16858

PS Form 3817, January 2001

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER

Received From:  
John R. Lhota, P.C.

110 North Second Street

Clearfield, PA 16830

One piece of ordinary mail addressed to:  
William I. Smeal  
Margaret J. Smeal a/k/a Peggy J. Smeal  
R.R. 2, Box 184  
Morrisdale, PA 16858

PS Form 3817, January 2001

Exhibit A

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

Mortgage Electronic Registration Systems, Inc. \*  
Plaintiff, \*  
\*  
vs. \* No. 2005-651-CD  
\*  
\*  
\*  
William I Smeal, and \*  
Margaret J. Smeal,, a/k/a Peggy Smeal \*  
Defendant(s) \*

Type of Pleading:  
Motion for Postponement of  
Sheriff's Sale

Filed on behalf of:  
Mortgage Electronic Registrations  
Systems, Inc.  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.  
110 North Second Street  
Clearfield, PA 16830  
(814) 765-9611

Supreme Court No. 22492

By:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.

FILED *cc*  
07/06/2006 Atty Lhota  
JUL 06 2006  
*LS*

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG  
BY: DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY I.D. NO. 62205  
ONE PENN CENTER AT SUBURBAN  
STATION, SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY

**MOTION FOR POSTPONEMENT OF SHERIFF'S SALE**

Plaintiff, by its counsel, PHELAN HALLINAN & SCHMIEG, petitions this Honorable Court for a two month postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for July 7, 2006.
2. Plaintiff has been unable to have the Notice of Sale served upon the Defendant(s) within the thirty day time limit set forth by Pennsylvania Rule of Civil Procedure 3129.
3. A two month postponement of the Sheriff's Sale will allow plaintiff a sufficient amount of time to serve the notice of sheriff's sale upon the Defendant(s).

**WHEREFORE**, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued to September 1, 2006.

PHELAN HALLINAN &amp; SCHMIEG

BY:

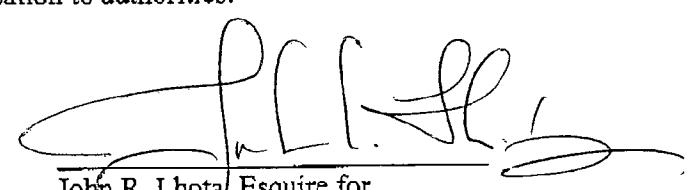
John R. Lhota, Esquire for  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

VERIFICATION

**DANIEL G. SCHMIEG, Esquire**, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

Date: July 6, 2006

  
John R. Lhota, Esquire for  
**DANIEL G. SCHMIEG, ESQUIRE**  
ATTORNEY FOR PLAINTIFF

CP

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY

ORDER

AND NOW, this 6<sup>th</sup> day of *July*, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended two month(s) to the regularly scheduled CLEARFIELD County Sheriff's Sale dated September 1, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

BY THE COURT:

*Paul E. Cleary*  
J.

FILED *07/06/2006* *02:35 PM* *Att'y Lhota*  
JUL 06 2006 *WMS*

William A. Shaw  
Prothonotary/Clerk of Courts

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

Mortgage Electronic Registration  
Systems, Inc.

Plaintiff,

vs.

William I Smeal, and  
Margaret J. Smeal,, a/k/a Peggy Smeal  
Defendant(s)

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. 2005-651-CD

Type of Pleading:  
Certificate of Service

Filed on behalf of:  
Mortgage Electronic Registrations  
Systems, Inc.  
Plaintiff

COUNSEL OF RECORD FOR  
THIS PARTY:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.  
110 North Second Street  
Clearfield, PA 16830  
(814) 765-9611

Supreme Court No. 22492

By:

John R. Lhota, Attorney at Law  
John R. Lhota, P. C.

FILED 200  
07/06/2006 Atty Lhota  
JUL 06 2006  
(6n)

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG  
BY: DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY I.D. NO. 62205  
ONE PENN CENTER AT SUBURBAN  
STATION, SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 533-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

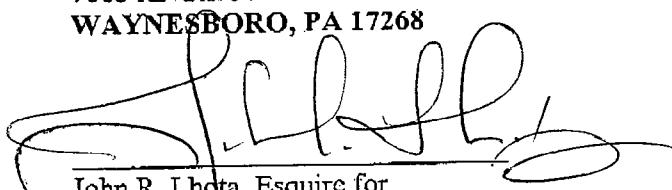
CLEARFIELD COUNTY

CERTIFICATION OF SERVICE

I, DANIEL G. SCHMIEG, Esquire, hereby certify that a copy of the Motion to Postpone  
Sheriff's Sale relative to the above matter has been sent to the individuals indicated below on  
July 6, 2006.

WILLIAM I. SMEAL  
RR 2 BOX 184  
MORRISDALE, PA 16858

MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

  
John R. Lhota, Esquire for  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

July 6, 2006

AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY

PLAINTIFF  
MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

F&P. #107694

DEFENDANT  
WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

SERVE MARGARET J. SMEAL A/K/A PRGGY J. SMEAL AT:  
7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

TYPE OF ACTION

XX Notice of Sheriff's Sale

SALE DATE: MARCH 3, 2006

FILED

*m/2/3584*  
AUG 17 2006

William A. Shaw  
Prothonotary/Clerk of Court  
No CC

SERVED

Served and made known to Margaret J. SMEAL WILSON, Defendant on the 26 day of Feb, 2006, at 2:25, o'clock P. M., at 7085 Anthony Hwy., Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

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

Relationship is \_\_\_\_\_.

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.

