

05-882-CD
Levenduski et al vs. Safeguard et al

Edward Levenduski et v. Safeguard Prop
2005-882-CD

Date: 10/13/2005

Time: 09:42 AM

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Clearfield County Court of Common Pleas

ROA Report

User: LBENDER

Case: 2005-00882-CD

Current Judge: Fredric Joseph Ammerman

Edward J. Levenduski, Janice E. Levenduski vs. Safeguard Properties, Inc., Household Beneficial Mortgage Corporation, Mark Wolfe

Civil Other

Date		Judge
✓ 06/20/2005	X New Case Filed. Filing: Civil Complaint Paid by: Noble, Theron G. (attorney for Levenduski, Edward J.) Receipt number: 1903181 Dated: 06/20/2005 Amount: \$85.00 (Check) Five CC Attorney Noble	No Judge No Judge
✓ 07/27/2005	X Request For Extension of Time to File Answer to Complaint, filed by s/ Dean K. Cherchiglia, Esquire. 2CC Atty Cherchiglia	No Judge
✓ 07/29/2005	X Order, this 28th day of July, 2005, ordered that Defendant, Safeguard Properties, Inc., shall be granted a 30 day extension of Time to file its Answer to the Plaintiff's Complaint. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty Cherchiglia	Fredric Joseph Ammerman
✓ 08/02/2005	X Entry of Appearance, filed on behalf of Defendant Mark Wolfe only, by s/ Dennis J. Stofko, Esquire. No CC, copy to C/A	Fredric Joseph Ammerman
✓ 08/03/2005	X Preliminary Objections filed on behalf of Mark Wolfe, filed by s/Dennis J. Stofko, Esq. No CC X Praecipe to schedule argument on Defendant Wolfe's Preliminary Objections, filed by s/Dennis J. Stofko, Esq. No CC	Fredric Joseph Ammerman Fredric Joseph Ammerman
✓ 08/24/2005	X Sheriff Return, July 11, 2005 served the within Complaint on Safeguard Properties Inc. July 11, 2005, served the Complaint on Household Beneficial Mortgage Corporation So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm. Shff Hawkins costs pd by atty for plff \$82.22; Centre County costs pd by atty for plff \$25.45.	Fredric Joseph Ammerman
✓ 08/29/2005	X Praecipe To Enter Appearance, on behalf of Defendant, Safeguard Properties, Inc., filed by s/ Dwight L. Koerber, Jr., Esquire. 4CC Atty. Koerber X Preliminary Objections, filed by s/ Dwight L. Koerber, Jr., Esquire. 4 CC Atty. Koerber	Fredric Joseph Ammerman Fredric Joseph Ammerman
✓ 09/12/2005	X Preliminary Objections, filed by s/ Dwight L. Koerber, Jr., 4CC atty Koerber X Praecipe For Entry of Appearance, filed on behalf of Defendant Household Beneficial Mortgage Corporation, filed by s/ Dwight L. Koerber, Jr., 4CC Atty. Koerber, copy to C/A	Fredric Joseph Ammerman Fredric Joseph Ammerman
09/20/2005	✓ X Order NOW, this 15 day of September 2005, upon the filing of the Preliminary Objections of Defendant Household Beneficial Mortgage Corporation, it is the Order and Decree of this Court that Oral Argument thereon shall be held concurrent with Oral Argument on the Preliminary Objections of Defendant Safeguard Properties Inc., and Defendant Mark Wolfe, which is scheduled on the 17th day of October 2005 at 9:00 a.m. in Courtroom number 1. BY THE COURT: /s/ Frederic Ammerman, P. Judge. 4CC to Atty Koerber. X Order AND NOW, this 19th day of September, 2005, upon consideration of Defendant's Preliminary Objections filed by Attorney Stofko on behalf of Defendant Mark Wolfe in the above matter, it is the Order of the Court that argument has been scheduled for the 17th day of October 2005, at 9:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Frederic J. Ammerman, P. Judge. 3CC atty Stofko.	Fredric Joseph Ammerman Fredric Joseph Ammerman

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

CASE NO. 02-169-CD

Date of Jury Selection: August 18, 2005

Presiding Judge: Fredric J. Ammerman

**Michelle Herzing and Jeffrey A. Jarvis, ind.
in their own right, and as Admin of the
Estate of Janell Herzing, a minor**

Court Reporter: _____

Date of Trial: Oct. 21, 24, 25, 26, 27 and 28, 2005

Date Trial Ended: _____

VS

**Mary C. Kruszewski, DuBois Medical
Center and Jerjie T. Alajaji**

MEMBERS OF THE JURY

1. Helen Lewis
2. William Gearhart
3. D. Blaine Carr
4. Rick Ricotta
5. Beth Shimel
6. Russell Shirey
- ALT #1 Melissa Lisi

7. Edward Dietrick
8. Aaron Mills
9. Jennifer Porter
10. Cleo Rodgers
11. Virginia James
12. Frederick Foltz
- ALT #2 Jason Kephart

PLAINTIFF'S WITNESSES:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

PLAINTIFF'S ATTY: Amy Acheson Esq

ADDRESS TO JURY: _____

JUDGE'S ADDRESS TO JURY: _____

VERDICT: _____

DEFENDANT'S WITNESSES:

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____

**DEFENDANT'S ATTY: John W. Blasko Esq.,
David R. Johnson Esq., and Alan R. Krier Esq.**

ADDRESS TO JURY: _____

JURY OUT: _____ JURY IN: _____

FOREPERSON: _____

Date: 10/13/2005

Time: 09:42 AM

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Clearfield County Court of Common Pleas

ROA Report

User: LBENDER

Case: 2005-00882-CD

Current Judge: Fredric Joseph Ammerman

Edward J. Levenduski, Janice E. Levenduski vs. Safeguard Properties, Inc., Household Beneficial Mortgage Corporation, Mark Wolfe

Civil Other

Date		Judge
✓ 09/20/2005	✓ Order NOW, this 19th day of September 2005, upon the filing of the Preliminary Objections of Defendant Safeguard Properties, Inc., it is the Order and Decree of this Court that Oral Argument thereon shall be held on the 17th day of October 2005 at 9:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Frederic J. Ammerman, P. Judge. 6CC atty Koerber.	Fredric Joseph Ammerman
✓ 09/21/2005	✓ Certificate of Service, filed. That on the 21st day of September 2005 the undersigned served a true and correct copy of the SCHEDULING ORDER in the above captioned matter upon Theron G. Noble Esq., and Dennis J. Stofko Esq., filed by s/ Dwight L Koerber Jr Esq. 4CC atty.	Fredric Joseph Ammerman
✓	✓ Certificate of Service, filed. That on the 21st day of September 2005 the undersigned served a true and correct copy of the Scheduling Order in the above captioned matter upon Theron G. Noble Esq., and Dennis J. Stofko Esq. filed by s/ Dwight L Koerber Jr Esq. 4CC atty.	Fredric Joseph Ammerman
✓ 09/28/2005	✓ Motion For Continuance, filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman
09/29/2005	✓ Scheduling Order, NOW, this 29th day of Sept., 2005, the argument Order, NOW, this 29th day of Sept., 2005, the argument scheduled for Oct. 17, 2005 on all of Defendants' Preliminary Objections is Continued at the request of Plaintiffs. Argument is rescheduled for the 15th day of Nov., 2005, Courtroom No. 1, commencing at 3:00 p.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Noble	Fredric Joseph Ammerman Fredric Joseph Ammerman
✓ 10/05/2005	✓ Notice of Service, copy of the Scheduling Order issued upon Plaintiffs' Motion for Continuance, served upon Dwight L. Koerber, Esquire, and Dennis J. Stofko, Esquire. Filed by s/ Theron G. Noble, Esquire. No CC	Fredric Joseph Ammerman

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

First Commonwealth Bank

Vs.

No. 2005-01565-CD

Russell C. Graham

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered against you in the amount of \$396.87 on the October 10, 2005.

William A. Shaw
Prothonotary

William A. Shaw

Edward J. Levenduski, Janice E. Levenduski vs. Safeguard Properties, Inc., Household Beneficial Mortgage Corporation, Mark Wolfe

Civil Other

Date	Selected Items	Judge
12/09/2005	Order, NOW, this 7th day of Dec., 2005, in consideration of Preliminary Objections filed on behalf of all Defendants, Ordered: (see original). By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Attys: Noble, Cherchiglia, Koerber, Stofko	Fredric Joseph Ammerman
12/16/2005	Answer and New Matter filed by s/ Dennis J. Stofko Esq. No CC.	Fredric Joseph Ammerman
12/22/2005	Answer and New Matter of Defendant Household Beneficial Mortgage Corporation, filed by s/ Dwight L. Koerber, Jr., Esquire. 4CC to Atty	Fredric Joseph Ammerman
12/28/2005	Wolfe's Reply to New Matter, filed by s/ Dennis J. Stofko Esq. No CC.	Fredric Joseph Ammerman
12/30/2005	Answer and New Matter of Defendant Safeguard Properties, Inc., filed by s/ Swight L. Koerber Jr. Esq. 4CC Atty Koerber	Fredric Joseph Ammerman
01/04/2006	Wolfe's Reply to New Matter, filed by s/ Dennis J. Stofko Esq. No CC.	Fredric Joseph Ammerman
01/09/2006	Plaintiffs' Reply to New Matter of Defendant Wolfe, filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
03/20/2006	Notice of Service, filed. A true and correct copy of the Plaintiffs' First Set of Discovery Requests to Dwight L. Koerber Esq., and Dennis J. Stofko Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
04/28/2006	Certificate of Service, on the 27th day of april, 2006, served copy of the Answer of Household Finance Corporation (improperly identified as Def. Household Beneficial Mortgage Corporation) To Interrogatories and Request For Production of Plaintiffs Edward J. Levenduski and Janice E. Levenduski, upon Theron G. Noble, Esquire, and Dennis J. Stofko, Esquire Filed by s/ Dwight L. Koerber, Jr. 2CC to Atty.	Fredric Joseph Ammerman
06/09/2006	Motion to Compel, filed by Atty. Noble No cert. copies.	Fredric Joseph Ammerman
06/16/2006	Rule to Show Cause, NOW, this 16th day of June, 2006, upon consideration of the attached Plaintiff's Motion to Compel, a RULE is hereby issued upon the Defendants to show cause. Rule Returnable for filing written response, is set for the 5th day of July 2006 and argument on the Motion is set for the 18th day of July 2006 at 9:00 a.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 2 CC Atty Noble.	Fredric Joseph Ammerman
06/27/2006	Notice of Service, filed. Mailed a true and correct copy of the Rule Returnable issued upon Plaintiffs' Motion to Compel to Dwight L. Koerber Esq. and Dennis J. Stofko Esq., filed by s/ Theron G. Noble Esq. No CC.	Fredric Joseph Ammerman
07/05/2006	Reply of Safeguard Properties, Inc. to Request for Production of Documents, filed by s/ Dwight L. Koerber Jr Esq. 4 CC Atty Koerber.	Fredric Joseph Ammerman
	Reply of Safeguard Properties, Inc., Defendant to Motion to Compel filed by Plaintiff, filed by s/ Dwight L. Koerber Jr Esq. 4 CC Atty Koerber.	Fredric Joseph Ammerman
	Reply to Defendant Household Beneficial Mortgage Corporation to Motion to Compel, filed by s/ Dwight L. Koerber Jr Esq. 4 CC Atty Koerber.	Fredric Joseph Ammerman
07/06/2006	Certificate of Service, filed. That on the 5th day of July 2006, the undersigned served a copy of the Answer of Safeguard Properties Inc. to Plaintiffs' First Set of Discovery Requests to all Defendants in the above-captioned matter on Theron G. Noble Esq. and Dennis J. Stofko Esq. 4CC Atty Koerber.	Fredric Joseph Ammerman

Fee Type:	MISC	Effective Date:	05/09/2006	Notary Registration - Number of fees collected: 18				Receipt Total
Receipt Date	Receipt Number	Proth Co Fees	Case:					
06/07/2006	10:25 AM 1914151	3.00	Case:				3.00	
	Payor: Joyce Delucia							
06/12/2006	01:35 PM 1914247	3.00	Case:				3.00	
	Payor: Andrea C. Rumery							
06/13/2006	10:55 AM 1914259	3.00	Case:				3.00	
	Payor: Beth A. Kupa--BAK Reporting, LLC							
06/15/2006	11:30 AM 1914297	3.00	Case:				3.00	
	Payor: Kimberly Kovall							
06/16/2006	11:32 AM 1914314	3.00	Case:				3.00	
	Payor: Jayme L. Organ							
06/20/2006	12:48 PM 1914357	3.00	Case:				3.00	
	Payor: Douglas London							
06/20/2006	01:23 PM 1914358	3.00	Case:				3.00	
	Payor: Karen Veihdeffer-Rubbe							
06/21/2006	04:05 PM 1914377	3.00	Case:				3.00	
	Payor: Donna L. Lucas							
06/22/2006	11:35 AM 1914379	3.00	Case:				3.00	
	Payor: Bell, Silverblatt & Wood							
06/23/2006	09:15 AM 1914398	3.00	Case:				3.00	
	Payor: Debra N. Homer							
06/23/2006	12:09 PM 1914403	3.00	Case:				3.00	
	Payor: Joni K. Derrick							
06/26/2006	11:04 AM 1914423	3.00	Case:				3.00	
	Payor: Schultz, Catherine							
06/26/2006	02:46 PM 1914433	3.00	Case:				3.00	
	Payor: Shelle L. Brown for Burns & Burns Assoc.							
06/27/2006	09:24 AM 1914439	3.00	Case:				3.00	
	Payor: Tina L. Conrad							

Date: 07/13/2006

Clearfield County Court of Common Pleas

User: LMILLER

Time: 11:08 AM

ROA Report

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Case: 2005-00882-CD

Current Judge: Fredric Joseph Ammerman

Edward J. Levenduski, Janice E. Levenduski vs. Safeguard Properties, Inc., Household Beneficial Mortgage Corporation, Mark Wolfe

Civil Other

Date	Selected Items	Judge
07/06/2006	Certificate of Service, filed. That on the 5th day of July 2006 the undersigned served a true and correct copy of the Reply of Defendant Household Beneficial Mortgage Corporation to the Request for Production of Documents in the above captioned matter upon Theron G. Noble Esq. and Dennis J. Stofko Esq., filed by s/ Dwight L. Koerber Jr Esq. 4CC atty Koerber.	Fredric Joseph Ammerman

Fee Type: MISC			
Effective Date: 05/06/2006			
Notary Registration - Number of fees collected: 18			
Receipt Date	Receipt Number	Proth Co Fees	Receipt Total
06/27/2006 02:35 PM	1914447	3.00	3.00
Payor: David Radzavich			Case:
Distribution totals:			54.00
Overage - Number of fees collected: 1			
Receipt Date	Receipt Number	Proth Co Fees	Receipt Total
06/26/2006 09:27 AM	1914418	1.50	1.50
Payor: Dennis Read 94-633-CD			Case:
Distribution totals:			1.50
Passport Fee - Number of fees collected: 47			
Receipt Date	Receipt Number	Proth Co Fees	Receipt Total
06/01/2006 11:32 AM	1914084	30.00	30.00
Payor: Markle, Roy			Case:
06/01/2006 03:03 PM	1914095	30.00	30.00
Payor: Grumblatt, Nadine			Case:
06/01/2006 04:08 PM	1914099	30.00	30.00
Payor: Lonnie L. London			Case:
06/02/2006 03:37 PM	1914110	60.00	60.00
Payor: Rapski, Sharon			Case:
06/02/2006 04:11 PM	1914113	30.00	30.00
Payor: Buck, Edward			Case:
06/05/2006 11:47 AM	1914125	60.00	60.00
Payor: Hayton, Shelley			Case:
06/06/2006 10:39 AM	1914138	30.00	30.00
Payor: Hook, Julie			Case:
06/07/2006 10:29 AM	1914152	30.00	30.00
Payor: Andrew W. Knepp			Case:

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

Type of Pleading:

CIVIL COMPLAINT

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED 5 cc
012:52 By Atty Noble
JUN 20 2005 Atty pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05-_____-CD

NOTICE TO DEFEND

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM 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 CLAIM IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF(S). 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 AN ATTORNEY, OR CANNOT FIND ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

David Meholick, Court Administrator
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
(814)-765-2641

1. First Plaintiff is Edward J. Levenduski, who does, and at all material times did reside at 1642 Cleveland Street, Weedville, Elk County, Pennsylvania.
2. The second is Plaintiff Janice E. Levenduski, who does, and at all material times did reside at 1642 Cleveland Street, Weedville, Elk County, Pennsylvania.
3. That first Defendant is Safeguard Properties, Inc., upon information and belief a duly formed and existing corporation with principal place of business located at 650 Safeguard Plaza, Brooklyn Heights, Cuyahoga County, Ohio 44131.

4. That second Defendant is Household Beneficial Mortgage Corporation, upon information and belief a duly formed and existing corporation with principal place of business located at 931 Corporate Center Drive, Pomona, Los Angeles County, California 91769.
5. That third defendant is Mark Wolfe, an adult individual, who upon information and belief does, and at all material times did reside at 1750 Bush Hallow Road, Union, Centre County, Pennsylvania.

Background

6. That Edward J. Levenduski and Janice E. Levenduski, hereinafter Plaintiffs and/or “The Levenduskies”, at all relevant times are and were husband and wife, living together as such at the aforementioned address.
7. That the Levenduskies' own a second home, located in Huston Township, Clearfield County, Pennsylvania, with a physical address of 12106 Bennetts Valley Highway, best described as a two story, wood framed house, with gold shingles, hereinafter the “Levenduski home”.
8. That on, or about January 16, 2005, being a Sunday, Defendant Wolfe forcibly entered the Levenduski home by breaking the front door, which was locked as were all the doors to the home.
9. Defendant Wolfe upon entering the home, did go all through the house, from the basement to the upstairs, even opening cabinets and drawers in the home.
10. That Defendant Wolfe not only entered the home but also changed the locks to the Levenduski home, which included the front and back doors, placed a pad lock on the basement door, as well as placed notices on the home that the property had been “secured” by Defendant

Safeguard Properties, Inc..

11. That Mr. Levenduski was last in the home a few days prior to January 16th, and had closed the door separating the basement from the first floor, as was his custom.

12. That at the relevant time, January 16th, Mrs. Levenduski who was either in the hospital or recuperating from very recent heart surgery, had not been in the home for sometime.

13. That Defendant Wolfe, left the door separating the basement from the first floor open which upon information and belief did permit varmints of some type to enter into the first floor and caused damage in the Levenduski home by eating at things and scattering debris.

14. That upon information and belief Defendant Wolfe while inside the Levenduski home also removed some items of personal property which did include an antique hurricane lamp, which was in Mrs. Levenduskis' family for many years, and a foot locker, each of which were in the home the last time Mr. Levenduski was present, as well as took down and tore a drape, for a total value of items missing or damaged being approximately \$300 to be more fully determined at time of trial.

15. Other than the forced entry by Defendant Wolfe, there was no other sign of forced entry by anyone else nor was anyone else known to be in the house other than Defendant Wolfe from the time Mr. Levenduski was last in the home and until entry was permitted by Defendant Wolfe.

16. That upon information and belief, a Lloyd Smith owned a home, blue in color, in the Huston Township area which was mortgaged to Defendant Household Beneficial Mortgage Corporation.

17. That upon information and belief, Mr. Smith was in default in his mortgage to Defendant Household Beneficial Mortgage Corporation which had foreclosed on the Smith property.

18. That upon information and belief, Defendant Household Beneficial Mortgage Corporation hired Defendant Safeguard Properties, Inc., to “secure” the Smith house, “secure” being defined as taking possession and control of the structure.
19. That upon information and belief, Defendant Safeguard Properties, Inc., in turn hired defendant Mark Wolfe to “secure” the Smith property.
20. That at all times herein referenced Defendant Wolfe was acting as the agent and/or employee of Defendant Safeguard Properties, Inc..
21. That all times herein referenced Defendant Safeguard Properties, Inc., was acting as the agent for Defendant Household Beneficial Mortgage Corporation.
22. That as a result of the forced entry, the Levenduski's home needs to have its doors replaced, trim work done and locks replaced, which is estimated to cost \$706 for labor and materials, to be more fully determined at time of trial.
23. That as a result of the varmint or varmints entering the Levenduski home, the home needs to be cleaned and possibly an exterminator hired, at costs to be determined at time of trial.
24. That upon information and belief, either Defendant Household Beneficial Mortgage Corporation or Safeguard Properties, Inc., had hired a local realtor, namely someone associated with Hoffer Realty, to assist with the eventual sale of the Lloyd Smith home.
25. By January 16, 2005, said realtor had at least visually inspected the Lloyd Smith home, determined its location and could give an adequate description of the same.
26. That within a day or two of Defendant Wolfe having secured the Levenduski home, he learned that he had secured the Levenduski home, which did not appear similar to the Smith

home nor were they similarly located, solely excepting each was located in Huston Township.

27. That Defendants did not relinquish control of the Levenduski home until on or about February 3, 2005, when the Levenduskies met with Defendant Wolfe at the home and re-gained entrance to the home.

28. That Defendant Wolfe, intentionally forced entry into the Levenduski home, intentionally damaged the property of the Levenduskies, intentionally removed items of personal property and intentionally secured the Levenduski home.

29. That as herein contained Defendant Wolfe, while acting as agent for the other defendants, recklessly acted in securing the Levenduski home, by disregarding substantial and unjustifiable risks and by grossly deviating from the standard of conduct that one in his position should have adhered to as follows:

A) He secured the Levenduski home without first ascertaining the exact location of the home (the Smith home) to be secured;

B) He secured the Levenduski home without first ascertaining a description of the home to be secured;

C) He secured the Levenduski home without first determining the color of the home to be secured;

D) He secured the Levenduski home without the presence of the realtor who had actual knowledge of the Smith home and could have prevented the acts giving rise to this action;

E) He secured the Levenduski home on a Sunday which prevented others in the community, namely business and governmental officials who would otherwise be available during normal

business hours, to be able to lend advice as to the location of the Lloyd Smith home; and

F) He secured the Levenduski home without first talking with neighbors who could have informed defendant that said home was in fact not owned by Lloyd Smith but by the Levenduskies who owed no debt or obligation to any of the defendants.

30. That in the alternative, that Defendant Wolfe, while acting as agent for the other defendants, negligently acted in securing the Levenduski home, as follows:

A) He secured the Levenduski home without first ascertaining the exact location of the home (the Smith home) to be secured;

B) He secured the Levenduski home without first ascertaining a description of the home to be secured;

C) He secured the Levenduski home without first determining the color of the home to be secured;

D) He secured the Levenduski home without the presence of the realtor who had actual knowledge of the Smith home and could have prevented the acts giving rise to this action;

E) He secured the Levenduski home on a Sunday which prevented others in the community, namely business and governmental officials who would otherwise be available during normal business hours, to be able to lend advice as to the location of the Lloyd Smith home; and

F) He secured the Levenduski home without first talking with neighbors who could have informed defendant that said home was in fact not owned by Lloyd Smith but by the Levenduskies who owed no debt or obligation to any of the defendants.

Count I: Conversion (Real Property)

v. All Defendants

31. That the averments of paragraphs 1 - 30, inclusive, are hereby incorporated as if again fully set forth at length.

32. That the defendants intentionally exercised dominion and control over the Levenduski home by Defendant Wolfe forcibly entering the same, damaging the doors, entering the home, opening cabinets, closets and drawers, walking through the home and changing the locks to the home.

33. That in doing as above stated, the Defendants seriously interfered with the Levenduskies' rightful ownership and control of the subject premises.

34. That the Defendants converted the real property owned by the Levenduskies in the Huston Township, Clearfield County area.

35. That the Levenduski home has a fair market value of approximately \$50,000, to be more fully and accurately determined at time of trial.

36. That Defendants should pay to the Levenduskies a sum, to be determined at time of trial, for the conversion of real property located in Huston Township, Clearfield County, Pennsylvania, including compensation for the damages done to the home as previously herein stated.

37. That in addition to compensation for the conversion, Defendants should also pay to the Levenduskies punitive damages in that the conversion was intentional, or in the alternative, was done in a matter constituting wanton, willful and/or reckless conduct.

38. That in addition to compensation for the conversion and punitive damages, Defendants should pay to the Levenduskies reasonable attorney's fees in the prosecution of this claim.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against each defendant, jointly and severally, together with interest, costs and reasonable attorney's fees in an amount in excess of \$20,000.

Count II: Conversion (Personal Property)

v. Defendant Mark Wolfe

39. That the averments of paragraphs 1 - 38, inclusive, are hereby incorporated as if again fully set forth at length.

40. That the Defendant Wolfe intentionally exercised dominion and control over the items of personal property, including the locker and its contents, antique hurricane lamp, as well as damaging the drape, by removing the same from the Levenduski home when in fact under no circumstances was Defendant Wolfe entitled to remove said items.

41. That in doing as above stated, the Defendant Wolfe seriously interfered with the Levenduskies' rightful ownership and control of said items of personal property.

42. That Defendant Mark Wolfe converted the items of personal property owned by the Levenduskies.

43. That Defendant Wolfe should pay the Levenduskies compensation of fair market value for said items, to be more fully determined at time of trial.

44. That in addition to compensation for the value of the items of personal property so removed from the Levenduski home by Defendant Mark Wolfe, Defendant Wolfe should also pay to the Levenduskies punitive damages in an amount to be determined at time of trial, for his intentional and/or reckless conversion of said items of personal property.

45. That in addition to punitive damages, Defendant Wolfe should also pay to the Levenduski's reasonable attorney's fees in the prosecution of this matter.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against Defendant Mark Wolfe, together with interest, costs and reasonable attorney's fees in an amount in excess of \$20,000.

Count III: Trespass

v. All Defendants

46. That the averments of paragraphs 1 - 39, inclusive, are hereby incorporated as if again fully set forth at length.

47. That the Levenduski's, although they did not live in the premises, did occupy the home in the Huston Township area as was evident by its upkeep, and contents located therein.

48. That prior to January 16, 2005, no one but the Levenduski's occupied the Levenduski home in the Huston Township, Clearfield County area.

49. That the Levenduski's, on January 16, 2005, had the right as to all persons to occupy the Levenduski home located in the Huston Township, Clearfield County area.

50. That Defendants, through the acts of Defendant Mark Wolfe, intentionally entered the Levenduski home on January 16, 2005.

51. That Defendants remained in occupancy and had personal property items attached to the Levenduski home until February 4, 2005, at which time they relinquished control of the premises

back to Mr. and Mrs. Levenduski.

52. That Defendants should compensate the Levenduskies for the damages done to the premises as previously herein stated as well as for the trespass to the premises, in an amount to be determined at time of trial.

53. That in addition to compensation for the trespass, Defendants should also pay to the Levenduskies punitive damages in that the trespass was intentional, or in the alternative, was done in a matter constituting wanton, willful and/or reckless conduct, in an amount to be determined at time of trial.

54. That in addition to compensation for the trespass and punitive damages, Defendants should pay to the Levenduskies reasonable attorney's fees in the prosecution of this claim.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against each defendant, jointly and severally, together with interest, costs and reasonable attorney's fees in an amount in excess of \$20,000.

COUNT IV: Burglary

v. Defendant Wolfe

55. That the averments of paragraphs 1 - 54, inclusive, are hereby incorporated as if again fully set forth at length.

56. That the Levenduski home was a structure which was suitable for overnight

accommodations.

57. That pursuant to 18 Pa.C.S.A. §3501, the Levenduski home, on January 16, 2005, qualified as an “occupied structure”.

58. That the removal of the aforementioned items of personal property qualifies as a criminal act by Defendant Mark Wolfe, i.e. namely theft.

59. That upon information and belief, Defendant Wolfe had the intent to remove said items at the time he entered the Levenduski home.

60. That Defendant Wolfe also violated 18 Pa.C.S.A. . §3502, under the aforementioned facts.

61. That Defendant Mark Wolfe should compensate the Levenduskies for the damages done to the premises as previously herein stated as well as for the act of burglary, in an amount to be determined at time of trial.

62. That in addition to compensation for the act of burglary, Defendant Mark Wolfe should also pay to the Levenduskies punitive damages in that the burglary was intentional.

63. That in addition to compensation for the burglary and punitive damages, Defendant Mark Wolfe should pay to the Levenduskies reasonable attorney’s fees in the prosecution of this claim.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against each Defendant Mark Wolfe, together with interest, costs and reasonable attorney’s fees in an amount in excess of \$20,000.

Count V: Invasion of Privacy

v. All Defendants

64. That the averments of paragraphs 1 - 63, inclusive, are hereby incorporated as if again fully set forth at length.

65. That the defendants by the herein stated acts intentionally intruded into the Levenduski home, an area in which the Levenduskies had a right and an expectation of privacy.

66. That the intrusion by the defendants into the Levenduski home is a highly offensive intrusion.

67. That by changing the locks and placing notices on the home the defendants also in effect published that the Levenduskies were either in a bad financial situation, do not pay their bills, defaulted on their mortgage, none of which were or are accurate, causing the Levenduskies reputation to be diminished.

68. That the aforementioned "false light" that the defendants placed the Levenduskies in was done in an intentional and/or reckless manner as previously herein stated and is such that it is highly offensive.

69. That defendants should compensate the Levenduskies, in an amount to be determined at time of trial, for the invasion of their privacy including the false light shown upon their reputation.

70. That Defendants should compensate the Levenduskies for the damages done to the premises as previously herein stated for the invasion of their privacy, in an amount to be determined at time of trial.

71. That in addition to compensation for the invasion of privacy, Defendants should also pay to

the Levenduski's punitive damages in that the invasion of privacy was intentional and/or reckless.

72. That in addition to compensation for the invasion of privacy, Defendants should pay to the Levenduski's reasonable attorney's fees in the prosecution of this claim.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against each defendant, jointly and severally, together with interest, costs and reasonable attorney's fees in an amount in excess of \$20,000.

Count VI: Intentional Infliction of Emotional Distress

v. All Defendants

73. That the averments of paragraphs 1 - 72, inclusive, are hereby incorporated as if again fully set forth at length.

74. That the facts as herein stated concerning the defendants forcibly entering and examining the Levenduski home as well as removal of items of personal property and changing the locks qualifies as extreme and outrageous conduct.

75. That the aforementioned acts were done so with intent and/or in a reckless manner for the reasons previously herein stated.

76. That as a result of this situation, the Levenduski's suffered severe emotional distress as a result of the defendants actions which included feelings of helplessness and victimization and

manifested with inabilities to sleep and eat in normal patterns as well as upset the Levenduskies and generally gave them a sick feeling.

77. That defendants should compensate the Levenduskies, in an amount to be determined at time of trial, for the intentional and/or reckless infliction of emotional distress.

78. That in addition to compensation for the intentional and/or reckless infliction of emotional distress, Defendants should also pay to the Levenduskies punitive damages.

79. That in addition to compensation for the intentional and/or reckless infliction of emotional distress, Defendants should pay to the Levenduskies reasonable attorney's fees in the prosecution of this claim.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against each defendant, jointly and severally, together with interest, costs and reasonable attorney's fees in an amount in excess of \$20,000.

Count VII: Negligence

v. All Defendants

80. That the averments of paragraphs 1 - 79, inclusive, are hereby incorporated as if again fully set forth at length.

81. That for the reasons previously herein stated that the defendants were negligent in securing the Levenduski home.

82. That the defendants should pay to the Levenduskies the amounts necessary to correct all of the damages, as previously herein stated, done to their home by the premises being “secured”, as well as to any harm to the person of each Plaintiff.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against each defendant, jointly and severally, together with interest, costs and reasonable attorney’s fees in an amount in excess of \$20,000.

Miscellaneous Averments

83. That the defendant Safeguard Properties, Inc., is vicariously liable for the acts done by its agent Defendant Mark Wolfe.

84. That the defendant Household Beneficial Mortgage Corporation is vicariously liable for the acts done by agent Defendant Safeguard Properties, Inc..

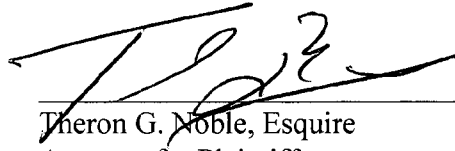
85. That the liability of the defendants is joint and several.

86. That venue is proper.

87. That jurisdiction is proper.

WHEREFORE, Plaintiffs request that judgment be entered in their favor and against each defendant, jointly and severally, together with interest, costs, punitive damages and reasonable attorney’s fees in an amount in excess of \$20,000.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiffs

Ferraraccio & Noble

301 East Pine Street

Clearfield, PA 16830

(814)-375-2221

PA I.D. #: 55942

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05-_____-CD

VERIFICATION

We, Edward J. Levenduski and Janice E. Levenduski, Plaintiffs, do hereby swear and affirm that we have read the foregoing CIVIL COMPLAINT and that the averments therein contained are true and correct to the best of our knowledge, information and belief. Furthermore, we are over the age of 18 years of age and we give this unsworn statement

knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4901.

So made this 8th day of June, 2005.

By,

Edward J. Levenduski
Edward J. Levenduski, Plaintiff

Janice E. Levenduski
Janice E. Levenduski, Plaintiff

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

REQUEST FOR
EXTENSION OF TIME
TO FILE ANSWER TO
COMPLAINT

Filed By:

Defendants

Counsel of Record:

Dean K. Cherchiglia
Attorney SAFEGUARD
PROPERTIES, INC.
650 Safeguard Plaza
Brooklyn Heights, OH 44131
216-739-2900 ext. 1117
Reg. No. 0022425

FILED ⁶⁰2cc
m 11:17 AM
JUL 27 2005
Any
cherchiglia

William A. Shaw
Prothonotary/Clerk of Courts

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

No. 05 - 882 - CD

V.

DEFENDANTS.

NOW COMES Defendant, Safeguard Properties, Inc. (hereinafter “Safeguard”),

Defendant makes such request in order to retain local counsel to properly defend

Safeguard as the General Counsel is not licensed to practice in the state of Pennsylvania.

Defendant does not make this request as an attempt to delay proceedings of this case.

WHEREFORE, Defendant prays that the court will grant an extension of time until **September 1, 2005**, to file its Answer to Plaintiff's Complaint.

Respectfully Submitted,



Dean K. Cherchiglia, Reg. No. 0022425
Attorney for SAFEGUARD PROPERTIES, INC.
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
(216) 739-2900 ext. 1117

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was faxed to the Court and followed by Overnight service and service, by Regular U.S. Mail, postage prepaid, this 26th day of July, 2005, to the following person(s): Theron G. Noble, Esq., Ferraraccio & Noble, 301 East Pine Street, Clearfield, PA 16830..



Dean K. Cherchiglia

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05 - 882 - CD

SCHEDULING ORDER

AND NOW, this _____ day of _____, _____, upon

consideration of the foregoing petition, it is hereby ordered that:

(1) a rule is issued upon the _____ to show _____

_____.

(2) the _____ shall file a _____ within _____

days of service upon the _____.

(3) the petition shall be decided under _____.

(4) notice of the entry of this order shall be provided to all parties by the _____

_____.

BY THE COURT

FILED ⁶⁰ No CC
m 11:40 AM
AUG 02 2005 Copy to
CIA
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. LEVENDUSKI and
JANICE E. LEVENDUSKI,

Plaintiffs

vs.

No. 05-882 CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL
MORTGAGE CORPORATION and
MARK WOLFE,

Defendants

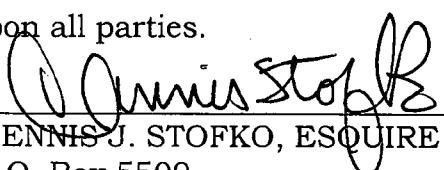
ENTRY OF APPEARANCE

Please enter my appearance for Defendant, Mark Wolfe only in the above matter. Papers may be served at the address listed below.

DEMAND FOR JURY TRIAL

Pursuant to Rule 1007.1 of the Pennsylvania Rules of Civil Procedure, as amended, a Jury Trial is demanded on all issues raised by the pleadings in this action.

I certify this Entry of Appearance and Demand for Jury Trial shall be served forthwith by ordinary mail upon all parties.


DENNIS J. STOFKO, ESQUIRE
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. LEVENDUSKI and
JANICE E. LEVENDUSKI,

Plaintiffs

vs.

No. 05-882 CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL
MORTGAGE CORPORATION and
MARK WOLFE,

Defendants

PRELIMINARY OBJECTIONS
FILED ON BEHALF OF MARK
WOLFE

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

*And
the* **FILED** *no
cc*
m/j:1361
AUG 03 2005

William A. Shaw
Prothonotary/Clerk of Courts

PRELIMINARY OBJECTIONS

NOW COMES the Defendant, Mark Wolfe, by and through counsel, Dennis J. Stofko and files the following Preliminary Objections to Plaintiffs' Complaint.

1. This cause of action arises out of an incident that allegedly occurred on or about January 16, 2005 when the Defendant, Mark Wolfe, who was retained by Safeguard Properties, Inc. to secure and winterize a house that had been the subject of a mortgage foreclosure proceeding by Household Beneficial Mortgage Corporation.

2. The Defendant Wolfe was directed to the residence of Edward J. Levenduski and Janice E. Levenduski.

3. Defendant Wolfe then secured the house by changing the locks.

4. The complaint alleges that the residence in question was the plaintiffs' second home and not the primary family residence.

5. Subsequent to the events of January 16, 2005 the Defendant, Mark Wolfe obtained information that the Levenduski house was not the proper home to be secured but rather a home owned by Lloyd Smith which was in close proximity to Plaintiffs.

6. Thereafter the Plaintiffs and Defendant Wolfe met at the plaintiffs' second home and the locks were change at the request of the plaintiffs.

(Paragraph 27 of Plaintiffs' Complaint)

7. The plaintiffs have now filed several counts against various defendants including the defendant, Mark Wolfe, which include claims for punitive damages and attorneys' fees.

COUNT I DEMURRER

8. The Defendant Wolfe avers that the facts as pled in plaintiffs' complaint do not rise to the level of punitive damages in that the conduct was not outrageous or willful as required by Pennsylvania case law.

9. Furthermore Defendant Wolfe avers that there is no legal basis for the claim of attorneys' fees and therefore should be stricken.

WHEREFORE, the Defendant, Mark Wolfe, requests your Honorable Court to enter an order striking Plaintiffs' claim for punitive damages and attorneys' fees as set forth in Counts I, II, III, IV, V and VI.



DENNIS J. STOFKO, Attorney for
Defendant, Mark Wolfe

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. LEVENDUSKI and
JANICE E. LEVENDUSKI,

Plaintiffs

vs.

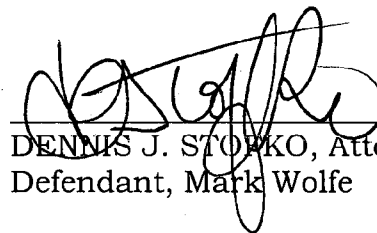
No. 05-882 CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL
MORTGAGE CORPORATION and
MARK WOLFE,

Defendants

PRAECIPE

Please schedule argument on Defendant, Mark Wolfe's Preliminary
Objections.



DENNIS J. STOPKO, Attorney for
Defendant, Mark Wolfe

FILED^{no}
m/11/13/05 cc
AUG 03 2005
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100573
NO: 05-882-CD
SERVICE # 1 OF 3
COMPLAINT

PLAINTIFF: EDWARD J. LEVENDUSKI & JANICE E. LEVENDUSKI

vs.

DEFENDANT: SAFEGUARD PROPERTIES, INC., HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION
and MARK WOLFE

SHERIFF RETURN

NOW, July 11, 2005 SERVED THE WITHIN COMPLAINT ON SAFEGUARD PROPERTIES INC. DEFENDANT AT 650 SAFEGUARD PLAZA, BROOKLYN HEIGHTS, OH, 44131 BY CERTIFIED MAIL # 7004 1350 0004 9672 6037. THE RETURN RECEIPT IS HERETO ATTACHED ENDORSED BY BRYAN MCFARLAND.

FILED

019:4181
AUG 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100573
NO: 05-882-CD
SERVICE # 2 OF 3
COMPLAINT

PLAINTIFF: EDWARD J. LEVENDUSKI & JANICE E. LEVENDUSKI

vs.

DEFENDANT: SAFEGUARD PROPERTIES, INC., HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION
and MARK WOLFE

SHERIFF RETURN

NOW, July 11, 2005 SERVED THE WITHIN COMPLAINT ON HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION DEFENDANT AT 931 CORPORATE CENTER DRIVE, POMONA, CA, 91769 BY CERTIFIED MAIL # 7004 1350 0004 9672 6044. THE RETURN RECEIPT IS HERETO ATTACHED ENDORSED BY SIGNATURE UNREADABLE.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100573
NO: 05-882-CD
SERVICE # 3 OF 3
COMPLAINT

PLAINTIFF: EDWARD J. LEVENDUSKI & JANICE E. LEVENDUSKI

vs.

DEFENDANT: SAFEGUARD PROPERTIES, INC., HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION
and MARK WOLFE

SHERIFF RETURN

NOW, July 07, 2005, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT ON MARK WOLFE.

NOW, July 20, 2005 AT 11:32 AM SERVED THE WITHIN COMPLAINT ON MARK WOLFE, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100573
NO: 05-882-CD
SERVICES 3
COMPLAINT

PLAINTIFF: EDWARD J. LEVENDUSKI & JANICE E. LEVENDUSKI

vs.

DEFENDANT: SAFEGUARD PROPERTIES, INC., HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION
and MARK WOLFE

SHERIFF RETURN

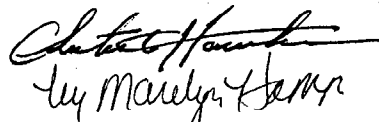
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	NOBLE	1920	30.00
SHERIFF HAWKINS	NOBLE	1920	52.22
CENTRE CO.	NOBLE	1921	25.45

Sworn to Before Me This

_____ Day of _____ 2005

So Answers,



Chester A. Hawkins
Sheriff

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION
931 Corporate Center Drive
Pomono, CA. 91769

COMPLETE THIS SECTION ON DELIVERY

A. Signature Epim L. ☐ Agent
☒ Addressee

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

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

JUL 11 2005

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

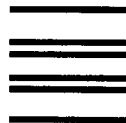
11111 7004 135010004 96721 6044 1

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

UNITED STATES POSTAL SERVICE

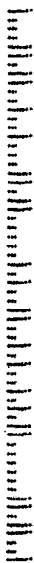


First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

CHESTER A. HAWKINS
SHERIFF OF CLEARFIELD COUNTY
1 N. 2nd St. Suite 116
CLEARFIELD, Pa. 16830

55



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Certified Fee	\$2.30	
Return Receipt Fee (Endorsement Required)	\$1.75	
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.11	

Sent To	HOUSEHOLD BENEFICIAL MORTGAGE CORP.
Street, Apt. No., or PO Box No.	931 Corporate Center Drive
City, State, Zip+4	Pomono, CA 91769
PS Form 3800, June 2002	See Back for Instructions

4409 2296 4000 05ET 4002

Certified Mail Provides:

- ▣ A mailing receipt
- ▣ A unique identifier for your mailpiece
- ▣ A record of delivery kept by the Postal Service for two years

Important Reminders:

- ▣ Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- ▣ Certified Mail is *not* available for any class of international mail.
- ▣ NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- ▣ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- ▣ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- ▣ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

100573

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

SAFEGUARD PROPERTIES INC.
650 Safeguard Plaza
Brooklyn Heights, OH 44131

2. Article Number

(Transfer from service label)

11 7004 1350 0004 9672 6037

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
Byron McFarland ☐ Addressee

B. Recipient *Byron McFarland* C. Date of Delivery

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

JUL 17 2005

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

UNITED STATES POSTAL SERVICE



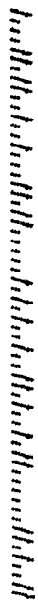
First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box. •

CHESTER A. HAWKINS
SHERIFF OF CLEARFIELD COUNTY
1 N. 2nd ST. Suite 116
CLEARFIELD, PA. 16830

c-100573

95012434



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CERTIFIED MAIL[™] RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

INDEPENDENT OF THE

OFFICIAL USE

Postage	\$ 11.06	0830	Postmark
Certified Fee	\$ 2.30	07	Here
Return Receipt Fee (Endorsement Required)	\$ 1.75		
Restricted Delivery Fee (Endorsement Required)	\$ 0.00		
Total Postage & Fees	\$ 15.11		07/07/2005

Sent To

SAFEGUARD PROPERTIES INC.

Street, Apt. No.,
or PO Box No.

650 Safeguard Plaza

City, State, Zip+4

Brooklyn Heights OH 44131

PS Form 3800 (June 2002)

See Reverse for Instructions

2004 1350 0004 2296 1002 05ET 1002

Certified Mail Provides:

(eservej) 2002 sunr 0098 wuq Sd

- ▣ A mailing receipt
- ▣ A unique identifier for your mailpiece
- ▣ A record of delivery kept by the Postal Service for two years

Important Reminders:

- ▣ Certified Mail may **ONLY** be combined with First-Class Mail® or Priority Mail®.
- ▣ Certified Mail is *not* available for any class of international mail.
- ▣ **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- ▣ For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- ▣ For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- ▣ If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry. Internet access to delivery information is not available on mail addressed to APOs and FPOs.

106573

SHERIFF'S OFFICE

CENTRE COUNTY

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE		INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. please type or print legibly. Do Not detach any copies.	
PROCESS RECEIPT, AND AFFIDAVIT OF RETURN			
1. Plaintiff(s) Edward J. Levendowski		2. Case Number 05-882-cd	
3. Defendant(s) Mark Wolfe		4. Type of Writ or Complaint: Complaint	
SERVE → AT { <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> 5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. Mark Wolfe 6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) 1750 Bush Hollow Rd. Julian </div>			
7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other			
Now, _____ 20____, I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize the Sheriff of _____ County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. _____ <div style="text-align: right; font-size: x-small;">Sheriff of Centre County</div>			
8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE			

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN – Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator		10. Telephone Number	11. Date
12. Signature			

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE									
13. I acknowledge receipt of the writ or complaint as indicated above.		SIGNATURE of Authorized CCSD Deputy of Clerk and Title			14. Date Filed		15. Expiration/Hearing Date		
TO BE COMPLETED BY SHERIFF									
16. Served and made known to Mark Wolfe , on the 20th day of July , 20 05 , at 11:32 o'clock, a m., at Room 101 Courthouse , County of Centre Commonwealth of Pennsylvania, in the manner described below:									
<input checked="" type="checkbox"/> Defendant(s) personally served. <input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is _____ <input type="checkbox"/> Adult in charge of Defendant's residence. <input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s). <input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business. <input type="checkbox"/> _____ and officer of said Defendant company. <input type="checkbox"/> Other _____									
On the _____ day of _____, 20____, at _____ o'clock, _____ M. Defendant not found because: <input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____									
Remarks:									
Advance Costs	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
75.00	9.00	9.00	10.00 6	2.50	3.45	.50	1.00	25.45	99.55
17. AFFIRMED and subscribed to before me this 28 20. day of July 20 05 23. Caroline Peters <div style="text-align: center; font-size: x-small;">Notary Public</div>				So Answer. 18. Signature of Dep. Sheriff Tim Davis 19. Date 7/20/05 21. Signature of Sheriff <div style="text-align: center; font-weight: bold; font-size: small;">SHERIFF OF CENTRE COUNTY</div> Amount Pd. _____ Page _____					
24. I ACKNOWLEDGE BEFORE CENTRE COUNTY SHERIFF'S RETURN SIGNATURE <div style="font-size: x-small;">NOTARIAL SEAL OF AUTHORIZED CLERK OF CENTRE COUNTY</div>				25. Date Received					

2

FILED

2

AUG 24 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

*

Type of Pleading:
PRAECIPE TO ENTER APPEARANCE

Filed on behalf of:
Defendant:
Safeguard Properties, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED ^{6K}
AUG 29 2005
3:40 PM
4cc
Atty
Koerber

William A. Shaw
Prothonotary/Clerk of Courts

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

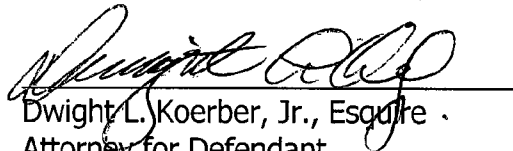
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*

PRAECIPE TO ENTER APPEARANCE

Please enter my appearance on behalf of Defendant, Safeguard Properties, Inc., in
the above-referenced matter.

Respectfully Submitted,


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant,
Safeguard Properties, Inc.

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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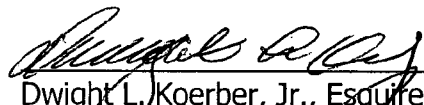
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CERTIFICATE OF SERVICE

This is to certify that on the 29th day of August 2005 the undersigned served a true and correct copy of the PRAECIPE TO ENTER APPEARANCE in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant
Safeguard Properties, Inc.

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

*

Type of Pleading:
Preliminary Objections

Filed on behalf of:
Defendant:
Household Beneficial Mortgage
Corporation

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 402
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SEP 12 2005
William A. Shaw
Prothonotary/Clerk of Courts
Att. Koerber
GR

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

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**PRELIMINARY OBJECTIONS OF DEFENDANT HOUSEHOLD
BENEFICIAL MORTGAGE CORPORATION (PROPERLY NAMED
HOUSEHOLD FINANCE CORP.)**

COMES NOW Defendant Household Finance Corp.(HFC), improperly named Household Beneficial Mortgage Corporation in the Complaint herein, by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Preliminary Objections to the Complaint filed herein by the Plaintiffs, Edward J. Levenduski and Janice E. Levenduski.

**I.
LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)
ALL COUNTS**

1. Pa. R.C.P. 1028(a)(4) provides that Preliminary Objections may be filed for

the legal insufficiency of a pleading, in the form of a demurrer.

2. HFC hereby demurrers as to all counts of the Complaint, as there is no factual basis nor allegation of any nature that is sufficient to create a theory of recovery against HFC for the actions of Defendant Mark Wolfe.

3. At paragraphs 20 and 21, Plaintiff essentially alleges that Defendant Wolfe was acting as an agent of Defendant Safeguard Properties, Inc. and that Safeguard Properties, Inc. was acting as an agent for Defendant HFC. These allegations do not constitute a factual allegation, but instead a legal conclusion, as to the matter of agency.

4. Defendant HFC would point to paragraphs 17 and 18 of the Complaint, where the Plaintiffs essentially allege that HFC had foreclosed on certain property known as the "Smith" property and had hired Defendant Safeguard Properties, Inc. to "secure" the properties that was the subject of its foreclosure. These allegations, in and of themselves, show that even if there had theoretically been an agency relationship, that it is patently and undeniably clear that the actions of Mark Wolfe were totally beyond the scope of any undertaking that HFC had requested to be performed so as to secure the Smith property.

5. Accordingly, Defendant HFC demurrers to all counts in this Complaint, as the facts do not set forth a cause of action against it in any count.

WHEREFORE, Defendant HFC prays that its Preliminary Objections be sustained and that the Complaint filed by Plaintiffs be dismissed as it relates to Defendant

Household Beneficial Mortgage Corporation (HFC).

II.
INCORPORATION OF PRELIMINARY OBJECTIONS OF
DEFENDANT SAFEGUARD PROPERTIES, INC.

6. As noted in Count I of these Preliminary Objections, it is Defendant HFC's position that the Plaintiffs have failed to allege facts so as to establish a cause of action against it even if the facts are interpreted in their most favorable light toward the Plaintiffs.

7. If Part I of Defendant HFC's Preliminary Objections is granted, then it is unnecessary to address the other elements of the Complaint herein which give rise to Preliminary Objections. If, however, this Honorable Court does not grant Part I of Defendant HFC's Preliminary Objections, Defendant HFC hereby incorporates by reference all of those issues and objections raised by Defendant Safeguard Properties, Inc. through the Preliminary Objections which it filed in this proceeding.

8. Inasmuch as the same legal counsel represents both Defendant HFC and Defendant Safeguard Properties, Inc., for the sake of brevity and to avoid unnecessary duplication, Defendant HFC hereby incorporates all of those issues, arguments and objections that have been raised in the Preliminary Objections of Defendant Safeguard Properties, Inc. as though they had been set forth in full on behalf of Defendant HFC.

WHEREFORE, Defendant HFC prays that its Preliminary Objections be sustained

and that the Complaint filed by Plaintiffs be dismissed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dwight L. Koerber, Jr.", is written over a horizontal line.

Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Household Beneficial Mortgage Corporation

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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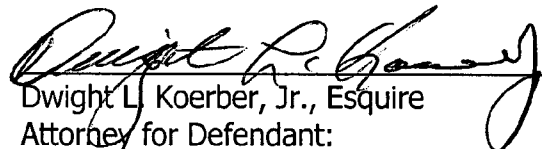
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CERTIFICATE OF SERVICE

This is to certify that on the 12th day of September 2005 the undersigned served a true and correct copy of the PRELIMINARY OBJECTIONS in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Household Beneficial Mortgage Corporation

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

*

Type of Pleading:
Preliminary Objections

Filed on behalf of:
Defendant:
Safeguard Properties, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

AUG 29 2005

William A. Shaw
Prothonotary/Clerk of Courts

013:40801-4CC
Any Koerber

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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PRELIMINARY OBJECTIONS OF DEFENDANT SAFEGUARD PROPERTIES, INC.

COMES NOW Defendant Safeguard Properties, Inc., by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Preliminary Objections to the Complaint filed herein by the Plaintiffs, Edward J. Levenduski and Janice E. Levenduski.

**I.
LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)
ATTORNEY'S FEES – ALL COUNTS**

1. Pa. R.C.P. 1028(a)(4) provides that Preliminary Objections may be filed for the legal insufficiency of a pleading, in the form of a demurrer.

2. Defendant hereby demurs to all counts of the Complaint insofar as Plaintiffs seek to recover attorney's fees.

3. The circumstances under which attorney's fees are recoverable are set forth at 42 Pa. C.S.A. 2503. Plaintiff's have failed to identify any of those conditions or

circumstances so as to justify seeking attorney's fees in any of the counts filed herein.