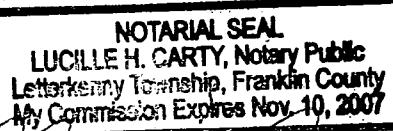
an officer of said Defendant's company.

Other: \_\_\_\_\_

Description: Age 50 Height 5'6" Weight 160 Race W Sex F Other long hair  
No glasses

I, Lucille H. Carty, 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 26th day  
of Feb, 2006.



Notary: Lucille H. Carty By: Lucille H. Carty

NOT SERVED

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

Moved  Unknown  No Answer  Vacant

Other:

Sworn to and subscribed  
before me this 26th day  
of Feb, 2006. By:

Notary:

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

# AFFIDAVIT OF SERVICE

CQS

FILED

NOCC

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

CLEARFIELD County *M/J:35/01*  
No. 2005-651-CD *AUG 17 2006*

Our File #: 107694

William A. Shaw

Type of Action Prothonotary/Clerk of Courts

- Notice of Sheriff's Sale

DEFENDANT(S) **WILLIAM I. SMEAL  
MARGARET J. SMEAL  
A/K/A PEGGY J. SMEAL**

Please serve upon: **WILLIAM I. SMEAL**

William A. Shaw  
Type of Action Prothonotary/Clerk of Courts  
- Notice of Sheriff's Sale

Sale Date: SEPTEMBER 1, 2006

SERVE AT: **RR 3 BOX 194  
MORRISDALE, PA 16858**

SERVED

Served and made known to William L. Smeal, Defendant, on the 5<sup>th</sup> day of August,  
2006 at 3:50, o'clock P.m., at RR 3 Box 194 Morrisdale,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_.

Adult in charge of Defendant(s)'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)'s office or usual place of business.

an officer of said Defendant(s)'s company.

Other: \_\_\_\_\_

Description: Age 50 Height 5'11" Weight 200 Race W Sex M 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 7<sup>th</sup> day  
of AUGUST, 2006

Notary:

By: Thomas Holmberg  
NOT SERVED

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

Moved  Unknown  No Answer  Vacant

1st attempt \_\_\_\_\_, 2nd attempt \_\_\_\_\_, 3rd attempt \_\_\_\_\_

Other:

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

Notary: By:

Attorney for Plaintiff

Daniel G. Schmieg, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

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

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

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

vs.

**WILLIAM I. SMEAL and  
MARGARET J. SMEAL, a/k/a  
PEGGY SMEAL,**  
Defendants.

\*  
\*  
\*  
\*  
\*  
\* No. 2005-651-CD  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\* Type of Pleading:  
\* Motion for Postponement of Sheriff's Sale  
\* And Order  
\*  
\* Filed on behalf of:  
\* Mortgage Electronic Registrations Systems, Inc.  
\* Plaintiff  
\*  
\* COUNSEL OF RECORD FOR THIS PARTY:  
\*  
\* John R. Lhota, Attorney at Law  
\* John R. Lhota, P.C.  
\* 110 North Second Street  
\* Clearfield, PA 16830  
\* (814) 765-9611  
\*  
\* Supreme Court No. 22492

By:

John R. Lhota, Attorney at Law  
John R. Lhota, P.C.

FILED 2CC  
0130061 AUG 31 2006 Atty Lhota  
CJA

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
By: MICHELE BRADFORD, ESQUIRE  
IDENTIFICATION NO. 69849  
PLAINTIFF  
ONE PENN CENTER AT SUBURBAN STATION  
1617 JOHN F. KENNEDY BLVD., SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC vs. WILLIAM I.  
SMEAL MARGARET J. SMEAL COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

**MOTION FOR POSTPONEMENT OF SHERIFF'S SALE**

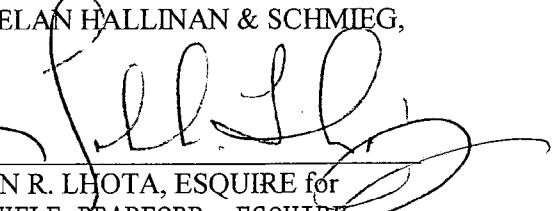
Plaintiff, by its counsel, PHELAN HALLINAN & SCHMIEG, LLP, petitions this Honorable Court for a postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for SEPTEMBER 1, 2006.
2. Plaintiff has been unable to have the Notice of Sale served upon the Defendants within the thirty-day time limit set forth by Pennsylvania Rule of Civil Procedure 3129.2.
3. A one-month postponement of the Sheriff's sale will enable Plaintiff to have the Notice of Sale served upon the Defendants.

**WHEREFORE**, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued to OCTOBER 6, 2006.

LLP

RESPECTFULLY SUBMITTED:  
PHELAN HALLINAN & SCHMIEG,

  
JOHN R. LHOTA, ESQUIRE for  
MICHELE BRADFORD, ESQUIRE  
ATTORNEY FOR PLAINTIFF

**VERIFICATION**

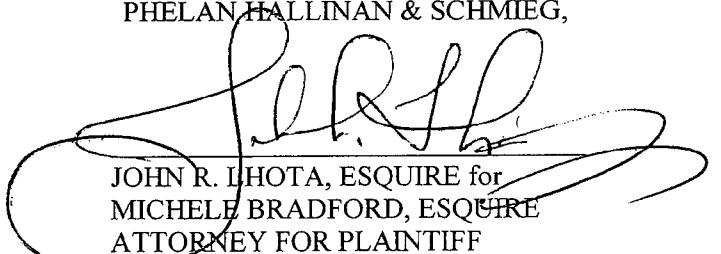
MICHELE BRADFORD, ESQUIRE, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

LLP

Date: August 31, 2006

RESPECTFULLY SUBMITTED:  
PHELAN HALLINAN & SCHMIEG,

  
JOHN R. LHOTA, ESQUIRE for  
MICHELE BRADFORD, ESQUIRE  
ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. vs. WILLIAM I.  
SMEAL MARGARET J. SMEAL COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

## ORDER

AND NOW, this 31<sup>st</sup> day of August, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended to the regularly scheduled  
CLEARFIELD County Sheriff's Sale dated OCTOBER 6, 2006.

No further advertising or additional notice to lienholder or defendants is required.

**BY THE COURT:**

Paul E. Cherry J

FILED *sec*  
01/30/00 PJD Atty/Chota  
AUG 31 2000  
(will serve)  
William A. Shaw  
Prothonotary/Clerk of Courts  
6W

PHELAN HALLINAN & SCHMIEG, LLP  
By: MICHELE BRADFORD, ESQUIRE  
IDENTIFICATION NO. 69849  
PLAINTIFF  
ONE PENN CENTER AT SUBURBAN STATION  
1617 JOHN F. KENNEDY BLVD., SUITE 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC vs. WILLIAM I.  
SMEAL MARGARET J. SMEAL COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

**CERTIFICATION OF SERVICE**

I, MICHELE BRADFORD, hereby certify that a copy of the Motion for Postponement of Sheriff's Sale has been sent to the individuals indicated below on August 31, 2006.

WILLIAM I. SMEAL  
RR 3 BOX 194  
MORRISDALE PA 16858

MARGARET J. SMEAL  
7085 ANTHONY HIGHWAY  
WAYNESBORO PA 17268

LLP

RESPECTFULLY SUBMITTED:  
PHELAN HALLINAN & SCHMIEG,

JOHN R. LHOTA, ESQUIRE for  
MICHELE BRADFORD, ESQUIRE  
ATTORNEY FOR PLAINTIFF

FILED 2 CC  
01/3/2007 Atty Lhota  
SEP 01 2007  
JN

William A. Shaw  
Prothonotary/Clerk of Court

FILED NO  
OCT 12 5:30 PM  
2006  
CC

William A. Shaw  
Prothonotary/Clerk of Courts

SALE DATE: **OCTOBER 6, 2006**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

**MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.** No.: 2005-651-CD

vs.

**WILLIAM I. SMEAL  
MARGARET J. SMEAL**

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

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

**RR 2 BOX 184, MORRISDALE, PA 16858.**

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 Amended 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.

*Daniel J. Schmieg*  
DANIEL SCHMIEG, ESQUIRE  
Attorney for Plaintiff

October 3, 2006

CLEARFIELD COUNTY

MORTAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.

No.: 2005-651-CD

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

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

MORTAGE 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 RR 2 BOX 184, MORRISDALE, PA 16858:

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

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

WILLIAM I. SMEAL	RR 2 BOX 184 MORRISDALE, PA 16858
------------------	--------------------------------------

MARGARET J. SMEAL A/K/A PEGGY J. SMEAL	7085 ANTHONY HIGHWAY WAYNESBORO, PA 17268
--	--

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

November 28, 2005

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

## CLEARFIELD COUNTY

No.: 2005-651-CD

VS.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

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

MORTAGE 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 RR 2 BOX 184, MORRISDALE, PA 16858:

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) \_\_\_\_\_

PNC BANK, NATIONAL ASSOCIATION      PNC CONSUMER BUILDING  
2730 LIBERTY AVENUE  
PITTSBURGH, PA 15222

PNC BANK, NATIONAL ASSOCIATION 8800 TINICUM BOULEVARD  
PHILADELPHIA, PA 15153

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

RR 2 BOX 184  
MORRISDALE, PA 16858

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  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

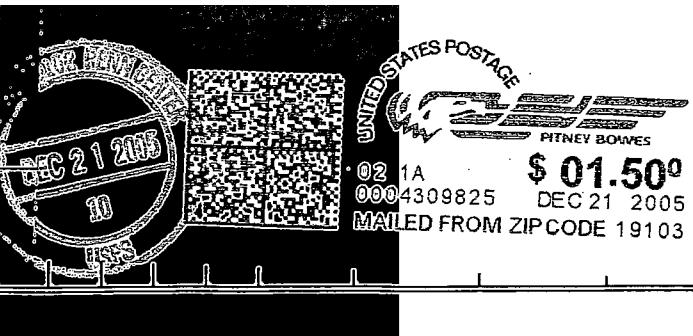
November 28, 2005

Name and  
Address  
Of Sender

PHELAN HALLIAN & SCHMIEG  
One Penn Center at Suburban Station  
Philadelphia, PA 19103-1814

SANDRA COOPER/PMB

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	WILLIAM I. SMEAL	Tenant/Occupant, RR 2 BOX 184, MORRISDALE, PA 16858		
2	0104875562	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		PNC BANK, NATIONAL ASSOCIATION PNC CONSUMER BUILDING 2730 LIBERTY AVENUE PITTSBURGH, PA 15222		
5		PNC BANK, NATIONAL ASSOCIATION 8800 TINICUM BOULEVARD PHILADELPHIA, PA 15153		
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
Total Number of Pieces Listed By Sender		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.	