4. Based upon the absence of a legal entitlement to seek attorney's fees, it is Defendant's position that the Complaint in each part where it seeks to have attorney's fees assessed against the Defendants is legally insufficient and for that reason Defendant maintains that its demurrer should be sustained.

WHEREFORE, Defendant prays that its Preliminary Objections be sustained and that in all the counts set forth by the Plaintiffs wherein attorney's fees are requested that such relief be denied and that the request for attorney's fees be stricken from the Complaint.

**II.
LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)
AS PERTINENT TO COUNT I – CONVERSION
TO REAL ESTATE**

5. Pa. R.C.P. 1028(a)(4) provides that Preliminary Objections may be filed in the form of a demurrer when there is a legal insufficiency in a pleading.

6. Defendant hereby demurrers to all counts of the Complaint insofar as Plaintiffs seek to recover for conversion to real estate.

7. In this count, Plaintiffs seek to recover under the theory of conversion to their real property. See paragraph 36 of Complaint. A claim for conversion is restricted to matters pertaining to chattels, and does not cover real estate. Accordingly, Count I of the Complaint is legally insufficient.

WHEREFORE, Defendant prays that its Preliminary Objections be sustained and that Count I – Conversion to Real Estate – be stricken from the Complaint.

**III.
LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)
AS PERTINENT TO COUNT IV – BURGLARY**

8. Pa. R.C.P. 1028(a)(4) provides that Preliminary Objections may be filed in the form of a demurrer when there is a legal insufficiency in a pleading.

9. Defendant hereby demurs to Count IV – Burglary.

10. While Plaintiffs seek to recover against Defendant Wolfe, they later asserted a claim for vicarious liability, thereby creating a potential area of liability for Defendant Safeguard Properties.

11. There is no cause of action for burglary, notwithstanding the fact that Plaintiffs have referred to certain portions of the Pennsylvania Crimes Code.

WHEREFORE, Defendant prays that its Preliminary Objections be sustained and that Count IV – Burglary – of the Complaint be dismissed.

**IV.
LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)
AS PERTINENT TO COUNT V – INVASION OF PRIVACY**

12. Pa. R.C.P. 1028(a)(4) provides that Preliminary Objections may be filed in the form of a demurrer when there is a legal insufficiency in a pleading.

13. Defendant hereby demurs to Count IV – Invasion of Privacy.

14. In this count, Plaintiffs seek to recover under the theory of Breach of Privacy under the "false light" category of that tort.

15. In order to prevail under the "false light" theory of invasion of privacy, Plaintiffs must plead special damages. No such special damages are pled in this Complaint and it is therefore legally insufficient.

16. In addition to the failure to demonstrate special damages, the Complaint, in Count V, is legally insufficient because there is no basis for establishing that the actor knew of the alleged falsity when he initially took his actions which allegedly constitute a Breach of Privacy. Thus, there is a second and alternate reason that a demurrer should be granted to Count V.

WHEREFORE, Defendant prays that its Preliminary Objections be sustained and that Count V – Invasion of Privacy – of the Complaint be dismissed.

**V.
LEGAL INSUFFICIENCY OF A PLEADING (DEMURRER)
AS PERTINENT TO COUNT VI – INTENTIONAL
INFLECTION OF EMOTIONAL DISTRESS**

17. Pa. R.C.P. 1028(a)(4) provides that Preliminary Objections may be filed in the form of a demurrer when there is a legal insufficiency in a pleading.

18. Defendant hereby demurrers to Count VI – Intentional Inflection of Emotional Distress.

19. A claim for intentional infliction of emotional distress does not lie, under the facts pled herein, because there has been no bodily harm to the Plaintiffs and

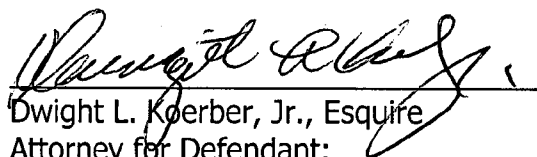
because there has been no physical impact upon them that gave rise to the alleged claim of emotional distress.

20. A further basis for showing that Count VI, involving an action for intentional infliction of emotional distress is legally insufficient, is because the Plaintiffs were not within the zone of danger created by the actions of the actor, so as to create a theory of compensable fear of harm that they can recite.

21. Thus, the absence of bodily injury, the absence of a physical touching/impact upon the Plaintiffs, and the absence of fitting within the ambit of the zone of danger created by the alleged unlawful actions of the actor all serve to establish that there is no cause of action for intentional infliction of emotional distress.

WHEREFORE, Defendant prays that its Preliminary Objections be sustained and that Count VI - Intentional Infliction of Emotional Distress – of the Complaint be dismissed.

Respectfully submitted,


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Safeguard Properties, Inc.

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

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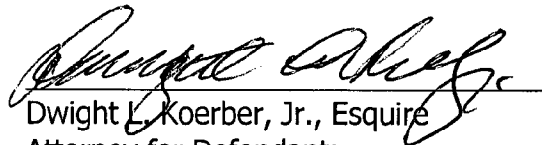
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CERTIFICATE OF SERVICE

This is to certify that on the 29th day of August 2005 the undersigned served a true and correct copy of the PRELIMINARY OBJECTIONS in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Safeguard Properties, Inc.

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

*

Type of Pleading:
PRAECIPE TO ENTER APPEARANCE

Filed on behalf of:
Defendant:
Household Beneficial Mortgage
Corporation

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 4cc
01/3/09/BJ Atty
SEP 12 2005 Koerber
William A. Shaw Copy to CIA
Prothonotary/Clerk of Courts
GK

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
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Defendants

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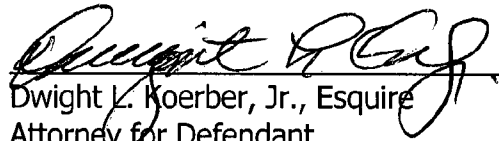
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PRAECIPE TO ENTER APPEARANCE

Please enter my appearance on behalf of Defendant, Household Beneficial Mortgage Corporation (properly named Household Finance Corp.), in the above-referenced matter.

Respectfully Submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant,
Household Beneficial Mortgage Corporation

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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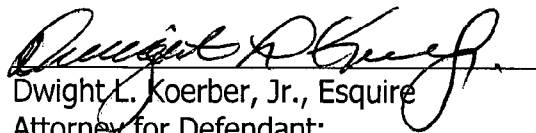
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CERTIFICATE OF SERVICE

This is to certify that on the 12th day of September 2005 the undersigned served a true and correct copy of the PRAECIPE TO ENTER APPEARANCE in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Household Beneficial Mortgage Corporation

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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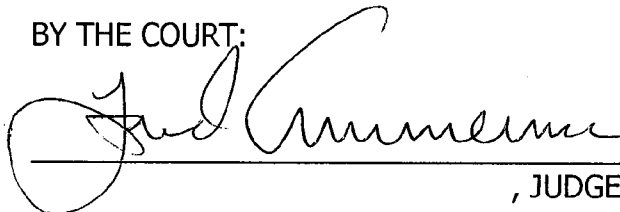
ORDER

NOW, this 15 day of September 2005, upon the filing of the Preliminary Objections Of Defendant Household Beneficial Mortgage Corporation, it is the Order and Decree of this Court that Oral Argument thereon shall be held concurrent with Oral Argument on the Preliminary Objections of Defendant Safeguard Properties, Inc., and Defendant Mark Wolfe, which is scheduled on the 17th day of October, 2005 at 9:00 (a.m./p.m.) in Courtroom Number 1 of the Clearfield County Courthouse.

FILED

0/8:57 am 4cc to AAy Koerber
SEP 20 2005 (LW)

BY THE COURT:

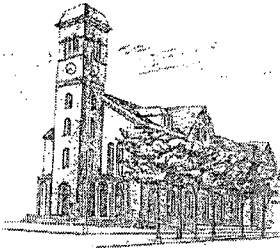

_____, JUDGE

William A. Shaw
Prothonotary

FILED

SEP 20 2005

William A. Shaw
Prothonotary



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

Date: September 19, 2005

Over the past several weeks, 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

X 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:

CA


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

EDWARD J. LEVENDUSKI and :
JANICE E. LEVENDUSKI, :
Plaintiff :
vs. : No. 05-882-CD
:
SAFEGUARD PROPERTIES, INC., :
HOUSEHOLD BENEFICIAL :
MORTGAGE CORPORATION and :
MARK WOLFE, :
Defendants :

ORDER

AND NOW, this 19th day of September, 2005, upon consideration of Defendant's Preliminary Objections filed by Attorney Stofko on behalf of Defendant Mark Wolfe in the above matter, it is the Order of the Court that argument has been scheduled for the 17th day of October, 2005, at 9:00 A.M, in Courtroom No. 1, Clearfield County Courthouse, Clearfield, PA.

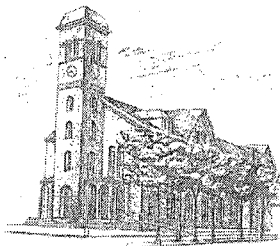
BY THE COURT:


FREDRIC J. AMMERMAN
President Judge

FILED 3cc

019:33 01 Aug Stofko
SEP 20 2005
(cm)

William A. Shanley
Prothonotary/Clerk of Courts



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

Date: September 19, 2005

Over the past several weeks, 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

☒ 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:

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

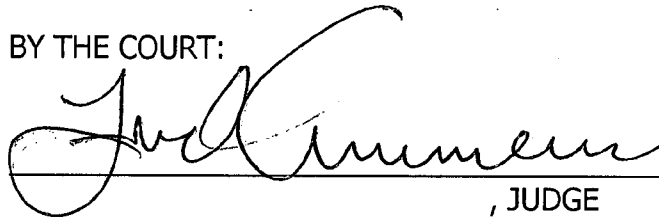
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ORDER

NOW, this 19th day of ~~August~~ Sept. 2005, upon the filing of the Preliminary
Objections Of Defendant Safeguard Properties, Inc., it is the Order and Decree of this
Court that Oral Argument thereon shall be held on the 17th day of October,
2005 at 9:00 a.m./p.m. at in Court Room No. 1.

BY THE COURT:


_____, JUDGE

FILED

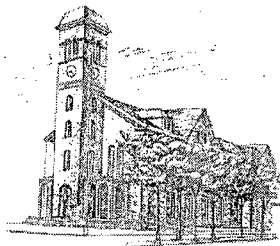
09:33 Lm
SEP 20 2005
bcc Atty Koerber

William A. Shaw
Prothonotary

FILED

SEP 20 2005

William A. Shaw
Prothonotary



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

Date: September 19, 2005

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Sincerely,

William A. Shaw
Prothonotary

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

_____ Plaintiff(s)/Attorney(s)

_____ Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

*

Type of Pleading:
Certificate of Service

Filed on behalf of:
Defendant:
Household Beneficial Mortgage
Corporation

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 4ec
01/31/05
SEP 21 2005
Lm

William A. Shaw
Prothonotary/Clerk of Courts

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

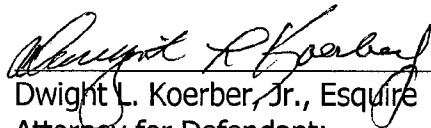
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CERTIFICATE OF SERVICE

This is to certify that on the 21st day of September 2005 the undersigned served a true and correct copy of the SCHEDULING ORDER in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904


Dwight L. Koerber, Jr., Esquire

Attorney for Defendant:
Household Beneficial Mortgage Corporation

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

*

Type of Pleading:
Certificate of Service

Filed on behalf of:
Defendant:
Safeguard Properties, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED *4cc*
01/31/561
SEP 21 2005 *Any*

William A. Shaw
Prothonotary/Clerk of Courts

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

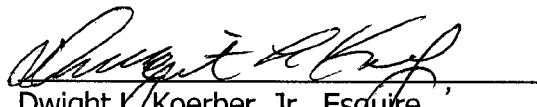
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CERTIFICATE OF SERVICE

This is to certify that on the 21st day of September 2005 the undersigned served a true and correct copy of the Scheduling Order in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Safeguard Properties, Inc.

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

:

:

: No. 05- 882 -CD

:

:

:

Type of Pleading:

:

MOTION FOR CONTINUANCE

:

:

Filed By:

:

Plaintiffs

:

:

Counsel of Record:

:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

:

FILED

mjl:49301
SEP 28 2005

NO CC
GR

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

SCHEDULING ORDER

AND NOW, this 29th day of September, 2005, the
argument scheduled for October 17, 2005, on all of Defendants' PRELIMINARY
OBJECTIONS, is hereby CONTINUED at the request of Plaintiffs. Argument is
rescheduled for the 15th day of November, 2005, Courtroom
No. 1, Clearfield County Courthouse, commencing at 3:00, P.M.

By The Court,



Fredric J. Ammerman, PJ

FILED ^{ICC}

014:00/31 Amy Noble
SEP 29 2005 GR

William A. Shaw
Prothonotary/Clerk of Courts

EDWARD J. LEVENDUSKI, and)
 JANICE M. LEVENDUSKI,)
)
 PLAINTIFF,)
)
 v.) No. 05- 882 -CD
)
 SAFEGUARD PROPERTIES, INC.,)
 HOUSEHOLD BENEFICIAL MORTGAGE)
 CORPORATION, and MARK WOLFE,)
)
 DEFENDANTS.)

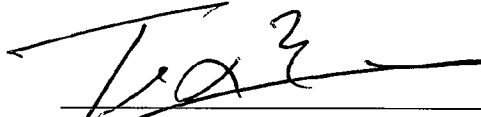
AND NOW, comes the Plaintiffs, Edward J. Levenduski and Janice M. Levenduski, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their MOTION FOR CONTINUINUANCE:

1. This matter involved the filing of a civil complaint for numerous causes of action concerning the defendants illegally entering the Plaintiff's house, removing items therefrom and exercising dominion and control over the Plaintiff's real and personal property.
2. Each defendant has filed preliminary objections, which are scheduled for argument on October 17, 2005.
3. That Plaintiff's counsel is scheduled to be away the week of October 17th, and in keeping with Clearfield County custom had so notified the Deputy Court Administrator of counsel's unavailability.

4. That apparently through a change in the Court Administrator's office this matter has been scheduled at a time Plaintiff's counsel will not be available.
5. That Defense counsels do not object to the continuance request.

WHEREFORE, Plaintiff requests this matter be continued and rescheduled.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. G. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire, of Ferraraccio & Noble, counsel for Plaintiffs, does hereby swear and affirm that I have sent a true and correct copy of Plaintiffs' MOTION FOR CONTINUANCE, to the below indicated persons, being all defense counsel of record, at said addresses, via United States Mail, first class, postage pre-paid, this 26th day of September, 2005, as follows:

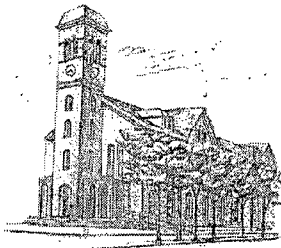
Dwight L. Koerber, Jr., Esquire
110 North Second Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942



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

Date: September 19, 2005

Over the past several weeks, 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

X 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:

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

OCT 05 2005
m/1:10/2
William A. Shaw
Prothonotary/Clerk of Courts
no e/c

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

NOTICE OF SERVICE

TO: William A. Shaw, Prothonotary

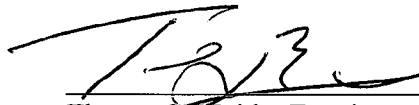
Date: October 4, 2005

I, Theron G. Noble, Esquire, counsel for Plaintiffs, do hereby certify that I did mail a true and correct copy of the SCHEDULING ORDER issued upon Plaintiffs' MOTION FOR CONTINUANCE to the below individuals, being all counsel of record for the defendants, via United States Mail, postage pre-paid, first class as follows:

Dwight L. Koerber, Esquire
110 North Second Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

FILED
019:4360
DEC 07 2005

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

Plaintiffs

vs.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,
Defendants

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NO. 05-882-CD

William A. Shaw
Prothonotary/Clerk of Courts

1 CC Arlys: Noble
Cherchiglia
Koesper
Stofko
CA

ORDER

NOW, this 7th day of December, 2005, in consideration of Preliminary
Objections filed on behalf of all Defendants, it is the ORDER of this Court as follows:

1. Preliminary Objections of the Defendants related to the Plaintiffs' claim for attorney's fees are hereby GRANTED. The Plaintiffs' request for attorney's fees as set forth in paragraphs 38, 45, 54, 63 and 72 of the Plaintiffs' Complaint are hereby DISMISSED.

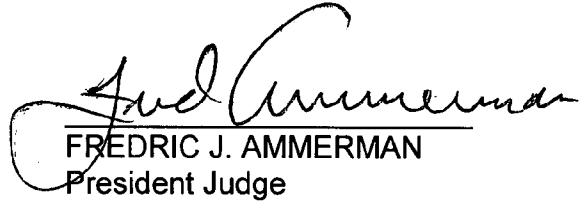
2. The Court hereby GRANTS the demurrer to Count V of the Plaintiffs' Complaint setting forth Plaintiffs' claim for intentional infliction of emotional distress. Plaintiffs' Complaint does not set forth a cause of action therefore, and the Court does not believe that permitting an amendment to the Complaint would be of any merit. Count V of the Complaint is DISMISSED.

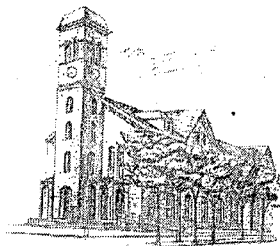
3. Defendant Safeguard Properties, Inc. Preliminary Objection in the form of a demurrer relative Count IV of the Plaintiffs' Complaint in so much as it seeks damages for burglary is GRANTED. The Complaint does not set forth a factual basis for a cause of action in burglary and the Court does not believe that permitting an amended complaint would be of any merit. Therefore, paragraph 61 of the Complaint along with any other references contained within Court IV to burglary are DISMISSED.

4. The Preliminary Objection by Defendant Safeguard to the Plaintiffs' cause of action in conversion is hereby GRANTED. The Court agrees with the Defendant that the legal theory of conversion relates to personal property and not to real estate. Paragraphs 34 and 36 of the Plaintiffs' Complaint are DISMISSED.

5. The remaining Preliminary Objections of the Defendants are hereby DENIED. The Court believes that the parties should continue with the discovery process in the case in order to determine if the Plaintiff can prove appropriate theories of recovery against the Defendants such that the same can withstand a Motion for Summary Judgment.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge



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

Date: September 19, 2005

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Sincerely,

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Prothonotary

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

 X Plaintiff(s)/Attorney(s)

 X Defendant(s)/Attorney(s)

_____ Other

_____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. LEVENDUSKI and
JANICE E. LEVENDUSKI,

Plaintiffs

vs.

No. 05-882 CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL
MORTGAGE CORPORATION and
MARK WOLFE,

Defendants

ANSWER AND NEW MATTER

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

TO THE PARTIES:

You are hereby notified to reply to the
enclosed New Matter within 20 days of
service hereof or a default judgment
may be entered against you.

FILED

DEC 16 2005

m/2:20/0
William A. Shaw

Prothonotary/Clerk of Courts

no c/c

ANSWER AND NEW MATTER

NOW COMES the Defendant, Mark Wolfe by and through counsel, Dennis J. Stofko and files the following Answer and New Matter.

1. Admitted.

2. Admitted.

3. Denied. Said allegation is directed to a party other than the answering Defendant towards which no responsive pleading is necessary.

4. Denied. Said allegation is directed to a party other than the answering Defendant towards which no responsive pleading is necessary.

5. Admitted.

6. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

7. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

8. Denied. It is specifically denied that Defendant Mark Wolfe forcibly entered the premises owned by Levenduskis. To the contrary, the defendant entered the premises on the belief that the property was in fact property that

was to be secured because of a deficiency in a mortgage. Furthermore, the defendant Wolfe avers that the property was identified as the property owned by Lloyd Smith.

9. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

10. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

11. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

12. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

13. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

14. Denied. It is specifically denied that at any time material herein defendant Wolfe removed any items of personal property from the Levenduski property. The balance of the averment is denied in that after reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

15. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

16. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

17. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

18. Admitted.

19. Admitted.

20. Denied. It is specifically denied that defendant Wolfe was acting as agent and/or employee of defendant Safeguard Properties, Inc. To the contrary, the defendant Wolfe was an independent contractor.

21. Denied. It is specifically denied that defendant Wolfe was acting as agent for Defendant Household Beneficial Mortgage Corporation. To the contrary, the defendant Wolfe was an independent contractor.

22. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

23. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

24. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

25. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

26. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

27. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

28. Denied. It is specifically denied that Defendant Wolfe in any way intentionally or wrongfully damaged or removed property of the Levenduski's nor entered the same without reasonable belief it was the house that was to be secured.

29. Denied. Paragraph 29 contains conclusions of law to which no responsive pleading is required.

30. Denied. Paragraph 30 contains conclusions of law to which no responsive pleading is required.

COUNT I – CONVERSION (REAL PROPERTY)

31. Denied. See previous Answers.

32. Denied. Paragraph 32 contains a conclusion of law to which no responsive pleading is required.

33. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

34. Denied. Need not be answered pursuant to Court Order.

35. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

36. Denied. This averment was stricken by Court order.

37. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

38. Denied. This averment was stricken by Court order.

WHEREFORE, Defendant Wolfe requests Plaintiffs' Complaint be dismissed.

COUNT II – CONVERSION (PERSONAL PROPERTY)

39. Denied. See previous answers.

40. Denied. It is specifically denied that defendant Wolfe converted any of the items of personal property mentioned. The balance of the averment is denied in that after reasonable investigation, Defendant Mark Wolfe is without

sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

41. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

42. Denied. It is specifically denied the defendant Wolfe converted any items of personal property.

43. Denied. Paragraph 43 contains a conclusion of law to which no responsive pleading is required.

44. Denied. Paragraph 44 contains a conclusion of law to which no responsive pleading is required.

45. Denied. This averment was stricken by Court order.

WHEREFORE, Defendant Mark Wolfe requests Plaintiffs' Complaint be dismissed.

COUNT III - TRESPASS

46. Denied. See previous Answers.

47. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

48. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

49. Denied. Paragraph 49 contains a conclusion of law to which no responsive pleading is required.

50. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

51. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

52. Denied. Paragraph 52 contains a conclusion of law to which no responsive pleading is required.

53. Denied. Paragraph 53 contains a conclusion of law to which no responsive pleading is required.

54. Denied. This paragraph was stricken by Order of Court.

WHEREFORE, Defendant Mark Wolfe requests Plaintiffs' Complaint be dismissed.

COUNT IV – BURGLARY

55. Denied. See previous Answers.

56. Denied. After reasonable investigation, Defendant Mark Wolfe is without sufficient knowledge or information to form a belief as to the truth of the averment and proof thereof is required at the time of trial.

57. Denied. Paragraph 57 contains a conclusion of law to which no responsive pleading is required.

58. Denied. It is specifically denied that defendant Wolfe in any way committed a theft on Plaintiffs' property.

59. Denied. It is specifically denied that defendant Wolfe in any way committed a theft on Plaintiffs' property.

60. Defendant avers that paragraph 60 is stricken pursuant to the Court order as it refers to the Burglary statute.

61. Denied. This averment is stricken pursuant to Court Order.

62. Denied. Paragraph 62 contains a conclusion of law to which no responsive pleading is required.

63. Denied. This averment is stricken pursuant to Court Order.

WHEREFORE, Defendant Wolfe requests Plaintiffs' complaint be dismissed.

COUNT V – INVASION OF PRIVACY

64. Denied. See previous Answers.

65. Denied. Paragraph 65 contains a conclusion of law to which no responsive pleading is required.

66. Denied. Paragraph 66 contains a conclusion of law to which no responsive pleading is required.

67. Denied. Paragraph 67 contains a conclusion of law to which no responsive pleading is required.

68. Denied. Paragraph 68 contains a conclusion of law to which no responsive pleading is required.

69. Denied. Paragraph 69 contains a conclusion of law to which no responsive pleading is required.

70. Denied. Paragraph 70 contains a conclusion of law to which no responsive pleading is required.

71. Denied. Paragraph 71 contains a conclusion of law to which no responsive pleading is required.

72. Denied. This averment is stricken pursuant to Court Order.

WHEREFORE, Defendant Mark Wolfe requests Plaintiffs' complaint be dismissed.

COUNT VI – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

Count VI has been dismissed in its entirety pursuant to Court Order.

COUNT VII – NEGLIGENCE

80. Denied. See previous Answers.

81. Denied. See previous Answers.

82. Denied. Paragraph 82 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, Defendant Mark Wolfe requests Plaintiffs' Complaint be dismissed.

83. Denied. Paragraph 83 contains a conclusion of law to which no responsive pleading is required.

84. Denied. Paragraph 84 contains a conclusion of law to which no responsive pleading is required.

85. Denied. Paragraph 85 contains a conclusion of law to which no responsive pleading is required.

86. Denied. Paragraph 86 contains a conclusion of law to which no responsive pleading is required.

87. Denied. Paragraph 87 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, Defendant Mark Wolfe requests Plaintiffs' Complaint be dismissed.

NEW MATTER

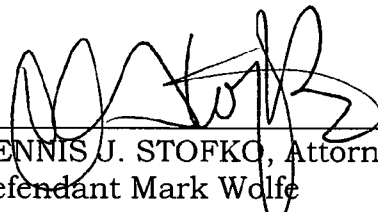
88. At all times material herein, Defendant Mark Wolfe was acting upon information provided to him as to the location of the home of Lloyd Smith that was to be secured.

89. Based on the information Defendant had a reasonable basis to believe he was on the correct property.

90. Defendant further avers that at no time material herein did he convert any personal property or cause any damage to the Plaintiffs' property.

91. Furthermore, the Defendant avers that his actions were without any ill motive or conduct designed to create a harm or injury to Plaintiffs' property.

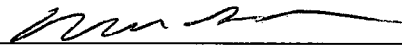
WHEREFORE, Defendant Mark Wolfe requests judgment on his behalf.



DENNIS J. STOFKO, Attorney for
Defendant Mark Wolfe

I, Mark Wolfe, do hereby swear or affirm the facts set forth in the Answer and New Matter are true and correct to the best of my knowledge, information and belief.

I understand that these averments of fact are made subject to the penalties of 18 Pa. CSA 4904 relating to unsworn falsification to authorities.



Mark Wolfe

Date 12-12-05

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

EDWARD J. LEVENDUSKI AND
JANICE E. LEVENDUSKI,
Plaintiffs

*

*

-vs-

*

Docket No. 05-882-CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, AND MARK WOLFE,
Defendants

*

*

*

Type of pleading:
ANSWER AND NEW MATTER OF
DEFENDANT HOUSEHOLD
BENEFICIAL MORTGAGE
CORPORATION

Filed on behalf of:
DEFENDANT, Household
Finance Corp.

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

DEC 22 2005

01/11/30/05
William A. Shaw

Prothonotary/Clerk of Courts

4 cent to App

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

EDWARD J. LEVENDUSKI AND
JANICE E. LEVENDUSKI,
Plaintiffs

*

*

-vs-

*

Docket No. 05-882-CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, AND MARK WOLFE,
Defendants

*

*

*

NOTICE TO DEFENDANT MARK WOLFE

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED ANSWER AND NEW MATTER WITHIN TWENTY (20) DAYS FROM
SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

Dwight L. Koerber, Jr.,
Esquire
Attorney for Defendant
HOUSEHOLD FINANCE CORP

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

EDWARD J. LEVENDUSKI AND
JANICE E. LEVENDUSKI,
Plaintiffs

*

*

-vs-

*

Docket No. 05-882-CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, AND MARK WOLFE,
Defendants

*

*

*

ANSWER AND NEW MATTER OF DEFENDANT
HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION

COMES NOW, Defendant Household Finance Corp. (referred to hereinafter as "Household" or "defendant") (improperly referred to as Household Beneficial Mortgage Corporation in the Complaint), by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Answer and New Matter to the Complaint filed by plaintiffs. In support thereof, defendant avers and shows as follows:

1. Admitted.
2. Admitted.
3. No answer required - pertains to other defendants.
4. Admitted, with the understanding that the proper name of defendant is Household Financial Corp.
5. No answer required - pertains to other defendants.

6. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

7. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

8. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

9. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

10. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

11. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

12. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

13. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

14. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

15. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

16. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

17. Admitted that defendant had foreclosed upon Lloyd Smith, but it is unknown as to whether such foreclosure coincides with the facts herein.

18. Admitted in part and denied in part. It is admitted that

Defendant Household Beneficial Mortgage Corporation, which should have been properly referred to as Household Finance Corp., contracted with Defendant Safeguard Properties, Inc. to provide certain protective services on property which for Defendant HFC had obtained title through appropriate procedures under the laws of the Commonwealth of Pennsylvania.

19. Denied as stated. A correct statement is that Defendant Safeguard contracted with Defendant Mark Wolfe, as there was no hiring or employment relationship.

20. Admitted in part and denied in part. It is admitted that Defendant Wolfe was secured as an independent contractor to perform certain services for Defendant Safeguard Properties, but it is denied that he was acting as the agent for Defendant Household when he erroneously entered onto the Levenduski property.

21. Denied, legal conclusion. See answer to paragraph 20 above.

22. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

23. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

24. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

25. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

26. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

27. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

28. Denied, legal conclusion. To the extent that facts are alleged, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

29. Denied, legal conclusion. To the extent that an answer is required, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the

allegations, and accordingly denies them. Strict proof of same is required at trial.

29(A)-(F). Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

30(A)-(F). Denied. See answers to 29(A)-(F), which are incorporated by reference.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT I: CONVERSION (REAL PROPERTY)

31-38. No answer required, as this count was dismissed in Preliminary Objections.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT II: CONVERSION (PERSONAL PROPERTY)

39-45. No answer required, as these allegations pertain to Defendant Mark Wolfe alone. To the extent, however, they are later incorporated by reference, defendant denies the same and requires strict proof at trial.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT III: TRESPASS

46. No answer required.

47. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

48. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

49. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

50. Denied, legal conclusion. To the extent that factual allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

51. Denied. Upon reasonable investigation and inquiry,

defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

52. Legal conclusion. No answer required.

53. Denied, legal conclusion. Furthermore, defendant denies that punitive damages cannot be computed to it through vicarious a claim of vicarious liability.

54. No answer required, as this Honorable Court has determined that counsel fees are not recoverable.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT IV: BURGLARY

55-63. No answer required, as this Honorable Court has ruled in response to Preliminary Objections that there is no cause of action for burglary.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT V: INVASION OF PRIVACY

64. No answer required.

65. Denied, legal conclusion. To the extent that factual

allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

66. Denied, legal conclusion. To the extent that factual allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

67. Denied, legal conclusion. To the extent that factual allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

68. Denied, legal conclusion. No answer required.

69. Denied, legal conclusion. No answer required.

70. Denied, legal conclusion. No answer required.

71. Denied, legal conclusion. No answer required.

72. Denied, as this Honorable Court has ruled in its December 7, 2005 Order that the plaintiffs' request for counsel fees is dismissed.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT VI: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

73-79. Denied, as this Honorable Court has ruled in its December 7, 2005 Order that the plaintiffs' claim for intentional infliction of emotional distress should be dismissed.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT VII: NEGLIGENCE

80. No answer required.

81. Denied, legal conclusion.

82. Denied, legal conclusion.

WHEREFORE, Defendant Household Finance Corp. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

MISCELLANEOUS AVERMENTS

83. Denied, legal conclusion.

84. Denied, legal conclusion.

85. Denied, legal conclusion.

86. Defendant does not question venue and acknowledges that it lies with the Court of Common Pleas of Clearfield County.

87. Defendant does not question jurisdiction and acknowledges that it lies with the Court of Common Pleas of Clearfield County.

WHEREFORE, Defendant Household Finance Corp. requests that the miscellaneous averments be dismissed and that judgment be entered in favor of Defendant Household Finance Corp. and against the plaintiffs.

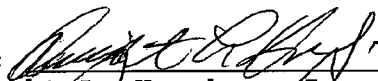
**NEW MATTER UNDER CROSS-COMPLAINT AGAINST
DEFENDANT MARK WOLFE**

88. Defendant Household Finance Corp. hereby files this cross-complaint under Pa.R.C.P. 2252 against Defendant Mark Wolfe, stating that Mark Wolfe alone is solely liable on the plaintiffs' cause of action.

89. In the event that a judgment of any nature is entered against defendant, defendant seeks contribution and indemnification against Defendant Mark Wolfe for any such judgment.

WHEREFORE, Defendant Household Finance Corp. demands judgment against Defendant Mark Wolfe for all sums that may be adjudged against the defendant in favor of plaintiffs.

Respectfully submitted,

By: 
Dwight L. Koerber, Jr., Esquire
Attorney for Defendant,
HOUSEHOLD FINANCE CORP.
DATE: 12/22/05

VERIFICATION

The undersigned, Ashley M. Bean, hereby certifies that she is the REO Manager of the defendant in the within action, and that she is authorized to make this Verification and that the forgoing facts are true and correct to the best of her knowledge, information and belief, and further states that false statements herein are made subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsification to authorities.



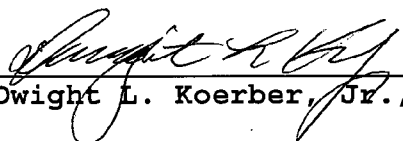
Ashley M. Bean, REO Manager

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December, 2005, a copy of the foregoing pleading was served by United States First Class Mail upon the following:

Theron G. Noble, Esquire (Counsel for plaintiffs)
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire (Counsel for Defendant Mark
P. O. Box 5500 Wolfe)
Johnstown, PA 15904



Dwight L. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. LEVENDUSKI and
JANICE E. LEVENDUSKI,

Plaintiffs

vs.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL
MORTGAGE CORPORATION and
MARK WOLFE,

Defendants

No. 05-882 CD

WOLFE'S REPLY TO NEW
MATTER

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED ^{no}cc
m12:4761
DEC 28 2005
William A. Shaw
Prothonotary/Clerk of Courts


REPLY TO NEW MATTER

NOW COMES the Defendant, Mark Wolfe and files the following Reply to New Matter filed on behalf of Household Beneficial Mortgage Corporation.

88. Denied. Paragraph 88 contains a conclusion of law to which no responsive pleading is required.

89. Denied. Paragraph 89 contains a conclusion of law to which no responsive pleading is required.

WHEREFORE, Defendant Mark Wolfe requests judgment on his behalf.



DENNIS J. STOFKO, Attorney for
Defendant, Mark Wolfe

I, Dennis J. Stofko, do hereby state that I am the attorney for Defendant, Mark Wolfe and that as such, being authorized to do so, state that the facts set forth in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Defendant because of the inability to obtain a verification from Defendant in the time required to file this Answer. A verification of Defendant will be provided if requested.

This statement is made subject to the provisions of 18 Pa CSA 4904 relating to unsworn falsification to authorities.



DENNIS J. STOFKO, Esquire

Dated: 27 Dec 03

FILED

DEC 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI AND
JANICE E. LEVENDUSKI,
Plaintiffs

*

*

-vs-

*

Docket No. 05-882-CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, AND MARK WOLFE,
Defendants

*

*

*

Type of pleading:
ANSWER AND NEW MATTER OF
DEFENDANT SAFEGUARD
PROPERTIES, INC.

Filed on behalf of:
DEFENDANT, Safeguard
Properties, Inc.

Counsel of record for
this party:

Dwight L. Koerber, Jr.,
Esquire
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

DEC 30 2005

William A. Shaw
Prothonotary/Clerk of Courts

4cc
01/31/06
Amy Koerber

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

EDWARD J. LEVENDUSKI AND
JANICE E. LEVENDUSKI,
Plaintiffs

*

*

-vs-

*

Docket No. 05-882-CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, AND MARK WOLFE,
Defendants

*

*

*

NOTICE TO DEFENDANT MARK WOLFE

YOU ARE HEREBY NOTIFIED TO FILE A WRITTEN RESPONSE TO THE
ENCLOSED ANSWER AND NEW MATTER WITHIN TWENTY (20) DAYS FROM
SERVICE HEREOF OR A JUDGMENT MAY BE ENTERED AGAINST YOU.

Dwight L. Koerber, Jr.,
Esquire
Attorney for Defendant
SAFEGUARD PROPERTIES, INC.

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

EDWARD J. LEVENDUSKI AND
JANICE E. LEVENDUSKI,
Plaintiffs

*

*

-vs-

*

Docket No. 05-882-CD

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, AND MARK WOLFE,
Defendants

*

*

*

ANSWER AND NEW MATTER OF DEFENDANT
SAFEGUARD PROPERTIES, INC.

COMES NOW, Defendant Safeguard Properties, Inc. (referred to hereinafter as "Safeguard" or "defendant"), by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Answer and New Matter to the Complaint filed by plaintiffs. In support thereof, defendant avers and shows as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. No answer required - pertains to other defendants.

5. No answer required - pertains to other defendants.

6. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of

same is required at trial.

7. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

8. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

9. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

10. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

11. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

12. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of

same is required at trial.

13. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

14. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

15. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

16. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

17. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

18. Admitted in part and denied in part. It is admitted that Defendant Household Beneficial Mortgage Corporation, which should have been properly referred to as Household Finance Corp.,

contracted with Defendant Safeguard Properties, Inc. to provide certain protective services for property which Defendant HFC had obtained title upon through appropriate procedures under the laws of the Commonwealth of Pennsylvania.

19. Denied as stated. A correct statement is that Defendant Safeguard contracted with Defendant Mark Wolfe, as there was no hiring or employment relationship.

20. Admitted in part and denied in part. It is admitted that Defendant Wolfe was secured as an independent contractor to perform certain services for Defendant Safeguard Properties, but it is denied that he was acting as the agent of Safeguard Properties when he erroneously entered onto the Levenduski property.

21. Denied, legal conclusion. See answer to paragraph 20 above.

22. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

23. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

24. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy

of the allegations, and accordingly denies them. Strict proof of same is required at trial.

25. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

26. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

27. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

28. Denied, legal conclusion. To the extent that facts are alleged, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

29. Denied, legal conclusion. To the extent that an answer is required, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

29(A)-(F). Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

30(A)-(F). Denied. See answers to 29(A)-(F), which are incorporated by reference.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT I: CONVERSION (REAL PROPERTY)

31-38. No answer required, as this count was dismissed in Preliminary Objections.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT II: CONVERSION (PERSONAL PROPERTY)

39-45. No answer required, as these allegations pertain to Defendant Mark Wolfe alone. To the extent, however, they are later incorporated by reference, defendant denies the same and requires strict proof at trial.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and

that the complaint be dismissed.

COUNT III: TRESPASS

46. No answer required.

47. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

48. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

49. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

50. Denied, legal conclusion. To the extent that factual allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

51. Denied. Upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of

same is required at trial.

52. Legal conclusion. No answer required.

53. Denied, legal conclusion. Furthermore, defendant denies that punitive damages cannot be computed to it through vicarious a claim of vicarious liability.

54. No answer required, as this Honorable Court has determined that counsel fees are not recoverable.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT IV: BURGLARY

55-63. No answer required, as this Honorable Court has ruled in response to Preliminary Objections that there is no cause of action for burglary.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT V: INVASION OF PRIVACY

64. No answer required.

65. Denied, legal conclusion. To the extent that factual allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy

of the allegations, and accordingly denies them. Strict proof of same is required at trial.

66. Denied, legal conclusion. To the extent that factual allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

67. Denied, legal conclusion. To the extent that factual allegations are made, upon reasonable investigation and inquiry, defendant is without sufficient information to confirm the accuracy of the allegations, and accordingly denies them. Strict proof of same is required at trial.

68. Denied, legal conclusion. No answer required.

69. Denied, legal conclusion. No answer required.

70. Denied, legal conclusion. No answer required.

71. Denied, legal conclusion. No answer required.

72. Denied, as this Honorable Court has ruled in its December 7, 2005 Order that the plaintiffs' request for counsel fees is dismissed.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT VI: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

73-79. Denied, as this Honorable Court has ruled in its December 7, 2005 Order that the plaintiffs' claim for intentional infliction of emotional distress should be dismissed.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

COUNT VII: NEGLIGENCE

80. No answer required.

81. Denied, legal conclusion.

82. Denied, legal conclusion.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that judgment be entered in its favor and against the plaintiffs, and that the complaint be dismissed.

MISCELLANEOUS AVERMENTS

83. Denied, legal conclusion.

84. Denied, legal conclusion.

85. Denied, legal conclusion.

86. Defendant does not question venue and acknowledges that it lies with the Court of Common Pleas of Clearfield County.

87. Defendant does not question jurisdiction and acknowledges that it lies with the Court of Common Pleas of Clearfield County.

WHEREFORE, Defendant Safeguard Properties, Inc. requests that the miscellaneous averments be dismissed and that judgment be entered in favor of Defendant Safeguard Properties, Inc. and against the plaintiffs.

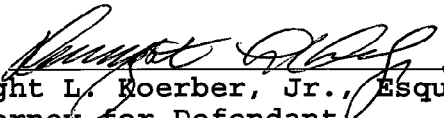
**NEW MATTER UNDER CROSS-COMPLAINT AGAINST
DEFENDANT MARK WOLFE**

88. Defendant Safeguard Properties, Inc. hereby files this cross-complaint under Pa.R.C.P. 2252 against Defendant Mark Wolfe, stating that Mark Wolfe alone is solely liable on the plaintiffs' cause of action.

89. In the event that a judgment of any nature is entered against defendant, defendant seeks contribution and indemnification against Defendant Mark Wolfe for any such judgment.

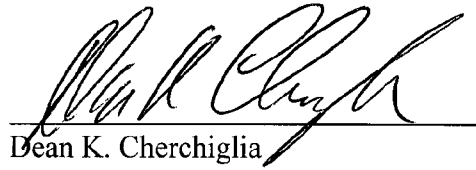
WHEREFORE, Defendant Safeguard Properties, Inc. demands judgment against Defendant Mark Wolfe for all sums that may be adjudged against the defendant in favor of plaintiffs.

Respectfully submitted,

By: 
Dwight L. Roerber, Jr., Esquire
Attorney for Defendant
SAFEGUARD PROPERTIES, INC.
DATE: 12/30/05

VERIFICATION

I certify that the statements made in the foregoing document are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read "Dean K. Cherchiglia", is written over a horizontal line.

Dean K. Cherchiglia
General Counsel

DATE: 12-28-2005

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of December, 2005, a copy of the foregoing pleading was served by United States First Class Mail upon the following:

Theron G. Noble, Esquire (Counsel for plaintiffs)
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire (Counsel for Defendant Mark
P. O. Box 5500 Wolfe)
Johnstown, PA 15904



Dwight L. Koerber, Jr., Esquire

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

EDWARD J. LEVENDUSKI and
JANICE E. LEVENDUSKI,

Plaintiffs

vs.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL
MORTGAGE CORPORATION and
MARK WOLFE,

Defendants

No. 05-882 CD

WOLFE'S REPLY TO NEW MATTER

Counsel of record for this party:
Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, Pa. 15904
814 262-0064
ID 27638

FILED

JAN 04 2006

William A. Shaw
Prothonotary/Clerk of Courts

m/1/15/wn

No C/C

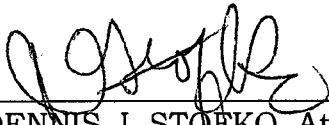
DEFENDANT, MARK WOLFE'S REPLY TO NEW MATTER

NOW COMES the Defendant, Mark Wolfe by and through counsel,
Dennis J. Stofko and files the following Reply to New Matter filed by Defendant
Safeguard Properties, Inc.

88. Denied. Paragraph 88 contains a conclusion of law to which no
responsive pleading is required.

89. Denied. Paragraph 89 contains a conclusion of law to which no
responsive pleading is required.

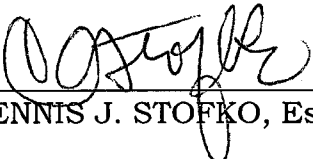
WHEREFORE, Defendant Mark Wolfe requests judgment on his behalf.



DENNIS J. STOFKO, Attorney for
Defendant, Mark Wolfe

I, Dennis J. Stofko, do hereby state that I am the attorney for Defendant, Mark Wolfe and that as such, being authorized to do so, state that the facts set forth in the foregoing Reply to New Matter are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Defendant because of the inability to obtain a verification from Defendant in the time required to file this Reply. A verification of Defendant will be provided if requested.

This statement is made subject to the provisions of 18 Pa CSA 4904 relating to unsworn falsification to authorities.



DENNIS J. STOFKO, Esquire

Dated: 3/20/06

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

Type of Pleading:

PLAINTIFFS' REPLY TO NEW
MATTER OF DEFENDANT WOLFE

Filed By:

Plaintiffs

JURY TRIAL DEMANDED

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED ^{NO CC}
m112:4761
JAN 09 2006 

William A. Shaw
Prothonotary/Clerk of Courts

EDWARD J. LEVENDUSKI, and)
 JANICE M. LEVENDUSKI,)
)
 PLAINTIFF,)
)
 v.) No. 05- 882 -CD
)
 SAFEGUARD PROPERTIES, INC.,)
 HOUSEHOLD BENEFICIAL MORTGAGE)
 CORPORATION, and MARK WOLFE,)
)
 DEFENDANTS.)

AND NOW, comes the Plaintiffs, Edward J. Levenduski and Janice M. Levenduski, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who avers as follows in support of their REPLY TO NEW MATTER OF DEFENDANT WOLFE :

88. After reasonable investigation, the same can not be admitted nor denied, therefore strict proof is demanded at time of trial.

89. Denied. For the reasons set forth in their CIVIL COMPLAINT, Plaintiffs content it was unreasonable for Defendant Wolfe to have entered, damaged and “secured” their home mistaking it for the home of Lloyd Smith.

90. Denied. For the reasons set forth in Plaintiffs' CIVIL COMPLAINT, it is denied that Defendant Wolfe did not (i) cause damage to Plaintiffs' home; or (ii) convert personal property inside said home.

91. Denied. For the reasons set forth in Plaintiffs' CIVIL COMPLAINT, it is denied that Defendant Wolfe acted without ill will or in such a manner as not to cause harm or injury to Plaintiffs' property.

WHEREFORE, Plaintiffs request JUDGMENT be entered in their favor as prayed for in their CIVIL COMPLAINT.


Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'T. G. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

I, Theron G. Noble, Esquire, do hereby certify that I am the attorney of record for Plaintiffs Edward J. Levenduski and Janice E. Levenduski, and that as such, being authorized to do so, state that the facts set forth in the foregoing REPLY TO NEW MATTER are true and correct to the best of my knowledge, information and belief. This verification of counsel is being attached hereto in lieu of that of Plaintiffs because of the inability to obtain from Plaintiffs in the time required to file this pleading. A verification of Plaintiffs will be provided if requested. This statement is made subject to the provisions of 18 Pa.C.S.A. 4904 relating to unsworn falsification to authorities.

Dated: January 7, 2006

A handwritten signature in black ink, appearing to read 'T. G. Noble', written over a horizontal line.

Theron G. Noble, Esquire

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

NOTICE OF SERVICE

TO: William A. Shaw, Prothonotary

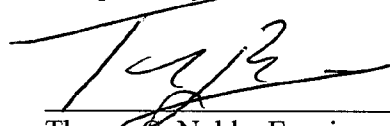
Date: January 7, 2006

I, Theron G. Noble, Esquire, counsel for Plaintiffs, do hereby certify that I did mail a true and correct copy of Plaintiffs' REPLY TO NEW MATTER OF DEFENDANT WOLFE to the below individuals, being all counsel of record for the defendants, via United States Mail, postage pre-paid, first class as follows:

Dwight L. Koerber, Esquire
110 North Second Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05-__882__-CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:

Plaintiffs

JURY TRIAL DEMANDED

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

MAR 20 2006

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

NOTICE OF SERVICE

TO: William A. Shaw, Prothonotary

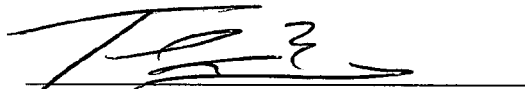
Date: March 18, 2006

I, Theron G. Noble, Esquire, counsel for Plaintiffs, do hereby certify that I did mail a true and correct copy of Plaintiffs' FIRST SET OF DISCOVERY REQUESTS to the below individuals, being all counsel of record for the defendants, via United States Mail, postage pre-paid, first class as follows:

Dwight L. Koerber, Esquire
110 North Second Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

*

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on behalf of:
Defendant:
HOUSEHOLD FINANCE
CORPORATION (IMPROPERLY
IDENTIFIED AS DEFENDANT
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION)

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

APR 28 2006

William A. Shaw

Prothonotary/Clerk of Courts

2 cent to Apr

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

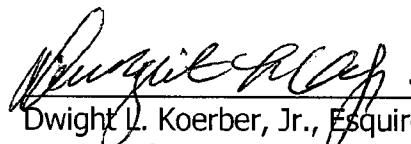
*

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of August 2006 the undersigned served a true and correct copy of the ANSWER OF HOUSEHOLD FINANCE CORPORATION (IMPROPERLY IDENTIFIED AS DEFENDANT HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION) TO INTERROGATORIES AND REQUEST FOR PRODUCTION OF PLAINTIFFS EDWARD J. LEVENDUSKI AND JANICE E. LEVENDUSKI in the above captioned matter upon counsel for Plaintiffs and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant
Household Beneficial Mortgage Corporation

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

Type of Pleading:

MOTION TO COMPEL

Filed By:

Plaintiffs

JURY TRIAL DEMANDED

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

JUN 09 2007

m/11:50/w

William A. Shaw

Prothonotary/Clerk of Courts

no c/c

UA

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

RULE TO SHOW CAUSE

Now, this 16 day of June, 2006, upon consideration of the attached Plaintiff's MOTION TO COMPEL, a RULE is hereby issued upon the Defendants to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 5th day of July, 2006 and argument on the MOTION set for the 18th day of July, 2006, at 9:00, A.M., in Courtroom No. 1, Clearfield County Courthouse, Clearfield, Pennsylvania.

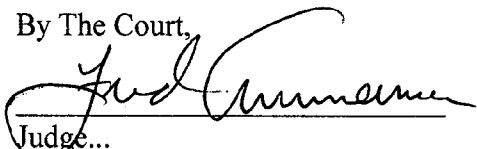
NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

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

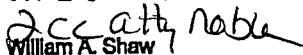
Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,


Judge...

FILED

JUN 16 2006


William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6-16-00

☒ You are responsible for serving all appropriate parties.

☒ If you have provided service to the following parties:

☒ Plaintiff ☒ Defendant(s) Attorney ☐ Other

☒ Defendant(s) Defendant(s) Attorney

☒ Special Instructions:

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

MOTION TO COMPEL

AND NOW, comes the Plaintiffs, Edward J. Levenduski and Janice M. Levenduski, by and through their counsel, Theron G. Noble, Esquire of Ferraraccio & Noble, who avers as follows in support of their MOTION TO COMPEL:

Background

1. As the Court most likely remembers from previously argued Preliminary Objections, this matter involves a situation in which the Defendants incorrectly entered the home of the Plaintiffs to "winterize" or "secure" it, believing it was a different home which had been seized through an execution sale.
2. In addition to the above, certain items of personal property were also removed, including some with great sentiment.
3. Civil Complaint was filed June 20, 2005.

4. On March 18, 2006, Plaintiffs propounded on all defendants their first set of discovery materials, including interrogatories and request for production of documents.

As to Defendant Safeguard Properties

5. Attorney Dwight L. Koerber, Jr., represents defendants Safeguard Properties and Household Beneficial Mortgage Corporation.

6. Defendant Safeguard Properties has failed to file any response to the discovery requests.

As to Defendant Household Beneficial Mortgage Corporation

7. Although a reply to the interrogatories was received from such defendant, no documents were produced.

8. By letter of April 27th, Attorney Koerber stated that the documents would be shortly delivered, which have not been so delivered. See Exhibit "A".

As to Defendant Wolfe

9. That Defendant Wolfe is represented by Attorney Dennis J. Stofko.

10. Although Defendant Wolfe responded to the Interrogatories, the answer provided as to the Request for Production of Documents was that they are searching for documents and when located they will be provided. See Exhibit "B".

As to All Defendants

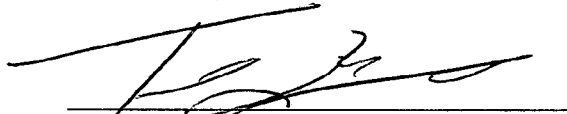
11. The parties have been discussing resolution of this case, which has now been couched as a "joint offer", as compared to previous individual offers.

12. Plaintiffs will not accept the current offer on the table as it fails to consider the removal of the personal property items for which they are confident the same would be determined at trial.

13. Without the discovery information, Plaintiffs can not fairly determine the value of their case as to each defendant, which is also impeding possible settlement as to one or all defendants, as well as prejudicing Plaintiffs trial preparation if the cases do not resolve.

WHEREFORE, Plaintiffs request that their MOTION TO COMPEL as to all defendants be GRANTED.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Theron G. Noble', is written over a horizontal line.

Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

**LAW OFFICES
OF
DWIGHT L. KOERBER, JR.**

Attorney at Law
110 North Second Street
P. O. Box 1320
Clearfield, PA 16830

Dwight L. Koerber, Jr.
Telephone (814) 765-9611

Facsimile (814) 765-9503
Email: *dkoerber@atlanticbb.net*

April 27, 2006

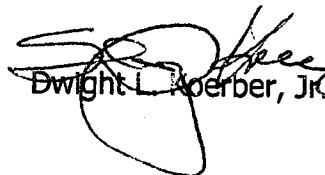
Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

**Re: Levenduski v. Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe
Docket No. 05-882-CD**

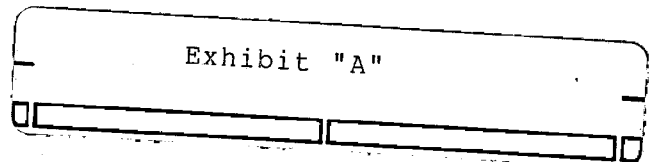
Dear Terry:

Enclosed herewith is the Answer to Interrogatories that I am filing on behalf of Defendant Household Finance Corporation. I am in the process of completing and paginating the answer to your request for production of documents, on behalf of HFC and should be sending that to you in the very near future.