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20256  
NO: 05-651-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.  
vs.  
DEFENDANT: WILLIAM I. SMEAL AND MARGARET J. SMEAL A/K/A PEGGY J. SMEAL  
Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 12/01/2005

LEVY TAKEN 12/29/2005 @ 11:27 AM

POSTED 12/29/2005 @ 11:27 AM

SALE HELD 10/06/2006

SOLD TO DEBORAH K. SMEAL AND WILLIAM I. SMEAL

SOLD FOR AMOUNT \$128,000.00 PLUS COSTS

WRIT RETURNED 11/02/2006

DATE DEED FILED 11/02/2006

PROPERTY ADDRESS RR 2, BOX 184 POSSIBLE 911 6058 MORRISDALE-ALLPORT HWY MORRISDALE, PA 16858

SERVICES

01/04/2006 @ 9:14 AM SERVED WILLIAM I. SMEAL

SERVED WILLIAM I. SMEAL, DEFENDANT, AT HIS RESIDENCE 6058 MORRISDALE-ALLPORT HWY, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEBBIE SMEAL WIFE/AAR

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

01/26/2006 @ 2:40 PM SERVED MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

FRANKLIN COUNTY SERVED MARGARET J. SMEAL A/K/A PEGGY J. SMEAL, DEFENDANT, AT HER RESIDENCE 7085 ANTHONY HIGHWAY, WAYNESBORO, PA BY HANDING TO JEFFREY WILSON, HUSBAND OF DEFENDANT

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

@ SERVED

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

@ SERVED

NOW, MAY 4, 2006 RECEIVED AN ORDER OF COURT TO CONTINUE THE SHERIFF SALE SCHEDULED FOR MAY 5, 2006 TO JULY 7, 2006 WITHOUT FURTHER ADVERTISING.

@ SERVED

NOW, JULY 6, 2006 RECEIVED A FAX COPY OF COURT ORDER TO CONTINUE THE SHERIFF SALE SCHEDULED FOR JULY 7, 2006 TO SEPTEMBER 1, 2006 WITHOUT FURTHER ADVERTISING.

FILED  
01/10/06 BY  
NOV 02 2006  
JW  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20256  
NO: 05-651-CD

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

DEFENDANT: WILLIAM I. SMEAL AND MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

Execution REAL ESTATE

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$2,928.02

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

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

  
by Cynthia Bolen-Aylenback  
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.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY,  
PENNSYLVANIA

NO.: 2005-651-CD

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A  
PEGGY J. SMEAL

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: **RR 2 BOX 184, MORRISDALE, PA 16858**

(See legal description attached.)

Amount Due	<u>\$176,464.94</u>
Interest from 11/28/05 to Date of Sale (\$29.01 per diem)	<u>\$</u> _____
Total	<u>\$</u> _____ Plus costs as endorsed. <u>132.00</u> <b>Prothonotary costs</b>

John A. Miller  
Prothonotary, Common Pleas Court of  
Clearfield County, Pennsylvania

Dated 11/30/05  
(SEAL)

By:

Deputy

PMB

Received December 1, 2005 @ 3:00 P.M.  
Chester A. Winkler

By Cynthia Butler - Auctioneer

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

DESCRIPTION

ALL THOSE CERTAIN pieces or parcels of land situate, lying and being in the Township of Morris, Clearfield County, Pennsylvania, bounded and described as follows:

PARCEL NO. 1:

BEGINNING at a point at the Northeastern corner of lands of the Methodist Church, said point being on the Eastern right of way of Pennsylvania State Route SR-0053, said place of beginning being the Southeastern corner of the parcel herein conveyed; thence along the Eastern right of way of Pennsylvania State Route SR-0053 along the arc of a curve to the left 844.02 feet in radius, an arc distance of 238.17 feet, the chord of said arc running North 17 Degrees 22 Minutes 26 Seconds East a distance of 238.17 feet to a point, said point being South 73 Degrees 13 Minutes 41 Seconds East a distance of 2.23 feet to a 3/4" rebar (set); thence along the lands presently being conveyed by the Grantor South 73 Degrees 12 Minutes 41 Seconds East a distance of 207.16 feet to a 3/4" rebar (set); thence still along the lands presently being conveyed by the Grantor North 09 Degrees 34 Minutes 40 Seconds East a distance of 163.24 feet to a 3/4" rebar (set); thence along the lands of Frances M. Moriarity South 77 Degrees 26 Minutes 57 Seconds East a distance of 312.37 feet to a 5/8" pipe (found), said pipe being the common corner of lands of Frances M. Moriarity, the parcel herein conveyed, Harry W. and Dolly E. Hand, and other lands of the Grantor; thence along the lands of Harry W. and Dolly E. Hand the following courses and distances: South 18 Degrees 46 Minutes 28 Seconds West a distance of 78.00 feet to a 3/4" rebar (set); South 55 Degrees 25 Minutes 44 Seconds East a distance of 1125.26 feet to a 3/4" rebar (set); thence along the other lands of William I. Smeal and Margaret J. Smeal South 3 Degrees 24 Minutes 09 Seconds West a distance of 552.00 feet to a 1" square pin (found); thence along the lands of Carl T. Hubler the following courses and distances: North 86 Degrees 19 Minutes 18 Seconds West a distance of 744.87 feet to a 3/4" rebar (set); North 37 Degrees 13 Minutes 31 Seconds West a distance of 155.24 feet to a 3/4" rebar (set); North 19 Degrees 31 Minutes 29 Seconds East a distance of 100.00

feet to a 3/4" rebar (set); North 37 Degrees 00 Minutes 57 Seconds West a distance of 465.78 feet to a 3/4" rebar (set); South 18 Degrees 46 Minutes 28 Seconds West a distance of 100.00 feet to a 3/4" rebar (set); thence along the lands of Carl T. Hubler, John Coble and lands of the Methodist Church North 36 Degrees 55 Minutes 34 Seconds West passing through a 1" square pin (found) at a distance of 585.71 feet and continuing on for a total distance of 587.89 feet to a point and place of beginning. CONTAINING 24.926 acres as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

PARCEL NO. II

BEGINNING at a post or stone on the right of way of New York Central and Hudson River Railroad; thence North 04 Degrees 33 Minutes East a distance of 977 feet to a post on lands now or formerly John Czefsky; thence along the line of lands of John Czefsky and lands of the estate of O.L. Schiromer, deceased, South 83 Degrees 45 Minutes East a distance of 785.00 feet to a post; thence South 07 Degrees 50 Minutes West a distance of 963.00 feet to a post; thence North 85 Degrees 05 Minutes West a distance of 729.00 feet to a post and place of beginning. Containing 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1991, and revised on July 8, 1993.

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)  
Tax Parcel #124-R9-21 (Assessment for Parcel 2, 16.86 acres)

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Margaret J. Smeal by reason of the following:

BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Deed dated 10/26/1988 and recorded 10/26/1988 in the County of Clearfield in Deed Book Volume 1250 Page 449 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which Ralph H. Thompson and Janice M. Thompson, his wife by Corrective Deed dated 4/29/1992 and recorded 4/30/1992 in the county of Clearfield in Deed Book Volume 1457 Page 280 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

NOTE: The above recited Corrective Deed was recorded to eliminate an error in the legal description from prior Deed.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 10/1/1993 and recorded in the County of Clearfield in Deed Book Volume 1561 Page 339 conveyed unto William I. Smeal and Margaret J. Smeal, his wife.

AND BEING AS TO PARCEL NO. 1 AND PARCEL NO. 2 the same premises which William I. Smeal and Margaret J. Smeal, his wife by Deed dated 6/9/1995 and recorded 6/9/1995 in the County of Clearfield in Deed Book Volume 1681 Page 398 conveyed unto Margaret J. Smeal.

AND BEING AS TO PARCEL NO. 1 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102306 conveyed unto Margaret J. Smeal.

AND ALSO BEING AS TO PARCEL NO. 2 the same premises which Margaret J. Smeal by Deed dated 1/24/2001 and recorded 2/15/2001 in the County of Clearfield in Instrument #200102307 conveyed unto Margaret J. Smeal.

PREMISES BEING: RR 2 BOX 184, MORRISDALE, PA 16858

Tax Parcel #124-R9-87 (Assessment for Parcel 1, 19.882 acres)

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME WILLIAM I. SMEAL

NO. 05-651-CD

NOW, November 02, 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 October 06, 2006, I exposed the within described real estate of William I. Smeal and Margaret J. Smeal A/K/A Peggy J. Smeal to public venue or outcry at which time and place I sold the same to DEBORAH K. SMEAL AND WILLIAM I. SMEAL he/she being the highest bidder, for the sum of \$128,000.00 plus costs and made the following appropriations, viz:

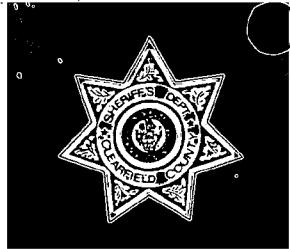
**SHERIFF COSTS:**

**PLAINTIFF COSTS, DEBT AND INTEREST:**

RDR SERVICE	15.00	DEBT-AMOUNT DUE	176,464.94
MILEAGE	15.00	INTEREST @ 29.0100 %	9,051.12
LEVY	12.61	FROM 11/28/2005 TO 10/06/2006	
MILEAGE	15.00		
POSTING	12.61	PROTH SATISFACTION	
CSDS	15.00	LATE CHARGES AND FEES	
COMMISSION	10.00	COST OF SUIT-TO BE ADDED	
POSTAGE	2,560.00	FORECLOSURE FEES	
HANDBILLS	8.58	ATTORNEY COMMISSION	
DISTRIBUTION	15.00	REFUND OF ADVANCE	2,500.00
ADVERTISING	25.00	REFUND OF SURCHARGE	40.00
ADD'L SERVICE	15.00	SATISFACTION FEE	
DEED	30.00	ESCROW DEFICIENCY	
ADD'L POSTING		PROPERTY INSPECTIONS	
ADD'L MILEAGE	25.22	INTEREST	
ADD'L LEVY		MISCELLANEOUS	
BID AMOUNT	128,000.00	TOTAL DEBT AND INTEREST	\$188,056.06
RETURNS/DEPUTIZE	9.00		
COPIES	15.00	<b>COSTS:</b>	
	5.00	ADVERTISING	2,749.22
BILLING/PHONE/FAX	50.00	TAXES - COLLECTOR	3,057.89
CONTINUED SALES	60.00	TAXES - TAX CLAIM	452.72
MISCELLANEOUS		DUE	300.00
TOTAL SHERIFF COSTS	\$2,928.02	LIEN SEARCH	5.00
		ACKNOWLEDGEMENT	3,035.80
DEED COSTS:		DEED COSTS	2,928.02
ACKNOWLEDGEMENT	5.00	SHERIFF COSTS	702.00
REGISTER & RECORDER	35.50	LEGAL JOURNAL COSTS	132.00
TRANSFER TAX 2%	3,000.30	PROTHONOTARY	120.00
TOTAL DEED COSTS	\$3,035.80	MORTGAGE SEARCH	988.73
		MUNICIPAL LIEN	
		TOTAL COSTS	\$14,471.38

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



CHESTER A. HAWKINS  
SHERIFF

Sheriff's Office  
Clearfield County

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

OFFICE (814) 765-2641 EXT. 5986  
AFTER 4:00 P.M. (814) 765-1533

FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

PETER F. SMITH  
SOLICITOR

2006-111

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 20256

TERM & NO. 05-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

WILLIAM I. SMEAL AND MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

DOCUMENTS TO BE SERVED:  
NOTICE OF SALE  
WRIT OF EXECUTION  
COPY OF LEVY

SERVE BY: JAN. 6, 2006

1-19-6  
per Clearfield, Feb. 3, 2006  
Co. Sheriff's office.