Very truly yours,


Dwight L. Koerber, Jr.

DLK/sah
Enclosure: Answer to Interrogatories
cc: Dennis J. Stofko, Esquire
Household Finance Corporation



ANSWER: No, most of my work orders have better addresses or name of mortgagor. I took all measures to make sure this was the right property.

14. Is this defendant aware of any other situations in which any other defendant to this lawsuit has "secured", entered or "winterized" the wrong home on other occasions?

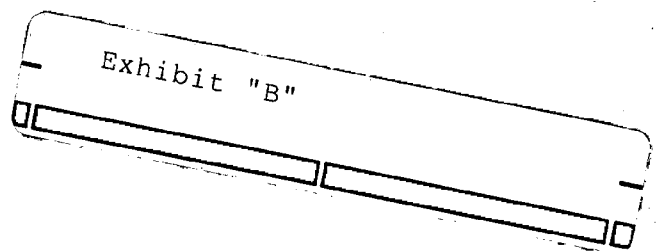
ANSWER: Not applicable.

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Any and all documents, including but not limited to contracts, instructions, reports, memorandums, work orders, invoices or the like concerning the hiring of or any work performed by you or other any defendant involved in this lawsuit relating to "securing", entry or "winterizing" of the Lloyd Smith home in the Penfield, Clearfield county area; and

2. Any and all documents, including but not limited to contracts, instructions, reports, memorandums, work orders, invoices or the like concerning anytime in the two years prior to January, 2005, in which you hired or were hired by any party to this litigation which involved "securing", entry or "winterizing" of any home.

RESPONSES: We are searching for any documents and will forward same when located.



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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

NOTICE OF SERVICE

TO: William A. Shaw, Prothonotary

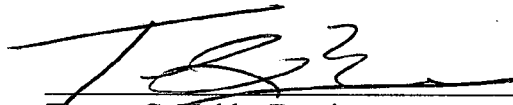
Date: June 8, 2006

I, Theron G. Noble, Esquire, counsel for Plaintiffs, do hereby certify that I did mail a true and correct copy of Plaintiffs' MOTION TO COMPEL to the below individuals, being all counsel of record for the defendants, via United States Mail, postage pre-paid, first class as follows:

Dwight L. Koerber, Esquire
110 North Second Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

NOTICE OF SERVICE

TO: William A. Shaw, Prothonotary

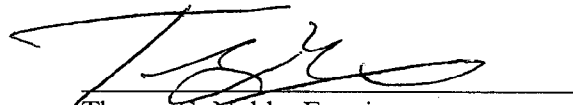
Date: June 26, 2006

I, Theron G. Noble, Esquire, counsel for Plaintiffs, do hereby certify that I did mail a true and correct copy of the RULE RETURNABLE issued upon Plaintiff's MOTION TO COMPEL to the below individuals, being all counsel of record for the defendants, via United States Mail, postage pre-paid, first class as follows:

Dwight L. Koerber, Esquire
110 North Second Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Plaintiffs
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

FILED *NO*
m 11:41 AM
JUN 27 2006 *cc*

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,
Plaintiffs

v.

SAFEGUARD PROPERTIES, INC.
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE
Defendants

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Docket No. 05-882-CD

Type of Pleading:
REPLY OF SAFEGUARD PROPERTIES, INC.
TO REQUEST FOR PRODUCTION OF
DOCUMENTS

Filed on Behalf of:
Defendant:
SAFEGUARD PROPERTIES, INC.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr., Esquire
PA I.D. 16332

LAW OFFICES OF
DWIGHT L. KOERBER, JR.
110 N. Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 4cc
0/3:46/04 Amy Koerber
JUL 05 2006
um

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,
Plaintiffs

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Docket No. 05-882-CD

v.

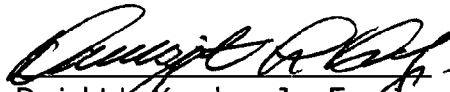
SAFEGUARD PROPERTIES, INC.
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE
Defendants

**REPLY OF SAFEGUARD PROPERTIES, INC. FOR REQUEST FOR
PRODUCTION OF DOCUMENTS**

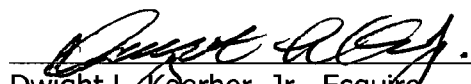
(1) Attached hereto as pages 1-151 are Defendant Safeguard Properties, Inc.'s documents which contains its file relative to Defendant Mark Wolfe.

(2) Objection. Request is overly broad, burdensome and would be unduly expensive to comply with. In support of this, Plaintiff would point out that it has ongoing work which HSBC with their being several thousands of documents that would fit within the scope of the request that has been posed. None of these documents have anything in the slightest to do with the present litigation. Moreover, they are proprietary in nature containing financial data that is protected by state and federal law. The request is burdensome and can not be shown in any way to be likely to lead to

admissible evidence or to evidence that would tend to produce relevant or admissible evidence.


Dwight L. Koerber, Jr., Esquire

Respectfully submitted,


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant: Safeguard Properties, Inc.

VERIFICATION

I certify that the statements made in the foregoing Answers to Request for Production of Documents are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.



Dean K. Cherchiglia

DATE: 6/29/06

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,
Plaintiffs

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,
Defendants

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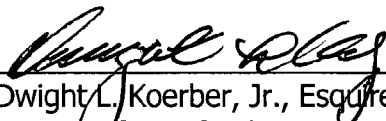
Docket No. 05-882-CD

CERTIFICATE OF SERVICE

I certify that on the 5th day of July 2006, the undersigned served a copy of the Reply of Safeguard Properties, Inc. to Request for Production of Documents in the above-captioned matter. Such document was served via United States First Class Mail upon the following individuals:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Boulevard, Suite E
P. O. Box 5500
Johnstown, PA 15904


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Safeguard Properties, Inc.

LETTERS FROM
PLAINTIFF'S
ATTORNEY

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377

Attorney Barry Moses
c/o Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131

March 8, 2005

Re: Edward J. and Janice M. Levenduski

Dear Mr. Moses:


By letter of February 10th, I informed you of a situation in the Penfield, Clearfield County, Pennsylvania area concerning a house that was wrongfully converted by your company which belonged to my clients, Edward and Janice Levenduski. A few days later, one of your employees (Leah) called me to inquire about some additional information, which I provided. She was to call me back by the end of that week, which she did not do.

When I called back the following week, I was informed "the file" was transferred to another employee, Ruby. I spoke with Ruby and I requested she provide me with a response to my letter as was requested in said letter. Ruby said she would "but it might take some time".

I note that we are approaching a month from my initial letter. This is more than adequate time for a response to my initial letter. In the event your company continues to pursue this matter in a dilatory manner, I will assume that they are unwilling to pursue an amicable solution and will accordingly act.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN

cc: Mr. and Mrs. Edward J. Levenduski

LOAN # 71427100100420

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830

(814) 765-4990

(814) 375-2221

FAX: (814) 765-9377

2-14-05
@ 2:53
Called office
message left
to call me for Mr. Noble
info on this matter.
Need more
rec on address.

Attorney Barry Moses
c/o Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131

February 10, 2005

Re: Edward J. and Janice M. Levenduski

Dear Mr. Moses:

Please be advised that I represent Mr. and Mrs. Edward J. (Janice M.) Levenduski. I understand that you are counsel to Safeguard Properties, Inc..

I write you concerning an incident that occurred on Sunday, January 16th, between 3 - 4 P.M., in the Penfield (Huston Township) area, Clearfield County, Pennsylvania. Mr. Mark Wolfe apparently was hired to "secure" a property in the aforementioned area. The property he was to secure belonged to Mr. Lloyd Smith. However, he secured the property owned by my clients.

In "securing" this property, Mr. Wolfe forcibly entered the Levenduski property, at a time no one was present. He changed the locks, posted and winterized the property. The property remained like this until February 3rd when, following arrangements I made with Mr. Wolfe, he returned to the Penfield area, met with the Levenduski's, changed the locks thereby relinquishing control of the premises to them.

I should note that the Levenduski property is in no manner related to the Smith property, nor is there any similarity as to either its appearance or location.

Although Mr. Wolfe claims that a neighbor identified the property as being that of Mr. Smith, the neighbors deny this assertion. In fact, based on their conversation with Mr. Wolfe, it is their impression that Mr. Wolfe had already secured the premises by the time they spoke with him. Also, Mr. Wolfe told these neighbors (Bonnie and Mark Chellingsworth) that he (Mr. Wolfe) did not have any names as to the house he was securing.

In speaking with the realtor whom was involved in this matter, Tina Long from Hoffer Realty, she informed Mr. Wolfe, either on the 17th or 18th of January, that he had secured the wrong house.

Page 2

Re: Edward J. and Janice M. Levenduski

February 10, 2005

You should also be aware that while this was going on, Mrs. Levenduski was hospitalized, recovering from heart surgery. It was not until a return trip from the Hospital that she noticed a lamp she has placed in the house was not in the window that something was amiss with the property.

Mr. Levenduski was in the house the Friday (January 14th) before this incident occurred. The next time that either Mr. or Mrs. Levenduski entered the home was with Mr. Wolfe on February 3rd.

Mr. and Mrs. Levenduski report that when they did enter the home they made the following observations: The front and back doors are significantly chipped; the interior door separating the pantry from the basement was left open (they never left it open and Mr. Levenduski specifically recalls closing it on the 14th); the cover in the basement closing off the crawl space below the bathroom addition was removed and left uncovered; various drawers had been open and left open; garbage, consisting of torn flowers and paper was thrown about the house; and a foot locker, with miscellaneous materials, velvet drapes and rod, and an antique hurricane lamp, which was Mrs. Levenduski's great-grandmothers are missing. *winterized*

I should note that neither I nor Mr. and Mrs. Levenduski believe Mr. Wolfe threw the garbage about the house. We do believe that some varmint entered into the basement and got access either because the basement/pantry door was open or through the uncovered crawl space.

The purpose of this letter is to formally notify you of my representation, to inform you of this situation and to see what Safeguard Properties proposes to resolve this matter. As you review this matter and consider what Safeguard can do to rectify the situation, please consider as follows:

Without great research efforts, I can think of numerous civil laws which have been violated. Included amongst these breaches are conversion, trespass, invasion of privacy and intentional/reckless infliction of emotional distress.

As to the actual damages incurred by Mr. and Mrs. Levenduski, there is a need to perform the following: (i) replace the front and back doors; (ii) hire an exterminator; and (iii) have the premises professionally cleaned. As to the non-economic damages suffered by the Levenduski's, besides the emotional distress caused them by these actions, they have also suffered damage to their reputation from being "foreclosed" on a non-existent mortgage.

Page 3

Re: Edward J. and Janice M. Levenduski

February 10, 2005

Without embellishing the Levenduski's claim, I can truthfully state that in my years of practice, this is simply the most egregious violation of individual property rights that I have encountered. I am at a loss to understand how someone could "secure" a property without (i) knowing the name of the person to whom the house was suppose to belong; (ii) mistake a house which was different in appearance and in a different location; and (iii) most significantly, not make great efforts to correct the situation once the errors had been revealed.

Mr. Wolfe does state that he attempted to call the Levenduski's during this time. Given Mrs. Levenduski's hospitalization, that very well could be true. However, I know that if I had done as Mr. Wolfe did here, I would have been in the Penfield area that very same day to learn whose house it was and make contact with that person. If Mr. Wolfe had done so, he would have easily discovered the Levenduski's were the victims of his acts and located them. It is after all a very small community. Instead, Mr. Wolfe apparently placed greater emphasis in securing the "correct home" instead of unsecuring the incorrect home.

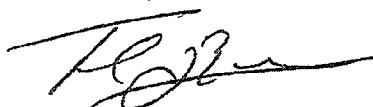
I would appreciate you investigating this situation and calling me to discuss once you do. I would further appreciate you doing so by the end of this month.

Also, in investigating this matter, please see if you can locate (i) the locker; (ii) lamp or (iii) drapes.

Thank you for your time.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN

cc: Mr. and Mrs. Edward J. Levenduski

FERRARACCIO & NOBLE

301 East Pine Street
Clearfield, PA 16830
(814) 765-4990
(814) 375-2221
FAX: (814) 765-9377



19905900002

71437100100420 REO 001

Ms. Ruby A. Smith, Compliance Manager
c/o Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131

March 12, 2005

Re: Edward J. and Janice M. Levenduski

Dear Ms. Smith:

I am in receipt of, and thank you for, your letter of March 7th. This apparently 'crossed in the mail' with your last letter. I also have had the opportunity to discuss with Mr. and Mrs. Levenduski the contents of your letter.

I shall first out some matters not addressed in your letter which I had requested, discuss issues raised in your letter, and finally respond to your inquiries. As such, please be advised as follows:

Missing Items

Your letter does not state that Mr. Wolfe denies taking the drapes, rod, lamp and locker. You did however verbally inform me of that position during our last phone conversation. As such, I am assuming that your non response is a denial.

As to this item, I am confident that a factual determination would determine that these items were in the house when entered by Mr. Wolfe and that he removed the same.

Mr. Levenduski can conclusively establish the items as present two days before the tortious actions. There was no sign of forced entry, except by those actions of Mr. Wolfe. Neither this house nor the area have any history for being burglarized. It is just hard to imagine that given these facts, someone else forcibly entered the Levenduski home in the two days between Mr. Wolfe's entry and Mr. Levenduski's last visit, and did so without leaving a trace. The conclusion that must be reached is that either Mr. Wolfe or Mr. and Mrs. Levenduski are not being truthful.

Noting that the pictures we have clearly show the outline of a locker, I must assume that a locker was previously present and is no longer there. I also note that if someone was going to fabricate a claim, they would do so with more valuable items, such as

Page 2

Re: Edward J. and Janice M. Levenduski

March 12, 2005

antique silver picture frames, which were not taken.

I know that the person securing the home often times also cleans the home, as was the case with the home which was then correctly secured. It will be an easy jury determination that Mr. Wolfe was getting a head start on the next phase of the process to liquidate the home.

I would also note that your letter goes to great lengths to portray Mr. Wolfe as an "independent contractor". Although he may not be a full time employee, he is your agent just as you are the mortgage's agent. As such, in the event we do not reach an amicable solution, all parties would be appropriate defendants.

I am certain this was not either yours, the banks or Mr. Wolfe's intent, to embarrass these nice people. You phrase this as 'a lack of malice'. I agree with you in general. However, I disagree that this was merely "negligent" conduct. When someone forcibly enters a home, under color of rightful means, he should know the persons home is entering, a description, and do so at a time when there is a legitimate opportunity to make certain of these circumstances. This elevates Mr. Wolfe's actions to at least reckless standard. One could also argue that Mr. Wolfe acted with specific intent, i.e. that he intentionally secured the home, albeit the wrong home. In any event, the removal of the personal property items certainly erases any "intent" issues.

Condition of Home

We admit that home was listed for sale. We do however strongly disagree that there was debris "thrown about" in the home prior to Mr. Wolfe's entry. Again, we believe a varmint was permitted to enter through an opening caused by Mr. Wolfe's failure to close interior doors. This caused the debris consisting of garbled up tissues and flowers to be strewn about the property. This is why the house needs to be cleaned as well as exterminated. To refuse to do so, is simply asking for Mr. and Mrs. Levenduski's indulgence for the wrongs you did to them.

They are not asking for compensation for "normal maintenance". The house did not have any varmints inside the house prior to Mr. Wolfe securing the home. Likewise, I do not feel it is necessary for the Levenduski's to clean up your mess, which explains the request for cleaning.

Page 3

Re: Edward J. and Janice M. Levenduski

March 12, 2005

Prior Remedies

As you note, and I previously addressed, the Levenduskis are very nice, warm and peaceful people. The testimonial in your letter speaks volumes about them. However, the law does not impose any burdens on them for being as such and handling this matter as they did. In fact, I believe a jury would find them extremely kind and considerate and in turn be very sympathetic to them.

You presented a problem to them and they handled it in a peaceful manner. After you overtook their home, they acted decently towards you and Mr. Wolfe while they discovered what wrongs you had committed to them. Initially demanding access to their home and an explanation seems most reasonable.

Demand


I have enclosed a copy of an estimate for replacement of the doors. Given Mrs. Levenduski's continued health issues, they have not had an opportunity to receive estimates for cleaning nor extermination.

In discussing this matter with them, I am authorized to demand \$50,000 for compensation of all injuries and damages sustained by them in this matter.

I shall not take any further action in this matter for 15 days to permit you an opportunity to assess this situation in light of this demand. IF during this time you wish to further discuss any issue related hereto, please advise.

With regards, I am

Sincerely,



Theron G. Noble, Esquire

tn/TGN w.encl.

cc: Mr. and Mrs. Edward J. Levenduski

CONTRACTOR'S LITIGATION
STATEMENT

Litigation Statement:

Property:
12052 Bennett's Valley Highway
Rte. 255, P.O. Box 183
Penfield, PA 15849

I locked up the wrong property in Penfield.

There was no number on the front of or anywhere at the front of the property. So I proceeded to ask 4 different neighbors to see if I might be at the right property and they all gave me the same answer and that was that the property I was asking about was the property listed on the work order that I had.

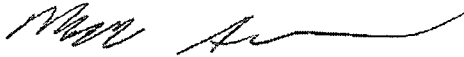
I had no name to ask about, all I had was the property address, and where there is to be a name it stated none given.

I could not check with the post office, because it was a Sunday when I arrived at the property to complete the order.

The mistake that I made on this order was completing it on a Sunday and not waiting till Monday, when the post office would have been open.

I was contacted by the property owners and agreed to meet with them to correct my mistake. I did what they ask me to do by buying another lock that they had picked out and offered to replace the door and they denied me doing that. They said that that wasn't necessary They where very happy when I had left, leaving me under the impression that everything was fine.

Thank You:
Mark Wolfe



CONTRACTOR'S 01/25/05 UPDATE

Information - 19695268

Loan Number: 71437100100420
Work Order: 19695268
Internal SPI Workcodes: 1,L,2,3
Loan Type: REO
Client Code: HHF
Property Address: 12052 BENNETTS VALLEY HIGHWAY
RTE 255, PO BOX 183
PENFIELD, PA 15849
Contractor Code: MWOLFE
Date/Time Sent: Jan 25, 2005 7:50:07 AM
Completed Date: 01/25/2005
Is this a Multi Unit Property? NO
Any citations/violations/notices posted? NO
Is Property in a High Vandalism Area? NO
Has the Property Sold? NO
Is the Property Vacant? YES

Broker Contact Info - 19695268

Broker Contacted: YES

Mobile Home Info - 19695268

Mobile Home: NO

Secure - 19695268

Secure on Arrival? NO
Secure on Departure? YES
Doors Open Y

New Damages - 19695268

New Damages NO

Lock Change Info - 19695268

Locks	Type	Quantity	Location	Comments
Lock Box	OCN	1	Front Door	
Lock Change	76667 Kwikset	1	Front Door	
Lock Change	76667 Kwikset	1	Front Door	Deadbolt
Lock Change	76667 Kwikset	1	Rear Door	
Pad Lock	A389 Padlock	1	Outbuilding	
Pad Lock	A389 Padlock	1	Basement door	

Secure Boarding / Replacing Glass Info - 19695268

Boarding Completed? NO

Trashout/Maid Service - 19695268

Trashout/Maid Service completed: NO
Reason Not Completed: Bids pending
Bid for Trashout/Maid Service:
Amount(\$): 2500.00
Description: Remove all debris and all h/h from property and maidservice

Personals Bids REO - 19695268

Personal Property Present: NO

Secure Pool / Roof - 19695268

Pool? NO

Hot Tub/Spa/Jacuzzi? NO

Winterization Info - 19695268

Winterization Completed:	YES
Type of Winterization:	Radiant Heat System
Gas Utilities On Arrival?	NO
Gas Utilities On Departure?	NO
Gas Meter Reading:	Not Available
Gas Meter Serial Number:	Not Available
Electric Utilities On Arrival?	NO
Electric Utilities On Departure?	NO
Electric Meter Reading:	Not Available
Electric Meter Serial Number:	Not Available
Water Utilities On Arrival?	NO
Water Utilities On Departure?	NO
Water Meter Reading:	Not Available
Water Meter Serial Number:	Not Available
Does the Property Have a Sump Pump?	NO
Is Freeze Damage Visible?	YES
Description of Damage:	All lines in basement are damaged
Eyeball Estimate for Freeze Damage:	3000.00
Is Water Off at Curb?	YES

Grass Cut Info - 19695268

Grass Cut Completed:	NO
This was the:	Initial Cut
Non Cut Reason:	OUT OF GRASS CUT SEASON
Shrubs Trimmed	NO

Other Bids - 19695268

Other Bid 1	Boiler has hole in firebox if it was started the furnace would kill someone	4900.00
-------------	---	---------

WORK ORDER UPDATE
2/2/05

3218

ORDER #: 19695268

SAFEGUARD PROPERTIES, INC.
650 SAFEGUARD PLAZA BROOKLYN HEIGHTS OH 44131
Phone: 1-800-852-8306 Fax : (216) 739-2700

WORK ORDER UPDATE

Client : HSBC MORTGAGE SERVICES

Loan : 71437100100420 - REO
Property Address:
NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY
RTE 255, PO BOX 183
PENFIELD PA 15849

02/02/05

MESSAGE FROM: Natalie Gelbke (NGELBKE) - MAINT
TO: Stephanie Perry (SPERRY) - MAINT
REGARDING : HHF 71437100100420 (MWOLFE)

PLEASE OPEN 2ND BID ON T/O MAID

THANKS



19946684N02

71437100100420 REO 001

CONTRACTOR'S
2/3/05 UPDATE

Property Information

Loan Number: 71437100100420
Work Order: 19905900
Loan Type: REO
Property Address: 12052 BENNETTS VALLEY HIGHWAY
RTE 255, PO BOX 183
PENFIELD, PA 15849
Contractor Code: MWOLFE
Date Sent: 02/04/2005 10:54 PM
Completed Date: 2-3-05
Occupancy Status: Vacant
Upon arrival, was property in convey condition? No
Upon departure, was property in convey condition? No
Multi Units? No
Garage? Yes
Garage Type: Detached
Number of Cars: 2
For Sale? No

Secure Property - 19905900

Secure upon arrival? Yes
Locks changed? Yes
Key Code: WALMART LOCKS
Installed Where? FRONT AND BACK DOORS
Lockbox installed? No
Padlocks installed? No
Locked by others? No
Broken Windows? No
Broken Doors? No
Secure upon departure? Yes

Secure Pool or Roof - 19905900

Roof Damage? No

Comments - 19905900

General comments: MET WITH THEM TO CHANGE THE 76667 LOCKS TO WALMART LOCKS AND REMOVE LOCKBOX

PROPERTY CONDITION REPORT
DATED 2/5/05

1030-1

NEBOCHIM MORTGAGE CORPORATION (USA) REQ INSPECTION CHECKLIST

DATE: 4/4/05 COMPLETED BY: Mark Hulse

LEAD NUMBER: 21437100100920

MORTGAGOR NAME: Rayd Smith

PROPERTY ADDRESS: 12050 Hermite Valley Highway
W.E. 255 Dr Box 123 Dyerfield PA 15849

Building Type <input checked="" type="checkbox"/> Single Family <input type="checkbox"/> Duplex <input type="checkbox"/> Row House/Townhouse <input type="checkbox"/> Condo <input type="checkbox"/> Coop <input type="checkbox"/> # of Bedrooms <input type="checkbox"/> # of Baths	Foundation walls <input checked="" type="checkbox"/> Poured Concrete <input type="checkbox"/> Block <input type="checkbox"/> Stone <input type="checkbox"/> Brick & Block	Roofing <input checked="" type="checkbox"/> Flat <input type="checkbox"/> Gabled <input type="checkbox"/> Shed <input type="checkbox"/> Other	Fluores <input checked="" type="checkbox"/> Ceramic <input type="checkbox"/> Tile <input type="checkbox"/> Other <input type="checkbox"/> Hardwood Floor <input type="checkbox"/> Carpeting
Swing Panels <input type="checkbox"/> Operating <input type="checkbox"/> Not Operating <input checked="" type="checkbox"/> Flush Door <input type="checkbox"/> N/A	Basement Foundation <input type="checkbox"/> Local Signs <input checked="" type="checkbox"/> Foundation <input type="checkbox"/> Signs Noted	Basement Ceiling <input checked="" type="checkbox"/> Open <input type="checkbox"/> Finished	

COMMENTS:

Heating & Cooling

Heating System <input type="checkbox"/> Gas <input type="checkbox"/> Oil <input type="checkbox"/> Gravity Hot Water <input checked="" type="checkbox"/> Electric <input type="checkbox"/> Forced Hot Water <input type="checkbox"/> Stoves <input type="checkbox"/> Forced Air <input type="checkbox"/> Capacity <input type="checkbox"/> Approx. Age	Boiler <input checked="" type="checkbox"/> Possible <input type="checkbox"/> Water equipment <input type="checkbox"/> Signs of Professional <input type="checkbox"/> Equipment	Oil Tank <input type="checkbox"/> Interior <input type="checkbox"/> Basement Outside <input type="checkbox"/> Signs of an <input type="checkbox"/> Abandoned Tank	Cooling <input checked="" type="checkbox"/> Central Air <input type="checkbox"/> Window/ Room units <input type="checkbox"/> Electric Compression <input type="checkbox"/> Heat Pump
---	---	--	---

COMMENTS:

Pipefitting

Supply <input checked="" type="checkbox"/> Public <input type="checkbox"/> Well	Interior Pipes <input checked="" type="checkbox"/> Copper <input type="checkbox"/> Galvanized <input type="checkbox"/> PVC <input type="checkbox"/> Other	Water Hardness <input type="checkbox"/> Copper <input checked="" type="checkbox"/> Galvanized <input type="checkbox"/> PVC <input type="checkbox"/> Lead <input type="checkbox"/> Unknown	Hot Water Heating <input checked="" type="checkbox"/> Gas <input type="checkbox"/> Electric <input type="checkbox"/> Oil <input type="checkbox"/> Independent of Heating System <input type="checkbox"/> Capacity <input type="checkbox"/> Approx. Age
--	--	---	---

COMMENTS:

04/01/01

HERSCHEM MORTGAGE CORPORATION (USA) RES INSPECTION CHECKLIST	
DATE: <u>1-24-05</u> LAM NUMBER: <u>71437100100430</u>	COMPLETED BY: <u>Mark H. H. H.</u>

Baths		Electrical	
Bath 1	Bath 2	Electric Service	Exterior Appliances
<input checked="" type="checkbox"/> Bath as Tub <input checked="" type="checkbox"/> Log Tub <input checked="" type="checkbox"/> Stall Shower <input checked="" type="checkbox"/> Floor Drain Surround Ventilation <input checked="" type="checkbox"/> Fan <input checked="" type="checkbox"/> Window Floor Covering <u>Tile</u>	<input checked="" type="checkbox"/> Bath as Tub <input checked="" type="checkbox"/> Log Tub <input checked="" type="checkbox"/> Stall Shower <input checked="" type="checkbox"/> Floor Drain Surround Ventilation <input checked="" type="checkbox"/> Fan <input checked="" type="checkbox"/> Window Floor Covering <u>Tile</u>	<input checked="" type="checkbox"/> On <input checked="" type="checkbox"/> Off <input checked="" type="checkbox"/> Breaker <input checked="" type="checkbox"/> GFI <input checked="" type="checkbox"/> Smoke Detector	<input checked="" type="checkbox"/> Range <input checked="" type="checkbox"/> Freezer <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Sump Pump
COMMENTS: <u>laundry</u>			

Mark this column as follows: S = Satisfactory, I = Insufficient, NA = N/A

Kitchen		Living Room	
Kitchen	Floor	Walls	Ceilings
<input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> Countertop <input checked="" type="checkbox"/> Sink <input checked="" type="checkbox"/> Range/ Oven <input checked="" type="checkbox"/> Microwave <input checked="" type="checkbox"/> Floor	<input checked="" type="checkbox"/> Hardwood <input checked="" type="checkbox"/> Carpet <input checked="" type="checkbox"/> Tile Fireplace <input checked="" type="checkbox"/> Flue Liner <input checked="" type="checkbox"/> Chimney <input checked="" type="checkbox"/> Support Structure	<input checked="" type="checkbox"/> Dry Wall <input checked="" type="checkbox"/> Plaster <input checked="" type="checkbox"/> Paint Doors <input checked="" type="checkbox"/> Solid Core <input checked="" type="checkbox"/> Fiberglass <input checked="" type="checkbox"/> Glass	<input checked="" type="checkbox"/> Dry Wall <input checked="" type="checkbox"/> Plaster <input checked="" type="checkbox"/> Ceiling Fan Windows <input checked="" type="checkbox"/> Double Hung <input checked="" type="checkbox"/> Casement <input checked="" type="checkbox"/> Sliding <input checked="" type="checkbox"/> Other
COMMENTS: <u>No appliances</u>			

EXTERIOR			
Roofing	Siding	Yards	Grass
<input checked="" type="checkbox"/> Asphalt <input checked="" type="checkbox"/> Metal <input checked="" type="checkbox"/> Slate <input checked="" type="checkbox"/> Other <u>shingle</u> <input checked="" type="checkbox"/> Chimney <input checked="" type="checkbox"/> Gutter & Downspout	<input checked="" type="checkbox"/> Vinyl <input checked="" type="checkbox"/> Aluminum <input checked="" type="checkbox"/> Hardwood Siding <input checked="" type="checkbox"/> Wood Shakes <input checked="" type="checkbox"/> Stone <input checked="" type="checkbox"/> Other	<input checked="" type="checkbox"/> Lawn <input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Fences <input checked="" type="checkbox"/> Garage <input checked="" type="checkbox"/> Attached <input checked="" type="checkbox"/> Detached	<input checked="" type="checkbox"/> Lawn <input checked="" type="checkbox"/> Trees <input checked="" type="checkbox"/> Fences <input checked="" type="checkbox"/> Landscaping <input checked="" type="checkbox"/> Fences <input checked="" type="checkbox"/> Deck
COMMENTS:			

REDUCTION MORTGAGE CORPORATION (USA) REG INSPECTION CHECK LIST

DATE: 1-24-05
LOAN NUMBER: 71137100100430

COMPLETED BY: [Signature]

ATTIC

NA

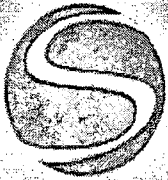
Access	Inspection	Comments
<input checked="" type="checkbox"/> Entry	<input checked="" type="checkbox"/> Windows	
<input type="checkbox"/> Roof Eave	<input type="checkbox"/> Through Roofs Fan	
<input type="checkbox"/> Security Hole	<input type="checkbox"/> Ann Fan	
<input type="checkbox"/> No Access	<input type="checkbox"/> Radios Vans	

LIST ANY MAJOR DEFICIENCIES REQUIRING IMMEDIATE ATTENTION

OVERALL SUMMARY
SUGGESTIONS FOR MARKETING PURPOSES

COMMUNICATIONS

TEXT FOR CLIENT - Communications with the client
TEXT TO CONTRACTOR - Communication with the contractor
MESSAGE TEXT - Internal communication amongst SPI employee's
TEXT FOR OTHER - Internal communication amongst SPI employee's
INTERNAL TEXT - Internal communication amongst SPI employee's



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Safeguard Properties HSBC MORTGAGE SERVICES

Order Updates

Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19971218

02/09/05

WORK ORDER UPDATE

TEXT FOR CLIENT

Fax To TERI MALDONADO
From SHERAE BLAIR

Work Ordered Property Condition Rept.

Please be advised the REO inspection list is available for viewing through our website. There are no appliances to report at this property.

Thanks

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19971218

02/03/05

NEW ORDER

TEXT TO CONTRACTOR

TO MWOLFE MARK OR KATHY
FROM Natalie Gelbke 02/05/05

We received your update for this property. Please submit the following information necessary to close out this order.

PLEASE NOTE: this information is required on all HMS orders.

- Appliance report for the property. We need to know how many appliances are present, the manufacturer for each, and whether they are in good, fair, or poor condition.
- REO Inspection Sheet for the property. This form can be found at: www.safeguardproperties.com/vendors/forms.html

Please call if you have any questions. We cannot close this order or pay you for your work until we have all of the above information.

Thank you.

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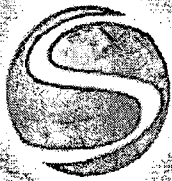
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[Inside SPI](#)

hours of operation:
8 am - midnight est, monday - friday

phone:
1-800-852-8306

e-mail:
info@safeguardproperties.com



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Safeguard Properties HSBC MORTGAGE SERVICES

Order Updates

Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905900

08/24/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

Fax To MARK OR KATHY
Fax# 814-357-8008
From Leah Foster

Work Ordered LITIGATION FILE
Due 01/28/05

As you probably know, we have been served with litigation papers (lawsuit) filed by the mortgagor. The Mortgagor/Plaintiff is claiming conversion, trespass, burglary, as well as other claims. At this time, we would like to obtain a written notarized statement from you explaining your side of the matter.

Kindly submit your notarized statement within the next 72 hours to the individual below:

leah.foster@safeguardproperties.com
or fax it to 216-739-2701

Thank you.

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905900

08/08/05

WORK ORDER UPDATE

INTERNAL TEXT

-----Original Message-----

From: Erica Unger, REO Team Leader
Sent: Monday, August 08, 2005 12:58 PM
To: Patricia Beach, Liaison
Cc: Ruby Smith, Compliance Manager
Subject: RE: HSBC REO 71437100100420 (RTE 255 PO BOX) ***WRONG HOUSE REKEYED***

Fax to Ruby Smith in Legal.

Ruby, FYI.

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

-----Original Message-----

From: Patricia J Beach [mailto:patricia.j.beach@us.hsbc.com]
Sent: Monday, August 08, 2005 12:52 PM
To: Erica Unger, REO Team Leader
Subject: HSBC REO 71437100100420 (RTE 255 PO BOX) ***WRONG HOUSE REKEYED***

I received Preliminary Objection documents for this acct number.
Apparently Safeguard is a defendant in litigation surrounding the lock change of a wrong house.
I'm faxing it over to you now.

Thanks

Patricia Beach
HSBC Client Liaison for Safeguard Properties
931 Corporate Center Drive
Pomona, CA 91769
Ph (909) 397-3949
Fax (909) 397-3089

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

Order# 19905900

02/24/05	WORK ORDER UPDATE	MESSAGE TEXT
----------	-------------------	--------------

MESSAGE FROM: Erica Unger (EUNGER) - MAINT
TO: RUBY SMITH (RSMITH) - TITLE
REGARDING : HHF 71437100100420 (MWOLFE)

His little write up was pretty high quality, too . . .

MESSAGE FROM: RUBY SMITH (RSMITH) - TITLE
TO: Erica Unger (EUNGER) - MAINT
REGARDING : HHF 71437100100420 (MWOLFE)
No problem. I have an update on this one and I'll email you shortly.

MESSAGE FROM: Erica Unger (EUNGER) - MAINT
TO: RUBY SMITH (RSMITH) - TITLE
REGARDING : HHF 71437100100420 (MWOLFE)

Terri at HSBC called to get my fax #--she will be faxing over some documents pertaining to this dispute. I'll let you know when I receive them.

***** DISREGARD--this is the same 2 1/2 page letter you've already received from their attorney.

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905900

02/07/05	WORK ORDER UPDATE	MESSAGE TEXT
----------	-------------------	--------------

MESSAGE FROM: RUBY SMITH (RSMITH) - TITLE
TO: Erica Unger (EUNGER) - MAINT
REGARDING : HHF 71437100100420 (MWOLFE)
Wood on the door looks chipped. We will see how this turns out as well.

MESSAGE FROM: Erica Unger (EUNGER) - MAINT
TO: RUBY SMITH (RSMITH) - TITLE
REGARDING : HHF 71437100100420 (MWOLFE)

Update from contractor is in. Locks have been changed.

Thanks

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905900

01/27/05

WORK ORDER UPDATE

TEXT FOR OTHER

From: Erica Unger, REO Team Leader
Sent: Thursday, January 27, 2005 4:39 PM
To: Jennifer Brass, Department Supervisor
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator;
Ruby Smith, Compliance Manager; Barry Moses, General Counsel
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

I left a message for Mark on his cell. I will continue to follow up.

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 2:23 PM
To: Erica Unger, REO Team Leader
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

Can you coordinate this with the contractor?

Thanks.
Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115

"Customer Service = Resolution."

From: Ruby Smith, Compliance Manager
Sent: Thursday, January 27, 2005 2:13 PM
To: Jennifer Brass, Department Supervisor; Natalie Gelbke, REO Coordinator; Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

Jenny,


The homeowner wants the contractor to give her access and explain why he secured her home. She seems very calm. He needs to call her today to indicate what time he can give her access. Locks need to be changed back to original ones or new ones need to be placed. Her home was listed for sale and she never received a call before the contractor proceeded with the work order. The contractor should placate her and not charge SPI.

Ruby A. Smith
Compliance Manager
Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131
800-852-8306 Ext. 1377
"Customer Service = Resolution."

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 1:45 PM
To: Natalie Gelbke, REO Coordinator; Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

Erica - Teri called and said that she wants this contractor removed from all HSBC properties and no longer used.

Legal Department - Teri (HSBC processor) spoke with the owner of the house MWOLFE secured incorrectly. Janice (the owner) advised her that the door was padlocked, damaging the door - and there are items missing from inside. Specifically from upstairs. Teri did not get specifics. Teri also did not give Janice Safeguard's information to call. I advised her to please forward her our way next time she calls as I have not been able to reach her. When the call comes in, we will forward it to Legal since the mortgagor is now stating there is damage and items stolen.

Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution." 

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 11:55 AM
To: Natalie Gelbke, REO Coordinator; Ruby Smith, Compliance Manager;
Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

I called and talked with Amy. She stated Ed & Janice Levondowski own the property that the contractor secured in error. She gave me their home number of 814-787-8341. I left them a message on their answering machine....but if they can't get into their property, I'm not quite sure how they are going to get my message...

I gave Amy my information incase the owners call her today. HSBC also knows to tell Ed & Janice to call Safeguard.

Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

From: Natalie Gelbke, REO Coordinator
Sent: Wednesday, January 26, 2005 10:17 PM
To: Jennifer Brass, Department Supervisor; Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

FYI- No one has called in regarding this as of this evening.

Thanks

Natalie Gelbke
REO Coordinator
Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131
800.852.8306 ext 1137
"Customer Service = Resolution"

From: Jennifer Brass, Department Supervisor
Sent: Wednesday, January 26, 2005 4:56 PM
To: Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader;

Natalie Gelbke, REO Coordinator
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

MWOLFE secured the wrong property. The neighbor pointed him to a gold home and stated that this was the correct house. The broker went out after MWOLFE called her, then called him back when she realized it was the wrong house. MWOLFE then went out and completed work on the correct house.

I talked with MWOLFE, he stated that he talked with Richard and Richard advised him not to worry about it until the owner of the wrong house called in. I had MWOLFE on speakerphone with Richard here - Richard advised MWOLFE that he had no recollection of this conversation.

MWOLFE rekeyed all doors, put on the OCN lock box and winterized the wrong property. He also stated that he did no damage to the property.

The owner of the wrong house was in the hospital when the property was secured. The only number that HSBC had for her is 814-637-5771. This is the township's number. The owner went to the township to complain. A woman by the name of Amy from the township is helping her.

Teri from HSBC has no other information. She will give Amy the lock box combination OCN if she calls her instead of Safeguard. Teri will then give her our information to call us directly. Teri stated that Amy advised her that our contractor damaged the property.

I talked with Barry. Barry stated to give the owner the lock box combination and offer to have the contractor meet the owner at the property to reinstall the old locks if he has them, rekey if she wants and to dewint.

I left a message for Amy to contact me or Natalie this evening.

MWOLFE understands that the Legal Department may be calling him.

Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

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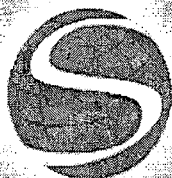
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info@safeguardproperties.com



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Safeguard Properties HSBC MORTGAGE SERVICES

Order Updates

Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905821

02/07/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

-----Original Message-----

From: kathy wolfe [mailto:wildman1965@hotmail.com]
Sent: Monday, February 07, 2005 7:45 AM
To: Erica Unger, REO Team Leader
Subject: RE: Loan # 71437100100420(16236646)

this order is done i met with the owners thurday and changed locks
they
are happy that it is done

>From: erica.unger@safeguardproperties.com
>To: wildman1965@hotmail.com
>Subject: Loan # 71437100100420(16236646)
>Date: Sun, 6 Feb 2005 11:20:57 -0500 (EST)

19905821

S A F E G U A R D P R O P E R T I E S , I N C .
Property Preservation Department
P.O. BOX 94835 650 SAFEGUARD PLAZA
CLEVELAND OH 44101-4835 BROOKLYN HEIGHTS OH 44131
Phone: 1-800-852-8306

W O R K O R D E R I N Q U I R Y

Client : HSBC MORTGAGE SERVICES
71437100100420 -
>REO

Loan :

Property Address:
NONE GIVEN
12052 BENNETTS

VALLEY
>HIGHWAY

RTE 255, PO BOX 183

>
 >
 > 02/06/05
 > Fax To MARK OR KATHY Work Ordered Property
 Condition
 >Rept.
 > Fax# 814-357-8008
 > From Erica Unger Due 01/28/05
 >
 > ***** 2ND REQUEST. IS THIS DONE?
 >*****

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 12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
 15849
 Order# 19905821

02/07/05

WORK ORDER UPDATE

MESSAGE TEXT

MESSAGE FROM: RICHARD HAINES (RHAINES) - MAINT
 TO: Erica Unger (EUNGER) - MAINT
 REGARDING : HHF 71437100100420 (MWOLFE)
 All work was completed under the complaint order.

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 15849
 Order# 19905821

02/06/05

WORK ORDER UPDATE

MESSAGE TEXT

MESSAGE FROM: Erica Unger (EUNGER) - MAINT
 TO: RICHARD HAINES (RHAINES) - MAINT
 REGARDING : HHF 71437100100420 (MWOLFE)

SPTs. I need to get a response from him.

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905821

02/06/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

Fax To MARK OR KATHY

Work Ordered Property Condition Rept.

Fax# 814-357-8008

From Erica Unger

Due 01/28/05

***** 2ND REQUEST. IS THIS DONE? *****

Per our conversation, the attorney is going to coordinate the re-key with you and the homeowners. Please talk to him before you purchase locks, as they might want to buy the locks themselves, or possibly even have another locksmith complete this instead. Please let me know what gets decided.

Thanks

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905821

02/03/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

TO: MARK OR KATHY

FROM: VENDOR MGMNT

WORK ORDERED Property Condition Rept.

MARK OR KATHY,
I STILL HAVE NOT RECEIVED THE UPDATE
REGARDING THIS Property Condition Rept.
THIS WORK WAS DUE IN OUR OFFICE 02/02/05 . MY CLIENT
NEEDS THESE RESULTS IMMEDIATELY!!

PLEASE ADVISE ON EXACT STATUS OF THIS WORK ORDER.

THANK YOU

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905821

02/01/05	WORK ORDER INQUIRY	TEXT TO CONTRACTOR
Fax To MARK OR KATHY Fax# 814-357-8008 From Erica Unger		Work Ordered Property Condition Rept. Due 01/28/05

Per our conversation, the attorney is going to coordinate the re-key with you and the homeowners. Please talk to him before you purchase locks, as they might want to buy the locks themselves, or possibly even have another locksmith complete this instead. Please let me know what gets decided.

Thanks

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
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Order# 19905821

02/01/05	WORK ORDER UPDATE	INTERNAL TEXT
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From: Erica Unger, REO Team Leader
Sent: Tuesday, February 01, 2005 12:30 PM
To: Barry Moses, General Counsel; Ruby Smith, Compliance Manager
Cc: Sharon Halmi, Department Manager; Jennifer Brass, Department Supervisor; Natalie Gelbke, REO Coordinator
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

I got a call from Teri (asset manager), and she was very upset that this wasn't resolved yet. I explained that I've tried to call the Levondowskis several times myself, as well as having the contractor call, and we're not getting through. She has gotten calls from the Levondowskis' attorney, Terry Noble. I called him to let him know where we were with this, and to see if he had another number for the Levondowskis. He had the only number that we have, but said that he has been in touch with them. Apparently their answering machine is not working, and they have been in and out of hospitals and doctor's offices for her checkups following her open heart surgery. Terry will coordinate the effort to get MWOLFE back out to re-key, as he has already spoken with Mark. I told Terry that we can handle this however the Levondowskis want us to, as far as using a different key code, and possibly even paying a locksmith to re-key instead of us, if they're uncomfortable with us returning.

Terry also mentioned a settlement for the Levondowskis because of our trespassing. I told him he would need to contact Barry as I have no information on this. He has my extension, Barry's extension, Safeguard's address, and HSBC's address in Pomona. I told him that we would follow up with Mark Wolfe to make sure that this is resolved satisfactorily.

I also called Teri at HSBC to let her know that I spoke with the attorney and that we will get this resolved as soon as possible. She said that she'd better not get any more calls from the attorney and hung up.

Thanks,

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

Subject:RE: HSBC REO 71437100100420 Wrong Property Rekeyed
Due date:Tue 2/1/2005

Status:In Progress
% Complete:50%

Total work:0 hours
Actual work:0 hours

Requested by:Erica Unger, REO Team Leader

From:Erica Unger, REO Team Leader
Sent:Friday, January 28, 2005 3:51 PM
To:Jennifer Brass, Department Supervisor
Cc:Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator;
Barry Moses, General Counsel; Ruby Smith, Compliance Manager
Subject:RE: HSBC REO 71437100100420 Wrong Property Rekeyed

MWOLFE will contact the owners. He said that they were not living in the house--it was willed to them by the wife's parents--so he is going to try to call them directly. I also gave him Amy's number. I have an order open to track this and make sure it gets completed. He was instructed to rekey at their request, dewinterize if they want him to, and confirm when this is done.

Thanks,

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 2:23 PM
To: Erica Unger, REO Team Leader
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator
Subject: HSEC REO 71437100100420 Wrong Property Rekeyed

Can you coordinate this with the contractor?

Thanks.
Jennifer Brass
Department

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905821

01/31/05	WORK ORDER UPDATE	INTERNAL TEXT
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Keri got another number from Amy, but it's the same number we had for the owners. I tried again, go no answer and no vm. Per Amy, woman had had open heart surgery and had doctor appt this morning, but as of 3:30, no answer. Amy knows the brother, who works in the next building. Said to call her back if we can't reach them directly.

Will try later.

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Loan# 71437100100420 - NONE GIVEN

12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

Order# 19905821

01/31/05

WORK ORDER UPDATE

INTERNAL TEXT

From: Erica Unger, REO Team Leader
Sent: Monday, January 31, 2005 1:15 PM
To: Jennifer Brass, Department Supervisor; Barry Moses, General Counsel; Ruby Smith, Compliance Manager
Cc: Natalie Gelbke, REO Coordinator; Sharon Halmi, Department Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

FYI, I called MWOLFE to see if he's made these arrangements, and he said he hasn't received a call back from the owners. He called Amy and she gave him another number, but that turned out to be a wrong number. I called Amy myself and explained where we are with this. She said she knows the owner's brother, so she is going to call him and call me back.

Thanks,

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

From: Erica Unger, REO Team Leader
Sent: Friday, January 28, 2005 3:51 PM
To: Jennifer Brass, Department Supervisor
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator; Barry Moses, General Counsel; Ruby Smith, Compliance Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

MWOLFE will contact the owners. He said that they were not living in the house--it was willed to them by the wife's parents--so he is going to try to call them directly. I also gave him Amy's number. I have an order open to track this and make sure it gets completed. He was instructed to rekey at their request, dewinterize if they want him to, and confirm when this is done.

Thanks,

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19905821

01/28/05

WORK ORDER UPDATE

INTERNAL TEXT

From: Erica Unger, REO Team Leader
Sent: Friday, January 28, 2005 3:51 PM
To: Jennifer Brass, Department Supervisor
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator;
Barry Moses, General Counsel; Ruby Smith, Compliance Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

MWOLFE will contact the owners. He said that they were not living in the house--it was willed to them by the wife's parents--so he is going to try to call them directly. I also gave him Amy's number. I have an order open to track this and make sure it gets completed. He was instructed to rekey at their request, dewinterize if they want him to, and confirm when this is done.

Thanks,

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 2:23 PM
To: Erica Unger, REO Team Leader
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

Can you coordinate this with the contractor?

Thanks.
Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

From: Ruby Smith, Compliance Manager
Sent: Thursday, January 27, 2005 2:13 PM
To: Jennifer Brass, Department Supervisor; Natalie Gelbke, REO Coordinator; Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

Jenny,

The homeowner wants the contractor to give her access and explain why he secured her home. She seems very calm. He needs to call her today to indicate what time he can give her access. Locks need to be changed back to original ones or new ones need to be placed. Her home was listed for sale and she never received a call before the contractor proceeded with the work order. The contractor should placate her and not charge SPI.

Ruby A. Smith

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA

15849
Order# 19905821

01/27/05

NEW ORDER

INTERNAL TEXT

From: Erica Unger, REO Team Leader
Sent: Thursday, January 27, 2005 4:39 PM
To: Jennifer Brass, Department Supervisor
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator;
Ruby Smith, Compliance Manager; Barry Moses, General Counsel
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

I left a message for Mark on his cell. I will continue to follow up.

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 2:23 PM
To: Erica Unger, REO Team Leader
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

Can you coordinate this with the contractor?

Thanks.
Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

From: Ruby Smith, Compliance Manager
Sent: Thursday, January 27, 2005 2:13 PM
To: Jennifer Brass, Department Supervisor; Natalie Gelbke, REO
Coordinator; Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

Jenny,

The homeowner wants the contractor to give her access and explain why he secured her home. She seems very calm. He needs to call her today to indicate what time he can give her access. Locks need to be changed back to original ones or new ones need to be placed. Her home was listed for sale and she never received a call before the contractor proceeded with the work order. The contractor should placate her and not charge SPI.

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Loan# 71437100100420 - NONE GIVEN

12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

Order# 19905821

01/27/05

NEW ORDER

TEXT TO CONTRACTOR

Fax To MARK OR KATHY
Fax# 814-357-8008
From Erica Unger

Work Ordered Property Condition Rept.
Due 01/28/05

Per my voicemail, please call ASAP. Need to arrange for you to change the locks at the wrong house and get the owners back inside. This needs to be taken care of right away.

Thanks

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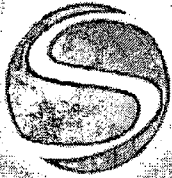
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hours of operation:
8 am - midnight est, monday - friday

phone:
1-800-852-8306

e-mail:
info@safeguardproperties.com



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Safeguard Properties HSBC MORTGAGE SERVICES

Order Updates

Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

02/03/05

WORK ORDER UPDATE

TEXT FOR CLIENT

TO : TERI MALDONADO
FROM : Natalie Gelbke
WORK ORDERED: HMS Initial Reo Services

Miscellaneous Bids:

Bid to complete Trashout/Maid Service..... \$2,500.00

Total of all Miscellaneous Bids..... \$2,500.00

Total of all Bids on the update..... \$2,500.00

We are in the process of obtaining a second bid on the trashout and will advise under a separate cover.

Please Advise

Please advise when this property has been sold so we can update our system.

Invoice to Follow.

If receiving this update by fax please access our website at www.safeguardproperties.com

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Loan# 71437100100420 - NONE GIVEN

12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

Order# 19695268

02/03/05

WORK ORDER UPDATE

MESSAGE TEXT

MESSAGE FROM: CAROL FLOWERS (CLF) - MAINT
TO: Natalie Gelbke (NGELBKE) - MAINT
REGARDING : HHF 71437100100420 (MWOLFE)

ok to send t/o just send boiler as an estimate

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Loan# 71437100100420 - NONE GIVEN

12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
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Order# 19695268

02/02/05

WORK ORDER UPDATE

MESSAGE TEXT

MESSAGE FROM: Natalie Gelbke (NGELBKE) - MAINT
TO: Stephanie Perry (SPERRY) - MAINT
REGARDING : HHF 71437100100420 (MWOLFE)

PLEASE OPEN 2ND BID ON T/O MAID

THANKS

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

Order# 19695268

02/02/05

WORK ORDER UPDATE

MESSAGE TEXT

MESSAGE FROM: Natalie Gelbke (NGELBKE) - MAINT
TO: REOBVS REOBVS (REOBVS) -
REGARDING : HHF 71437100100420 (MWOLFE)

Ull

t/o maid 2500.00

spent 315.00

Also " Boiler has hole in firebox if it was started the fumes would kill someone" bid is 4900.00. I updated under damages but should we submit the bid due to safety hazards

opened 2nd bid
thanks

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

02/02/05

WORK ORDER UPDATE

TEXT FOR CLIENT

TO : TERI MALDONADO
FROM : Natalie Gelbke
WORK ORDERED: HMS Initial Reo Services

Property Inspected on 01/25/05 and found vacant and unsecure
due to: doors were open.

Property was secure upon departure.

Secured property with a 76667 Kwikset on the Front Door.
Also Secured property with a 76667 Deadbolt on the Front Door.
Also Secured property with a 76667 Kwikset on the Rear Door.
Also Secured the Outbuilding with a A389 Padlock.
Also Secured the Basement door with a A389 Padlock.
Installed Lock Box - Combination (OCN) on the Front Door.
Master Key placed in Lock Box.

Winterization: Winterized Radiant System.

Status of utilities upon departure, meter readings and serial #:

Gas:	Off	NotAvail	Not Available
Electric:	Off	NotAvail	Not Available
Water:	Off	NotAvail	Not Available

Freeze Damage: See damage section for freeze damage details.

The water is off at the curb.

Does Property have a sump pump: NO

We are obtaining additional information regarding the Trashout/Maid services and will advise as soon as possible.