MAKE REFUND PAYABLE TO ATTY OFFICE PHELAN HALLINAN & SCHMI  
RETURN TO BE SENT TO THIS OFFICE

SERVE: MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

RECEIVED  
JAN 11 2006

ADDRESS: 7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268

FRANKLIN COUNTY SHERIFF'S OFFICE

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF FRANKLIN COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Monday, January 9, 2006.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

## SHERIFF'S RETURN - REGULAR

CASE NO: 20000011 T

COMMONWEALTH OF PENNSYLVANIA:  
COUNTY OF FRANKLINMORTGAGE ELECTRONIC REGISTRATI

VS

WILLIAM AND MARGARET SMEAL

WILLIAM D MCCOY, Deputy Sheriff of FRANKLIN  
County, Pennsylvania, who being duly sworn according to law,  
says, the within NOTICE OF SHERIFF SALE was served upon  
SMEAL MARGARET J AKA PEGGY J S MEAL the  
DEFENDANT, at 0014:40 Hour, on the 26th day of January, 2006  
at 7085 ANTHONY HIGHWAY  
WAYNESBORO, PA 17268 by handing to  
JEFFREY WILSON HUSBAND  
a true and attested copy of NOTICE OF SHERIFF SALE together with

and at the same time directing His attention to the contents thereof.

## Sheriff's Costs:

Docketing	.00
Service	.00
Affidavit	.00
Surcharge	.00
	.00
	.00

## So Answers:

WILLIAM D MCCOYBy WILLIAM D MCCOY  
Deputy Sheriff01/30/2006  
PHELAN HALLINAN & SCHMIEG

Sworn and Subscribed to before

me this 30th day of  
&00  
January, 2006 A.D.  
Richard D. McCarty  
Notary

Notarial Seal  
Richard D. McCarty, Notary Public  
Chambersburg Boro, Franklin County  
My Commission Expires Jan. 29, 2007

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](mailto:Sandra.Cooper@fedphe.com)

Sandra Cooper  
Judgment Department, Ext. 1258

Representing Lenders in  
Pennsylvania and New Jersey

March 1, 2006

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

**ATTENTION: CINDY (814) 765-5915**

**Re: MORTAGE ELECTRONIC REGISTRATION SYSTEMS, INC. v.  
WILLIAM I. SMEAL MARGARET J. SMEAL A/K/A PRGGY J. SMEAL  
No. 2005-651-CD  
RR 2 BOX 184, MORRISDALE, PA 16858**

Dear Cindy:

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

The property is to be relisted for the May 5, 2006 Sheriff's Sale.

Very truly yours,

SMC

Sandra Cooer

VIA TELECOPY (814) 765-5915

CC: WILLIAM I SMEAL MARGARET J. SMEAL

MORTAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

COURT OF COMMON PLEAS

CIVIL DIVISION

CLEARFIELD COUNTY  
No.: 2005-651-CD

**ORDER**

AND NOW, this 3<sup>rd</sup> day of May, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the said sale is extended to the regularly scheduled CLEARFIELD  
COUNTY Sheriff's Sale dated JULY 7, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

**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.

MAY 04 2006

Attest:

*Wm. E. Brown*  
Prothonotary/  
Clerk of Courts

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO: 2005-651-CD

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

v.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J. SMEAL

CLEARFIELD COUNTY

ORDER

AND NOW, this 6<sup>th</sup> day of *July*, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby ORDERED that the said sale is extended two month(s) to the regularly scheduled CLEARFIELD County Sheriff's Sale dated September 1, 2006.

No further advertising or additional notice to lienholder or defendant(s) is required.

BY THE COURT:



The signature is handwritten in black ink. It appears to read "Paul E. Cleary" with a small "J." at the end of the "y". The signature is fluid and cursive.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC vs. WILLIAM T.  
SMEAL MARGARET J. SMEAL COURT OF COMMON PLEAS  
CIVIL DIVISION CLEARFIELD COUNTY No.: 2005-651-CD

**ORDER**

AND NOW, this 31<sup>st</sup> day of August, 2006, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby  
**ORDERED** that the said sale is extended to the regularly scheduled CLEARFIELD County Sheriff's Sale dated OCTOBER 6, 2006.

No further advertising or additional notice to lienholder or defendants is required.

**BY THE COURT:**

/s/ Paul E. Cherry

J

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

SEP 01 2006

Attest.

William A. Shaw  
Prothonotary/  
Clerk of Courts

FILED  
07/09/2006  
AUG 31 2006  
Atty Lhota  
(will serve)

William A. Shaw  
Prothonotary/Clerk of Courts

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

MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

vs.

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PEGGY J.  
SMEAL

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY

No.: 2005-651-CD

RECEIVED  
MAY 08 2006

CLERK'S OFFICE  
COURT ADMINISTRATIVE  
OFFICE

**MEMORANDUM OF LAW**

Pennsylvania Rule of Civil Procedure 430(a) specifically provides:

(a) If service cannot be made under the applicable rule, the plaintiff may move the Court for a special order directing the method of service. The Motion shall be accompanied by an Affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the Defendant and the reasons why service cannot be made.

Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address." Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

An illustration of good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives neighbors, friends and employers of the Defendant and (3) examinations of local telephone directories, voter registration records, local tax records, and motor vehicle records.

As indicated by the attached Affidavit of Service, marked hereto as Exhibit "A", the Sheriff has been unable to serve the Notice of Sale. A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Good Faith Investigation, marked Exhibit "B."

**WHEREFORE**, Plaintiff respectfully requests service of the Notice of Sale by certified mail and regular mail to Defendant's last known address.

Respectfully submitted:

DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF



AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY

PLAINTIFF  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC.

F&P. #107694

DEFENDANT

WILLIAM I. SMEAL  
MARGARET J. SMEAL A/K/A PRGGY J.  
SMEAL

COURT NO.: 2005-651-CD

SERVE WILLIAM I. SMEAL AT:  
RR 2 BOX 184  
MORRISDALE, PA 16858

TYPE OF ACTION  
XX Notice of Sheriff's Sale  
SALE DATE: MARCH 3, 2006

SERVED

Served and made known to William I. Smeal, Defendant on the 28<sup>th</sup> day of Feb., 2006, at 2:25, o'clock P. M., at RR 2 Box 184 Morrisdale, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
 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 \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ 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 \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

NOT SERVED

On the 28<sup>th</sup> day of Feb., 2006, at 2:25 o'clock P. M., Defendant NOT FOUND because:

Moved  Unknown  No Answer  Vacant Postmaster Joyce Bell claims Mr. Smeal no longer resides at this address. Moved in 2003  
Other: \_\_\_\_\_

Sworn to and subscribed  
before me this 28<sup>th</sup> day  
of January, 2006.

By: Thomas Holmberg

Notary:

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

ATTORNEY FOR PLAINTIFF  
DANIEL G. SCHMIDT, ESQUIRE  
ID#62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Blvd., Suite 1400  
Philadelphia, PA 19103-1813  
(215)563-7000

**FULL SPECTRUM LEGAL SERVICES, INC.**  
**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 107694  
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**  
Subject: William I. Smeal & Margaret J. Smeal

Property Address: RR 2 Box 184, Morrisdale, PA 16858  
Possible Mailing Address: (William I. Smeal) 33 RR 3 Box 184, Morrisdale, PA 16858  
(Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268

**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

William I. Smeal - 171-44-5004

Margaret J. Smeal - 103-40-8257

**B. EMPLOYMENT SEARCH**

William I. Smeal & Margaret J. Smeal - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that William I. Smeal reside(s) at 33 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal reside(s) at: 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which had no listing for William I. Smeal & Margaret J. Smeal.

**B.** On 03-24-06 our office made a telephone call to the phone number (814) 342-0892 and received the following information: fax tone. On 03-24-06 our office made several telephone calls to the phone number (814) 342-3065 and received the following information: no answer.

**III. INQUIRY OF NEIGHBORS**

On 03-24-06 our office made several phone calls in an attempt to contact M.J. Ostrom (814) 342-7335, RR 2 Box 157, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Paula S. Sweetser (814) 343-4584, RR 2 Box 165, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Larry Williams (814) 342-6198, RR 2 Box 171, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact William T. Guiher (814) 342-4694, RR 3 Box 113, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Anna Jane Hoover (814) 345-5016, RR 3 Box 132, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Diana M. Timko (814) 345-6888, RR 3 Box 136, Morrisdale, PA 16858: answering machine.

On 03-24-06 our office made a phone call in an attempt to contact William H. Geesaman (717) 749-5244, 7080 Anthony Highway # Y, Waynesboro, PA 17268: spoke with an unidentified female who could not confirm that the subject reside(s) at 7085 Anthony Highway # Y, Waynesboro, PA 17268.

On 03-24-06 our office made several phone calls in an attempt to contact Audrey E. Minnich (717) 749-5247, 7053 Anthony Highway # Y, Waynesboro, PA 17268: answering machine.

On 03-24-06 our office made several phone calls in an attempt to contact Norma L. Miller (717) 749-7604, 7128 Anthony Highway # Y, Waynesboro, PA 17268: no answer.

**IV. ADDRESS INQUIRY**

**A. NATIONAL ADDRESS UPDATE**

On 03-24-06 we reviewed the National Address database and found the following information: William I. Smeal - 3 3 RR 3 Box 184, Morrisdale, PA 16858 & Margaret J. Smeal - 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**B. ADDITIONAL ACTIVE MAILING ADDRESSES**

Per our inquiry of creditors, the following is a possible mailing address: (William I. Smeal) 3 3 RR 3 Box 184, Morrisdale, PA 16858 & (Margaret J. Smeal) 7085 Anthony Highway # Y, Waynesboro, PA 17268.

**V. DRIVERS LICENSE INFORMATION**

**A. MOTOR VEHICLE & DMV OFFICE**

Per the PA Department of Motor Vehicles, we were unable to obtain address information on William I. Smeal & Margaret J. Smeal.

**VI. OTHER INQUIRIES**

**A. DEATH RECORDS**

As of 03-24-06 Vital Records and all public databases have no death record on file for William I. Smeal & Margaret J. Smeal.

**B. COUNTY VOTER REGISTRATION**

The county voter registration was unable to confirm a registration for William I. Smeal & Margaret J. Smeal residing at last registered address.