We are in the process of obtaining the REO inspection checklist and the appliance report and will advise as soon as possible.

Damages:

Damages Being Reported Include:

Boiler has hole in firebox . Extreme safety hazards

Eyeball Estimate is: \$4,900.00

Freeze Damage

lines in basement are damaged

Eyeball Estimate is: \$3,000.00

*** Please note this is not the cost to repair, just an eyeball estimate. Please advise if an itemized cost to repair is needed. *
We recommend reviewing damages for a potential hazard claim.

Please advise when this property has been sold so we can update our system.

Invoice to Follow.

If receiving this update by fax please access our website at www.safeguardproperties.com

*** PROPERTY STATUS ***

FIRST KNOWN VACANCY : 01/25/05

Locked : 01/25/05

Winterized : 01/25/05

Padlock Installed : 01/25/05

LockBox Installed : 01/25/05

New Damage Reported : 01/25/05

Freeze Damage : 01/25/05 Mortgagor Neglect : 01/25/05

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
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Order# 19695268

02/02/05

WORK ORDER UPDATE

MESSAGE TEXT

MESSAGE FROM: RICHARD HAINES (RHAINES) - MAINT

TO: Natalie Gelbke (NGELBKE) - MAINT

REGARDING : HHF 71437100100420 (MWOLFE)

I have talked to Erica on this order, this should be able to be closed.

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/27/05

WORK ORDER UPDATE

TEXT FOR CLIENT

From: Erica Unger, REO Team Leader
Sent: Thursday, January 27, 2005 4:39 PM
To: Jennifer Brass, Department Supervisor
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator;
Ruby Smith, Compliance Manager; Barry Moses, General Counsel
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

I left a message for Mark on his cell. I will continue to follow up.

Erica Unger
REO Team Leader
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, OH 44131

800.852.8306 x1122

Customer Service=Resolution

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 2:23 PM
To: Erica Unger, REO Team Leader
Cc: Sharon Halmi, Department Manager; Natalie Gelbke, REO Coordinator
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

Can you coordinate this with the contractor?

Thanks.
Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

From: Ruby Smith, Compliance Manager
Sent: Thursday, January 27, 2005 2:13 PM
To: Jennifer Brass, Department Supervisor; Natalie Gelbke, REO Coordinator; Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

Jenny,

The homeowner wants the contractor to give her access and explain why he secured her home. She seems very calm. He needs to call her today to indicate what time he can give her access. Locks need to be changed back to original ones or new ones need to be placed. Her home was listed for sale and she never received a call before the contractor proceeded with the work order. The contractor should placate her and not charge SPI.

Ruby A. Smith
Compliance Manager
Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131
800-852-8306 Ext. 1377
"Customer Service = Resolution."

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Order# 19695268

01/27/05	WORK ORDER UPDATE	INTERNAL TEXT
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1/26 Contractor stated that the house he secured is for sale by owner, however he called the number on the sign and it was disconnected. I advised Teri of this yesterday. She said that she had 'someone' go and email her a photo of the for sale sign. She called the number on the sign and got the owner's answering machine. The number on the sign is the same number that the township gave me for the owners.
jenny

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/27/05

WORK ORDER UPDATE

INTERNAL TEXT

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 1:45 PM
To: Natalie Gelbke, REO Coordinator; Ruby Smith, Compliance Manager;
Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

Erica - Teri called and said that she wants this contractor removed from all HSBC properties and no longer used.

Legal Department - Teri (HSBC processor) spoke with the owner of the house MWOLFE secured incorrectly. Janice (the owner) advised her that the door was padlocked, damaging the door - and there are items missing from inside. Specifically from upstairs. Teri did not get specifics. Teri also did not give Janice Safeguard's information to call. I advised her to please forward her our way next time she calls as I have not been able to reach her. When the call comes in, we will forward it to Legal since the mortgagor is now stating there is damage and items stolen.

Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115

"Customer Service = Resolution."

From: Jennifer Brass, Department Supervisor
Sent: Thursday, January 27, 2005 11:55 AM
To: Natalie Gelbke, REO Coordinator; Ruby Smith, Compliance Manager;
Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

I called and talked with Amy. She stated Ed & Janice Levondowski own the property that the contractor secured in error. She gave me their home number of 814-787-8341. I left them a message on their answering machine....but if they can't get into their property, I'm not quite sure how they are going to get my message... 51

I gave Amy my information incase the owners call her today. HSBC also knows to tell Ed & Janice to call Safeguard.

Jennifer Brass

Department Supervisor

Safeguard Properties

650 Safeguard Plaza

Brooklyn Heights, Ohio 44131

1-800-852-8306 x1115

"Customer Service = Resolution."

From: Natalie Gelbke, REO Coordinator

Sent: Wednesday, January 26, 2005 10:17 PM

To: Jennifer Brass, Department Supervisor; Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader

Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager

Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

FYI- No one has called in regarding this as of this evening.

Thanks

Request Status on this order

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/27/05

WORK ORDER UPDATE

INTERNAL TEXT

From: Jennifer Brass, Department Supervisor

Sent: Thursday, January 27, 2005 11:55 AM

To: Natalie Gelbke, REO Coordinator; Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader

Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager

Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

I called and talked with Amy. She stated Ed & Janice Levondowski own the property that the contractor secured in error. She gave me their home number of 814-787-8341. I left them a message on their answering machine....but if they can't get into their property, I'm not quite sure how they are going to get my message...

I gave Amy my information incase the owners call her today. HSBC also knows to tell Ed & Janice to call Safeguard.

Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

From: Natalie Gelbke, REO Coordinator
Sent: Wednesday, January 26, 2005 10:17 PM
To: Jennifer Brass, Department Supervisor; Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: RE: HSBC REO 71437100100420 Wrong Property Rekeyed

FYI- No one has called in regarding this as of this evening.

Thanks

Natalie Gelbke
REO Coordinator
Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131
800.852.8306 ext 1137
"Customer Service = Resolution"

From: Jennifer Brass, Department Supervisor
Sent: Wednesday, January 26, 2005 4:56 PM
To: Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader; Natalie Gelbke, REO Coordinator
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

MWOLFE secured the wrong property. The neighbor pointed him to a gold home and stated that this was the correct house. The broker went out after MWOLFE called her, then called him back when she realized it was the wrong house. MWOLFE then went out and completed work on the correct house.

I talked with MWOLFE, he stated that he talked with Richard and

Richard advised him not to worry about it until the owner of the wrong house called in. I had MWOLFE on speakerphone with Richard here - Richard advised MWOLFE that he had no recollection of this conversation.

MWOLFE rekeyed all doors, put on the OCN lock box and winterized the wrong property. He also stated that he did no damage to the property.

The owner of the wrong house was in the hospital when the property was secured. The only number that HSBC had for her is 814-637-5771. This is the township's number. The owner went to the township to complain. A woman by the name of Amy from the township is helping her.

Teri from HSBC has no other information. She will give Amy the lock box combination OCN if she calls her instead of Safeguard. Teri will then give her our information to call us directly. Teri stated that Amy advised her that our contractor damaged the property.

I talked with Barry. Barry stated to give the owner the lock box combination and offer to have the contractor meet the owner at the property to reinstall the old locks if he has them, rekey if she wants and to dewint.

I left a message for Amy to contact me or Natalie this evening.

MWOLFE understands that the Legal Department may be calling him.
Jennifer Brass
Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/27/05	WORK ORDER UPDATE	TEXT FOR CLIENT
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Called and spoke with Amy with the township. She gave me the name of Ed & Janice Levondowski. This is the couple that owns the house that the contractor secured in error. Their phone number is 814-787-8341. I left a message for one of them to call me.

Amy can be reached at 814-637-5070.

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/26/05

WORK ORDER UPDATE

INTERNAL TEXT

From: Jennifer Brass, Department Supervisor
Sent: Wednesday, January 26, 2005 4:56 PM
To: Ruby Smith, Compliance Manager; Erica Unger, REO Team Leader;
Natalie Gelbke, REO Coordinator
Cc: Barry Moses, General Counsel; Sharon Halmi, Department Manager
Subject: HSBC REO 71437100100420 Wrong Property Rekeyed

MWOLFE secured the wrong property. The neighbor pointed him to a gold home and stated that this was the correct house. The broker went out after MWOLFE called her, then called him back when she realized it was the wrong house. MWOLFE then went out and completed work on the correct house.

I talked with MWOLFE, he stated that he talked with Richard and Richard advised him not to worry about it until the owner of the wrong house called in. I had MWOLFE on speakerphone with Richard here - Richard advised MWOLFE that he had no recollection of this conversation.

MWOLFE rekeyed all doors, put on the OCN lock box and winterized the wrong property. He also stated that he did no damage to the property.

The owner of the wrong house was in the hospital when the property was secured. The only number that HSBC had for her is 814-637-5771. This is the township's number. The owner went to the township to complain. A woman by the name of Amy from the township is helping her.

Teri from HSBC has no other information. She will give Amy the lock box combination OCN if she calls her instead of Safeguard. Teri will then give her our information to call us directly. Teri stated that Amy advised her that our contractor damaged the property.

I talked with Barry. Barry stated to give the owner the lock box combination and offer to have the contractor meet the owner at the property to reinstall the old locks if he has them, rekey if she wants and to dewint.

I left a message for Amy to contact me or Natalie this evening.

MWOLFE understands that the Legal Department may be calling him.
Jennifer Brass

Department Supervisor
Safeguard Properties
650 Safeguard Plaza
Brooklyn Heights, Ohio 44131
1-800-852-8306 x1115
"Customer Service = Resolution."

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
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Order# 19695268

01/23/05	WORK ORDER UPDATE	INTERNAL TEXT
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-----Original Message-----

From: kathy wolfe [mailto:wildman1965@hotmail.com]
Sent: Saturday, January 22, 2005 12:18 PM
To: Richard Haines, REO Regional Coordinator
Subject: RE: Loan # 71437100100420(16093033)

i contacted broker i will have to go back to property when post
office is open to make sure that iam at right house i will be the
monday the 24th

>From: richard.haines@safeguardproperties.com
>To: wildman1965@hotmail.com
>Subject: Loan # 71437100100420(16093033)
>Date: Thu, 20 Jan 2005 13:44:10 -0500 (EST)

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19695268

S A F E G U A R D P R O P E R T I E S , I N C .
Property Preservation Department
P.O. BOX 94835 650 SAFEGUARD PLAZA
CLEVELAND OH 44101-4835 BROOKLYN HEIGHTS OH 44131
Phone: 1-800-852-8306

W O R K O R D E R I N Q U I R Y

Client : HSBC MORTGAGE SERVICES
71437100100420 -
>REO

Loan :

Property Address:
NONE GIVEN
12052 BENNETTS

VALLEY
>HIGHWAY

RTE 255. PO BOX 183

PENFIELD PA 15849

>
>
> 01/20/05
> Fax To MARK OR KATHY Work Ordered HMS Initial
Reo
>Services
> Fax# 814-357-8008
> From RICHARD T. HAINES Due 01/15/05
>
> MARK WHERE IS THE UPDATE.
>
>
>Safeguard Addresses: Updates, queries -
>richard.haines@safeguardproperties.com
> File transfers and MIS issues - misdept@safeguardproperties.com

Is your PC infected? Get a FREE online computer virus scan from McAfee Security. <http://clinic.mcafee.com/clinic/ibuy/campaign.asp?cid=3963>

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/20/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

Fax To MARK OR KATHY Work Ordered HMS Initial Reo Services
Fax# 814-357-8008
From RICHARD T. HAINES Due 01/15/05
MARK WHERE IS THE UPDATE.

Request Status on this order

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

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Order# 19695268

01/17/05

WORK ORDER UPDATE

TEXT FOR CLIENT

To HSBC MORTGAGE SERVICES

Please be advised that on 011605 the securing and winterization have been completed. An OCN lockbox has been installed and the broker has been contacted.

Thank You
RICHARD T. HAINES
1204

Request Status on this order

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Loan# 71437100100420 - NONE GIVEN

12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

Order# 19695268

01/14/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

TO: MARK

WORK ORDERED: HMS Initial Rec

Please be advised the broker for this property is TINA LONG
They can be reached at 814-371-2100

Email address -

Please contact the broker and advise them as to when and how they may
gain access.

Note that this is part of your work order and MUST be completed.
Please note on your update that this was completed OR provide an
explanation is it was not completed.

Thank you.

Request Status on this order

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Loan# 71437100100420 - NONE GIVEN

12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849

58 Order# 19695268

01/14/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

To MARK

Fax
Work Ordered HMS Initial Reo Services

Please be advised that you must make three attempts to obtain the Broker Sign Off Sheet before this order can be closed out. These attempts must be documented (dates and times). Please let us know when the attempts are made so that we may document our system. Once three unsuccessful attempts are made, the order will be closed out and further attempts to collect this information will no longer be needed.

The three attempts must be made on separate days at different times of the day. Please document the name of the person you left the message with if you are not able to leave a voice message for the broker.

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/14/05	WORK ORDER INQUIRY	TEXT TO CONTRACTOR
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HMS Initial Reo Services

MARK

This is a detailed list of what must be completed at the property after the trashout. These items must be completed so that the property is in marketable condition. Please use this checklist, and advise on your update that all items have been completed.

- Clean all baseboards, doors, light switch/outlet covers, light fixtures
- Clean ceiling fans/blades and all heat and air vents/ducts. Remove all dirty and non-cleanable window covers.
- Remove cobwebs from ceiling, walls, light fixtures/fans, windows, doors and walkways (entry porch/patio)
- Clean all counter tops, cabinets and drawers (kitchen/bathrooms) to ensure absence of dirt, smudges, grime and debris. Leave drawer and cabinets open until final inspection.
- Clean sinks and appliances (inside and out) throughout premises.
 - Refrigerator
 - Range
 - Vents
 - Oven
 - Microwave
 - Dishwasher

Other: _____

- Clean kitchen and bathroom thoroughly including all fixtures and surfaces (i.e. toilets, tubs, showers, mirrors, etc) using a disinfectant cleaner that does NOT leave residue, to remove dirt, grime, mildew and odor.
- Clean toilets, toilet bowls and surrounding area thoroughly. Tape down lids on winterized properties when finished.
- Clean full view glass doors at front and rear entries.
- Clean glass in windows on interior. They should be free of dirt, grime, fingerprints, tape, stickers, etc. Clean window ledge to ensure the absence of dirt, smudges, cobwebs, insects, and grime.
- Broom sweep floors. Wet mop vinyl floors and vacuum carpeted floor areas to present neat appearance. Be sure to include stairs, closet baseboards and other hard-to-reach areas.
- Placement of 1 Air freshener in Kitchen and 1 in every bathroom (pine, lemon, or floral scents) are acceptable.
- Broom sweep porches, garages/carports and entries leading into property to present a neat appearance.
- Broom sweep fireplaces and fireboxes to ensure the absence of ashes and residue, and close the damper.
- Pick up and properly dispose of ALL debris from the interior, including miscellaneous trash on porches, in closets and cabinets.
- Remove all broken glass from any broken windowpanes and boarded windows.
- Remove and properly dispose of all debris and personal property unless otherwise instructed by Safeguard.
- Cut lawn to a maximum of 3" tall, to the property's edge (or to the minimum local code requirement) unless otherwise directed by Safeguard Properties.
- Remove and properly dispose of all exterior debris, including abandoned vehicles.
- Trim shrubs away from roof, walkways and entrances.
- Sweep or blow off all paved surfaces.
- Edge all paved surfaces and trim around all trees, bushes, fences, foundations, and planting beds.

General instructions: Waste material, debris and rubbish MUST be removed from the premises and property disposed of. You are not allowed to use city trash pickup services. Cleaners shall be environmentally safe and deodorizers should contain lemon, floral or pine scent.

ANY HAZARDOUS, UNSAFE, OR UNSECURED CONDITIONS MUST BE BROUGHT TO SAFEGUARD'S ATTENTION WITHIN 24 HOURS. PRIOR TO LEAVING, MAKE SURE THAT ALL WINDOWS AND ENTRY DOORS ARE LOCKED. THIS INCLUDES GARAGE DOORS.

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/14/05

WORK ORDER INQUIRY

TEXT TO CONTRACTOR

TO MARK

ORDER: REO WORK

NEW ORDER

FAX

LOAN TYPE: REO

DUE DATE 01/15/05

PER MY VOICE MESSAGE, PLEASE SECURE BY 1/16/05 AND CALL FROM SITE WITH
BIDS TO COMPLETE THE TRASH OUT WEEKEND CELL IS 216-409-6660.

THE AGENT IS TINA LONG AT 814-371-2100

Please note that this is now an REO property (owned by the client).
Proceed with work if vacant and "for sale" sign at the property.

WEEKEND CELL PHONE NUMBER: (216) 409-6660. CALL THIS NUMBER TO ADVISE
ON BIDS AND GET APPROVALS FROM SITE. PHONE IS ON BETWEEN 9 AM AND 5
PM EASTERN STANDARD TIME.

If the property is still occupied, advise immediately and do no work.
If personals are found at the property, with a total value of \$300 or
more, secure ONE DOOR ONLY, and winterize the property. DO NOT REMOVE
ANYTHING FROM THE PROPERTY. Give a bid to remove and store the
personals, along with an estimated value, and give a separate bid to
complete the trashout after the personals have been removed.

Please see the specific allowables for the required work below.
If you are unable to complete the work for these allowables, please
CALL FROM SITE.

You must complete the REO interior inspection form. This is
available online at www.safeguardproperties.com/vendors/forms.html
Click on Property Preservation Contractor Forms, then HSBC/HMS
Inspection Checklist.

- Securing: We have up to \$300.00 to complete. This includes all
doors, sheds, outbuildings. Key codes are 76667 and A389. Change the
knoblock and the deadbolt, if present. Also install an OCN lock box.

- Boarding: Board up to 5 broken windows. If more than 5, call from site. Follow FHA pricing.

- Trashout/Interior Cleaning: We have up to \$700 to complete. This includes all interior and exterior debris and health hazards, and the maid services. See information above regarding personal property.

- Lawn and yard maintenance (grass, shrubbery, etc): See pricing below
Complete initial cut if needed, regardless of FHA season. Add to grass cut list based on FHA guidelines/timeframes.

Grass Cut Pricing:

Initial Cuts:

Lot Size: less than 5,000 sq ft	\$40.00
5,000-9,999 sq ft	\$45.00
10,000-14,999 sq ft	\$50.00
15,000 sq ft and larger	\$55.00

Re-Cuts:

Lot Size: less than 5,000 sq ft	\$30.00
5,000-9,999 sq ft	\$35.00
10,000-14,999 sq ft	\$40.00
15,000 sq ft and larger	\$45.00

If property is over 1 acre, complete a 100x100 perimeter cut for the allowable above.

Snow Removal:

Please follow the FHA pricing if possible. If you cannot complete the snow removal for this amount, please call from site.

- Winterization: Follow FHA pricing and guidelines.

If the water is on:

*Check the plumbing: turn water on in faucets, flush toilets - report condition of plumbing

*Clean fixtures

*Winterize property: drain system, pressure test, add antifreeze

-you MUST report the results of the pressure test

-we only winterize to the 97-31 specs, regardless of system type

*Shut water OFF at the meter/cap meter, and OFF at the curb.

*If there are leaks at the meter then the water is to be shut off at the curb (provide bid to repair leak).

If the property is already winterized:

*Confirm the winterization that was previously performed is still intact

*Refresh the antifreeze if needed

*Confirm water is off.

- Verify that the sump pump is on and operational.

- Appliance report and condition: list the types of appliances in the property and the condition of each (ie: Kenmore Washer - fair)

- Photos to support work performed and the condition of the property.

- Please report any obvious conditions that may result in a violation. Give eyeball estimates on any damages present.

Do not bid trashouts in CYDs. Calculate the cost based on the number of man hours required to complete the work. Send one total trashout bid, including maid services.

Loan Number: 71437100100420
NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY
PENFIELD PA 15849

Work Completed:

- ☐ Clear interior including cleaning.
- ☐ Clear exterior of debris.
- ☐ Lockbox Installed/Changing locks.
- ☐ Grass Cut.
- ☐ Additional Securing, if needed.
- ☐ Winterization, if applicable.

Comments: _____

I, _____, the local broker, agree the above work
has been satisfactorily completed.

Signature: _____

Date : _____

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/13/05	NEW ORDER	TEXT FOR CLIENT
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From: Steph Perry, REO Coordinator
Sent: Thursday, January 13, 2005 3:47 PM
To: Gina Higgins, Order Entry Coordinator
Subject: FW: Loan # 71437100100420

Thank you,
Stephanie Perry
REO Coordinator
Safeguard Properties, Inc.
650 Safeguard Plaza
Brooklyn Heights, OH 44131
800.852.8306 ext 1147
"Customer Service = Resolution."

From: Dennis Sr. [mailto:dtdt@penn.com]
Sent: Thursday, January 13, 2005 2:33 PM
To: REO Department
Subject: FW: Loan # 71437100100420

Dennis & Tina Long
dtdt@penn.com
EarthLink Revolves Around You.

----- Original Message -----
From: Dennis Sr.
To: reodept@safeguardproperties.com
Sent: 1/13/05 2:28:53 PM
Subject: Loan # 71437100100420

12052 Bennetts Valley Highway (Rte 255, PO Box 183)
Penfield, PA 15849

Appears to be vacant. The post office stated that Mr. Smith had submitted a change of address quite awhile ago. The asset manager for this property is Teri Maldonado. This is a request to perform the initial services for Household/Beneficial.

Tina Long
Hoffer Realty Associates
(814) 371-2100
dtdt@penn.com
EarthLink Revolves Around You.

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/13/05	NEW ORDER	TEXT FOR CLIENT
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To TERI MALDONADO
From GINA

Fax Number
Work Ordered HMS Initial Reo Services

This is to confirm that we received your HMS Initial Reo Services

We will keep you advised.

Thank you

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Loan# 71437100100420 - NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/13/05	NEW ORDER	TEXT TO CONTRACTOR
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TO: UNASSIGNED

WORK ORDERED: HMS Initial Reo

Please be advised the broker for this property is TINA LONG
They can be reached at 814-371-2100
Email address -

Please contact the broker and advise them as to when and how they may
gain access.

Note that this is part of your work order and MUST be completed.
Please note on your update that this was completed OR provide an
explanation is it was not completed.

Thank you.

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA

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Order# 19695268

01/13/05	NEW ORDER	TEXT TO CONTRACTOR
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To UNASSIGNED

Fax
Work Ordered HMS Initial Reo Services

Please be advised that you must make three attempts to obtain the Broker Sign Off Sheet before this order can be closed out. These attempts must be documented (dates and times). Please let us know when the attempts are made so that we may document our system. Once three unsuccessful attempts are made, the order will be closed out and further attempts to collect this information will no longer be needed.

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01/13/05	NEW ORDER	TEXT TO CONTRACTOR
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UA UNASSIGNED HMS Initial Reo Services

This is a detailed list of what must be completed at the property after the trashout. These items must be completed so that the property is in marketable condition. Please use this checklist, and advise on your update that all items have been completed.

- Clean all baseboards, doors, light switch/outlet covers, light fixtures
- Clean ceiling fans/blades and all heat and air vents/ducts. Remove all dirty and non-cleanable window covers.
- Remove cobwebs from ceiling, walls, light fixtures/fans, windows, doors and walkways (entry porch/patio)
- Clean all counter tops, cabinets and drawers (kitchen/bathrooms) to ensure absence of dirt, smudges, grime and debris. Leave drawer and cabinets open until final inspection.
- Clean sinks and appliances (inside and out) throughout premises.
Refrigerator

Range
Vents
Oven
Microwave
Dishwasher
Other: _____

- Clean kitchen and bathroom thoroughly including all fixtures and surfaces (i.e. toilets, tubs, showers, mirrors, etc) using a disinfectant cleaner that does NOT leave residue, to remove dirt, grime, mildew and odor.
- Clean toilets, toilet bowls and surrounding area thoroughly.
Tape down lids on winterized properties when finished.
- Clean full view glass doors at front and rear entries.
- Clean glass in windows on interior. They should be free of dirt, grime, fingerprints, tape, stickers, etc. Clean window ledge to ensure the absence of dirt, smudges, cobwebs, insects, and grime.
- Broom sweep floors. Wet mop vinyl floors and vacuum carpeted floor areas to present neat appearance. Be sure to include stairs, closet baseboards and other hard-to-reach areas.
- Placement of 1 Air freshener in Kitchen and 1 in every bathroom (pine, lemon, or floral scents) are acceptable.
- Broom sweep porches, garages/carports and entries leading into property to present a neat appearance.
- Broom sweep fireplaces and fireboxes to ensure the absence of ashes and residue, and close the damper.
- Pick up and properly dispose of ALL debris from the interior, including miscellaneous trash on porches, in closets and cabinets.
- Remove all broken glass from any broken windowpanes and boarded windows.
- Remove and properly dispose of all debris and personal property unless otherwise instructed by Safeguard.
- Cut lawn to a maximum of 3" tall, to the property's edge (or to the minimum local code requirement) unless otherwise directed by Safeguard Properties.
- Remove and properly dispose of all exterior debris, including abandoned vehicles.
- Trim shrubs away from roof, walkways and entrances.
- Sweep or blow off all paved surfaces.
- Edge all paved surfaces and trim around all trees, bushes, fences, foundations, and planting beds.

General instructions: Waste material, debris and rubbish MUST be removed from the premises and property disposed of. You are not allowed to use city trash pickup services. Cleaners shall be environmentally safe and deodorizers should contain lemon, floral or pine scent.

ANY HAZARDOUS, UNSAFE, OR UNSECURED CONDITIONS MUST BE BROUGHT TO SAFEGUARD'S ATTENTION WITHIN 24 HOURS. PRIOR TO LEAVING, MAKE SURE THAT ALL WINDOWS AND ENTRY DOORS ARE LOCKED. THIS INCLUDES GARAGE DOORS.

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12052 BENNETTS VALLEY HIGHWAY RTE 255, PO BOX 183 PENFIELD PA
15849
Order# 19695268

01/13/05	NEW ORDER	TEXT TO CONTRACTOR
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TO UNASSIGNED ORDER: REO WORK
NEW ORDER FAX
LOAN TYPE: REO DUE DATE 01/15/05

THE AGENT IS TINA LONG AT 814-371-2100

Please note that this is now an REO property (owned by the client).
Proceed with work if vacant and "for sale" sign at the property.

WEEKEND CELL PHONE NUMBER: (216) 409-6660. CALL THIS NUMBER TO ADVISE
ON BIDS AND GET APPROVALS FROM SITE. PHONE IS ON BETWEEN 9 AM AND 5
PM EASTERN STANDARD TIME.

If the property is still occupied, advise immediately and do no work.
If personals are found at the property, with a total value of \$300 or
more, secure ONE DOOR ONLY, and winterize the property. DO NOT REMOVE
ANYTHING FROM THE PROPERTY. Give a bid to remove and store the
personals, along with an estimated value, and give a separate bid to
complete the trashout after the personals have been removed.

Please see the specific allowables for the required work below.
If you are unable to complete the work for these allowables, please
CALL FROM SITE.

You must complete the REO interior inspection form. This is
available online at www.safeguardproperties.com/vendors/forms.html
Click on Property Preservation Contractor Forms, then HSBC/HMS
Inspection Checklist.

- Securing: We have up to \$300.00 to complete. This includes all
doors, sheds, outbuildings. Key codes are 76667 and A389. Change the
knoblock and the deadbolt, if present. Also install an OCN lock box.

- Boarding: Board up to 5 broken windows. If more than 5, call from site. Follow FHA pricing.
 - Trashout/Interior Cleaning: We have up to \$700 to complete. This includes all interior and exterior debris and health hazards, and the maid services. See information above regarding personal property.
 - Lawn and yard maintenance (grass, shrubbery, etc): See pricing below
Complete initial cut if needed, regardless of FHA season. Add to grass cut list based on FHA guidelines/timeframes.
Grass Cut Pricing:
Initial Cuts:

Lot Size: less than 5,000 sq ft	\$40.00
5,000-9,999 sq ft	\$45.00
10,000-14,999 sq ft	\$50.00
15,000 sq ft and larger	\$55.00

 Re-Cuts:

Lot Size: less than 5,000 sq ft	\$30.00
5,000-9,999 sq ft	\$35.00
10,000-14,999 sq ft	\$40.00
15,000 sq ft and larger	\$45.00

 If property is over 1 acre, complete a 100x100 perimeter cut for the allowable above.
 - Snow Removal:
Please follow the FHA pricing if possible. If you cannot complete the snow removal for this amount, please call from site.
 - Winterization: Follow FHA pricing and guidelines.
If the water is on:
 - *Check the plumbing: turn water on in faucets, flush toilets - report condition of plumbing
 - *Clean fixtures
 - *Winterize property: drain system, pressure test, add antifreeze
 - you MUST report the results of the pressure test
 - we only winterize to the 97-31 specs, regardless of system type
 - *Shut water OFF at the meter/cap meter, and OFF at the curb.
 - *If there are leaks at the meter then the water is to be shut off at the curb (provide bid to repair leak).
 If the property is already winterized:
 - *Confirm the winterization that was previously performed is still intact
 - *Refresh the antifreeze if needed
 - *Confirm water is off.
 - Verify that the sump pump is on and operational.
 - Appliance report and condition: list the types of appliances in the property and the condition of each (ie: Kenmore Washer - fair)
 - Photos to support work performed and the condition of the property.
 - Please report any obvious conditions that may result in a violation. Give eyeball estimates on any damages present.
- Do not bid trashouts in CYDs. Calculate the cost based on the number of man hours required to complete the work. Send one total trashout bid, including maid services.

Loan Number: 71437100100420
NONE GIVEN
12052 BENNETTS VALLEY HIGHWAY
PENFIELD PA 15849

Work Completed:

- ☐ Clear interior including cleaning.
- ☐ Clear exterior of debris.
- ☐ Lockbox Installed/Changing locks.
- ☐ Grass Cut.
- ☐ Additional Securing, if needed.
- ☐ Winterization, if applicable.

Comments: _____

I, _____, the local broker, agree the above work
has been satisfactorily completed.

Signature: _____

Date : _____

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hours of operation:
8 am - midnight est, monday - friday

phone:
1-800-852-8306

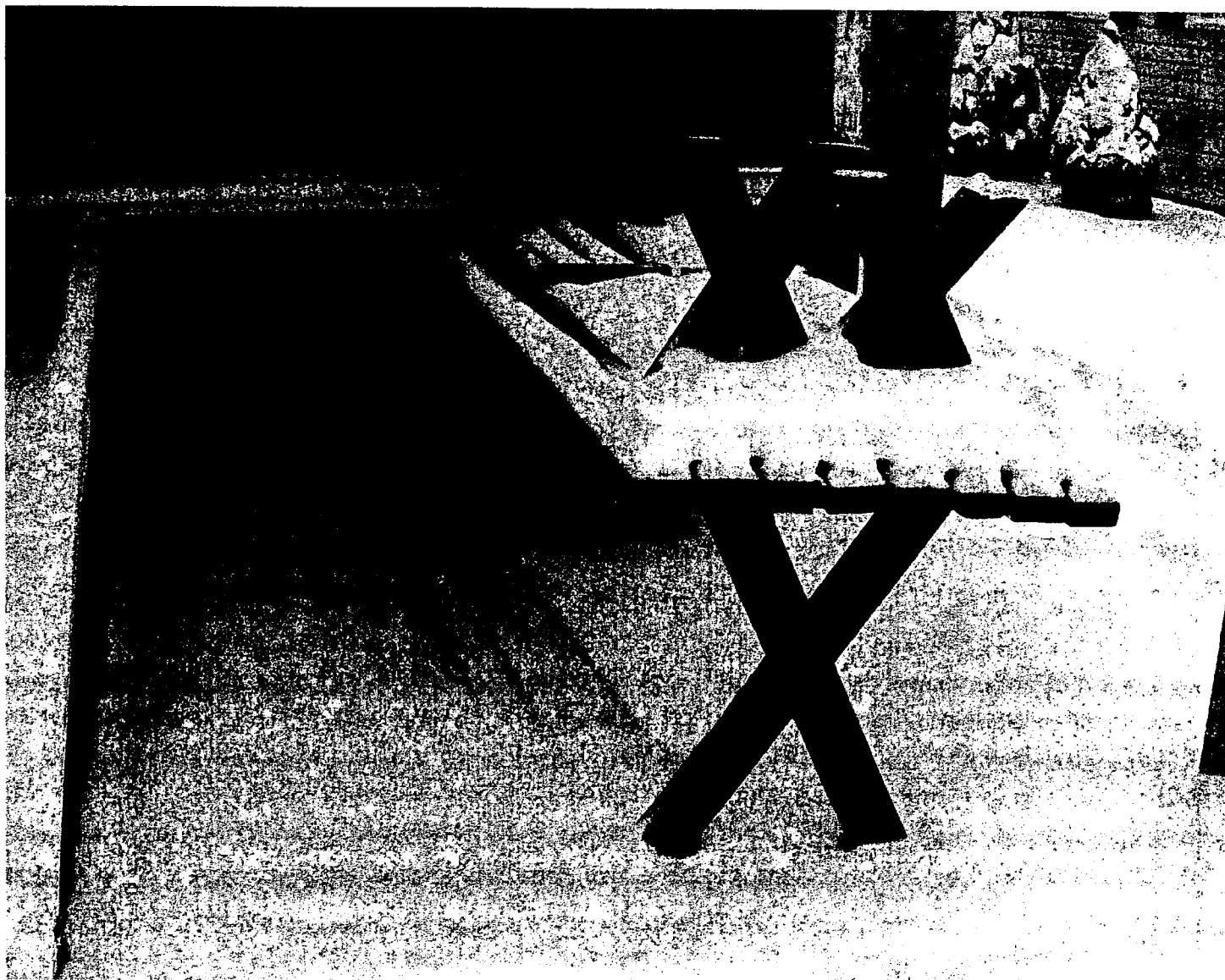
e-mail:
info@safeguardproperties.com

Photos

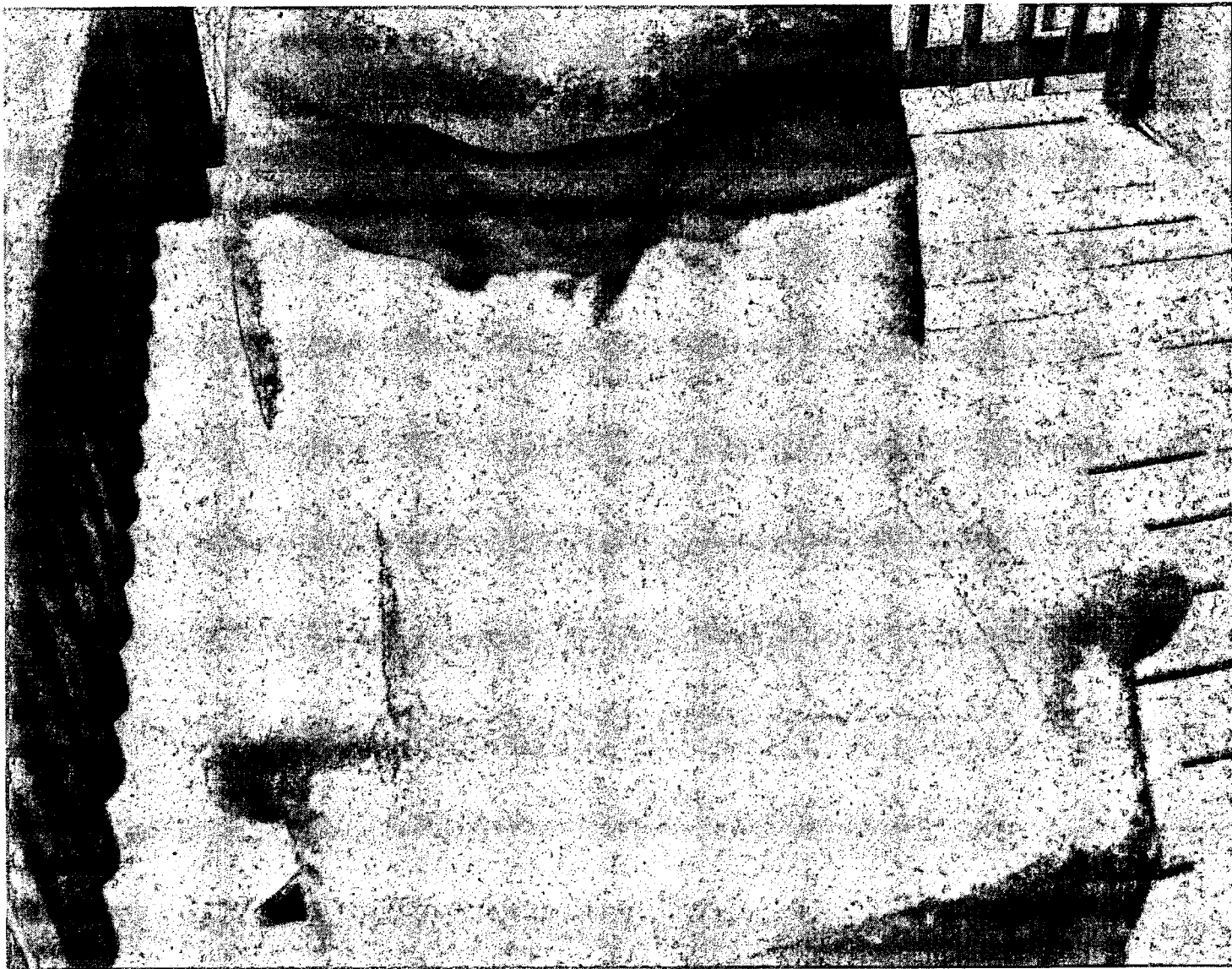
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Exterior
Completed: 01/25/2005



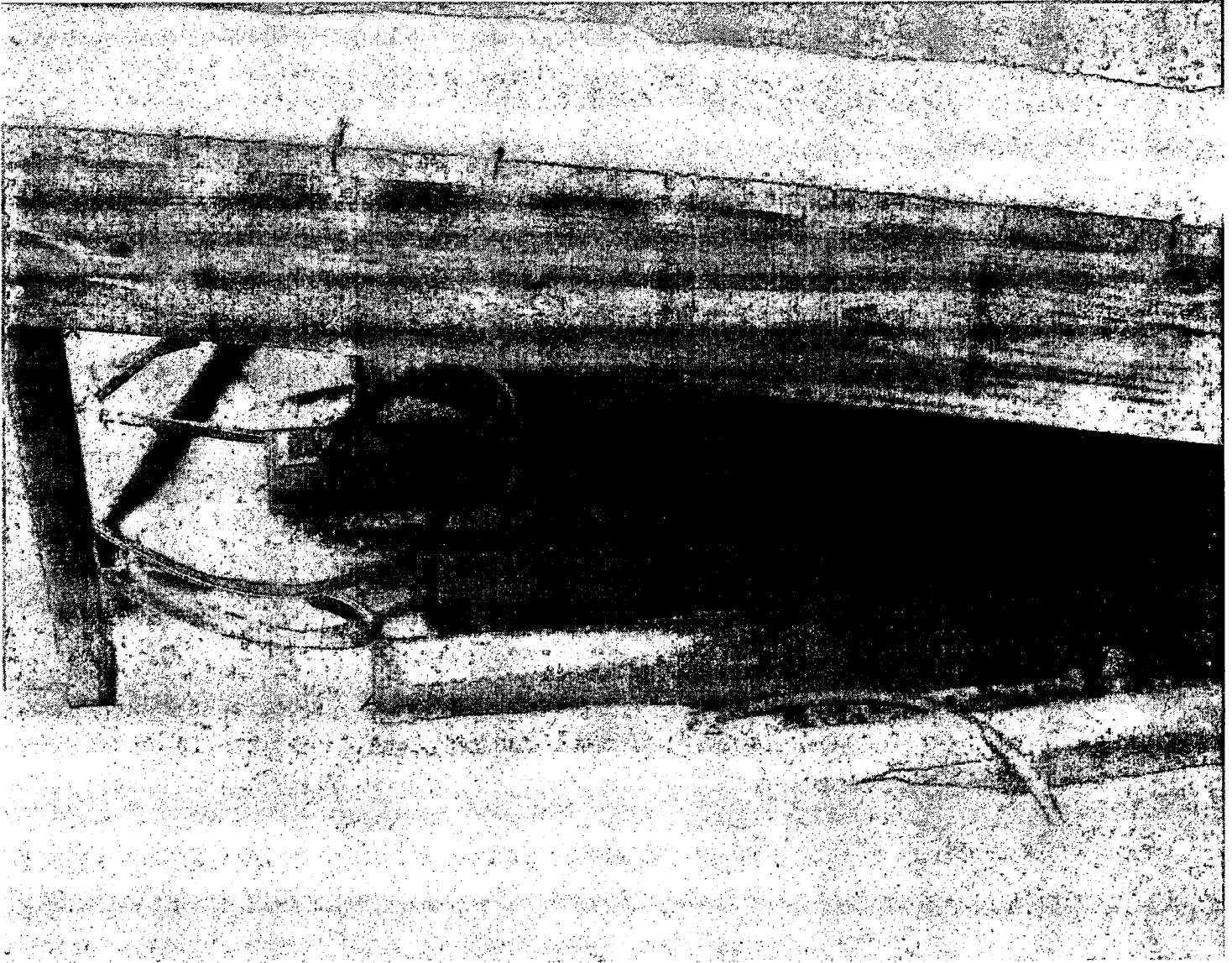
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Description: Bid Debris Removal - Exterior
Completed: 01/25/2005



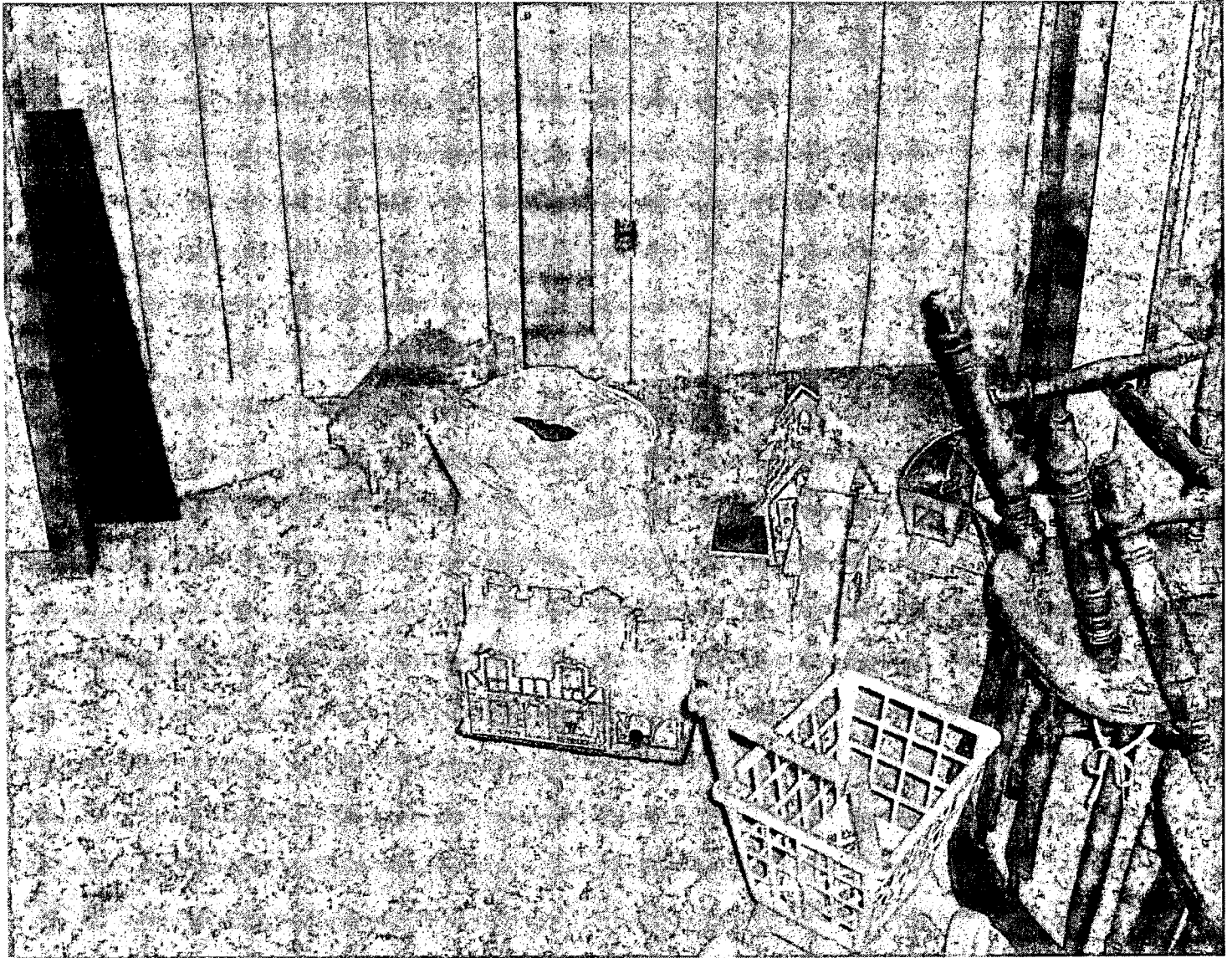
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Description: Bid Debris Removal - Exterior
Completed: 01/25/2005



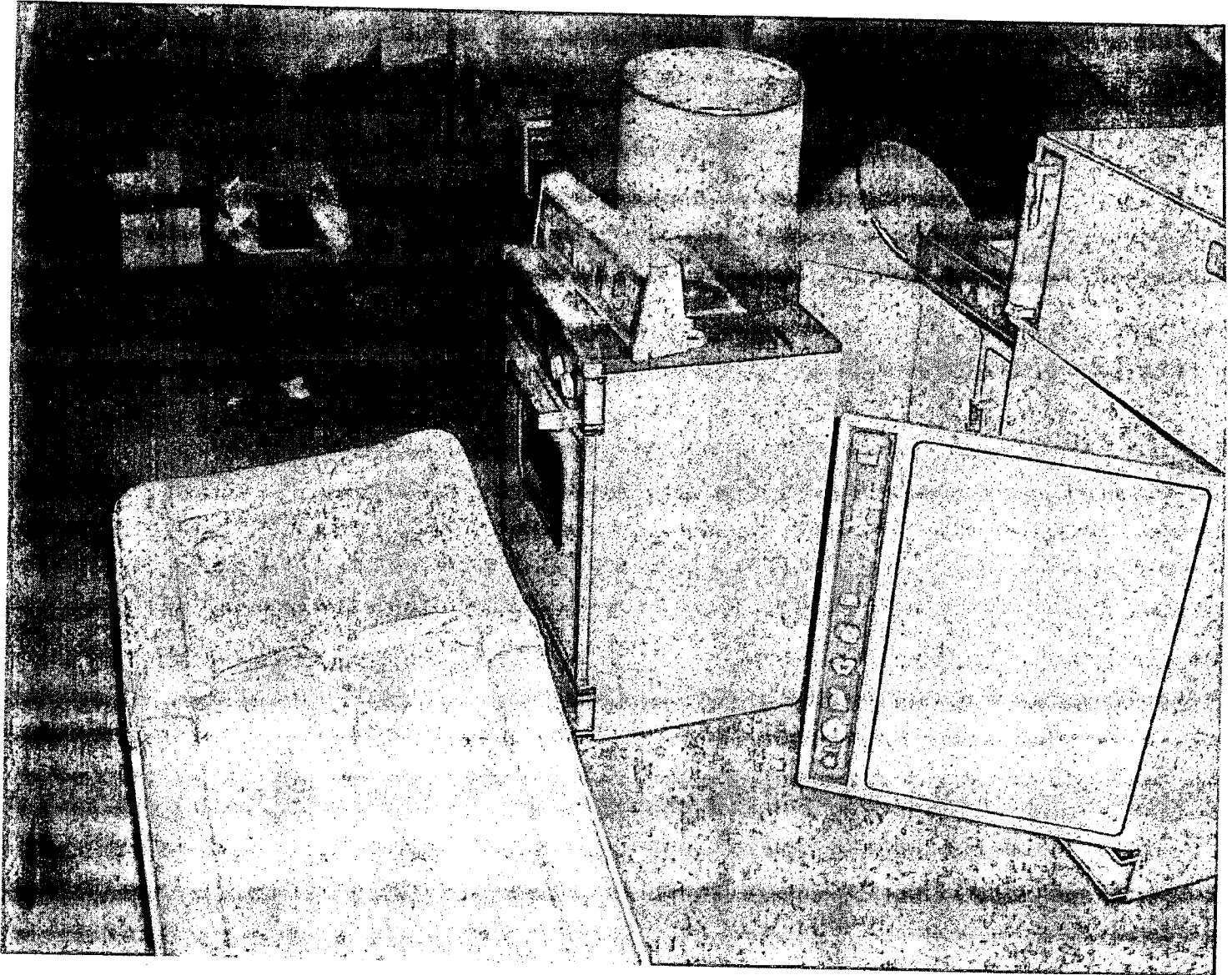
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Exterior
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 7145/100100420 3 01 19
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005

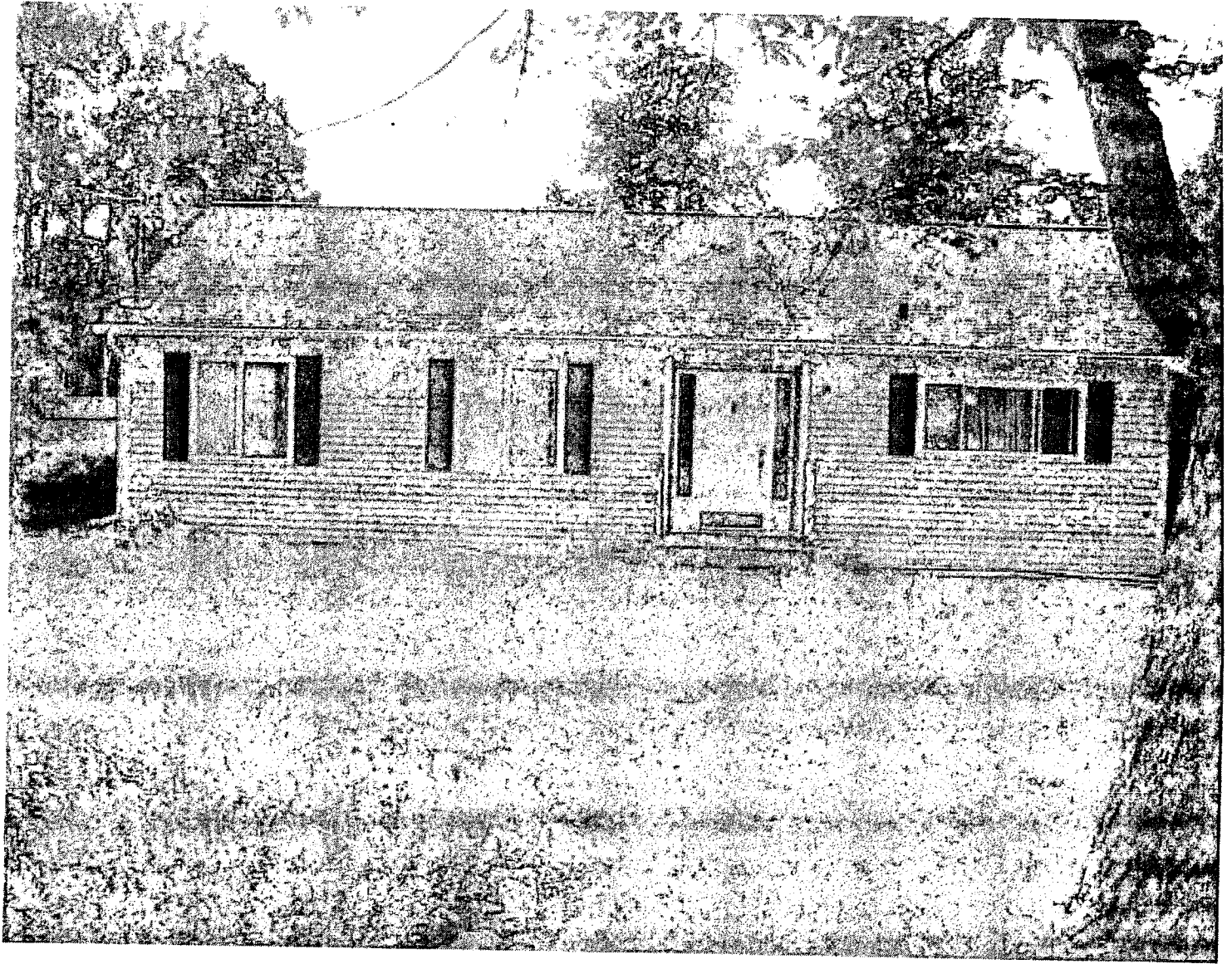


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Description: Bid Debris Removal - Interior
Completed: 01/25/2005