**VII. ADDITIONAL INFORMATION OF SUBJECT**

**A. DATE OF BIRTH**

William I. Smeal -not available

Margaret J. Smeal - not available

**B. A.K.A.**

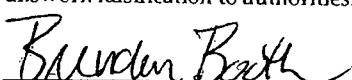
Peggie J. Smeal

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

**\* Please be advised our 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 statements 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  
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 24<sup>th</sup> day of March, 2006



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

IND

**COMMONWEALTH OF PENNSYLVANIA**

**NOTARIAL SEAL**

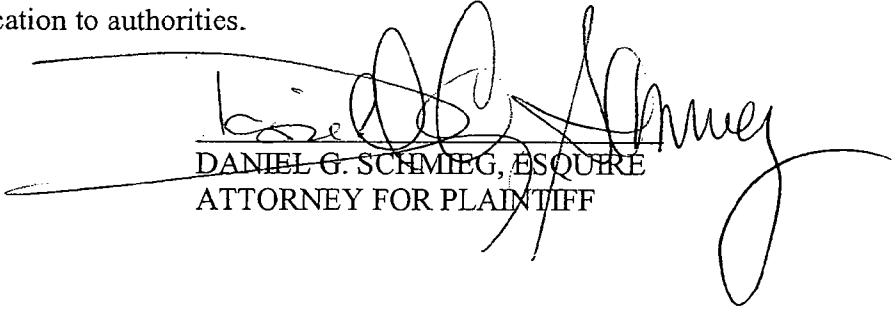
THOMAS P. STRAIN, Notary Public  
City of Philadelphia, Phila. County

My Commission Expires February 4, 2010

VERIFICATION

**DANIEL G. SCHMIEG, ESQUIRE**, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to take this Affidavit, and that the statements made in the foregoing **MOTION FOR SERVICE OF THE NOTICE OF SALE PURSUANT TO SPECIAL ORDER OF COURT** are true and correct to the best of his knowledge, information and belief.

The undersigned understands that this statement herein is 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

# THIS DEED

MADE THIS 24th day of January , in the year two thousand and one.

BETWEEN MARGARET J. SMEAL of R. R. 2, Box 184, Morrisdale, Clearfield County, Pennsylvania, GRANTOR AND PARTY OF THE FIRST PART,

A N D

MARGARET J. SMEAL of R. R. 2, Box 184, Morrisdale, Clearfield County, Pennsylvania, GRANTEE AND PARTY OF THE SECOND PART.

WITNESSETH: That in consideration of ONE (\$1.00) DOLLAR, in hand paid, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantee, her heirs and assigns.

ALL that certain tract or piece of ground situate in the Township of Morris, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post or stone on the right-of-way of New York Central and Hudson River Railroad; thence North 04 degrees 33 minutes East a distance of 977 feet to a post on lands now or formerly of John Czefsky; thence along the line of lands of John Czefsky and lands of the Estate of O. L. Schoonover, deceased, South 83 degrees 45 minutes East a distance of 785.00 feet to a post; thence South 07 degrees 50 minutes West a distance of 963.00 feet to a post; thence North 85 degrees 05 minutes West a distance of 729.00 feet to a post and place of beginning.

CONTAINING 16 acres 137 perches as shown on the map prepared by Curry and Associates dated January 14, 1981, and revised on July 8, 1993.

BEING a part of the same premises granted and conveyed unto the Grantor herein by deed of William I. Smeal et. ux. dated the 9th day of June, 1995, and entered for record in the office of the Recorder of Deeds of Clearfield County, Pennsylvania, in Deeds & Records Volume 1681, Page 398.

THIS IS A TRANSFER FROM AN INDIVIDUAL TO HERSELF AND THEREFORE EXEMPT FROM TRANSFER TAX.

## NOTICE

Grantee (hereinafter, whether one or more, called "Grantee") hereby states that he knows that he may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interests in the coal. (THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1996.)

Witness:

Margaret J. Smeal 1/24/01 1

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND, THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth pursuant to Act No. 255, approved September 10, 1965, as amended).

AND THE SAID GRANTOR will specially WARRANT AND FOREVER DEFEND the property hereby conveyed.

IN WITNESS WHEREOF, said grantor has hereunto set her hand and seal the day and year first above written.

Margaret J. Smeal (Seal)  
Margaret J. Smeal

## CERTIFICATE OF RESIDENCE

I hereby certify that the precise residence of the Grantee  
herein is as follows:

R. R. 2, Box 184  
Morrisdale, Pa., 16858

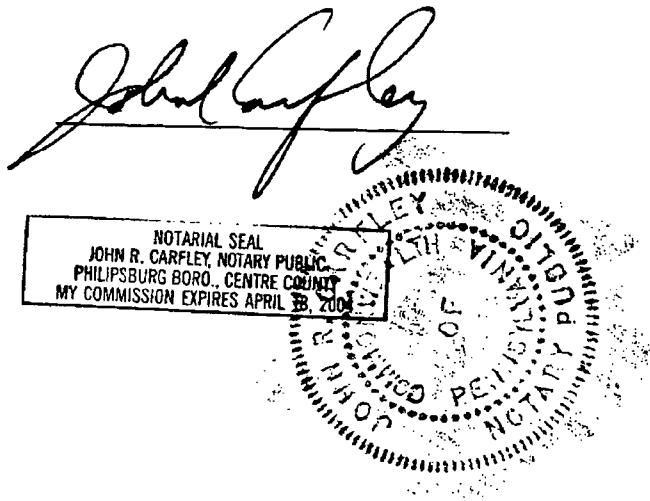
*John Carfley*  
\_\_\_\_\_  
Attorney or Agent  
N.T.S.

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF CENTRE

On this, the 24<sup>th</sup> day of January, 2001, before me, the  
undersigned officer, personally appeared Margaret J. Smeal known to  
me to be the person whose name is subscribed to the within  
instrument and acknowledged that she executed the same for the  
purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial  
seal.



KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
200102307

RECORDED ON

Feb 15, 2001  
12:13:02 PM

RECORDING FEES -	\$13.00
COUNTY IMPROVEMENT FUND	\$1.00
RECORDER IMPROVEMENT FUND	\$1.00
STATE WIT TAX	\$0.50
TOTAL	\$15.50
CUSTOMER	
CARFLEY, JOHN	