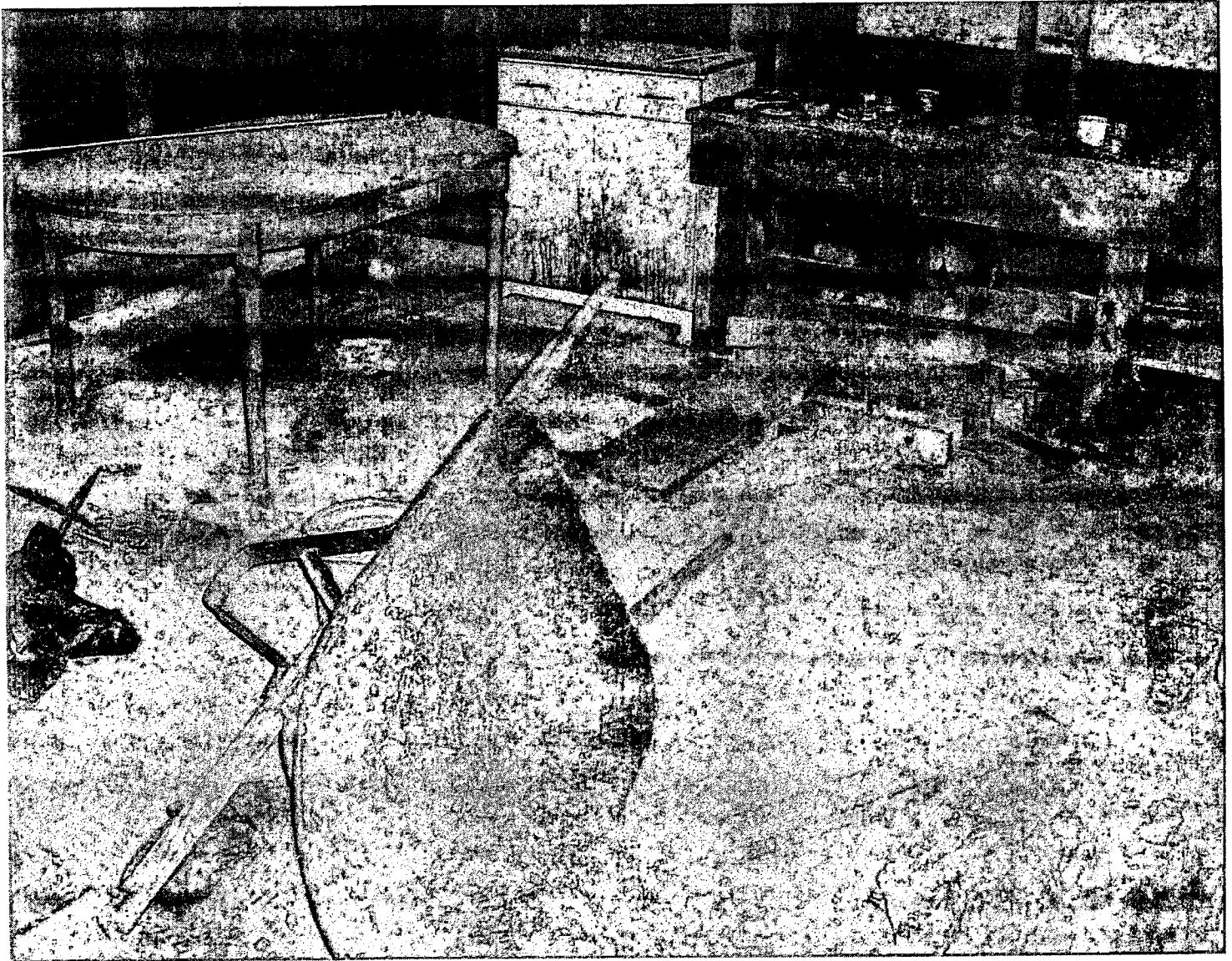


Order Number : 19695268 Loan Number : 71437100100420 7 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005





Order Number : 19695268 Loan Number : 71437100100420 8 01 19
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



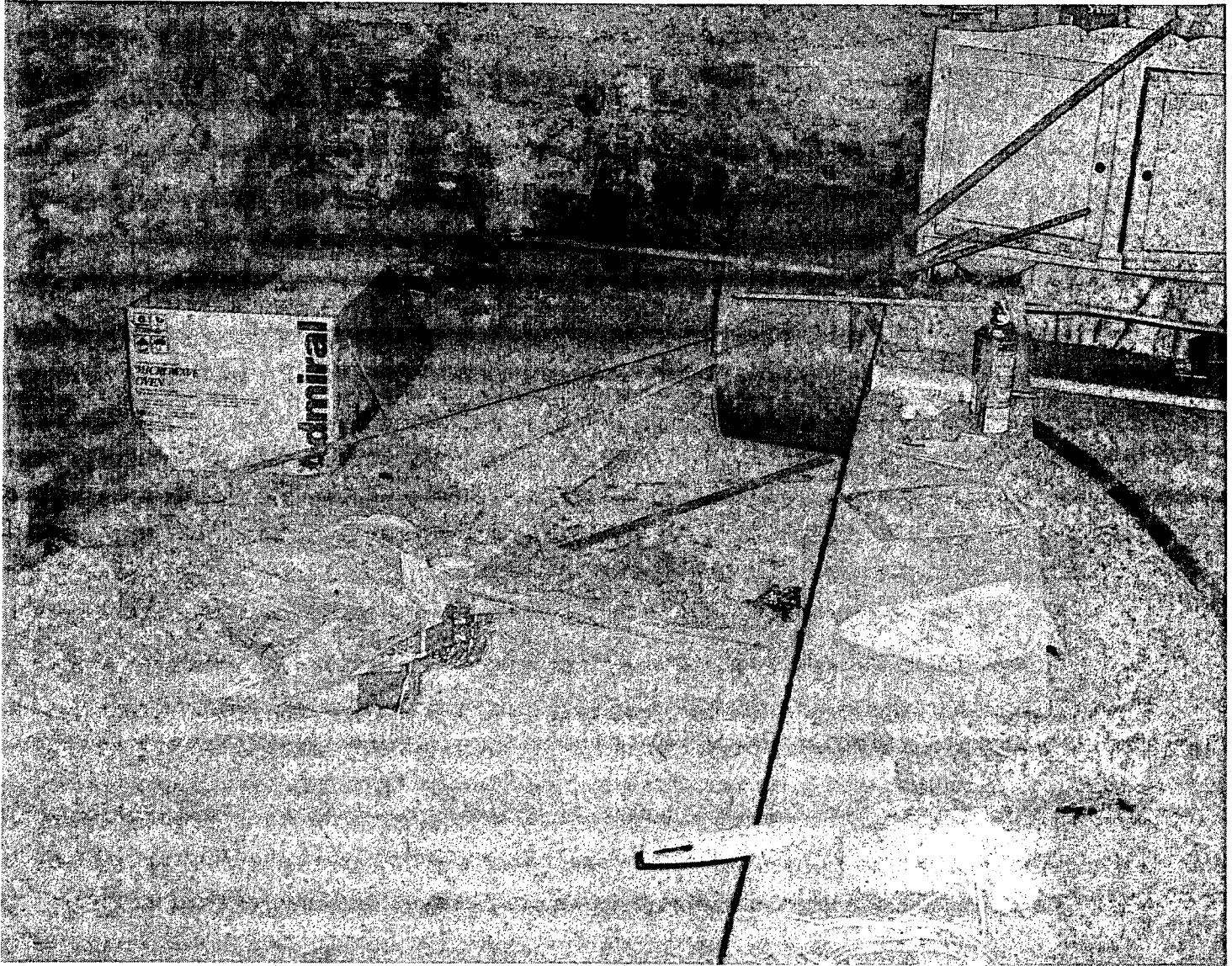
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



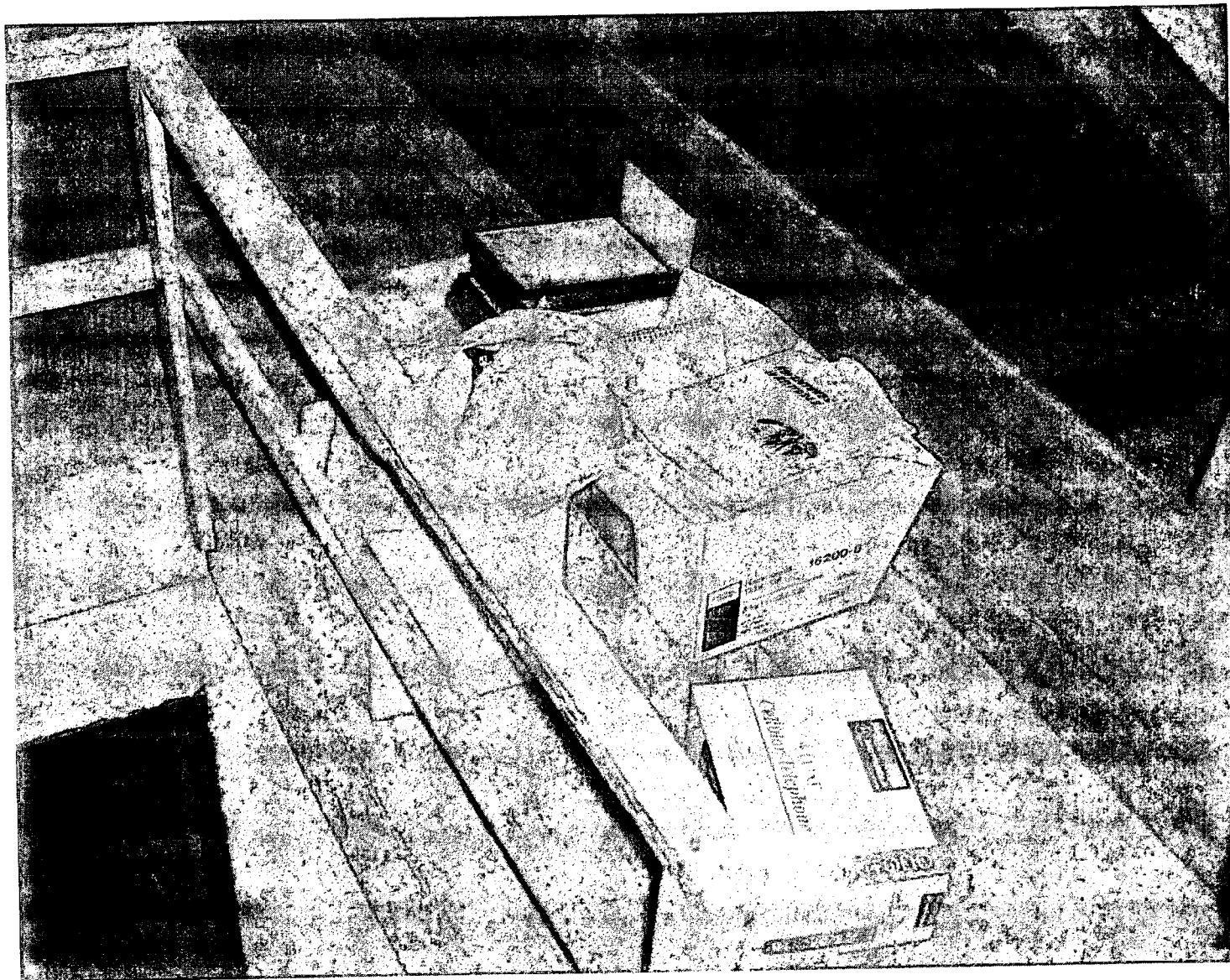
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Completed: 01/25/2005



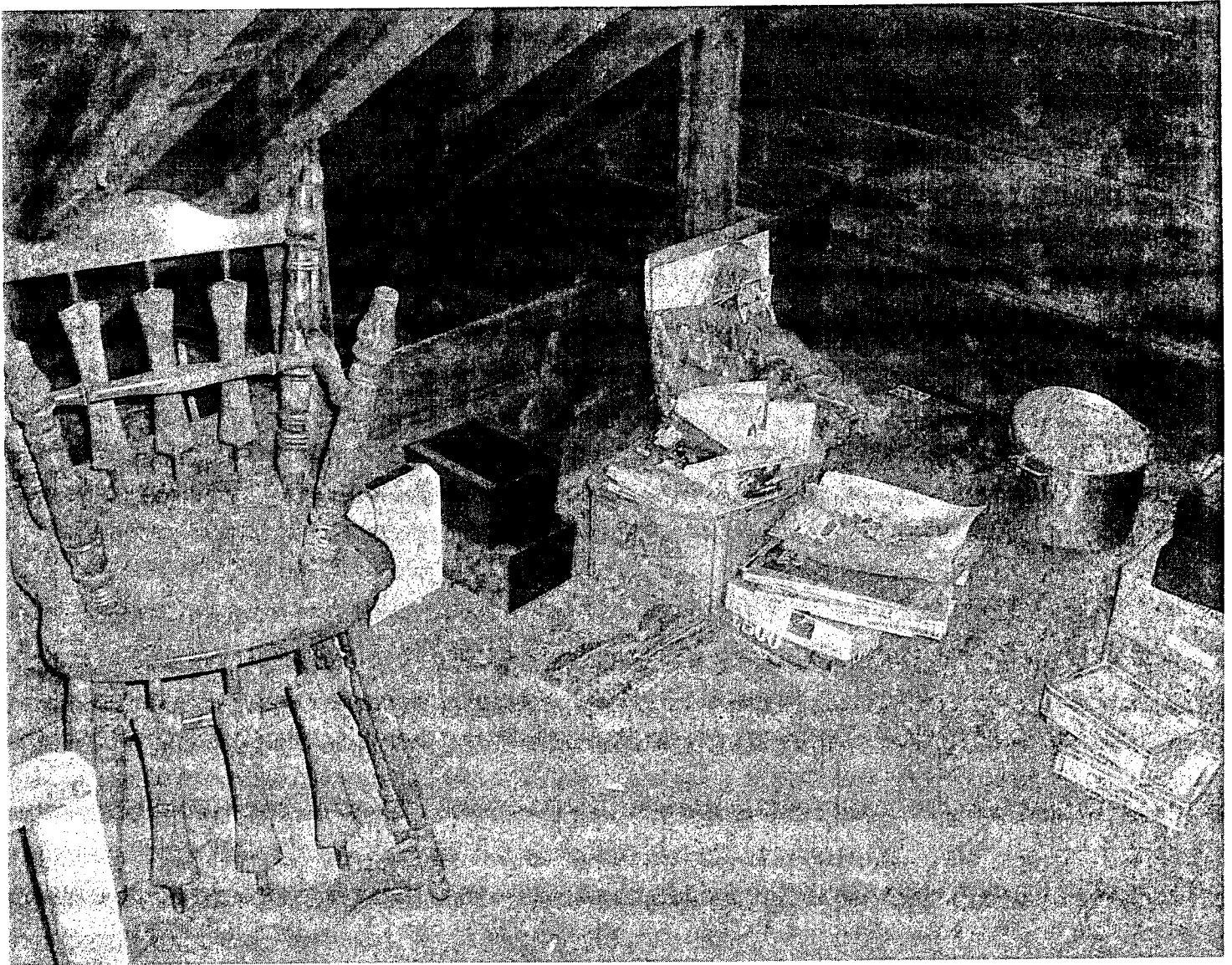
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



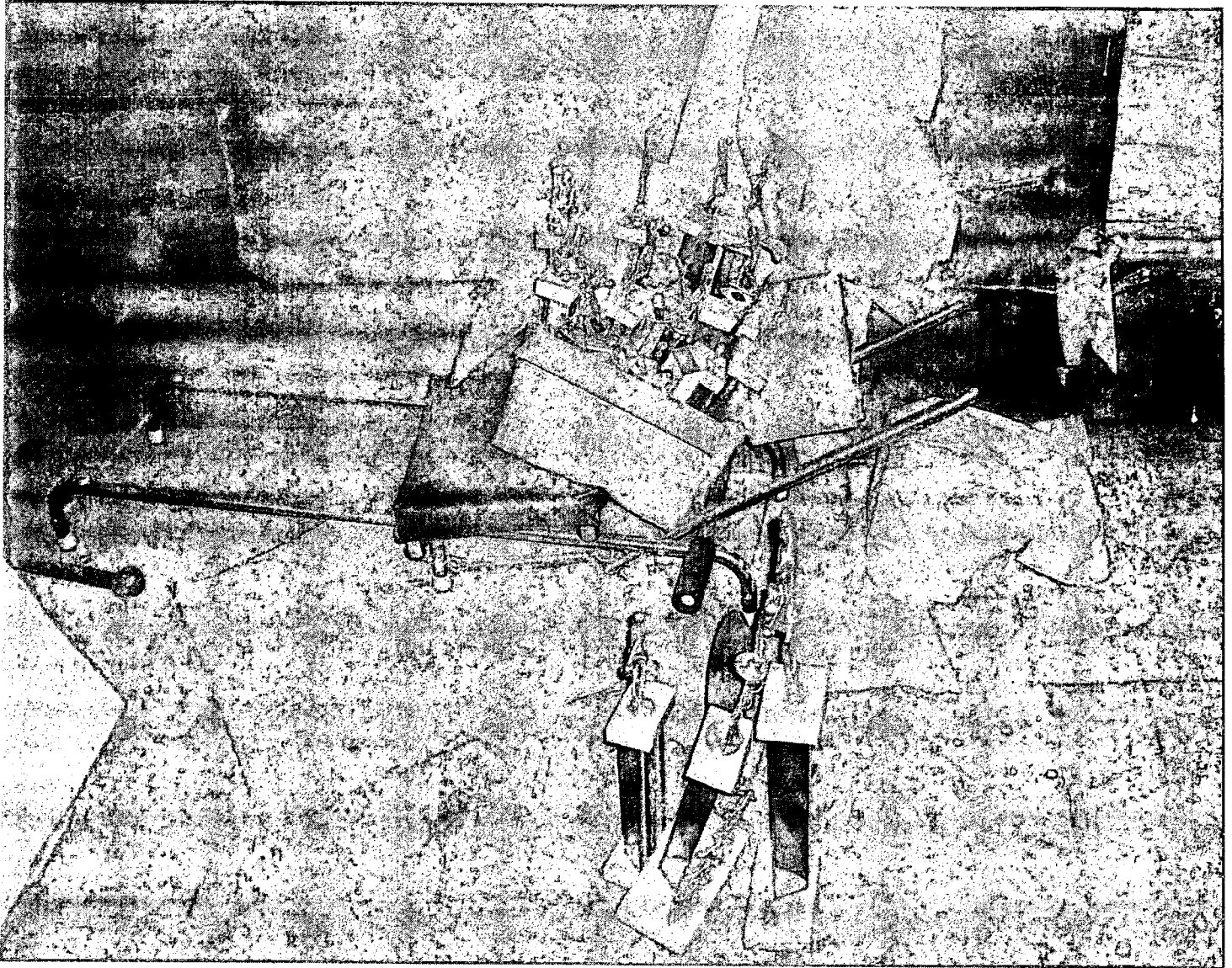
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



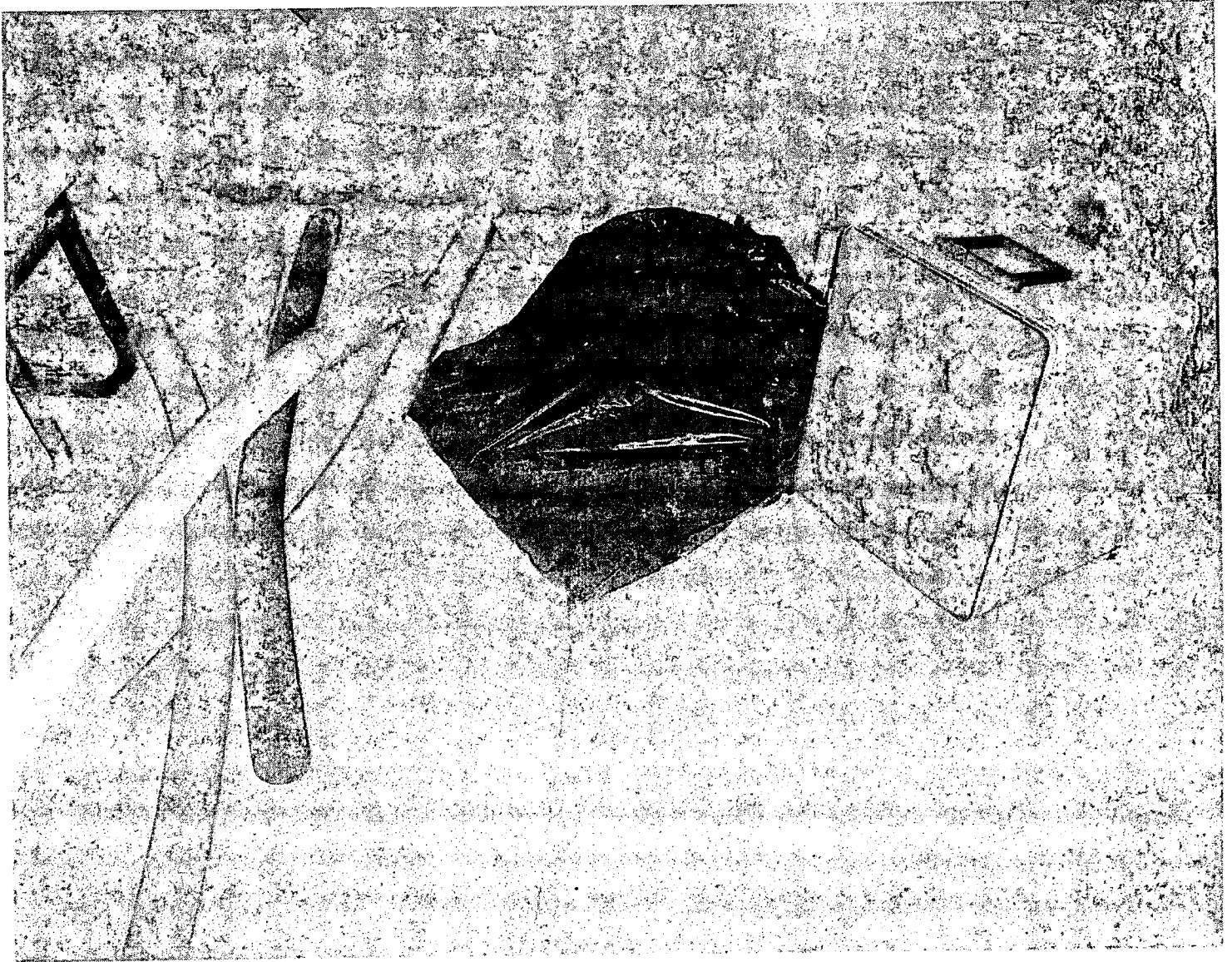
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



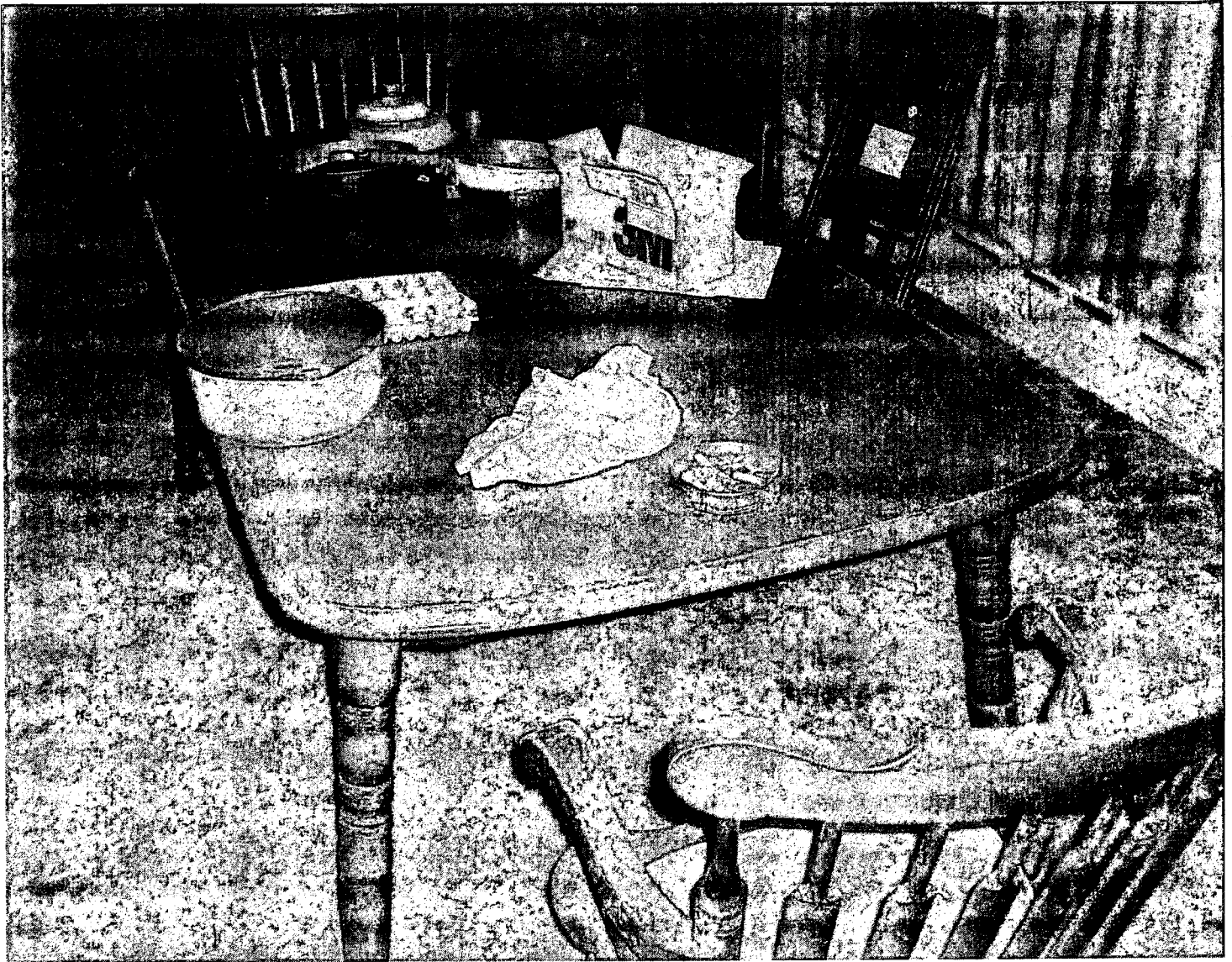
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Prior
Completed: 01/25/2005



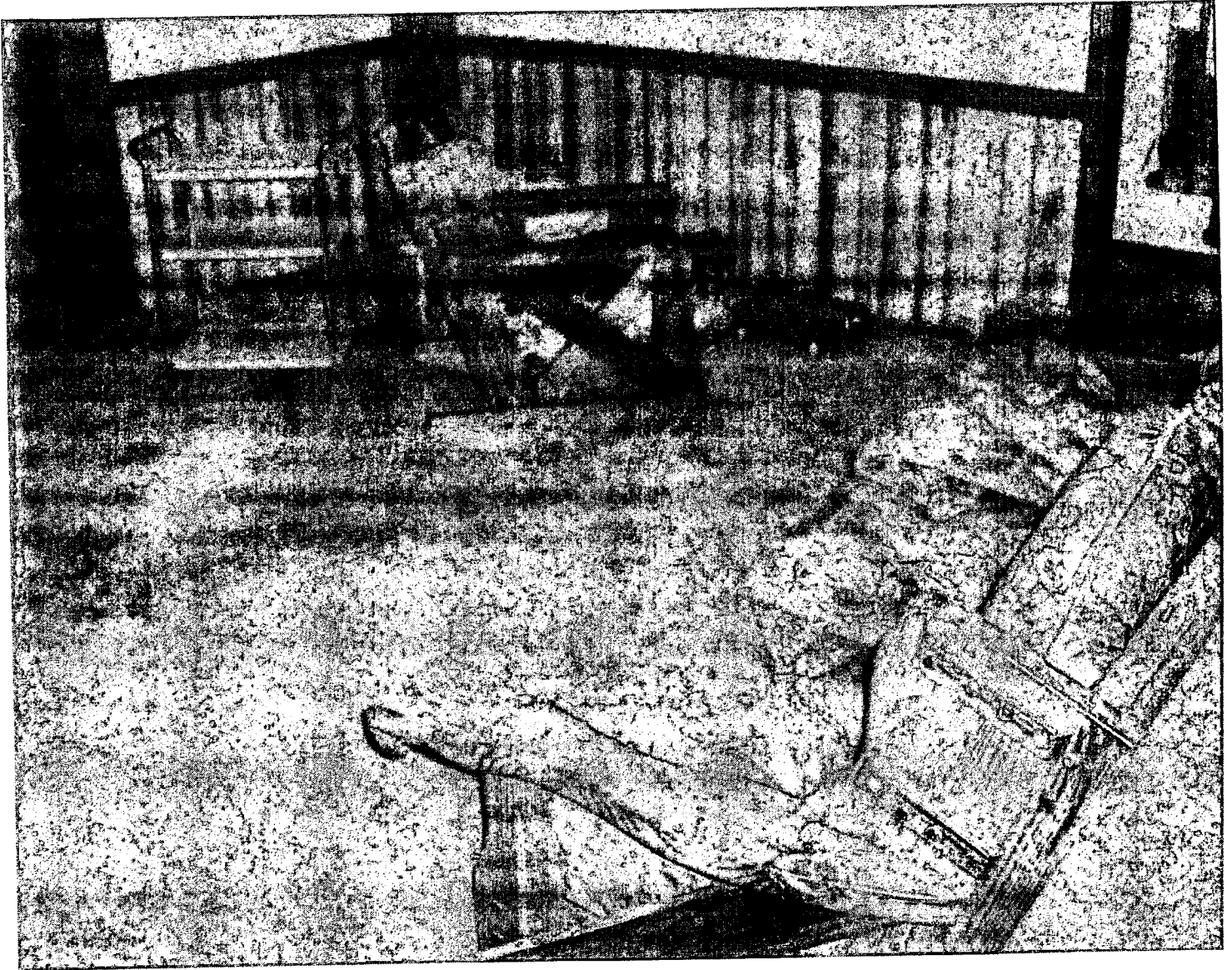
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



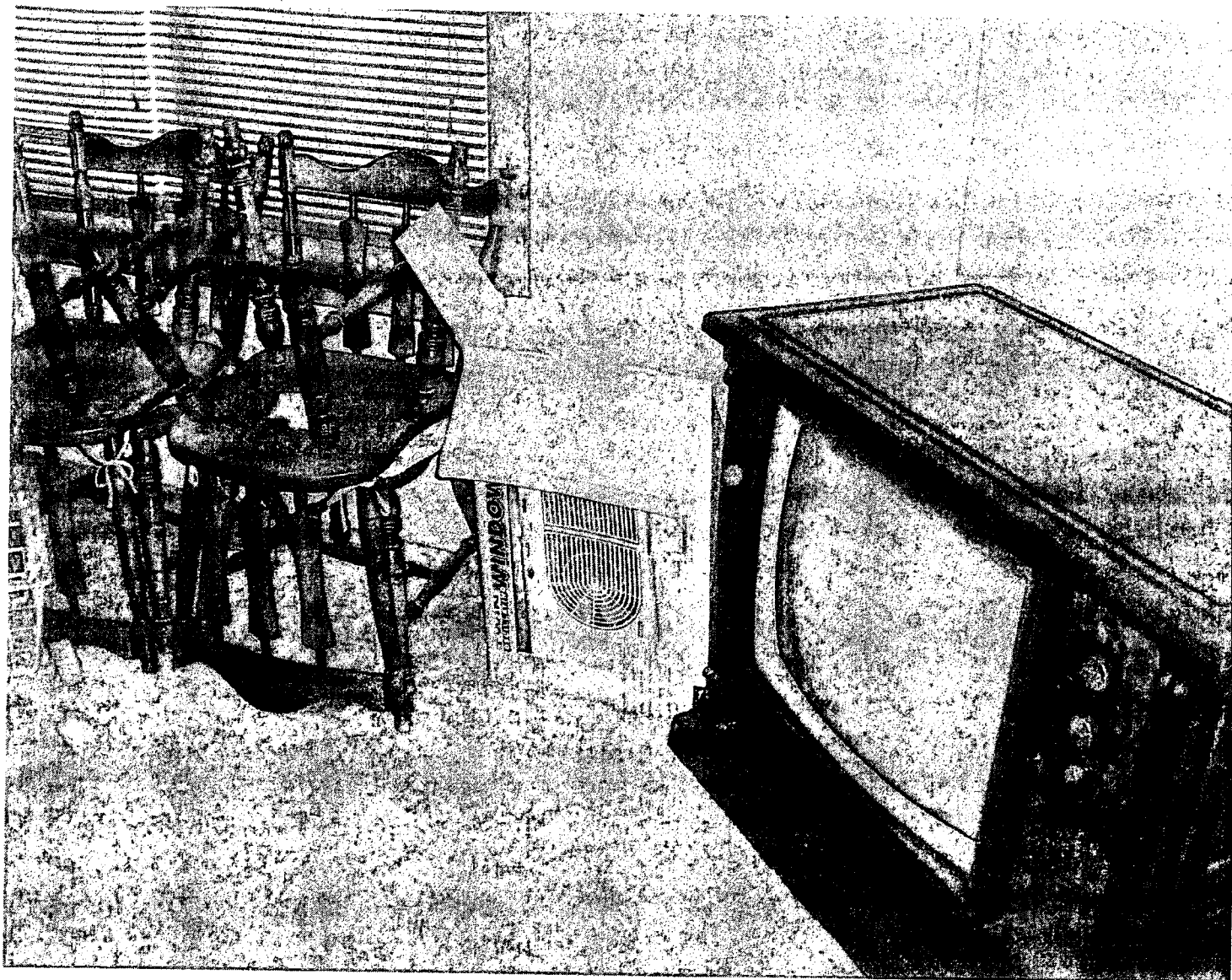
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



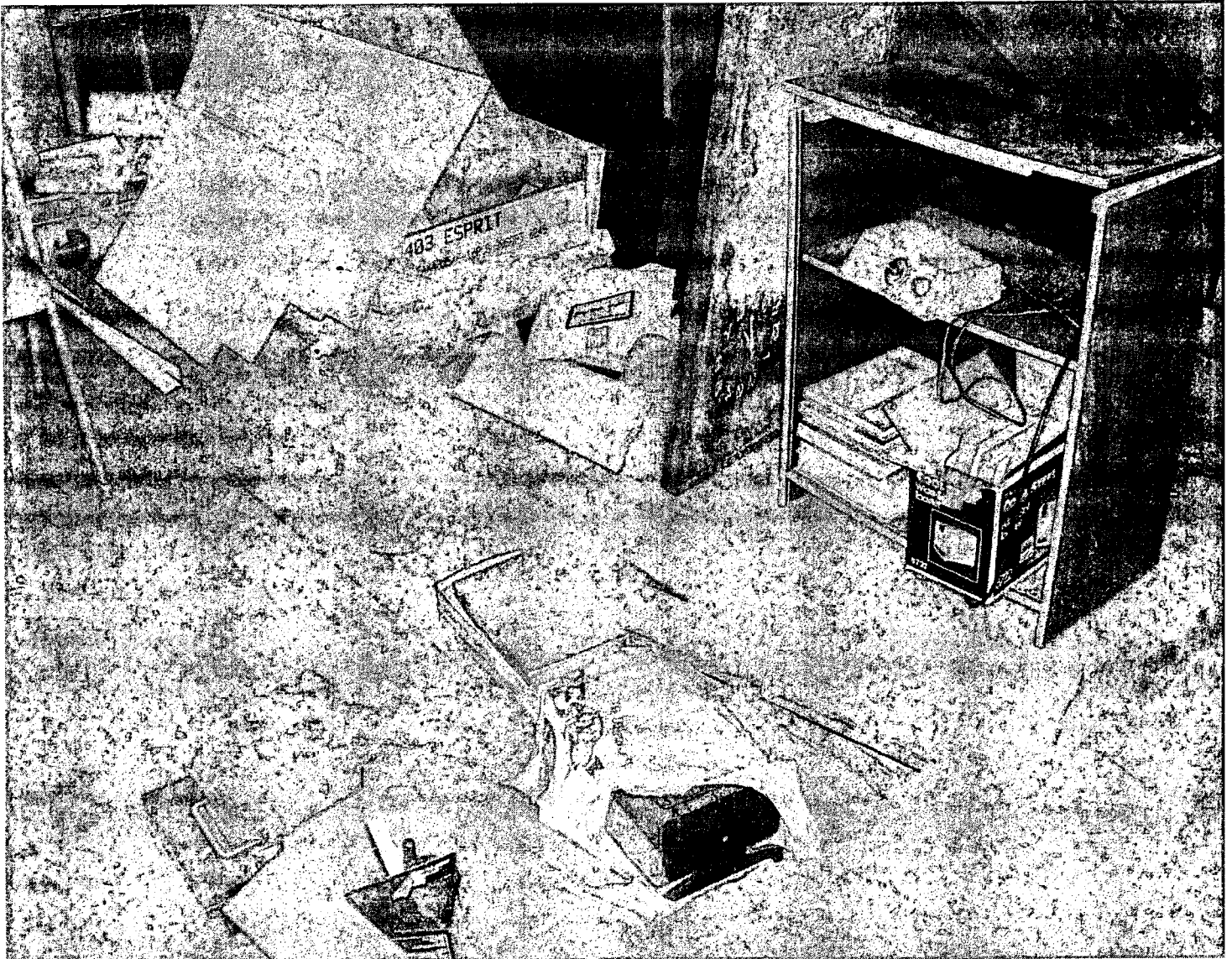
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



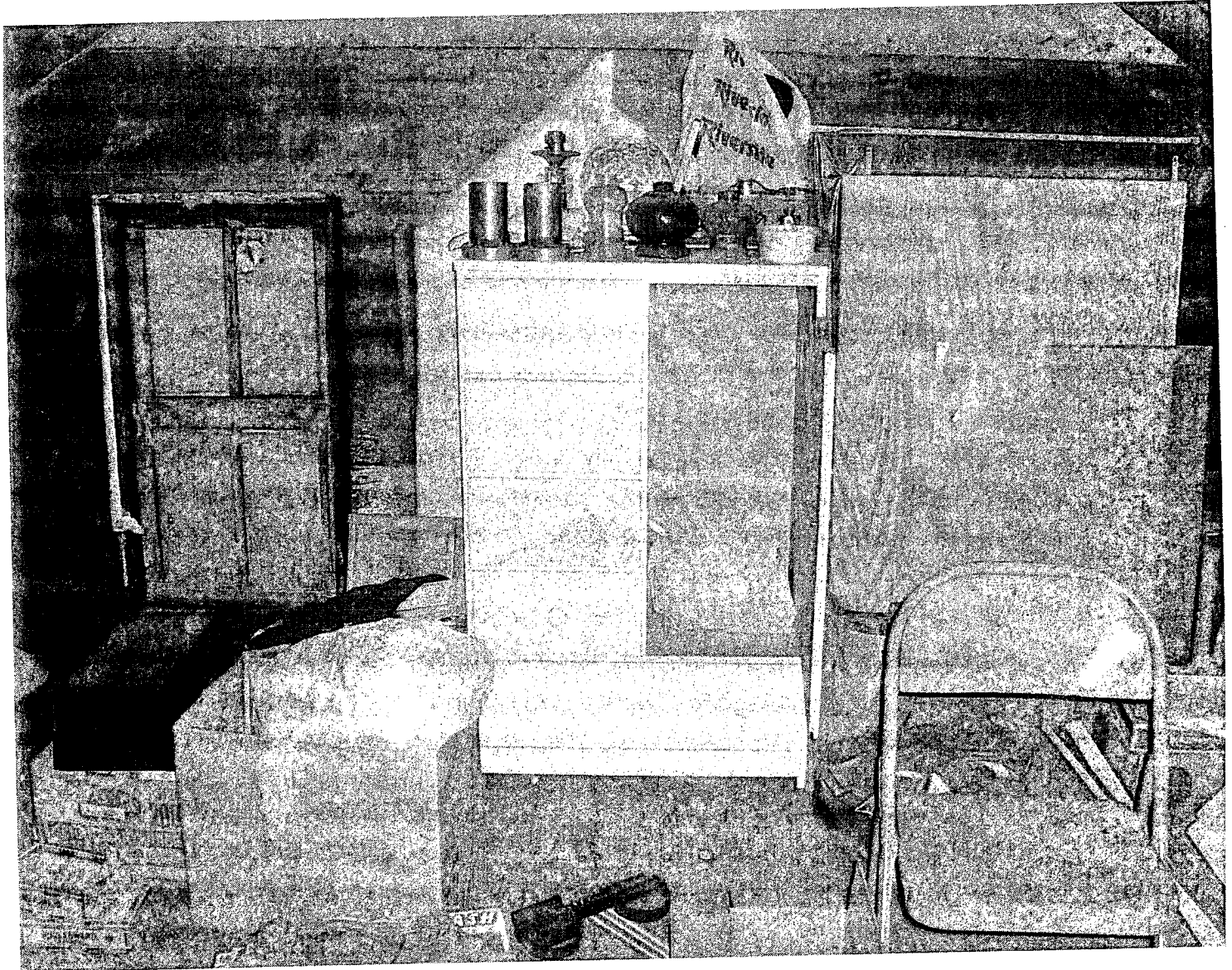
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



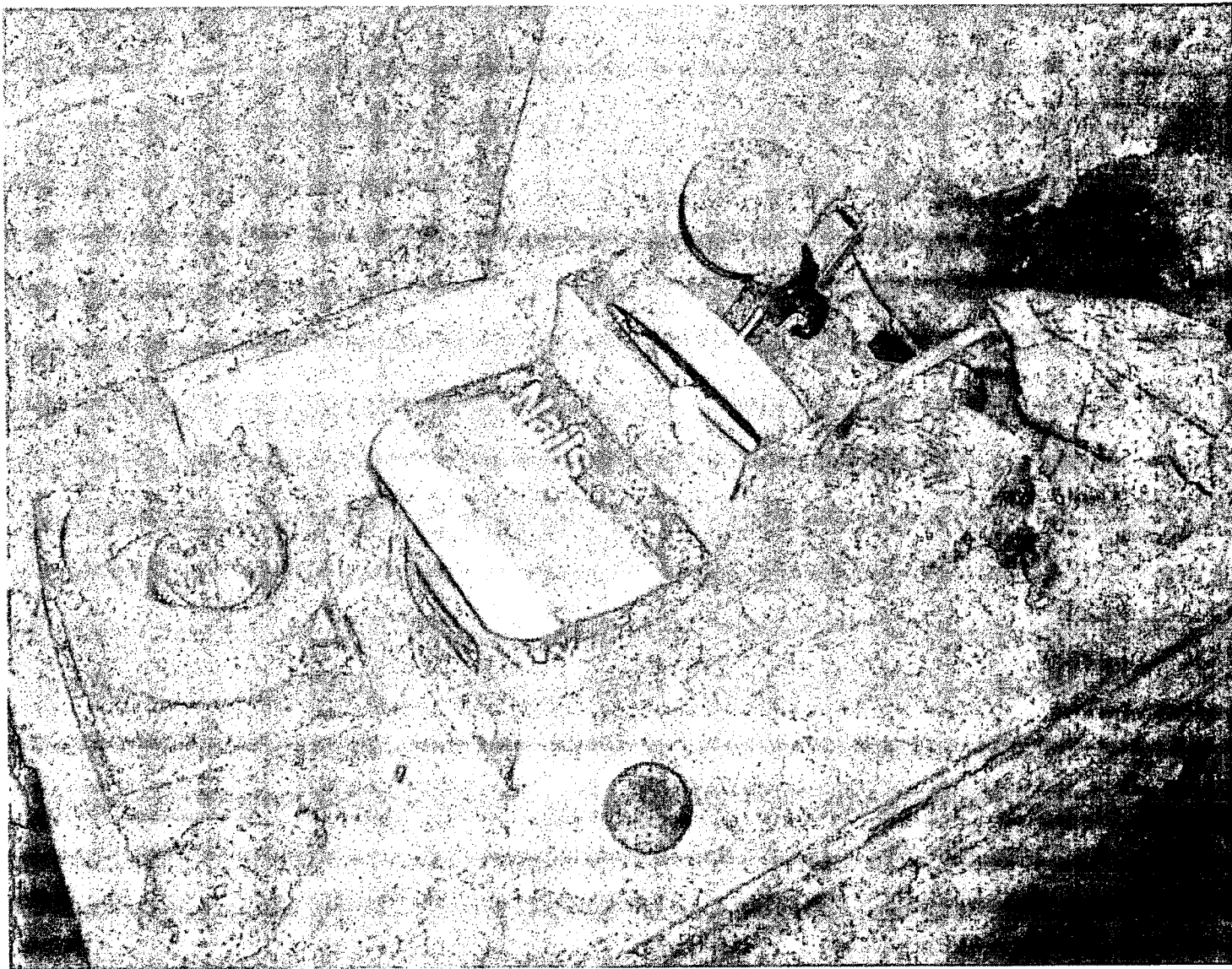
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 21 of 19
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



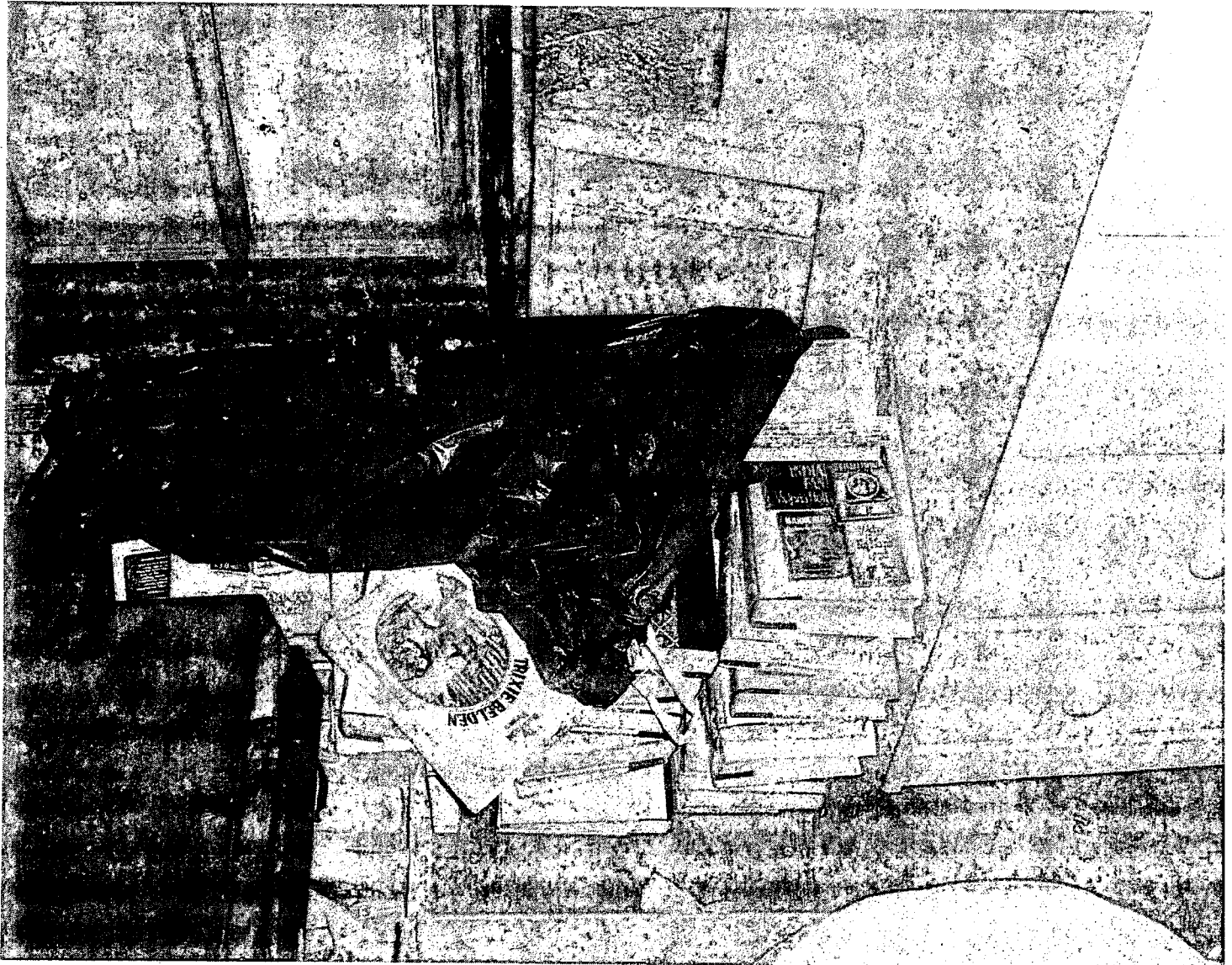
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



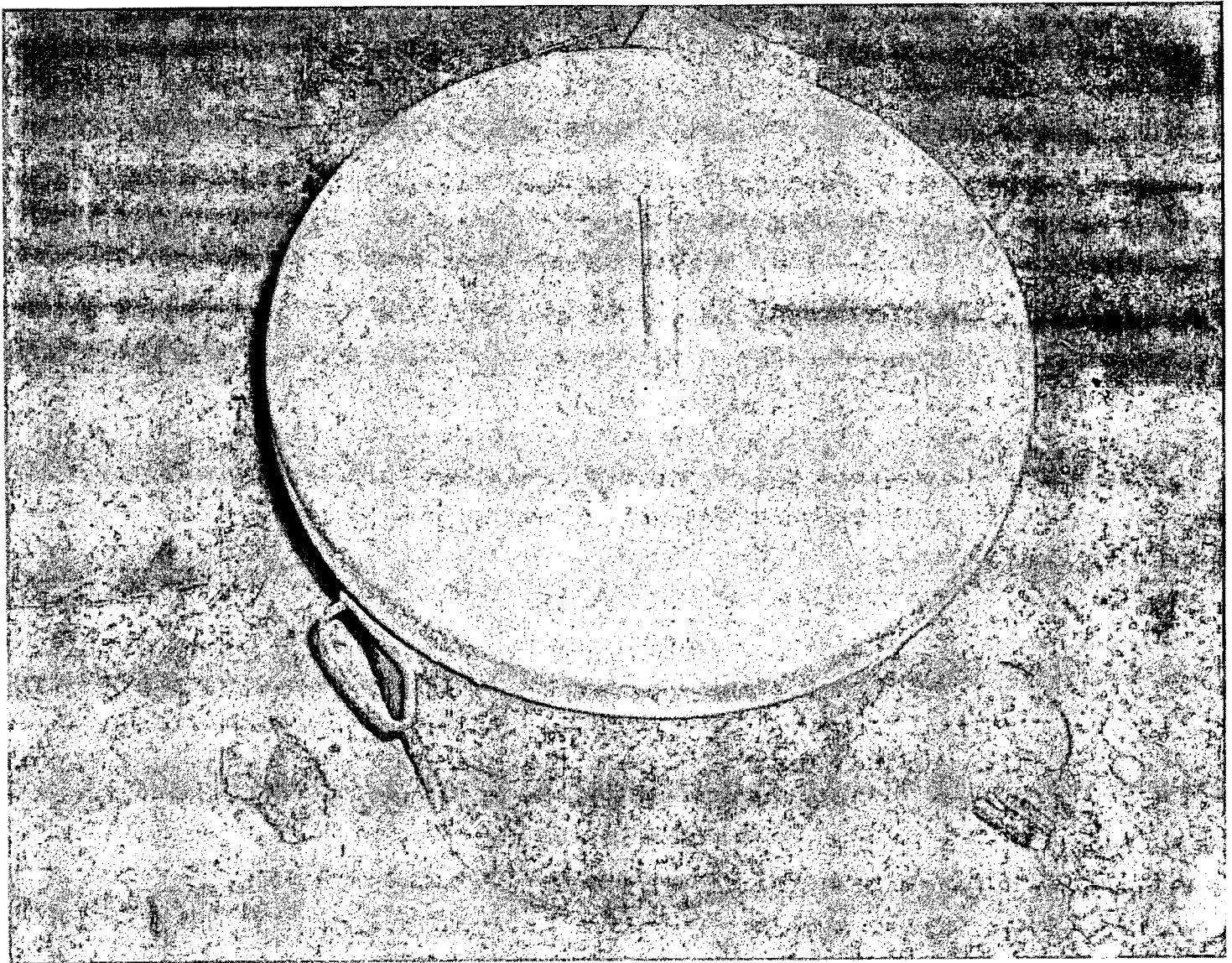
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



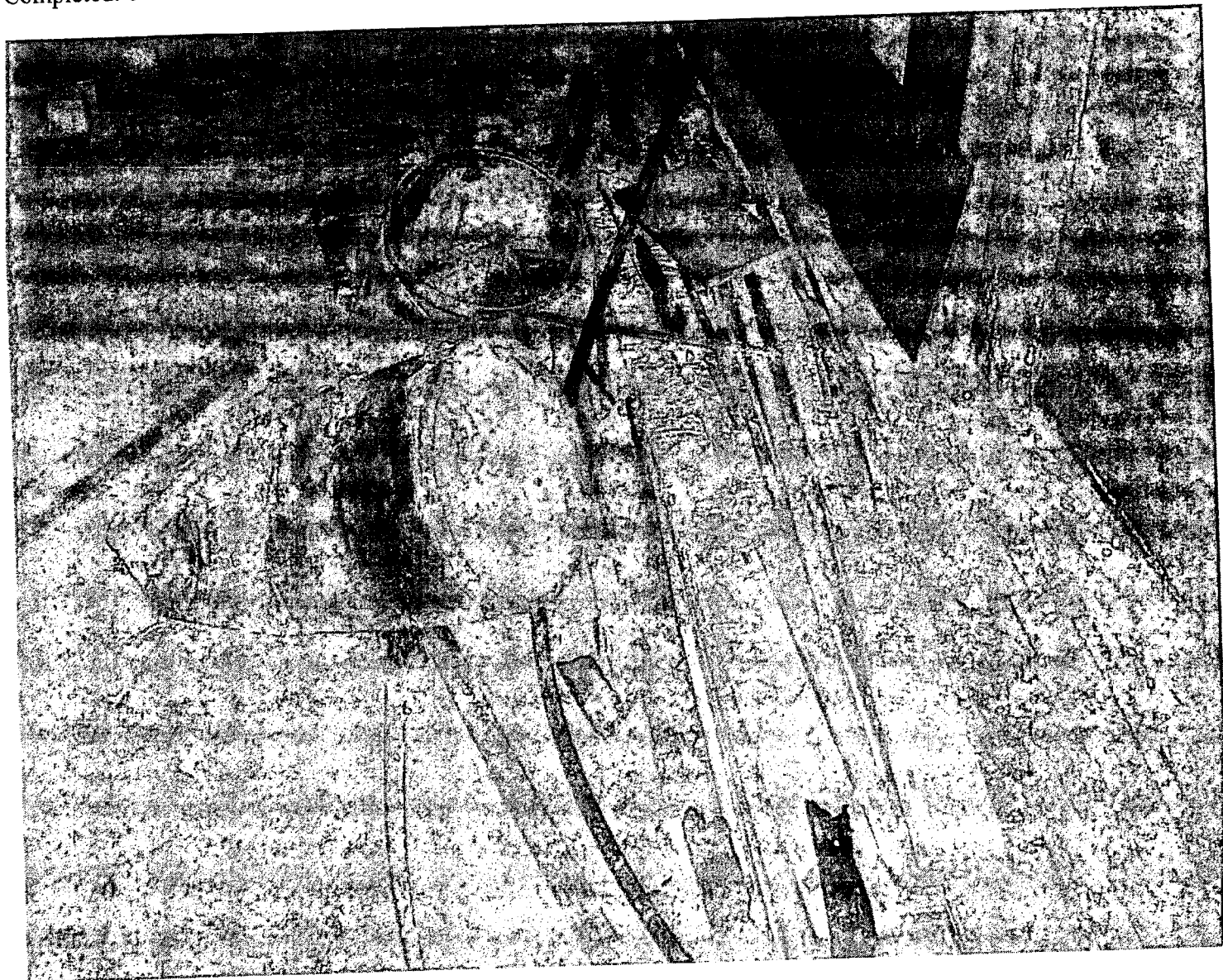
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



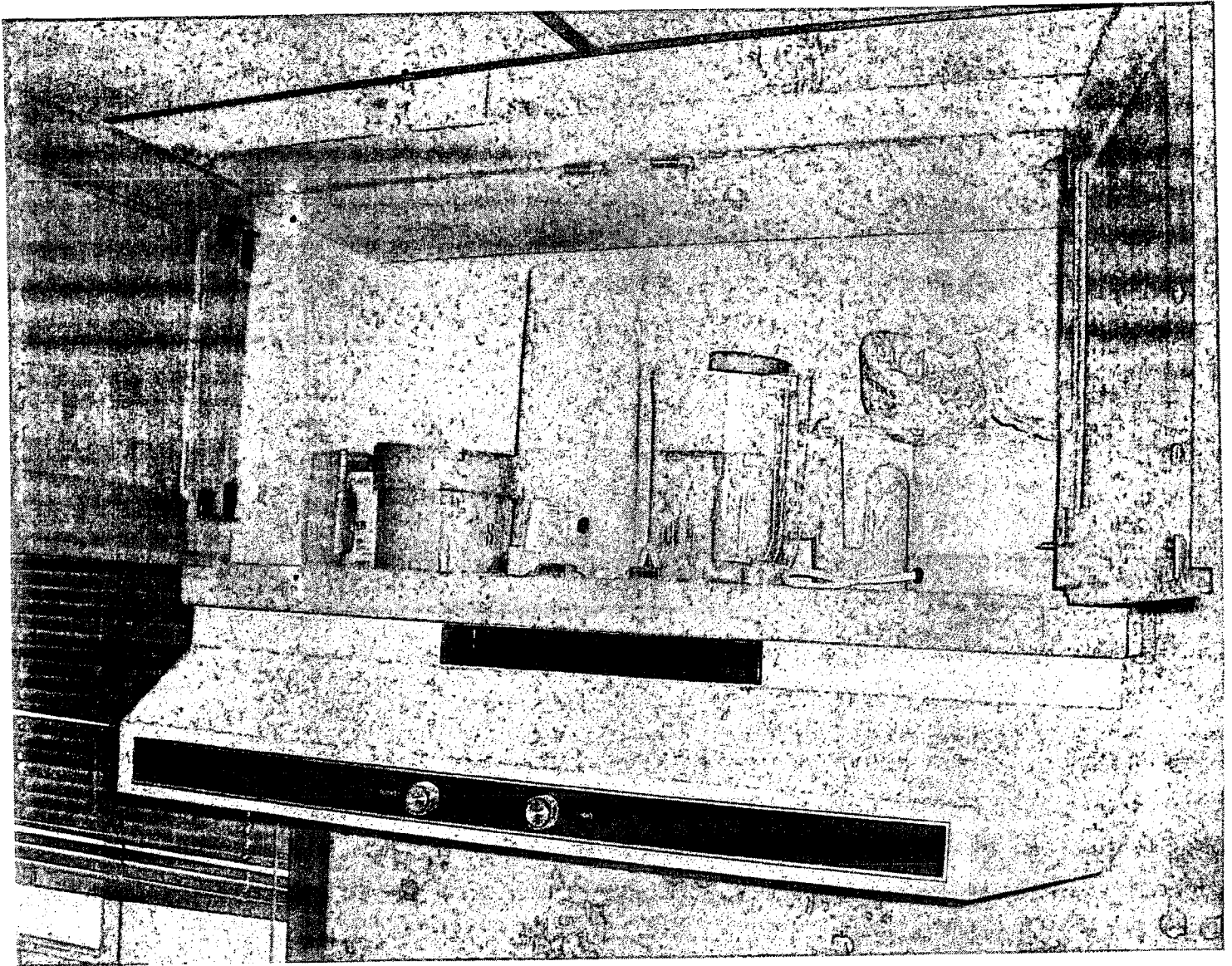
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
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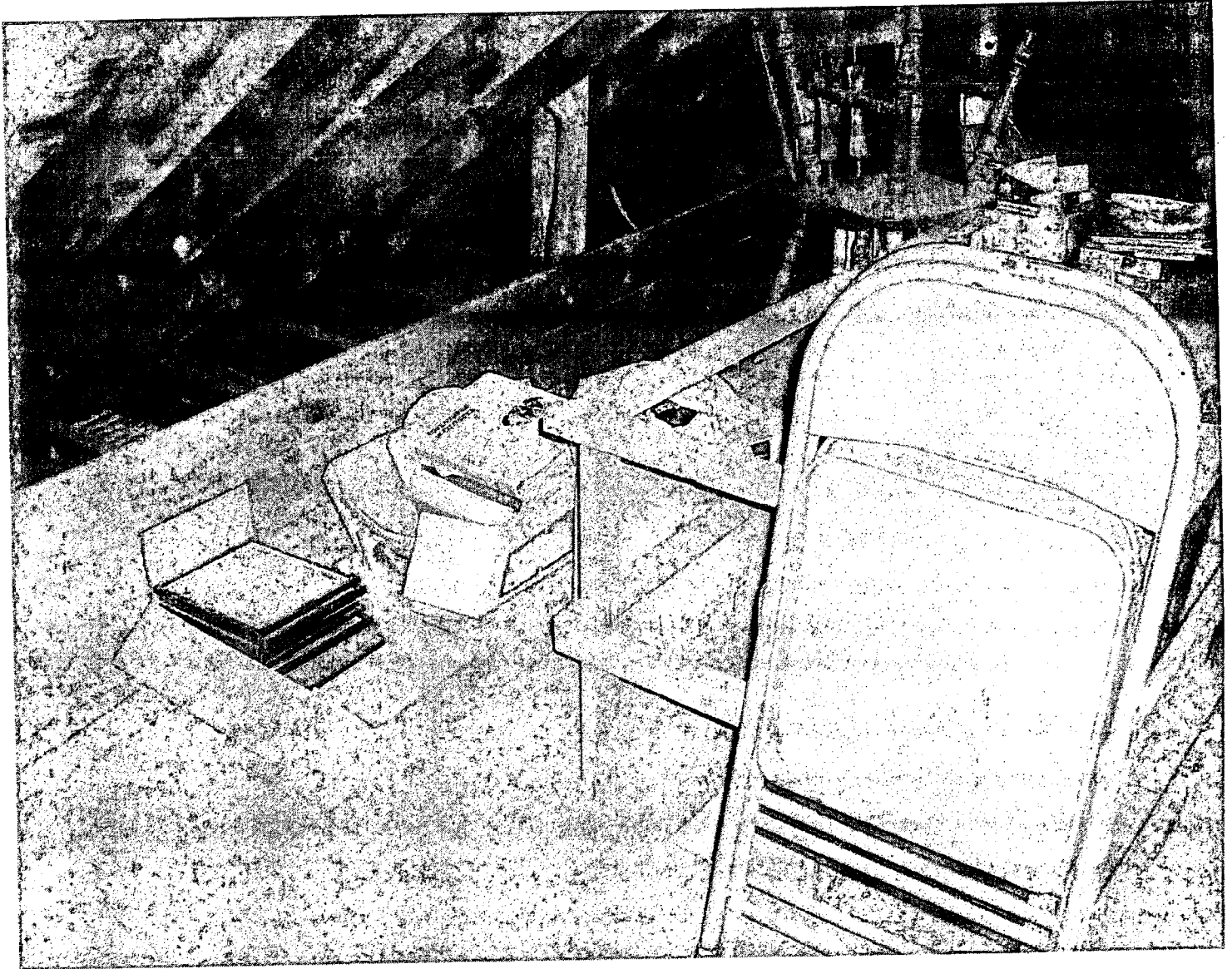
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



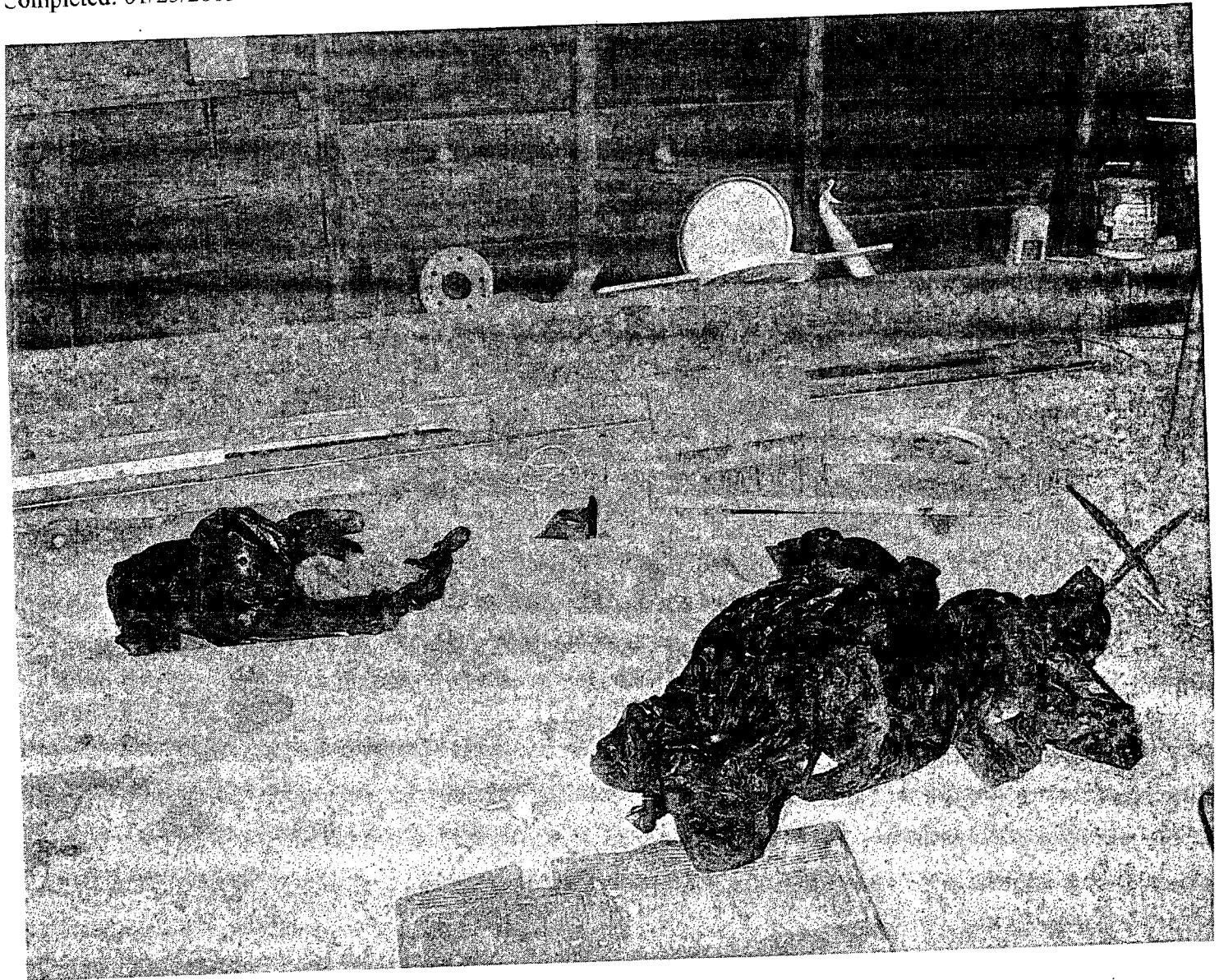
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Description: Bid Debris Removal - Interior
Completed: 01/25/2005



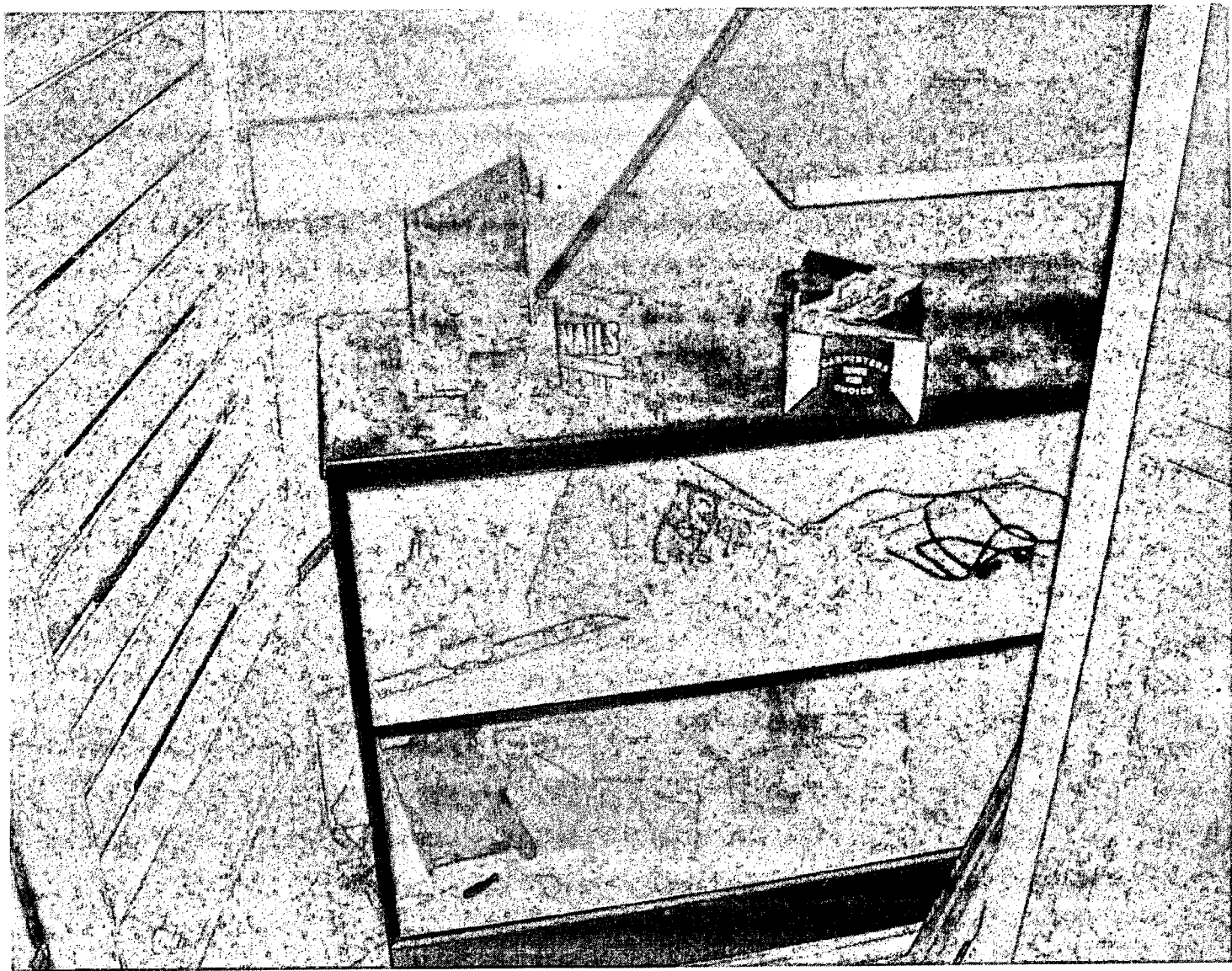
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



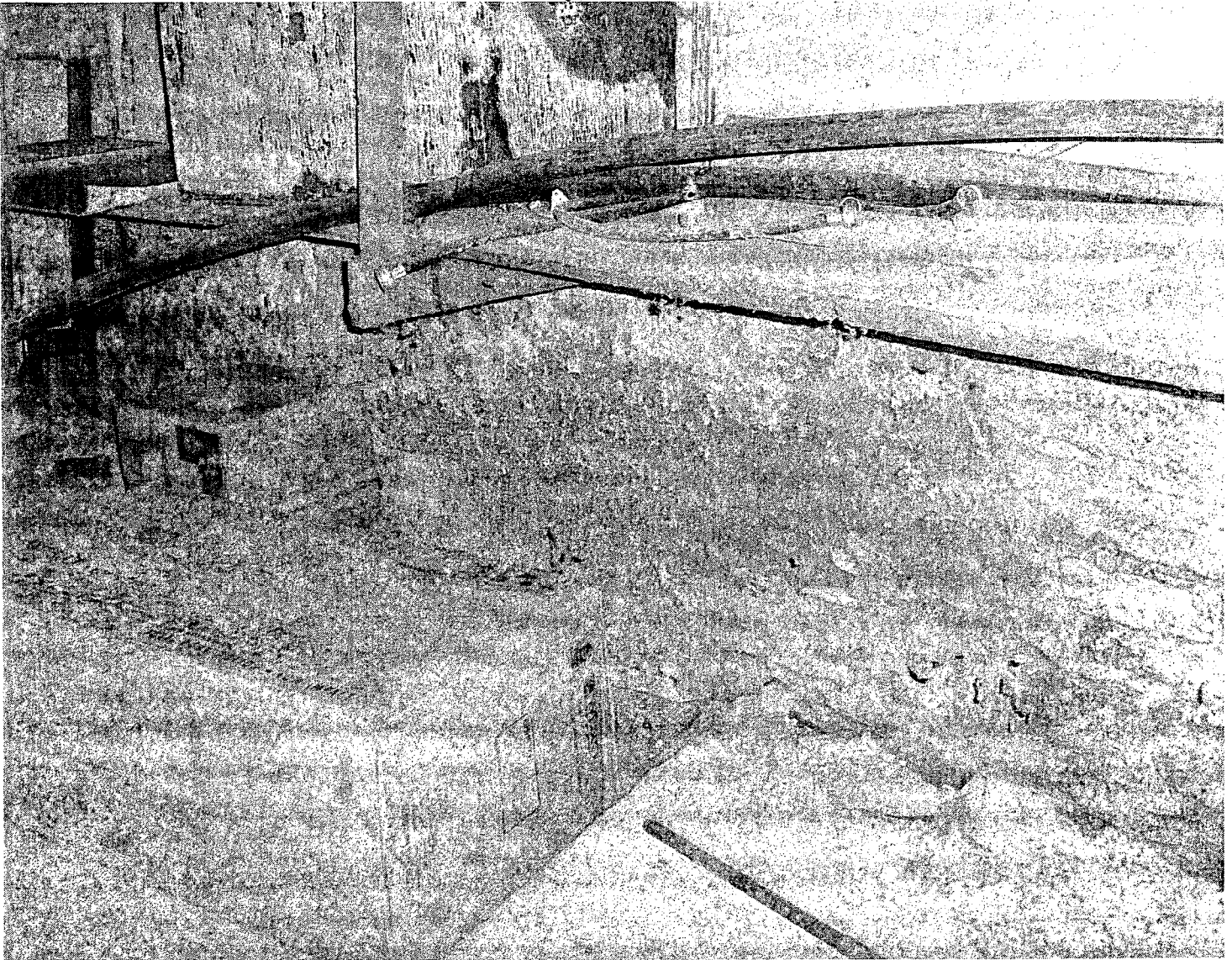
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



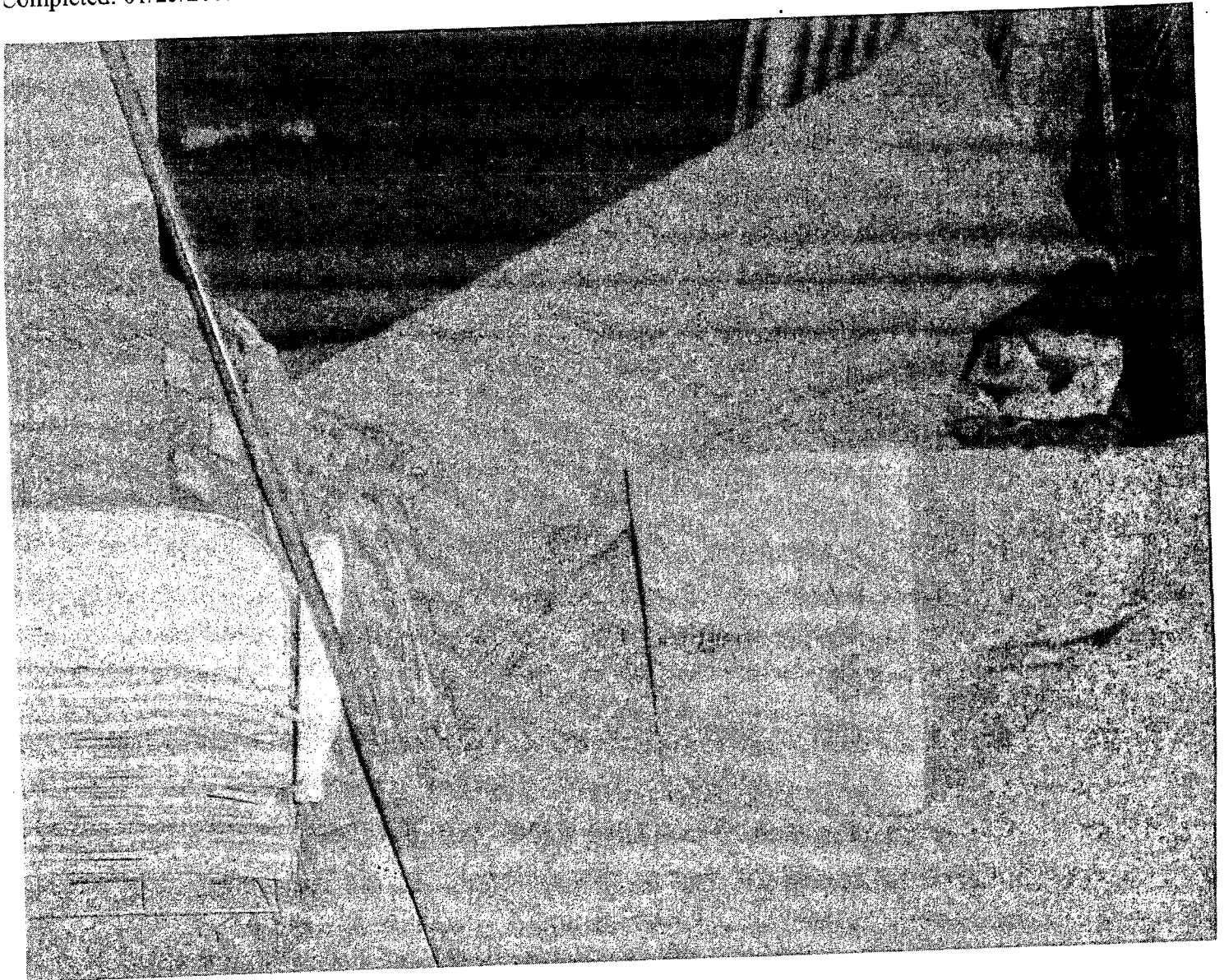
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



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Description: Bid Debris Removal - Interior
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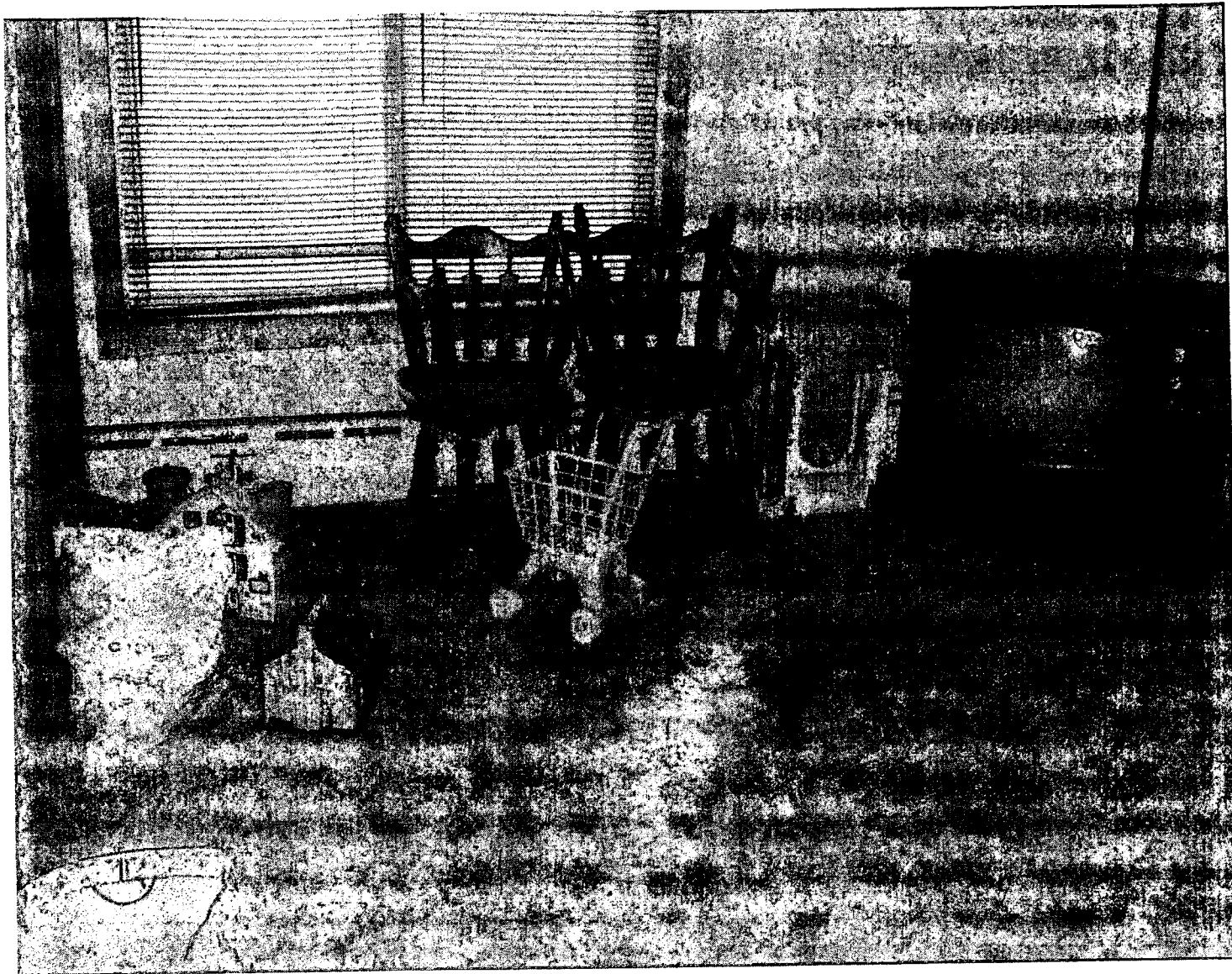
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



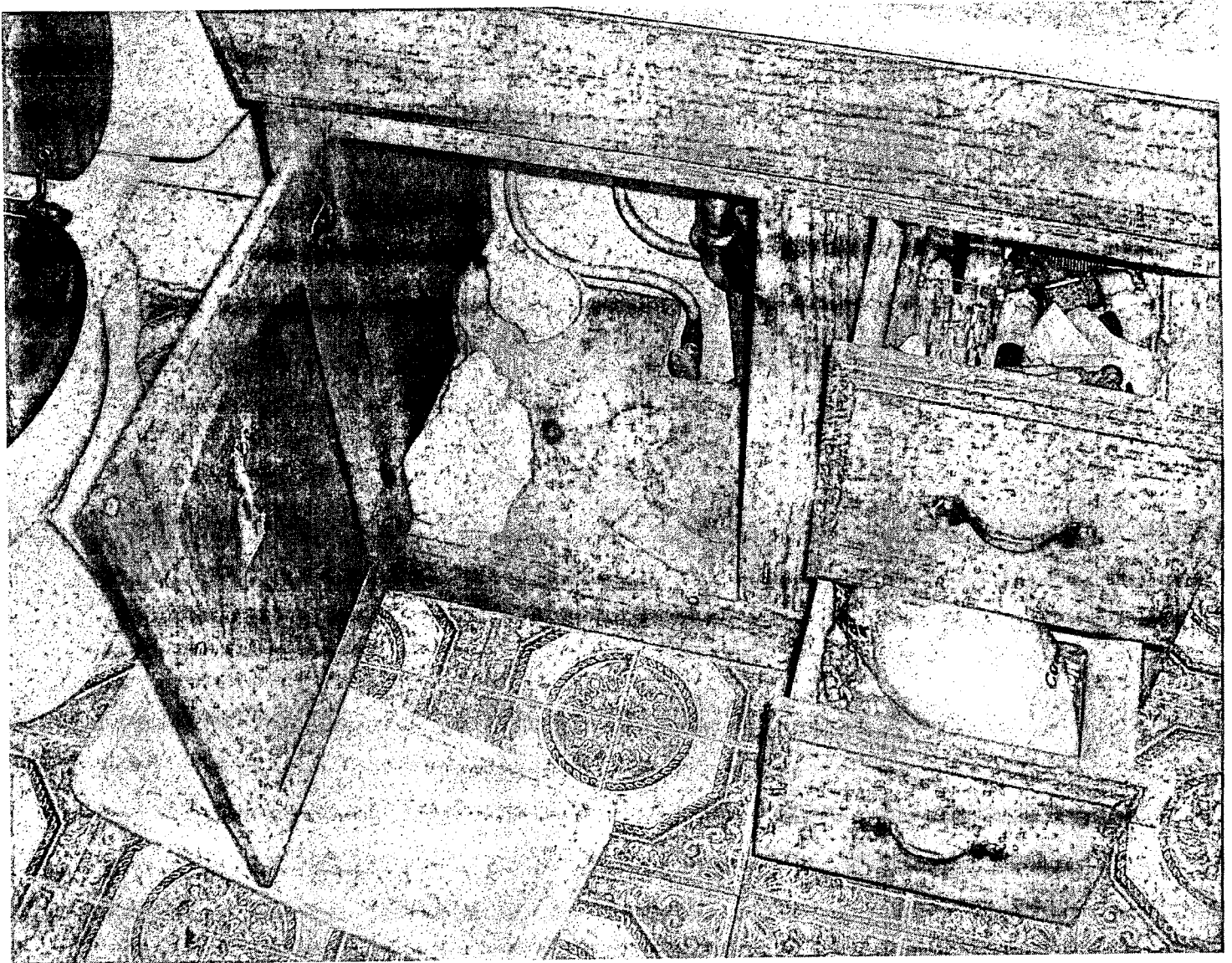
Order Number : 19695268 Loan Number : 71437100100420 34 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



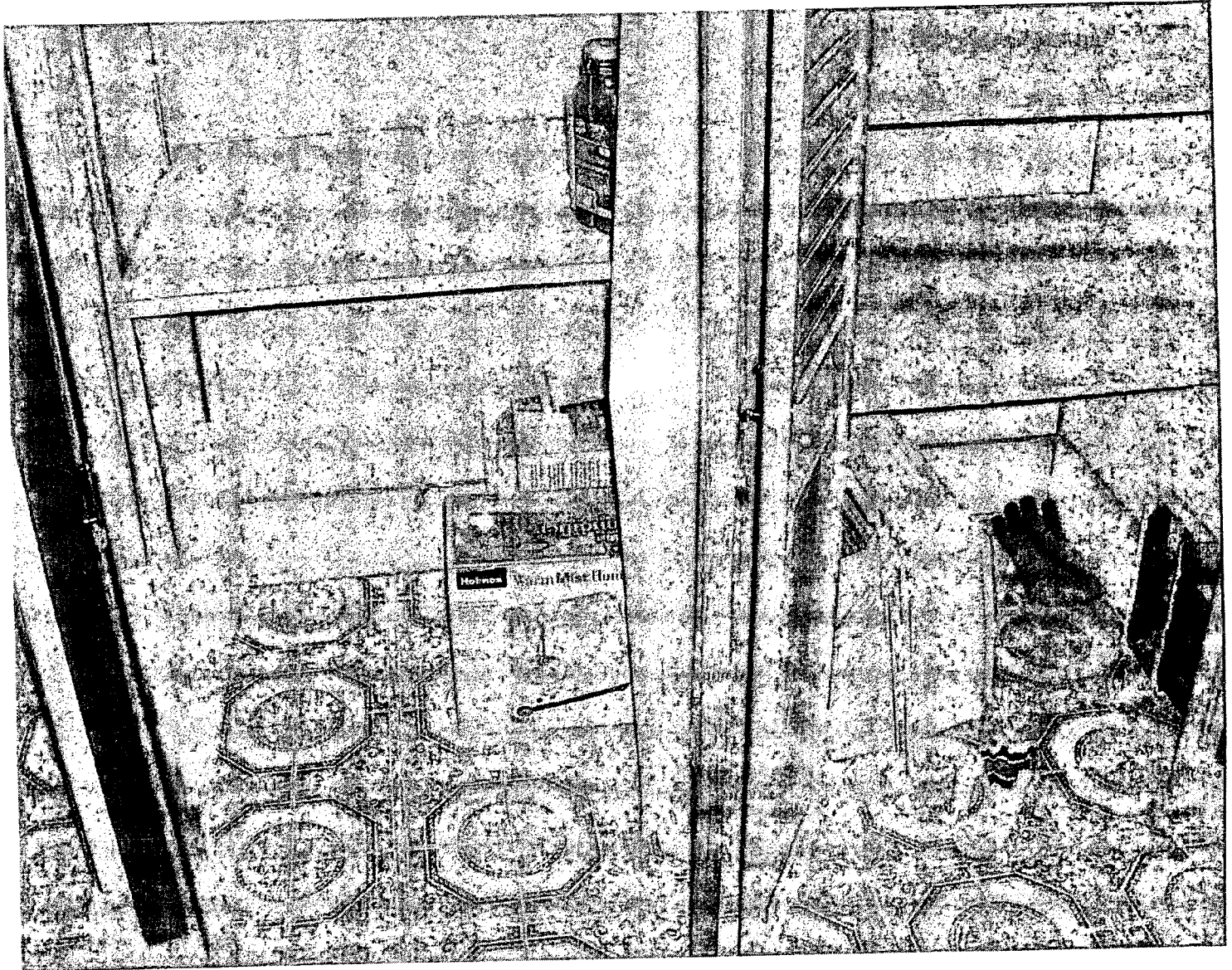
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
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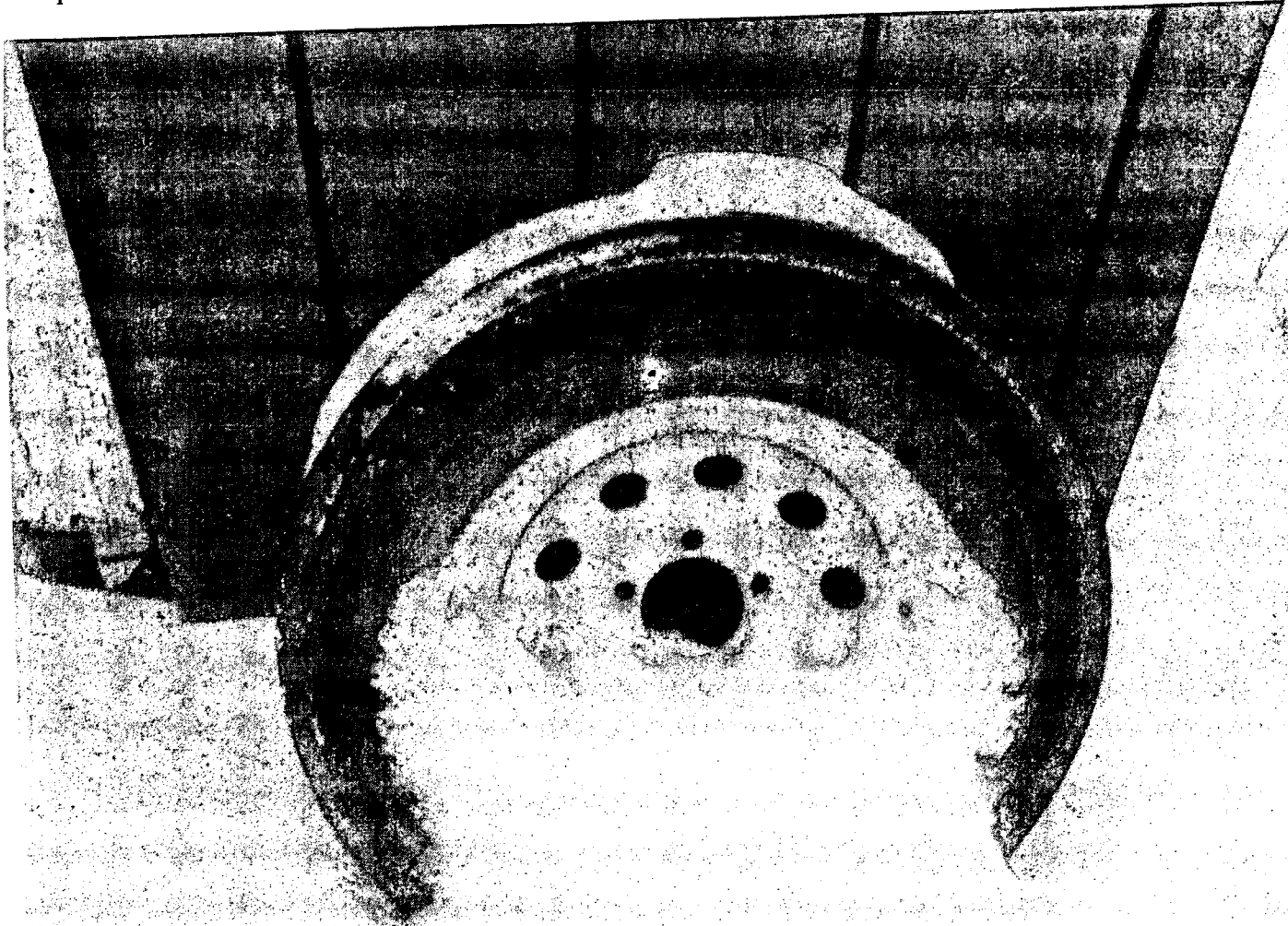
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Debris Removal - Interior
Completed: 01/25/2005



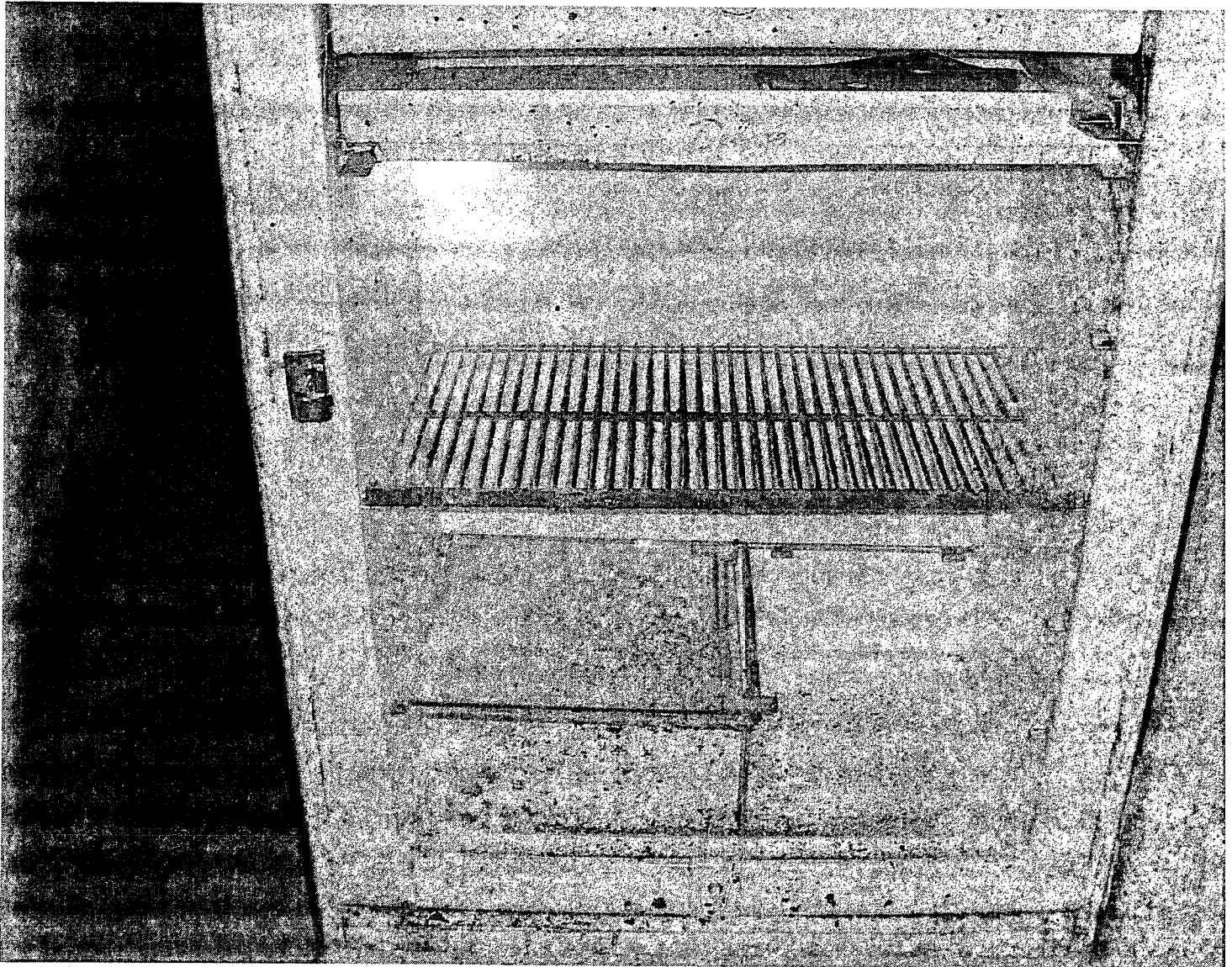
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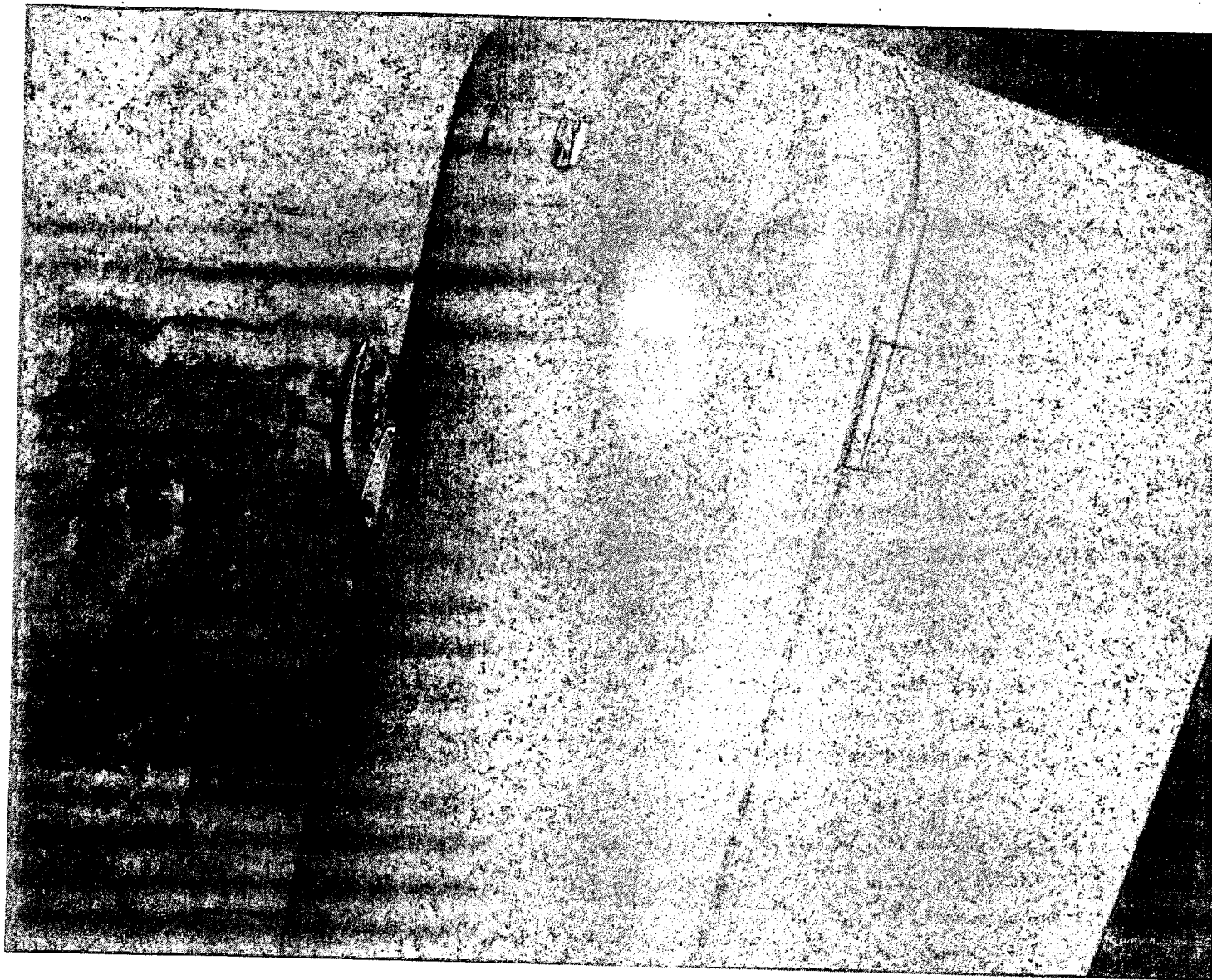
Order Number : 19695268 Loan Number : 71437100100420 38 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Hazardous Material Removal - Exterior
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 39 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Hazardous Material Removal - Interior
Completed: 01/25/2005



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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Hazardous Material Removal - Interior
Completed: 01/25/2005



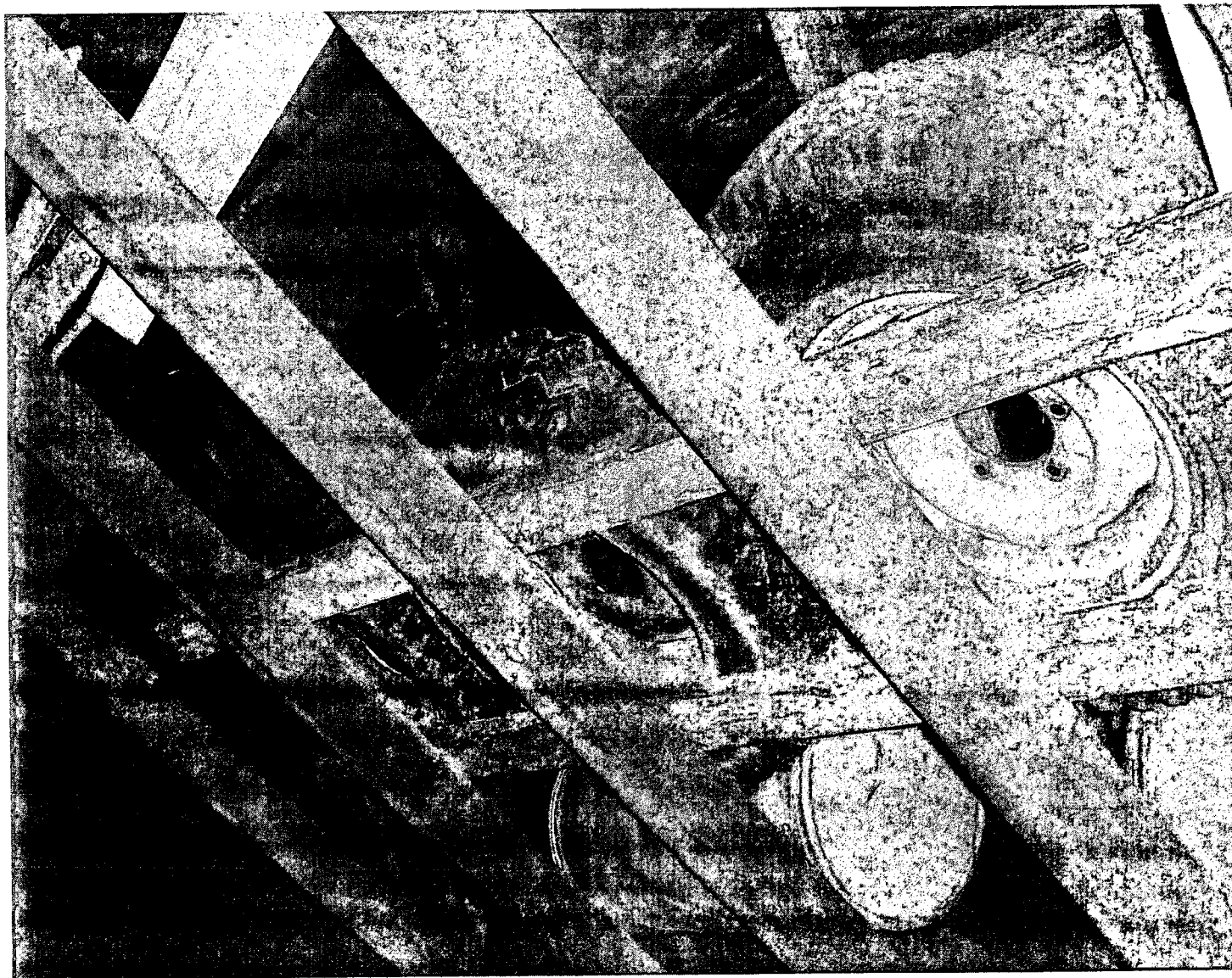
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Description: Bid Hazardous Material Removal - Interior
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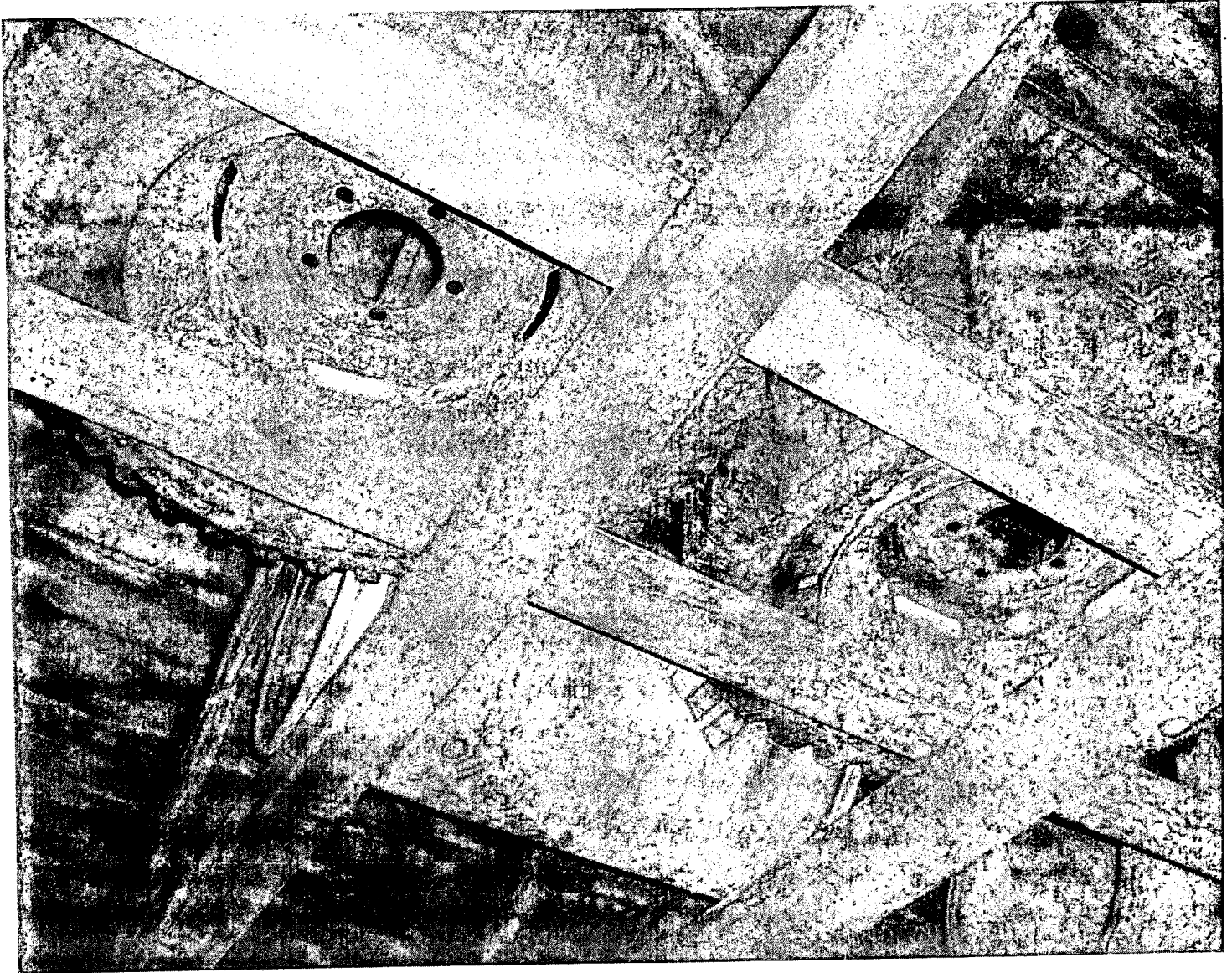
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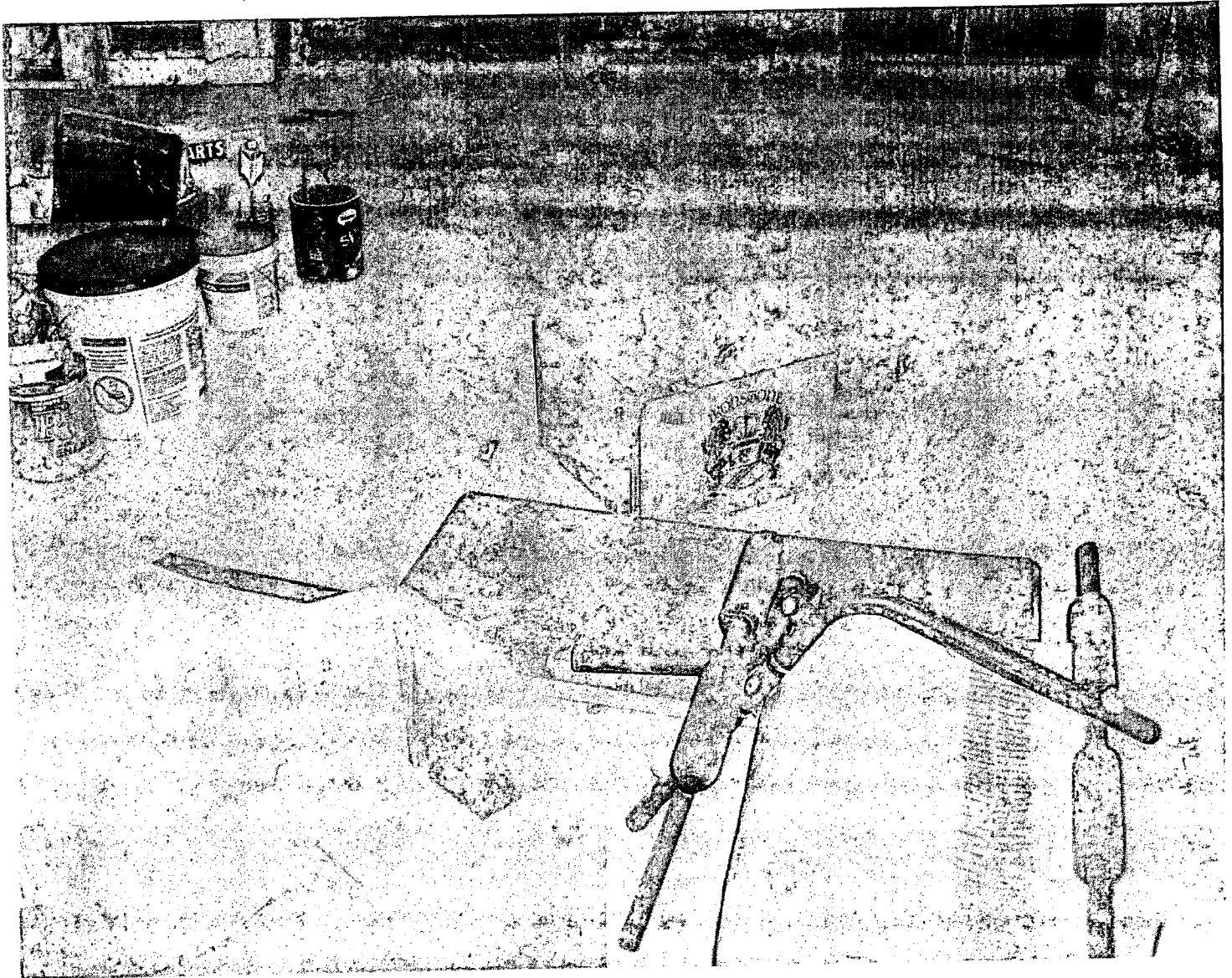
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Description: Bid Hazardous Material Removal - Interior
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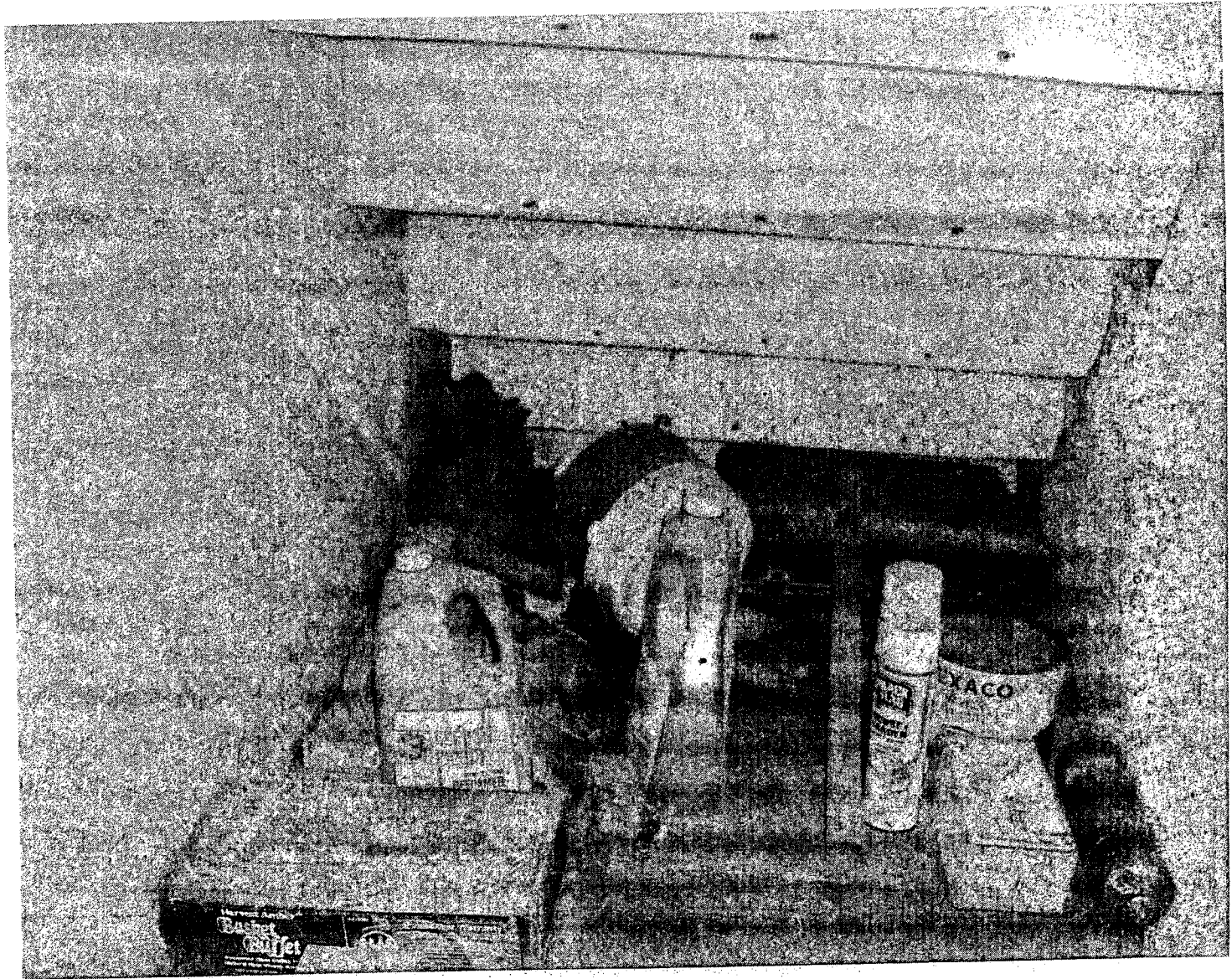
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Description: Bid Hazardous Material Removal - Interior
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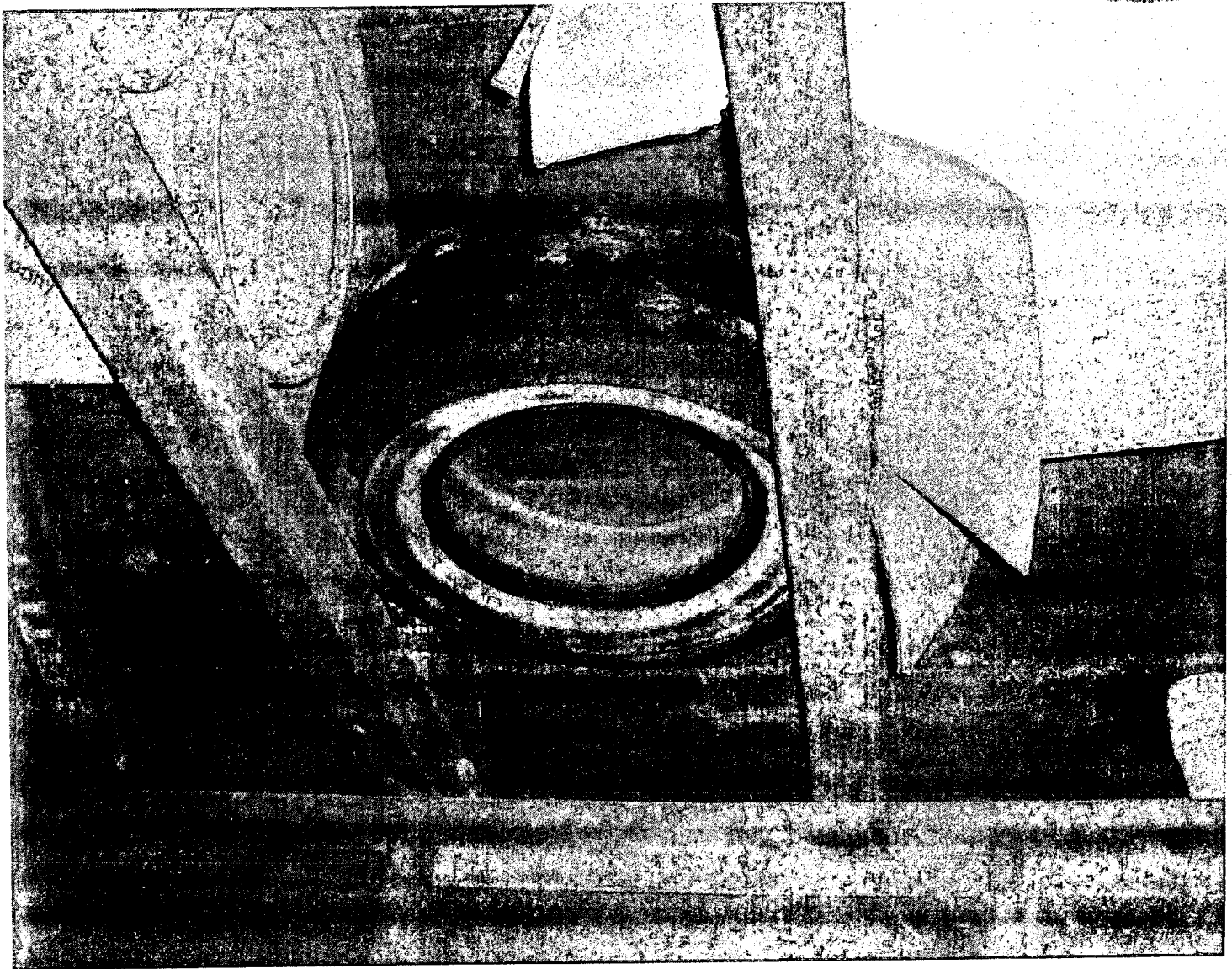
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Hazardous Material Removal - Interior
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 46 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid Hazardous Material Removal - Interior
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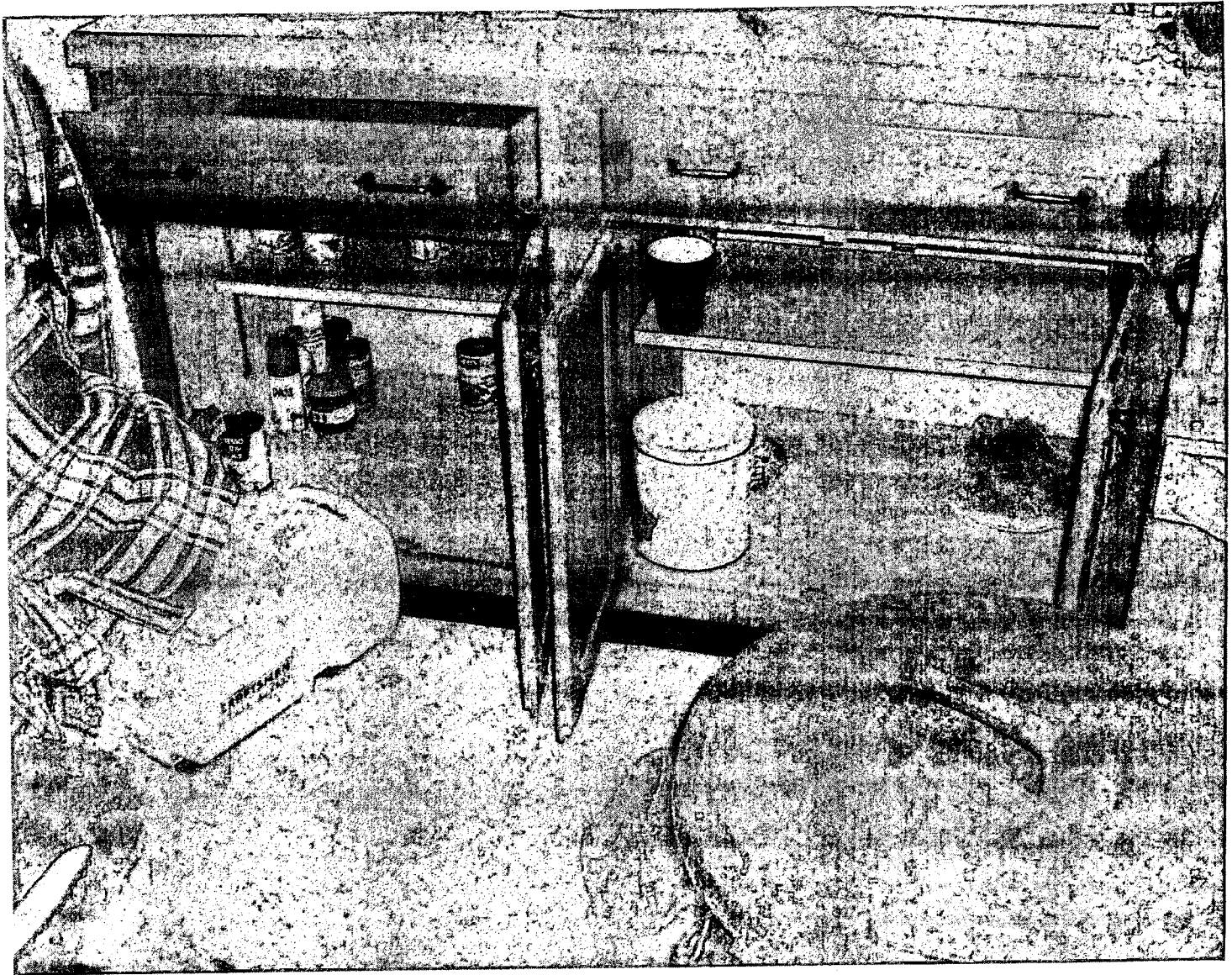
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Description: Bid Hazardous Material Removal - Interior
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 48 of 79
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Description: Bid Hazardous Material Removal - Interior
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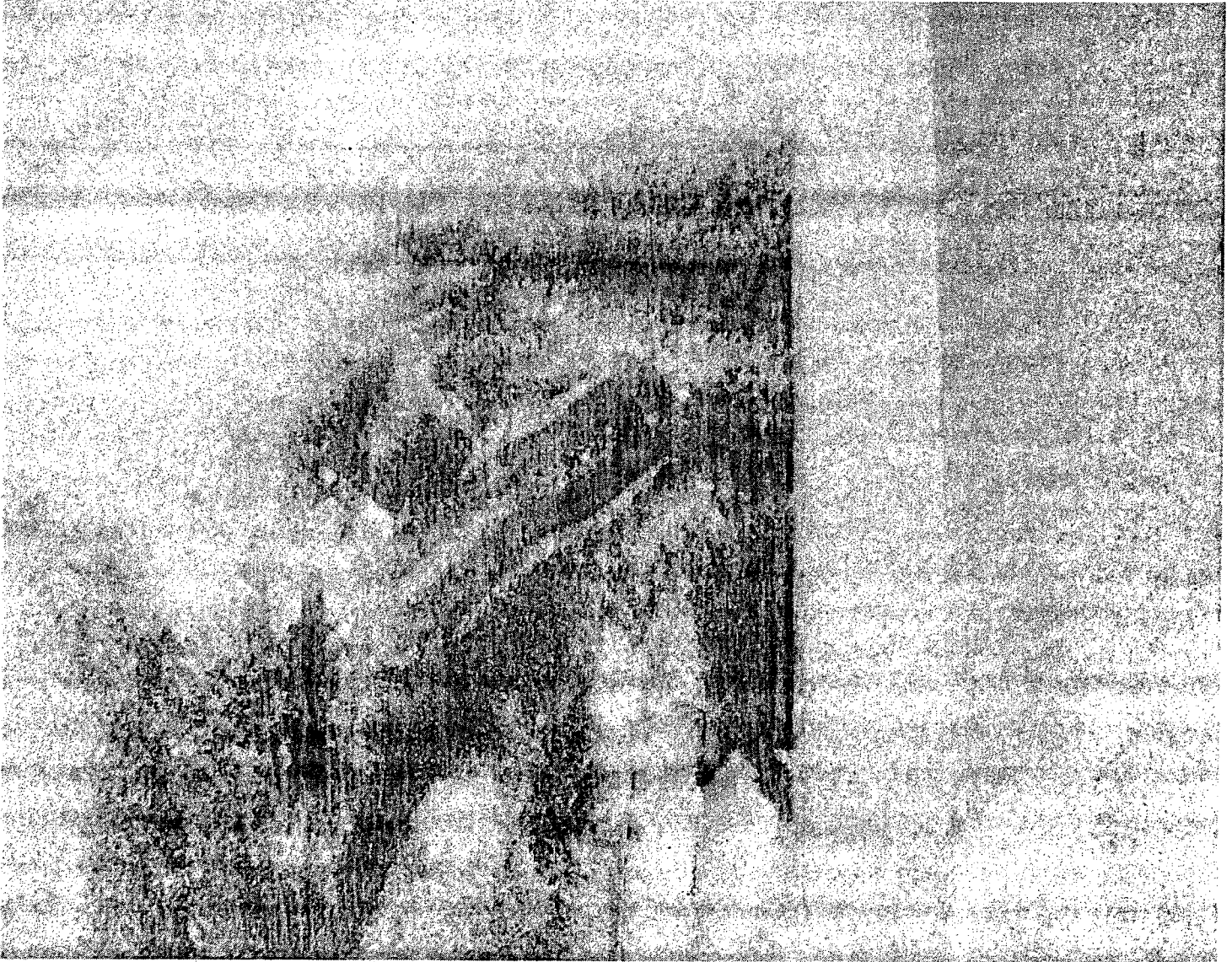
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Description: Bid Hazardous Material Removal - Interior
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 50 of 79
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Description: Bid Hazardous Material Removal - Interior
Completed: 01/25/2005



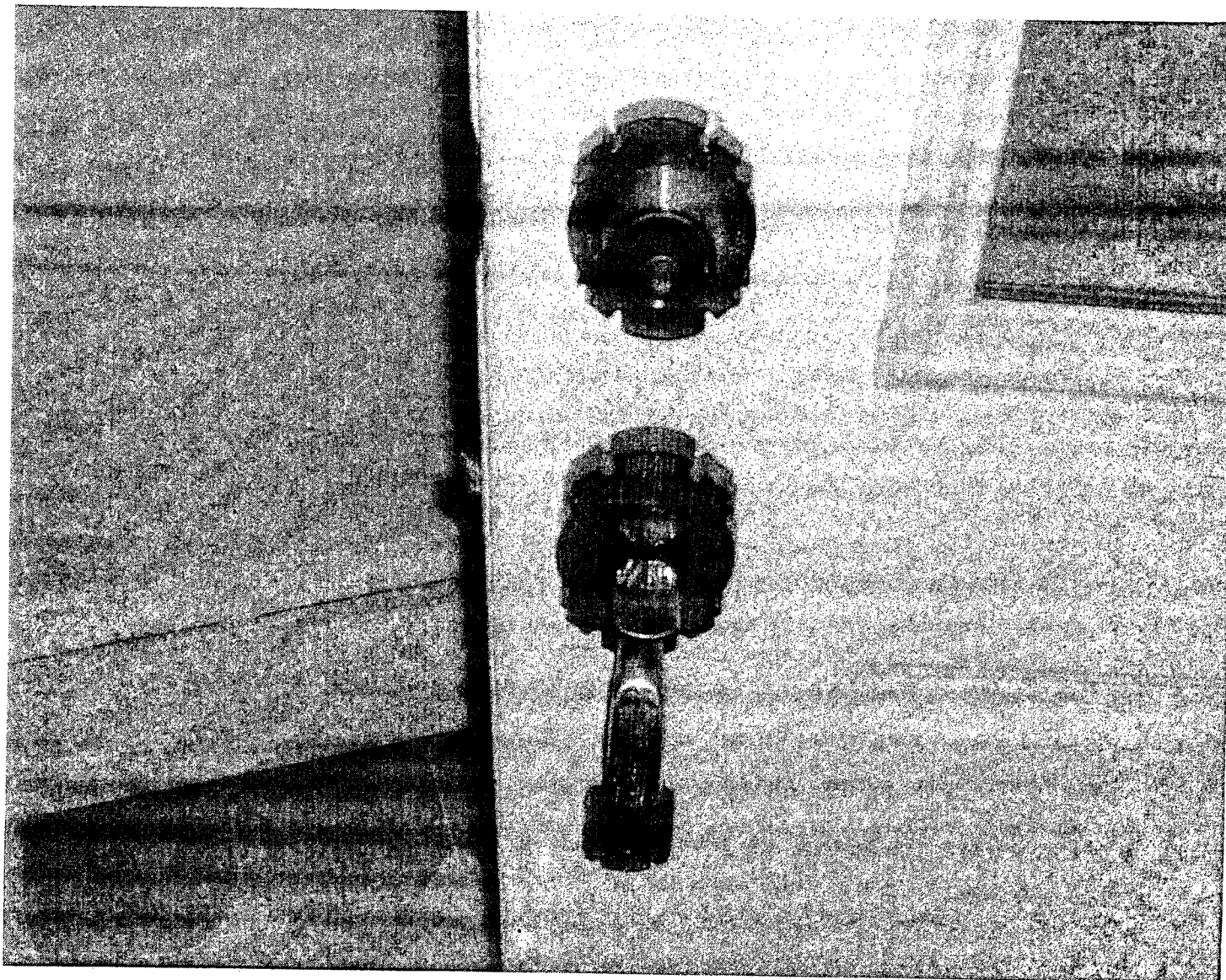
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Before Lock change - Garage/Out Buildings
Completed: 01/25/2005



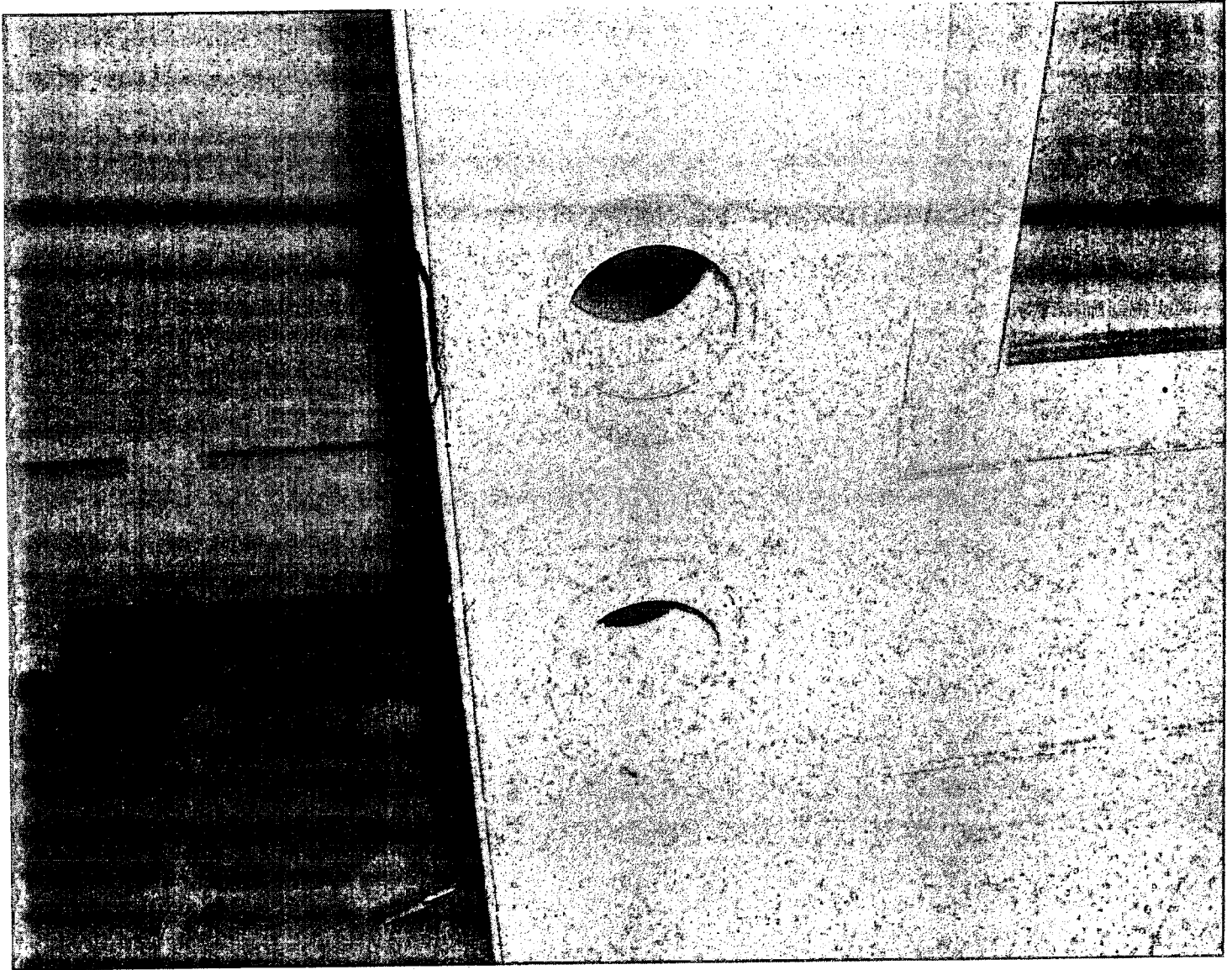
Order Number : 19695268 Loan Number : 71437100100420 54 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: After Lock change - Garage/Out Buildings
Completed: 01/25/2005



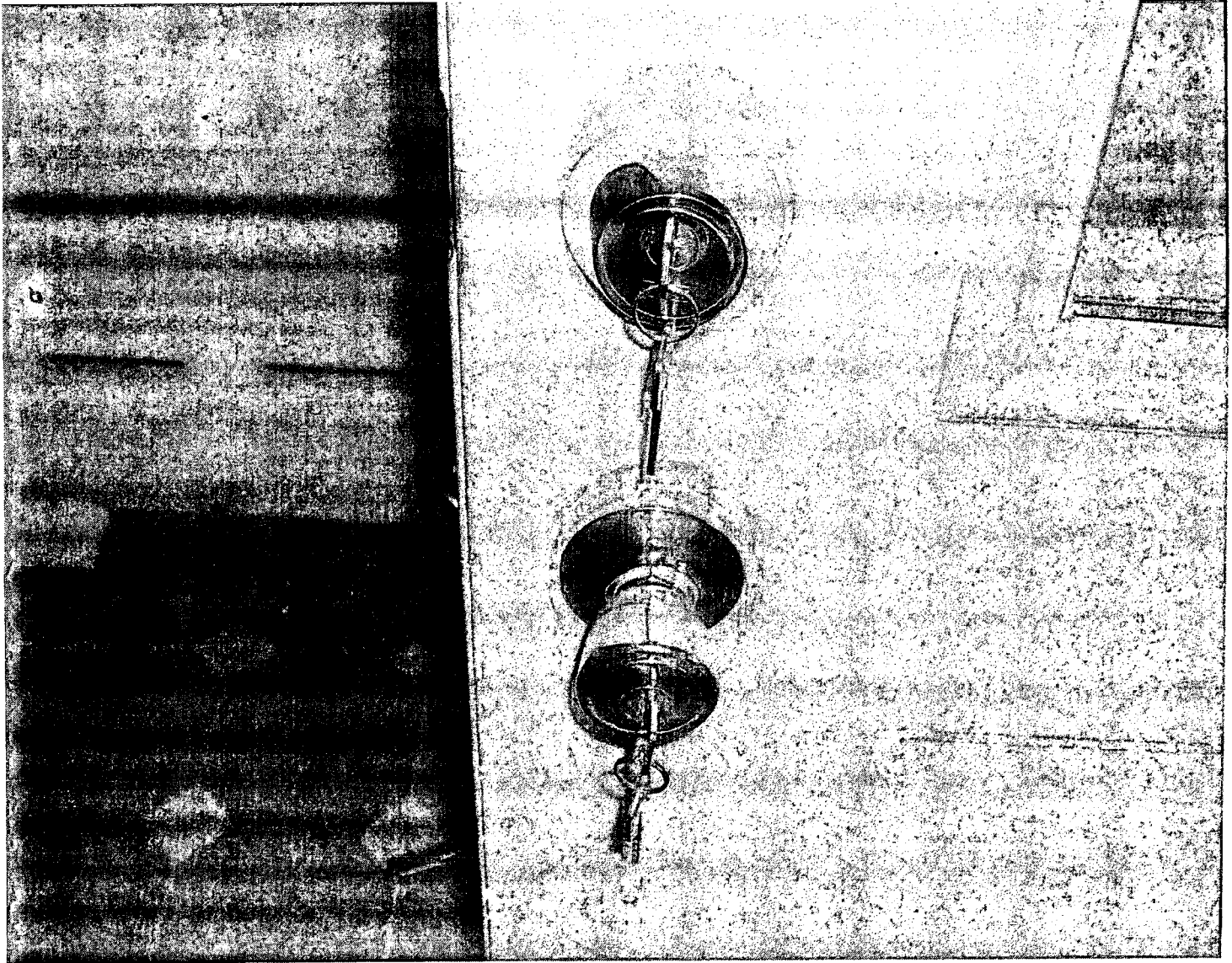
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Before Lock change - Main Door
Completed: 01/25/2005



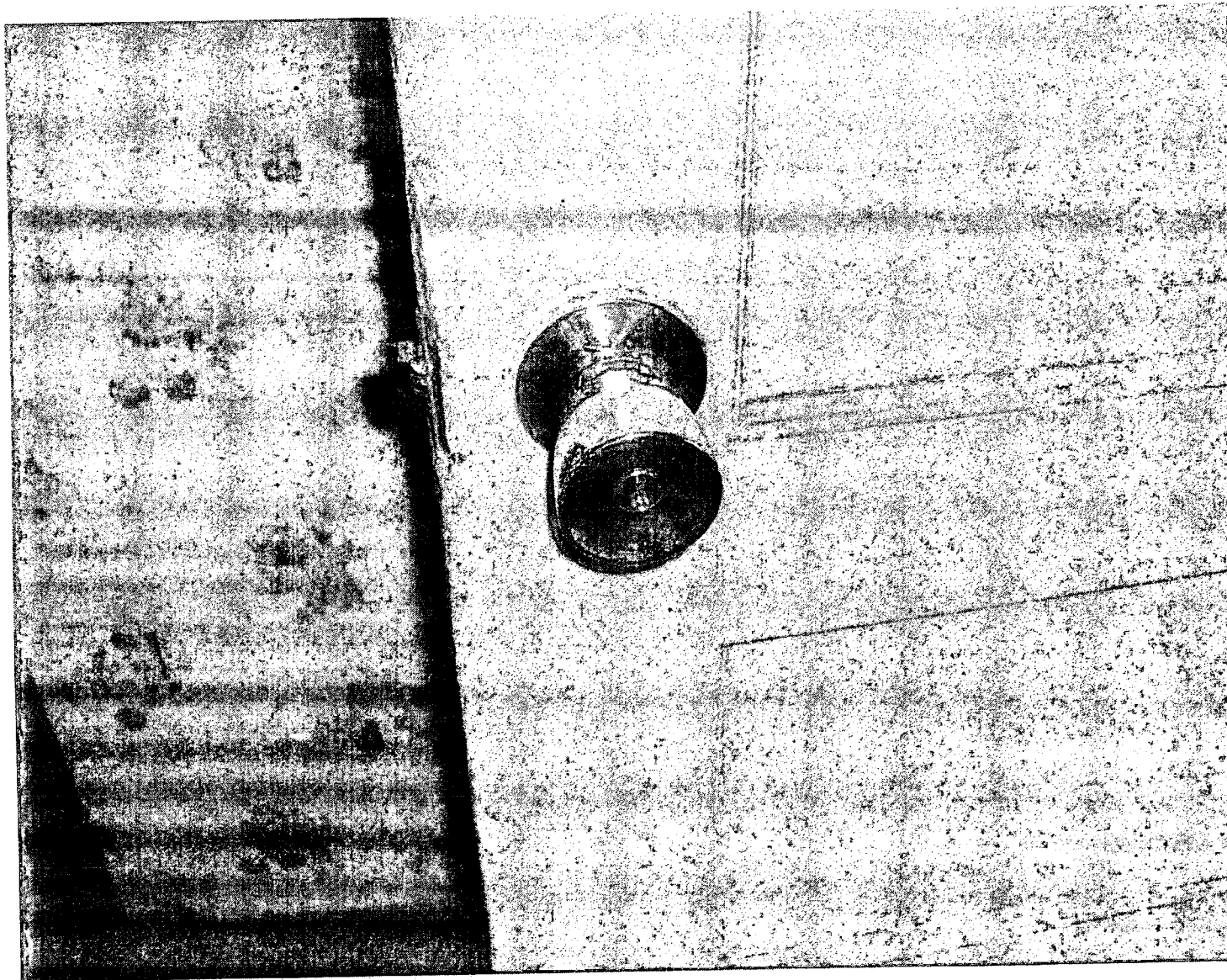
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Description: After Lock change - Main Door
Completed: 01/25/2005



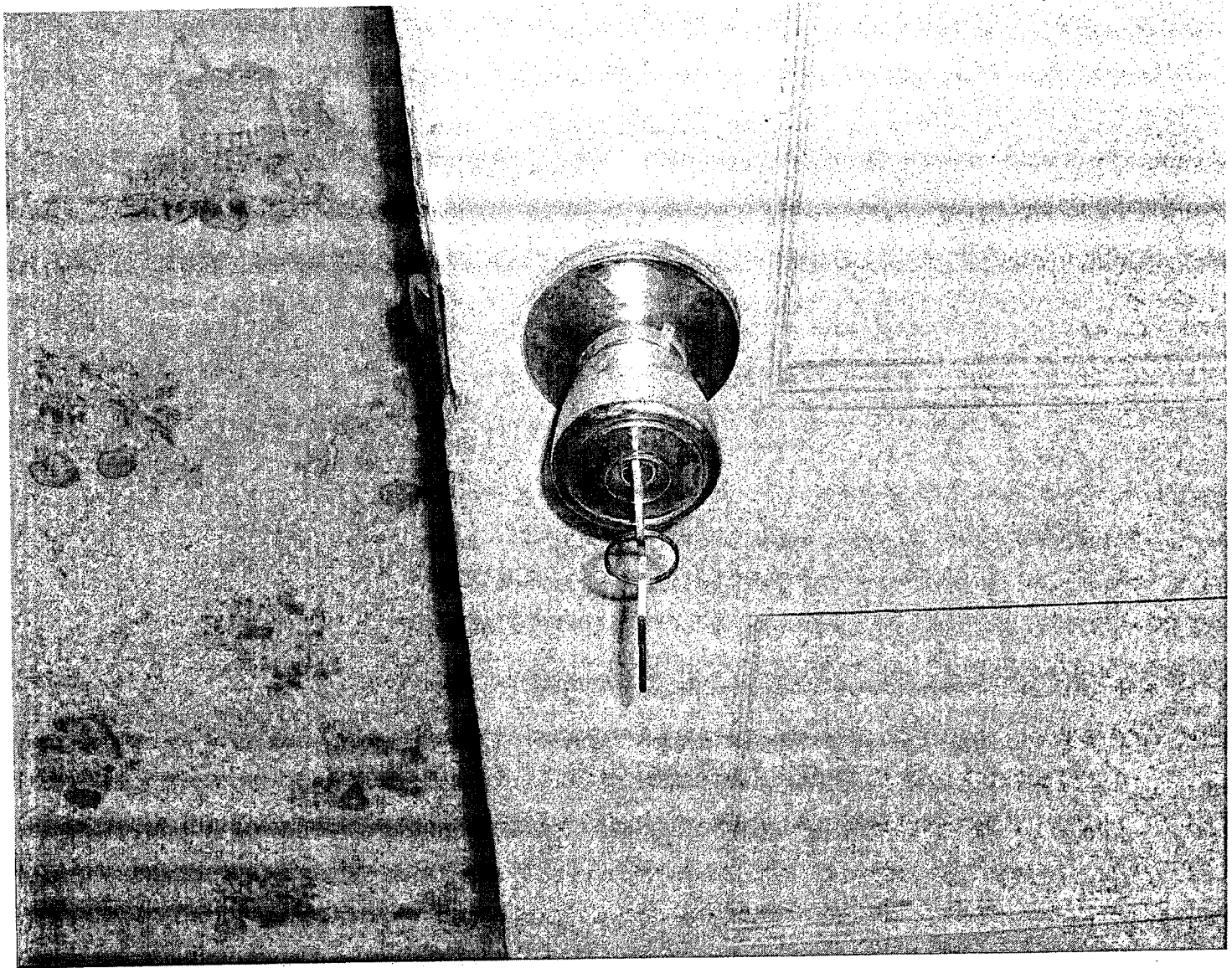
Order Number : 19695268 Loan Number : 71437100100420 57 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: After Lock change - Main Door and deadbolt
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 58 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Before Lock change - Secondary Doors
Completed: 01/25/2005



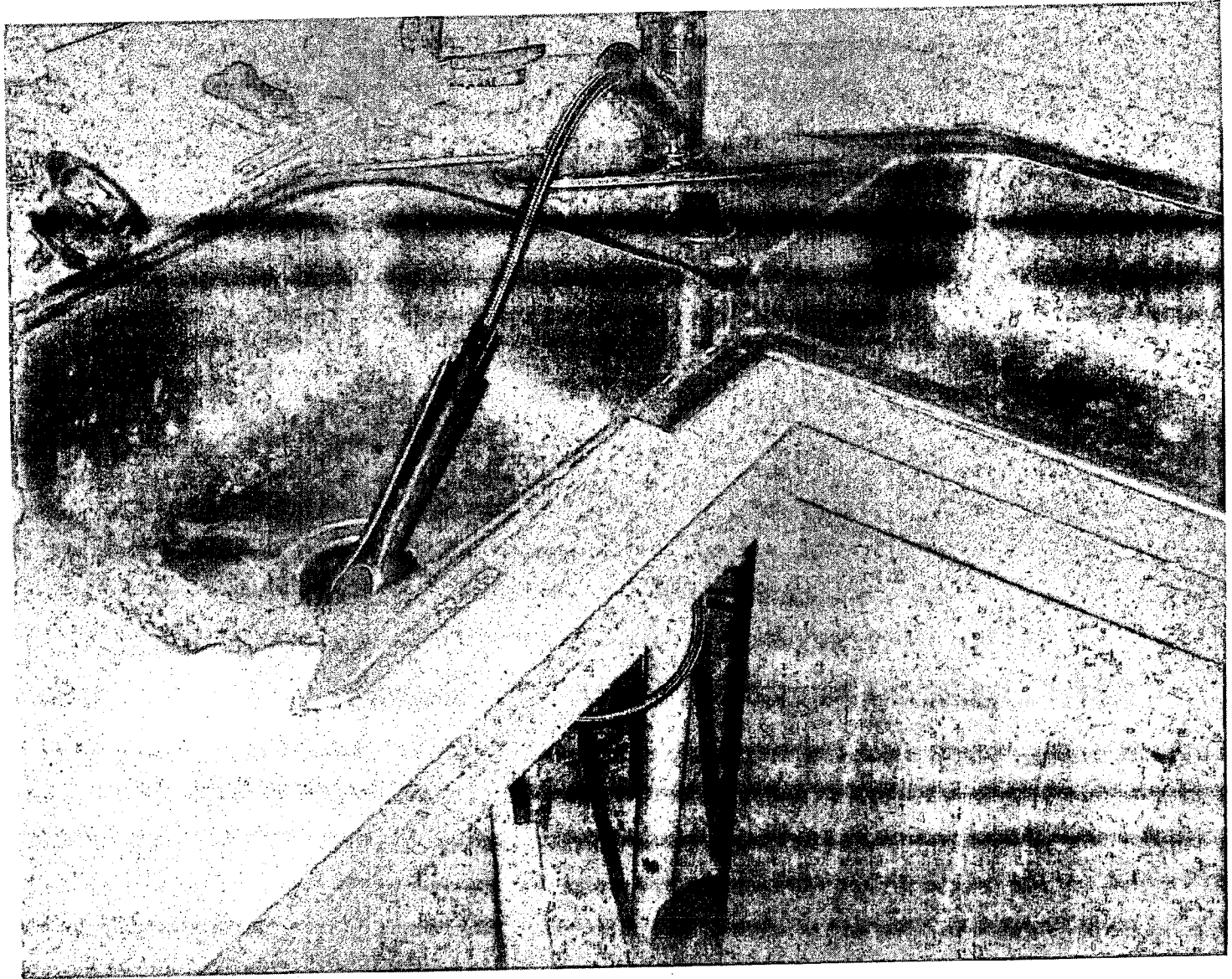
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Description: After Lock change - Secondary Doors
Completed: 01/25/2005



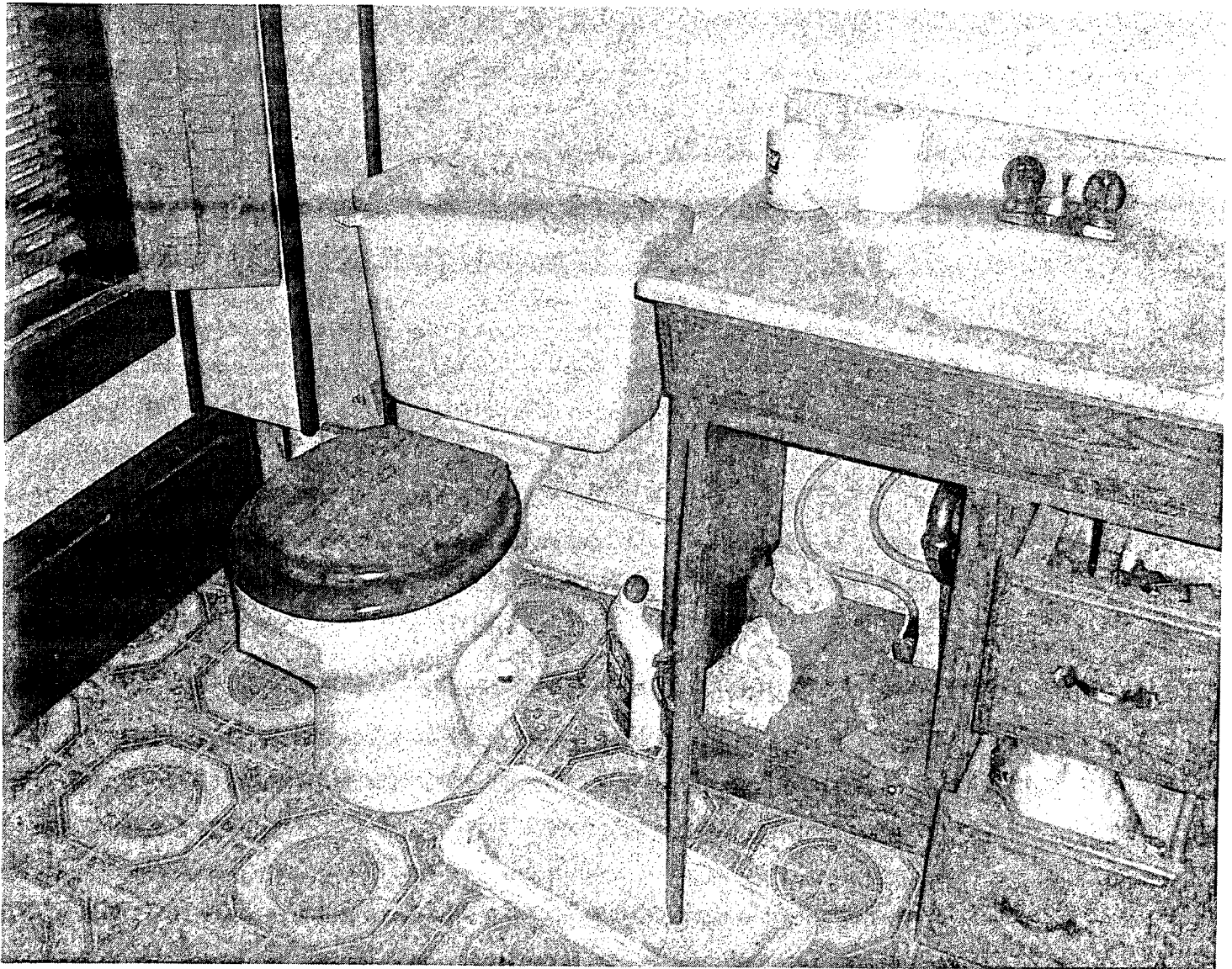
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: After Lock change - Secondary Doors
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Order Number : 19695268 Loan Number : 71437100100420 61 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 62 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



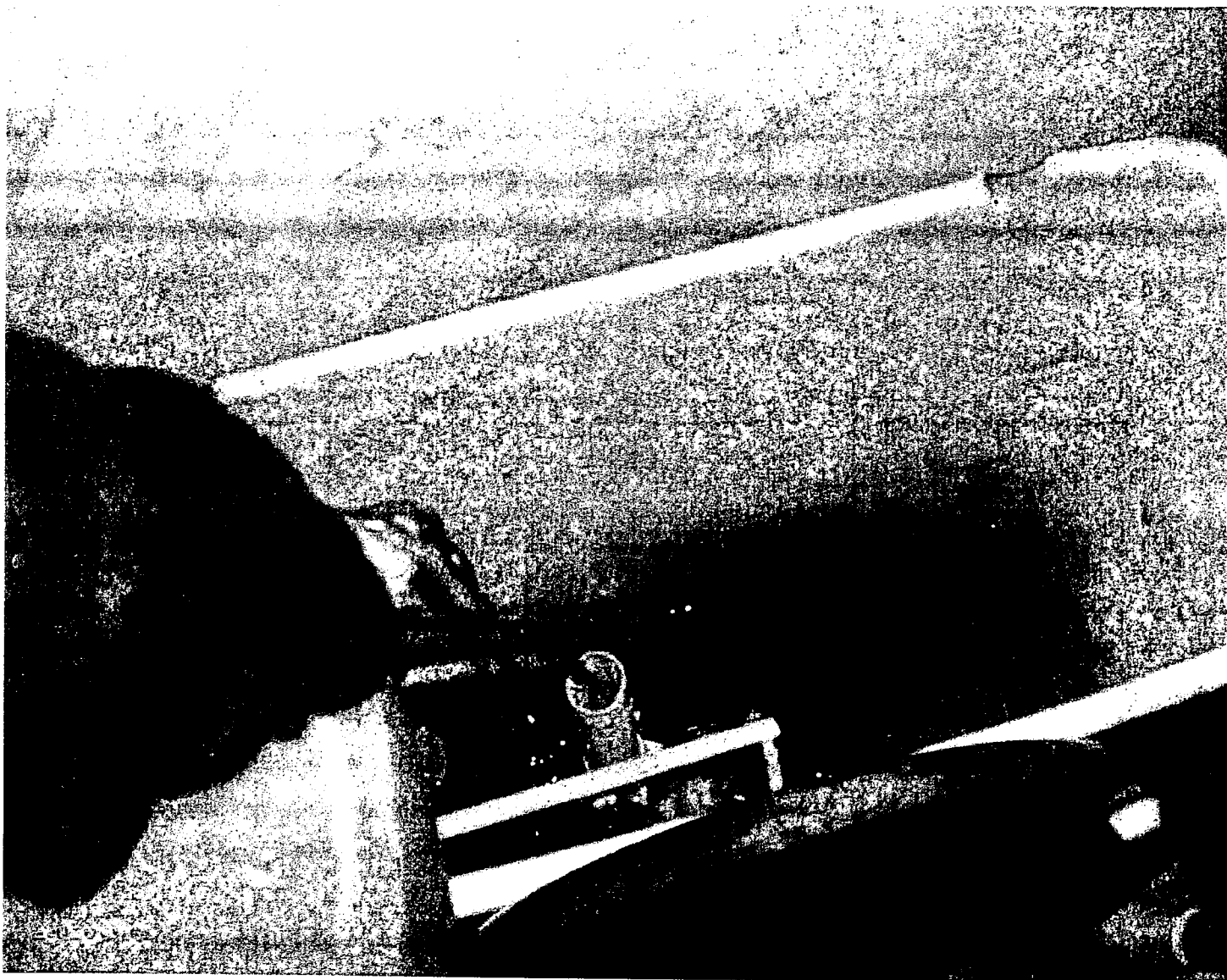
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 64 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 65 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



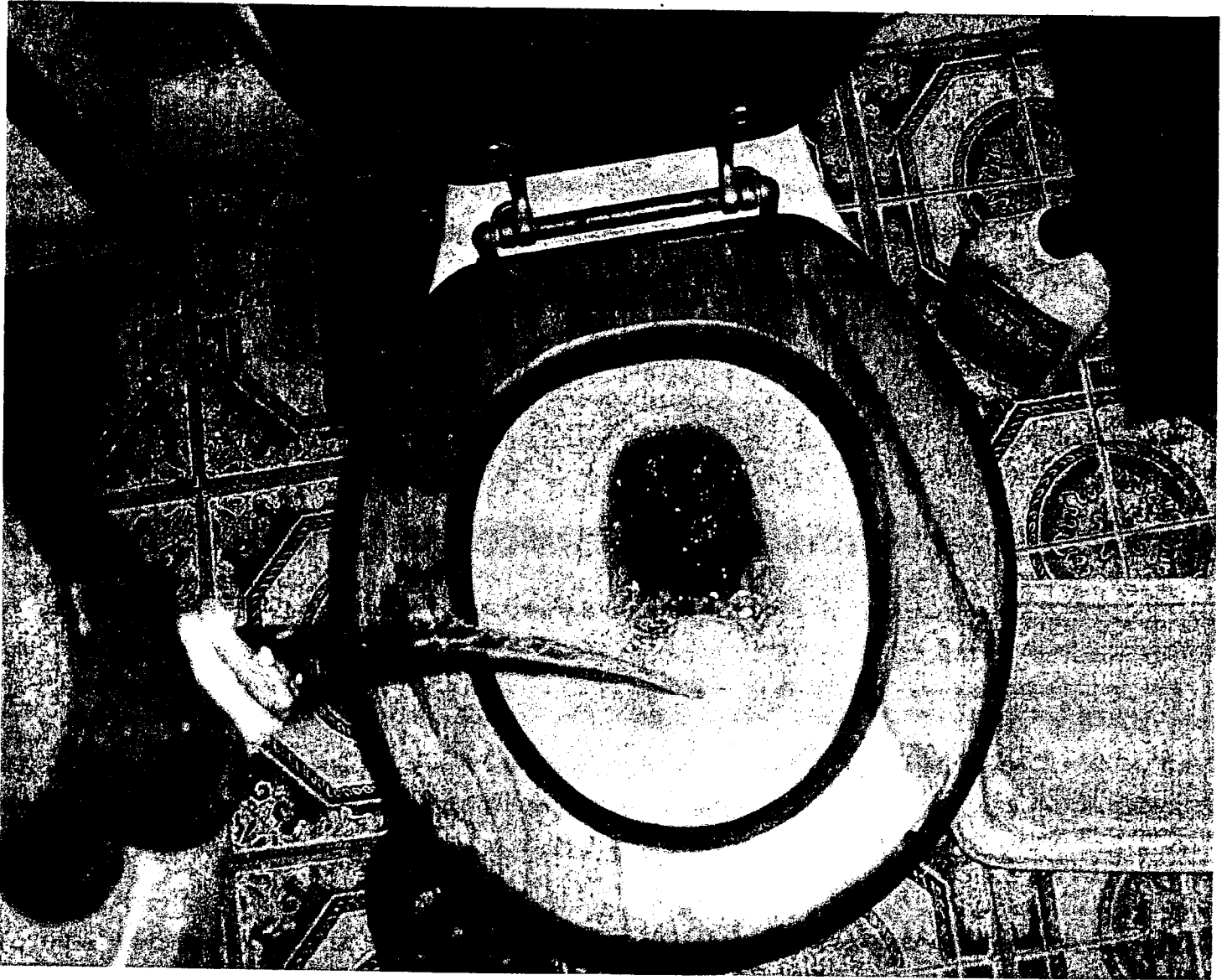
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Description: Other Winterization - Radiant
Completed: 01/25/2005



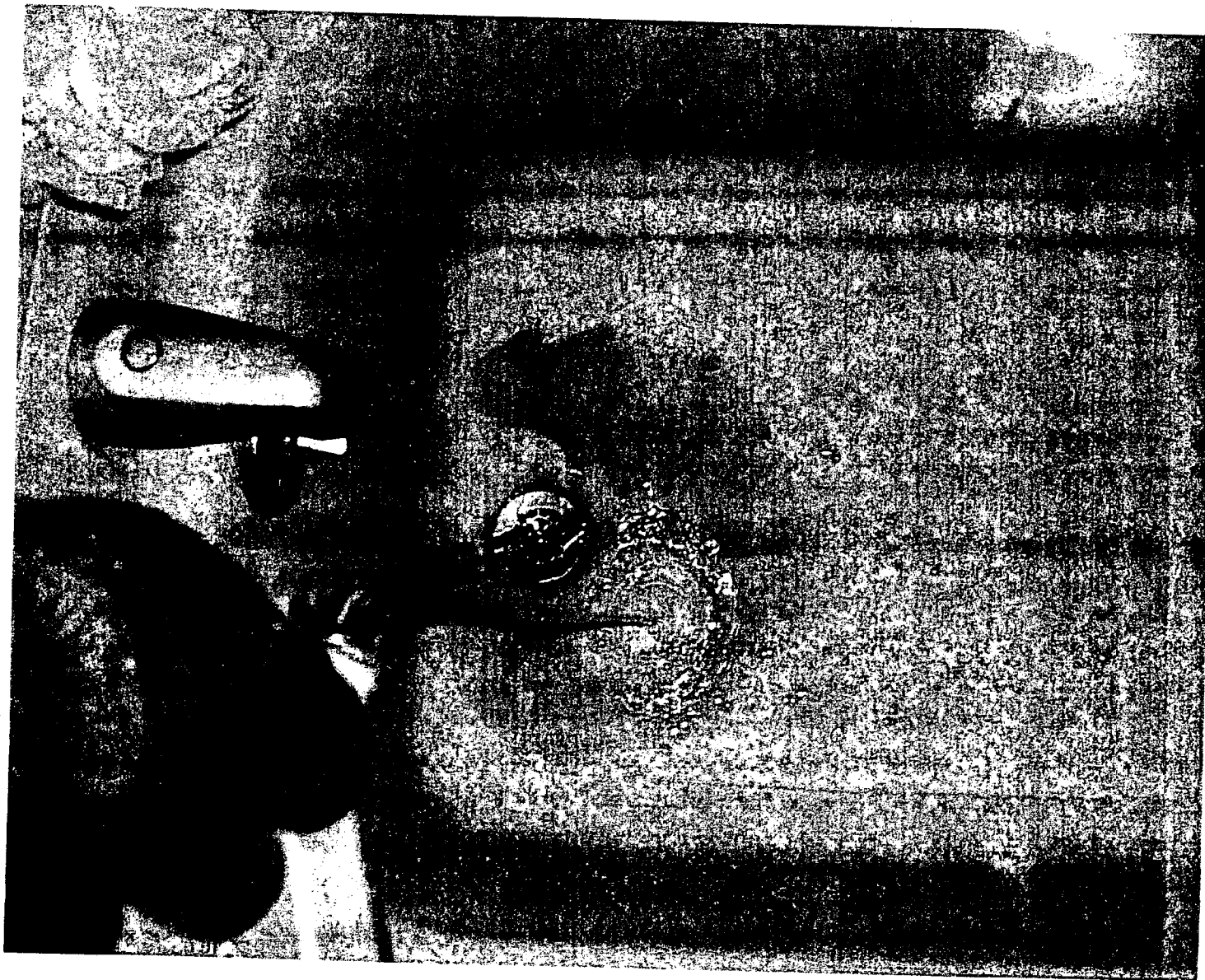
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



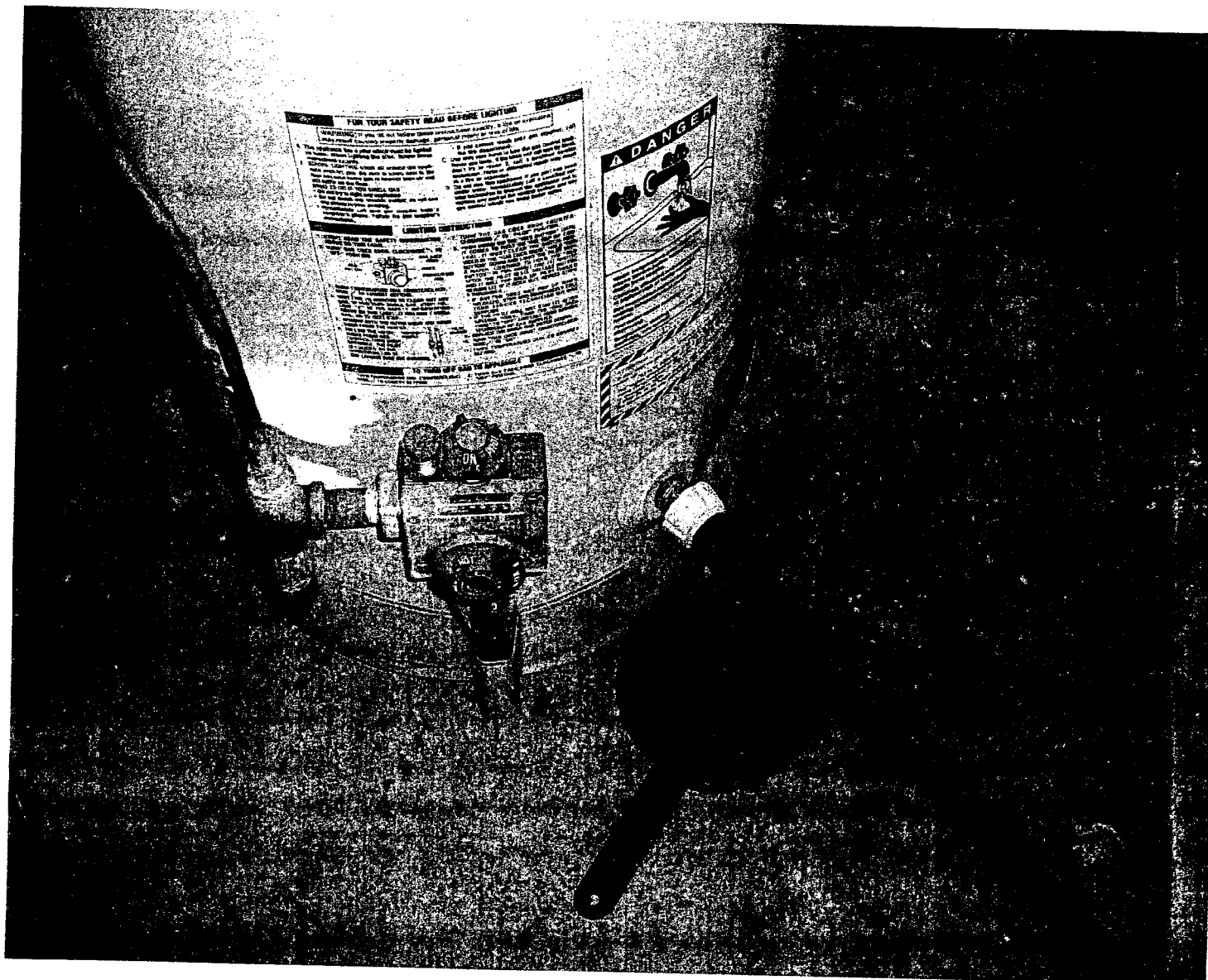
Order Number : 19695268 Loan Number : 71437100100420 68 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



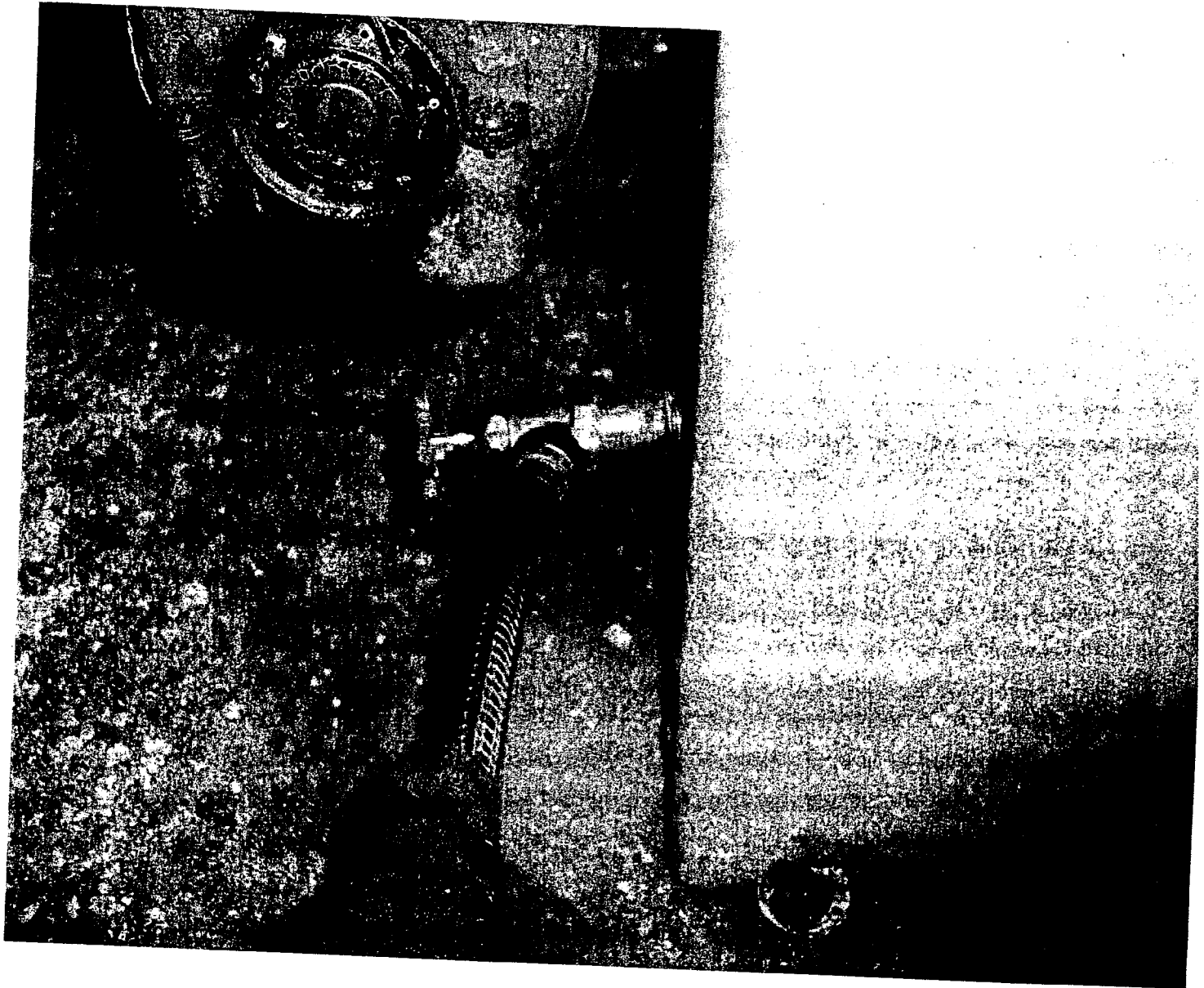
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



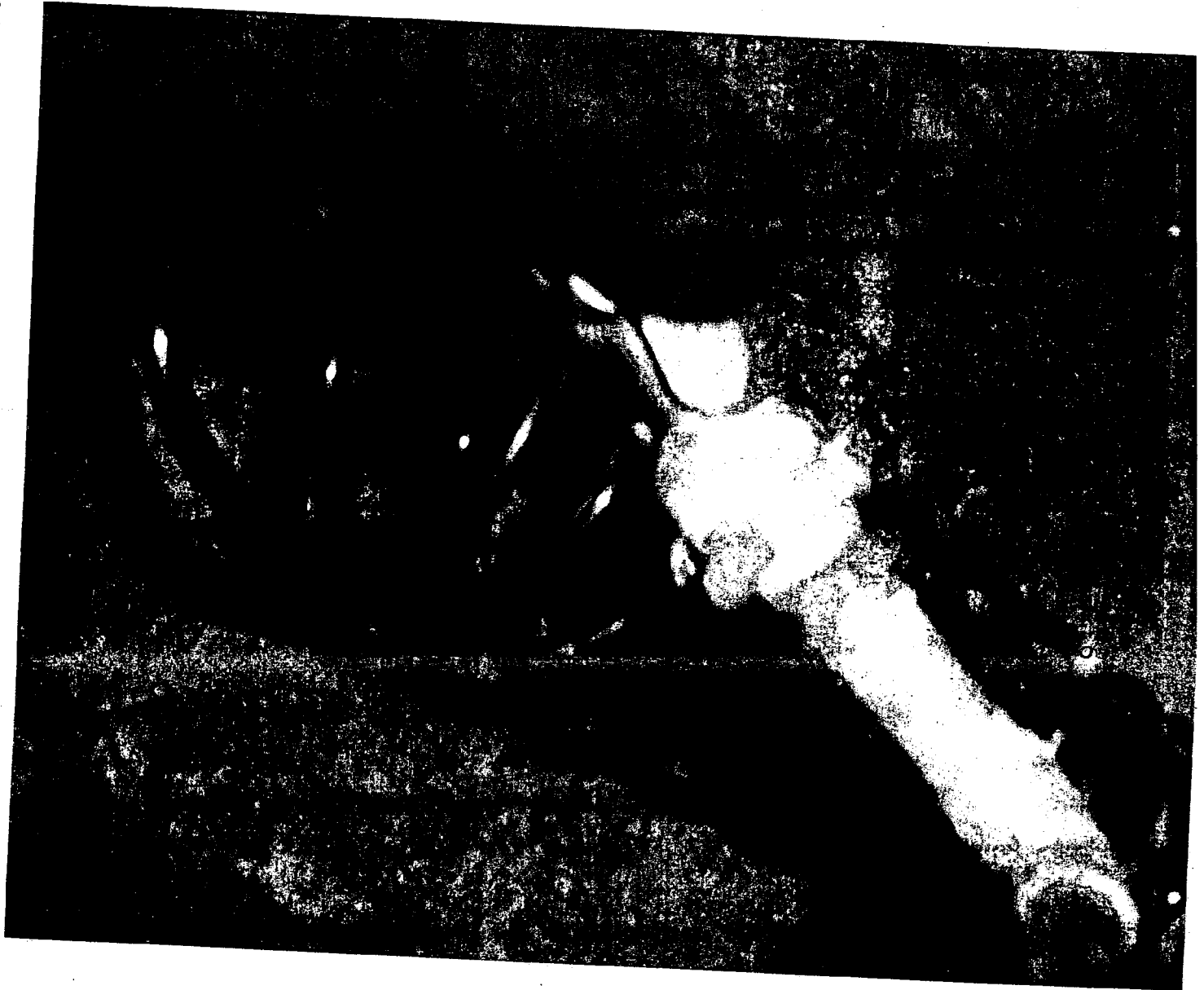
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



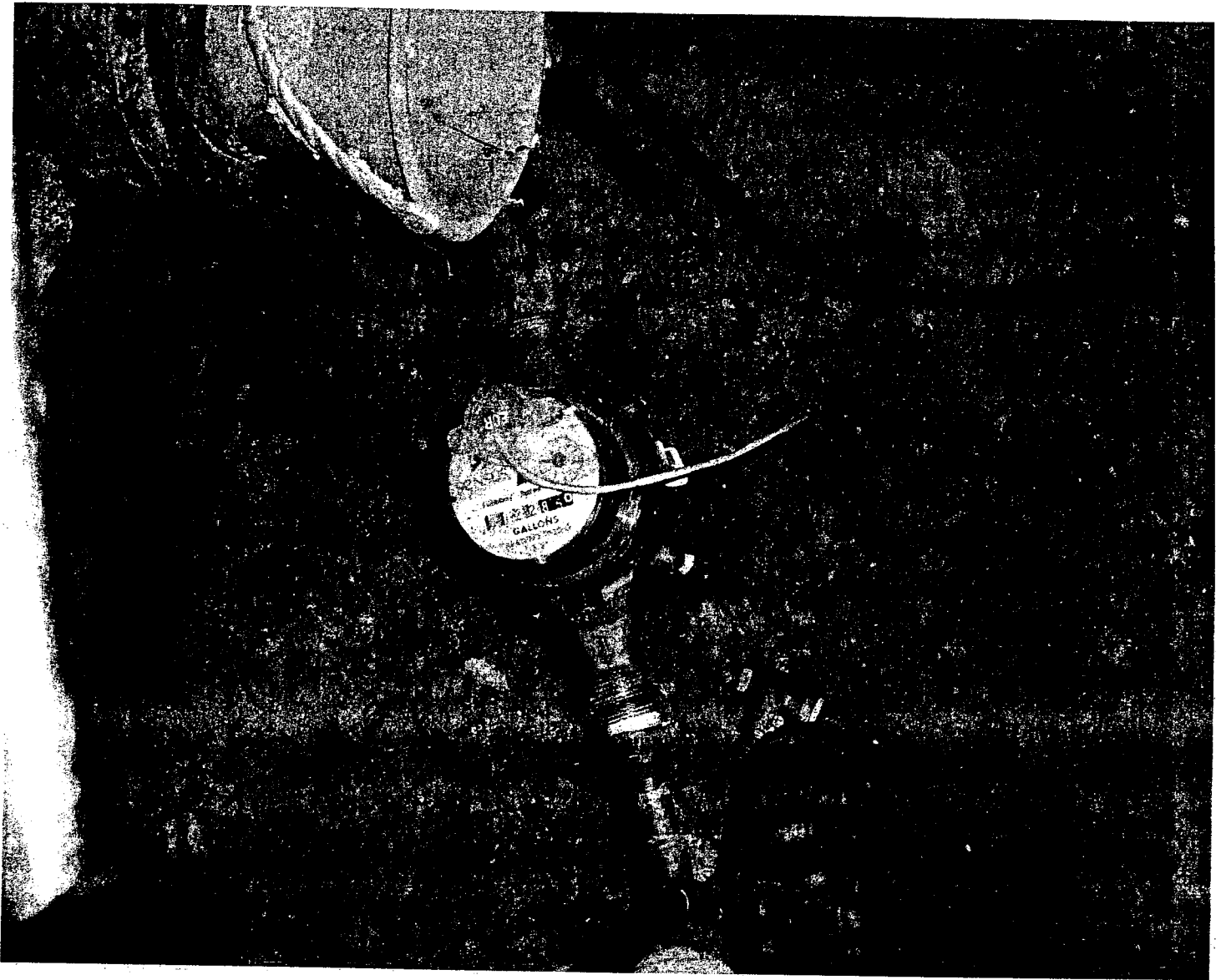
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



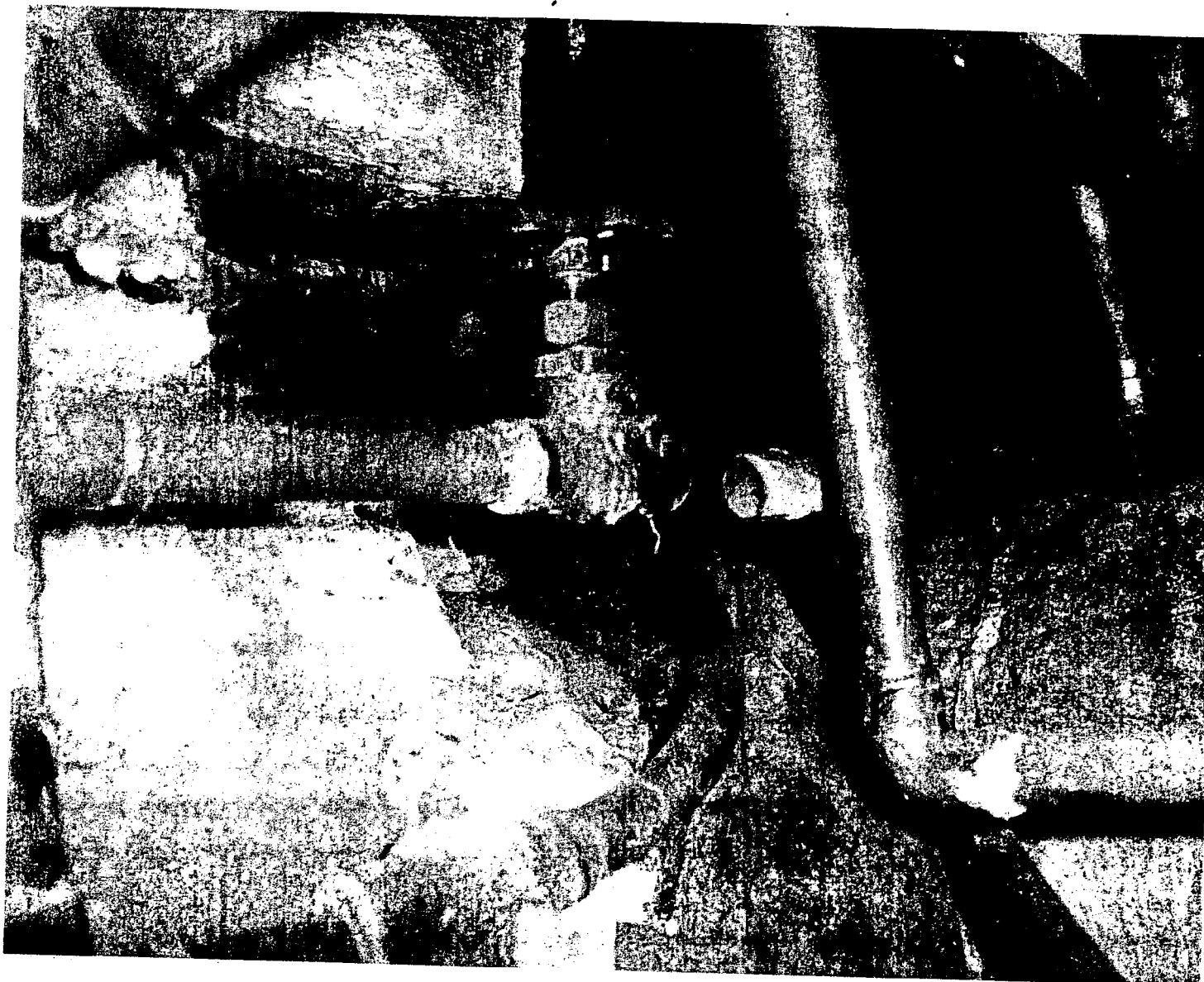
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other Winterization - Radiant
Completed: 01/25/2005



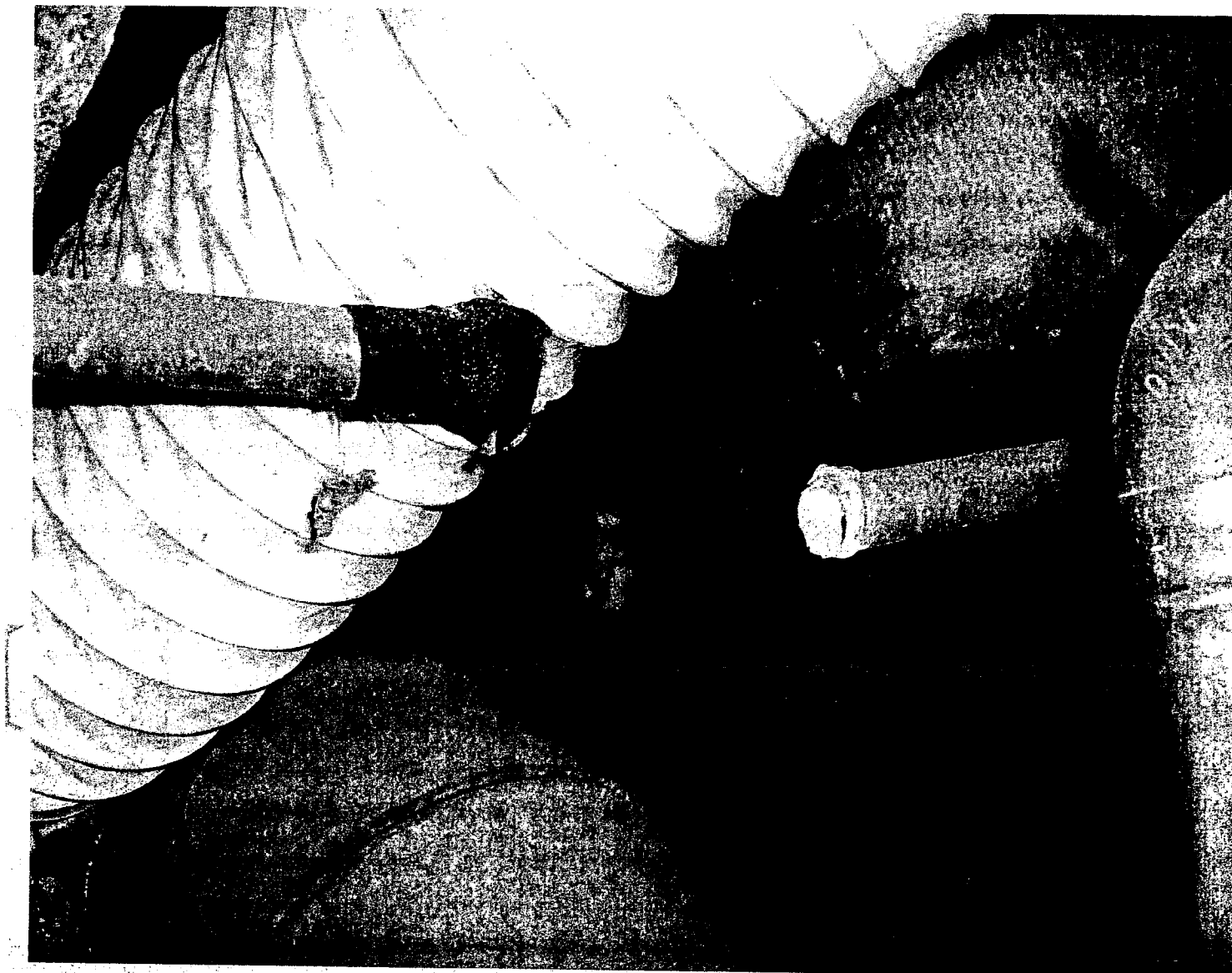
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Description: Before Winterization - Radiant
Completed: 01/25/2005



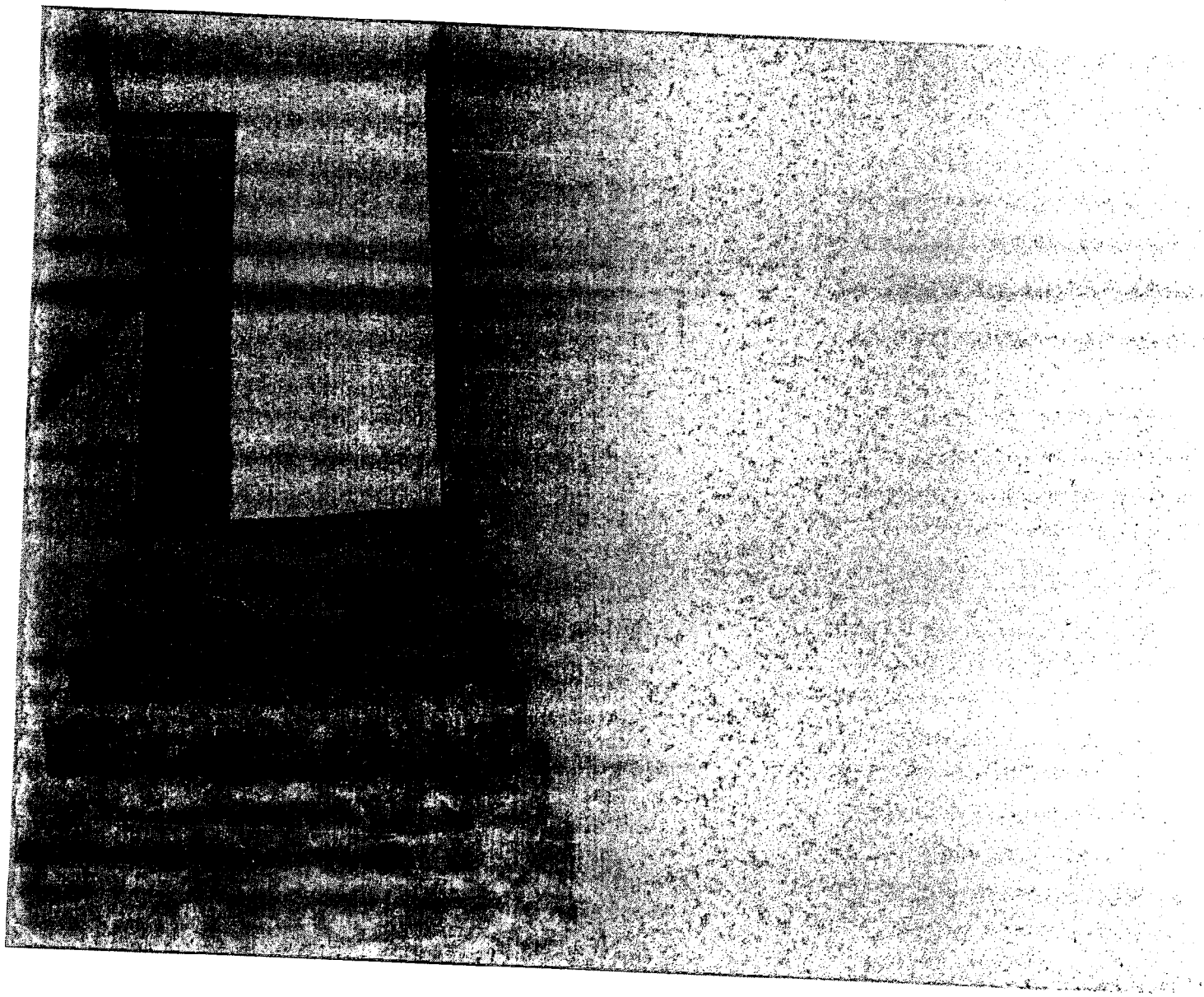
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Description: Bid freeze damage
Completed: 01/25/2005



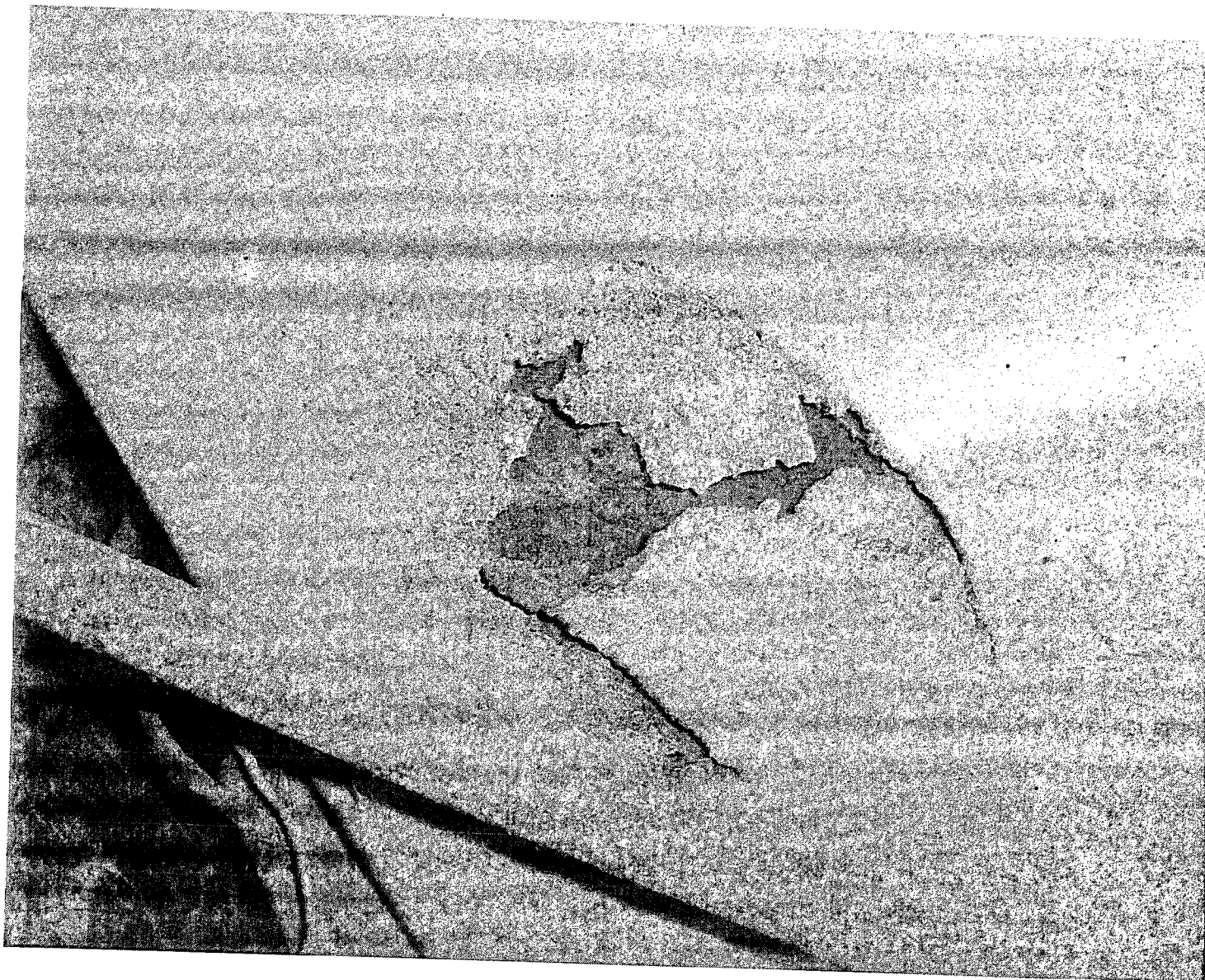
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Description: Bid freeze damage
Completed: 01/25/2005



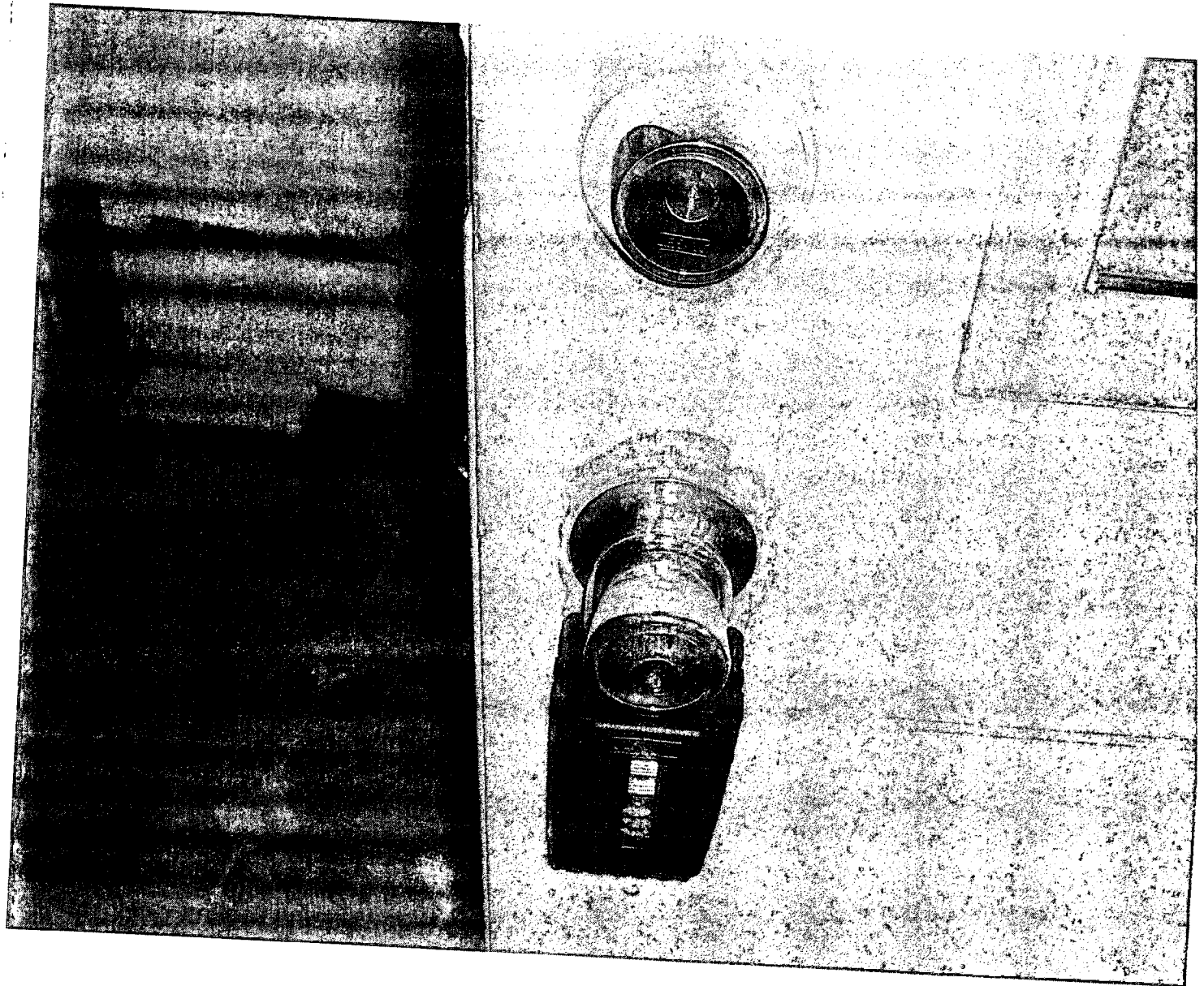
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Description: Bid handrail
Completed: 01/25/2005



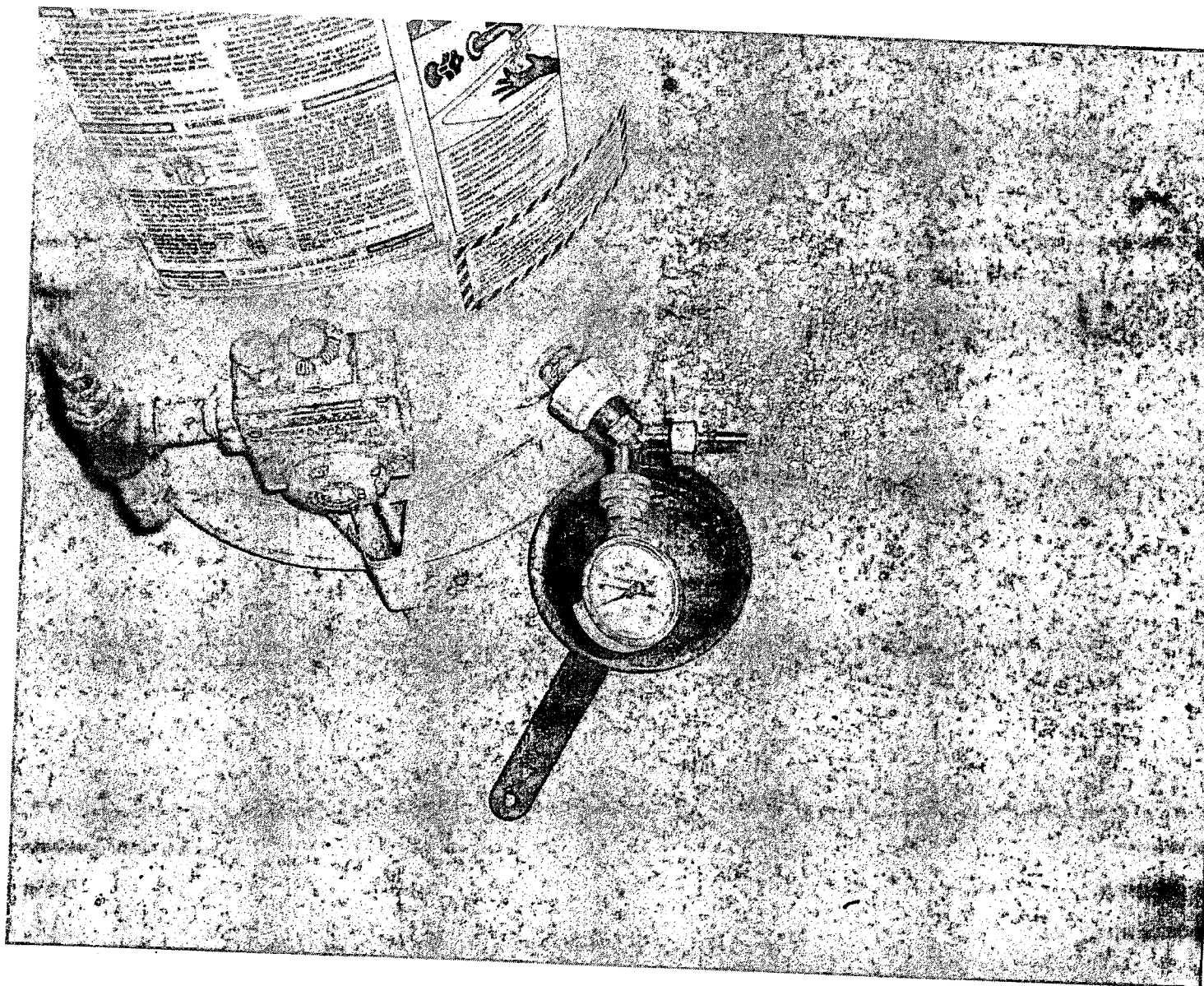
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12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Bid heater no good
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 78 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: After lockbox
Completed: 01/25/2005



Order Number : 19695268 Loan Number : 71437100100420 79 of 79
12052 BENNETTS VALLEY HIGHWAY PENFIELD, PA 15849
Description: Other presser test
Completed: 01/25/2005



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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,
Plaintiffs

v.

SAFEGUARD PROPERTIES, INC.
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE
Defendants

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Docket No. 05-882-CD

Type of Pleading:
REPLY OF SAFEGUARD PROPERTIES, INC.,
DEFENDANT TO MOTION TO COMPEL FILED
BY PLAINTIFF

Filed on Behalf of:
Defendant:
SAFEGUARD PROPERTIES, INC.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr., Esquire
PA I.D. 16332

LAW OFFICES OF
DWIGHT L. KOERBER, JR.
110 N. Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED 4cc
03:44/01 Amy Koerber
JUL 05 2008
LW

William A. Shaw
Prothonotary/Clerk of Courts

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,
Plaintiffs

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Docket No. 05-882-CD

v.

SAFEGUARD PROPERTIES, INC.
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE
Defendants

**REPLY OF SAFEGUARD PROPERTIES, INC., DEFENDANT
TO MOTION TO COMPEL FILED BY PLAINTIFF**

(1) Defendant disagrees with the characterization that has been given concerning the background of this case, as the property in question was only entered by Defendant Mark Wolfe, and not multiple Defendants.

(2) This alleged statement of fact is an allegation and it is denied that it is correct. It is admitted, however, that such allegations have been made.

(3) Admitted.

(4) Admitted.

(5) Admitted.

(6) Responses have now been filed, and as a result the said discovery requests have been addressed.

(7) Admitted.

(8) See corresponding response filed on behalf of Household Beneficial Mortgage Corporation.

(9) Admitted.


(10) No answer required.

(11) Such matters are totally improper to address through a Motion to Compel, as the issue of whether there was a joint offer, no offer or individual offers is clearly protected and inadmissible under Pa Rule E. 408 .

(12) Denied. See response to paragraph 11. Moreover, Plaintiff has absolutely no proper or legitimate basis for presuming that settlement discussions which it may have had with Defendants are proper to even allude to when communicating with the Court.

(13) Legal argument. No answer required.

Respectfully submitted,


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant: Safeguard Properties, Inc.

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,
Plaintiffs

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,
Defendants

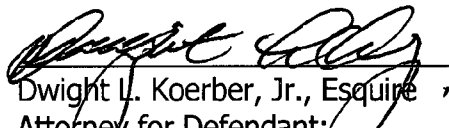
Docket No. 05-882-CD

CERTIFICATE OF SERVICE

I certify that on the 5th day of July 2006, the undersigned served a copy of the Reply of Safeguard Properties, Inc., Defendant to Motion to Compel filed by Plaintiff in the above-captioned matter. Such document was served via United States First Class Mail upon the following individuals:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Boulevard, Suite E
P. O. Box 5500
Johnstown, PA 15904


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Safeguard Properties, Inc.

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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Type of Pleading:
Reply of Defendant Household
Beneficial Mortgage Corporation
to Motion to Compel

Filed on behalf of:
Defendant:
Household Beneficial Mortgage
Corporation

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

07/31/05 4:00 PM
JUL 05 2005

4cc
Amy Koerber

William A. Shaw
Prothonotary/Clerk of Courts

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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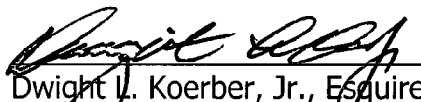
**REPLY OF DEFENDANT HOUSEHOLD BENEFICIAL
MORTGAGE CORPORATION (PROPERLY NAMED HOUSEHOLD
FINANCE CORP.) TO MOTION TO COMPEL**

COMES NOW, Defendant Household Beneficial Mortgage Corporation, by and through its attorney, Dwight L. Koerber, Jr., Esquire, and files the within Answer to Motion to Compel.

1 – 13. The Motion is now moot, inasmuch as it has filed a Reply to the Request for Production of Documents. Other allegations, narrative background and gratuitous comments are no longer germane and an answer is therefore not required.

WHEREFORE, Defendant Household Beneficial Mortgage Corporation requests that the Motion to Compel as it applies to this Defendant be denied.

Respectfully submitted,



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:

Household Beneficial Mortgage Corporation

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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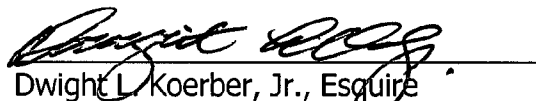
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CERTIFICATE OF SERVICE

This is to certify that on the 5th day of July 2006 the undersigned served a true and correct copy of the REPLY OF DEFENDANT HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION TO MOTION TO COMPEL in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Household Beneficial Mortgage Corporation

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

*

vs.

*

Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

*

*

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Type of Pleading:
Certificate of Service

Filed on behalf of:
Defendant:
Household Beneficial Mortgage
Corporation

Counsel of record for
this party:

Dwight L. Koerber, Jr.
PA I.D. No. 16332

110 North Second Street
P. O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED

0/1:3am YCCAHy
JUL 06 2008 Koerber
Wm

William A. Shaw
Prothonotary

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

Edward J. Levenduski and
Janice E. Levenduski,
Plaintiffs

*

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vs.

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Docket No. 05-882-CD

Safeguard Properties, Inc.,
Household Beneficial Mortgage
Corporation, and Mark Wolfe,
Defendants

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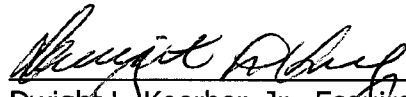
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CERTIFICATE OF SERVICE

This is to certify that on the 5th day of July 2006 the undersigned served a true and correct copy of the REPLY OF DEFENDANT HOUSEHOLD BENEFICIAL MORTGAGE CORPORATION TO THE REQUEST FOR PRODUCTION OF DOCUMENTS in the above captioned matter upon counsel for Plaintiff and upon counsel for Defendant Mark Wolfe. Such document was served and United States First Class Mail upon the following:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE, P.C.
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
P.O. Box 5500
Johnstown, PA 15904



Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Household Beneficial Mortgage Corporation

FILED

JUL 06 2006

William A. Shaw
Prothonotary

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

EDWARD J. LEVENDUSKI, and
JANICE E. LEVENDUSKI,
Plaintiffs

v.

SAFEGUARD PROPERTIES, INC.
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE
Defendants

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Docket No. 05-882-CD

Type of Pleading:
CERTIFICATE OF SERVICE

Filed on Behalf of:
Defendant:
SAFEGUARD PROPERTIES, INC.

Counsel of Record for
This Party:

Dwight L. Koerber, Jr., Esquire
PA I.D. 16332

LAW OFFICES OF
DWIGHT L. KOERBER, JR.
110 N. Second Street
P.O. Box 1320
Clearfield, PA 16830
(814) 765-9611

FILED
0/1:30cm 4cc
JUL 06 2006 Koerber
LW

William A. Shaw
Prothonotary

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,
Plaintiffs

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,
Defendants

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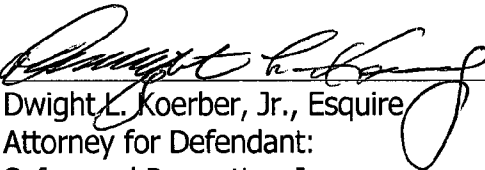
Docket No. 05-882-CD

CERTIFICATE OF SERVICE

I certify that on the 5th day of July 2006, the undersigned served a copy of the
ANSWER OF SAFEGUARD PROPERTIES, INC. TO PLAINTIFFS' FIRST SET OF DISCOVERY
REQUESTS TO ALL DEFENDANTS in the above-captioned matter. Such document was
served via United States First Class Mail upon the following individuals:

Theron G. Noble, Esquire
FERRARACCIO & NOBLE
301 East Pine Street
Clearfield, PA 16830

Dennis J. Stofko, Esquire
969 Eisenhower Boulevard, Suite E
P. O. Box 5500
Johnstown, PA 15904


Dwight L. Koerber, Jr., Esquire
Attorney for Defendant:
Safeguard Properties, Inc.

FILED

JUL 06 2006

William A. Shaw
Prothonotary

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

PRAECIPE TO DISCONTINUE

To: William A. Shaw, Clearfield County Prothonotary

Date: August 9, 2006

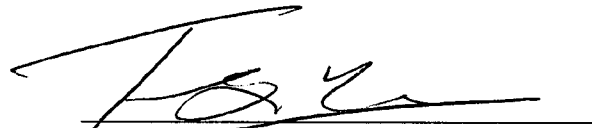
FILED

m/11:45am NoCC
AUG 11 2006 ICit of disc
issued to Attys.

Noble
Stofko
William A. Shaw
Prothonotary
Copy to C/A

As to Defendant Mark Wolfe, please mark the above referenced case settled, ended
and forever discontinued, with prejudice.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiffs
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

STOFKO LAW OFFICES

DENNIS J. STOFKO
ANDREW L. HORVATH

969 EISENHOWER BOULEVARD, SUITE E
P.O. BOX 5500
JOHNSTOWN, PENNSYLVANIA 15904

TELEPHONE 814-262-0064 or 814-262-7341
FAX 814-262-0905
E-MAIL stofkoesq@stofkolaw.com

August 10, 2006

William Shaw, Prothonotary
Clearfield County Courthouse
1 North Second Street
Clearfield, Pennsylvania 16830

Re: Levenduski vs. Safeguard, et al
No. 05-882 CD

Dear Mr. Shaw:

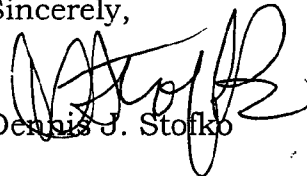
I herewith enclose a Praecipe for Discontinuance for filing regarding the above captioned matter.

Please forward a certified discontinuance. I have enclosed a self-addressed stamped envelope for your convenience.

Thank you for your attention to this matter.

Should you have any questions, please feel free to contact me.

Sincerely,



Dennis J. Stofko

DJS/lss
Enclosures

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Edward J. Levenduski
Janice E. Levenduski

Vs.

No. 2005-00882-CD

Safeguard Properties, Inc.
Household Beneficial Mortgage Corporation
Mark Wolfe

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 11, 2006, marked:

Settled, ended and forever discontinued, with prejudice, as to MARK WOLFE, only

Record costs in the sum of \$85.00 have been paid in full by Theron G. Noble Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 11th day of August A.D. 2006.



William A. Shaw, Prothonotary

COPY

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

FILED 4CR & Disc.
013:45/61 Amy Koesber
AUG 21 2006 (brought in)
William A. Shaw
Prothonotary/Clerk of Courts Copy to CIA

PRAECIPE TO DISCONTINUE

To: William A. Shaw, Clearfield County Prothonotary

Date: August 9, 2006

As to Defendant Safeguard Properties, Inc., please mark the above referenced case
settled, ended and forever discontinued, with prejudice.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiffs
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Edward J. Levenduski
Janice E. Levenduski

Vs.

No. 2005-00882-CD

Safeguard Properties, Inc.
Household Beneficial Mortgage Corporation
Mark Wolfe

CERTIFICATE OF DISCONTINUATION

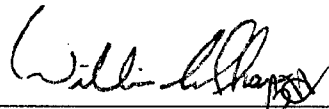
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 21, 2006, marked:

Settled, Ended and Forever Discontinued with Prejudice as to Safeguard Properties, Inc.

Record costs in the sum of \$85.00 have been paid in full by Theron G. Noble, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of August A.D. 2006.



William A. Shaw, Prothonotary

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

EDWARD J. LEVENDUSKI, and
JANICE M. LEVENDUSKI,

PLAINTIFF,

v.

SAFEGUARD PROPERTIES, INC.,
HOUSEHOLD BENEFICIAL MORTGAGE
CORPORATION, and MARK WOLFE,

DEFENDANTS.

No. 05- 882 -CD

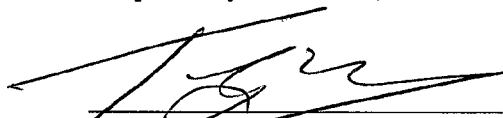
PRAECIPE TO DISCONTINUE

To: William A. Shaw, Clearfield County Prothonotary

Date: August 9, 2006

As to Defendant Household Beneficial Mortgage Corporation, properly named
Household Financial Corp., please mark the above referenced case settled, ended and
forever discontinued, with prejudice.

Respectfully Submitted,



Theron G. Noble, Esquire
Ferraraccio & Noble
Attorney for Plaintiffs
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED

01/31/06
AUG 21 2006

William A. Shaw
Prothonotary/Clerk of Courts

4cc & disc.

Atty Koerber

(brought in)

Copy to CIA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

Edward J. Levenduski
Janice E. Levenduski

No. 2005-00882-CD

Vs.
Safeguard Properties, Inc.
Household Beneficial Mortgage Corporation
Mark Wolfe

CERTIFICATE OF DISCONTINUATION

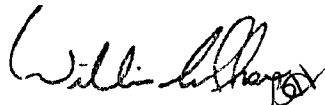
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on August 21, 2006, marked:

Settled, Ended and Forever Discontinued with Prejudice as to Household Financial Corp.

Record costs in the sum of \$85.00 have been paid in full by Theron G. Noble, Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of August A.D. 2006.



William A. Shaw, Prothonotary

COPIES