

05-1103-CD

Lasalle Bank et al vs Mark Hoover et al  
2005-1103-CD

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
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PHILADELPHIA, PA 19103  
(215) 563-7000

LASALLE BANK, NATIONAL ASSOCIATION, AS  
TRUSTEE UNDER THE POOLING AND SERVICING  
AGREEMENT DATED AS OF APRIL 1, 2002, AMONG  
ASSET BACKED FUNDING CORPORATION, LITTON  
LOAN SERVICING, LP AND LASALLE BANK  
NATIONAL ASSOCIATION, ABFC ASSET-BACKED  
CERTIFICATES, SERIES 2002-SB1  
4828 LOOP CENTRAL DRIVE  
HOUSTON, TX 77081-2226

Plaintiff

v.

MARK A. HOOVER  
JOYCE E. HOOVER  
RR 1 BOX 269  
A/K/A 34 BIGLER CEMETERY ROAD  
WOODLAND, PA 16881

Defendants

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

**NOTICE**

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

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

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

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

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

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

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

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL  
THE END OF THE THIRTY (30) DAY PERIOD  
FOLLOWING FIRST CONTACT WITH YOU BEFORE  
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH  
THE LAW PROVIDES THAT YOUR ANSWER TO THIS  
COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN  
TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION  
OF THAT TIME. FURTHERMORE, NO REQUEST WILL  
BE MADE TO THE COURT FOR A JUDGMENT UNTIL  
THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU  
HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF  
YOU REQUEST PROOF OF THE DEBT OR THE NAME  
AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN  
THE THIRTY (30) DAY PERIOD THAT BEGINS UPON  
YOUR RECEIPT OF THIS COMPLAINT, THE LAW  
REQUIRES US TO CEASE OUR EFFORTS (THROUGH  
LITIGATION OR OTHERWISE) TO COLLECT THE DEBT  
UNTIL WE MAIL THE REQUESTED INFORMATION TO  
YOU. YOU SHOULD CONSULT AN ATTORNEY FOR  
ADVICE CONCERNING YOUR RIGHTS AND  
OBLIGATIONS IN THIS SUIT.**

**IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A  
DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT  
A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON  
REAL ESTATE.**

1. Plaintiff is

LASALLE BANK, NATIONAL ASSOCIATION, AS  
TRUSTEE UNDER THE POOLING AND SERVICING  
AGREEMENT DATED AS OF APRIL 1, 2002, AMONG  
ASSET BACKED FUNDING CORPORATION, LITTON  
LOAN SERVICING, LP AND LASALLE BANK  
NATIONAL ASSOCIATION, ABFC ASSET-BACKED  
CERTIFICATES, SERIES 2002-SB1  
4828 LOOP CENTRAL DRIVE  
HOUSTON, TX 77081-2226

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

MARK A. HOOVER  
JOYCE E. HOOVER  
RR 1 BOX 269  
A/K/A 34 BIGLER CEMETERY ROAD  
WOODLAND, PA 16881

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

3. On 11/03/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ALLIANCE FUNDING, A DIVISION OF SUPERIOR FEDERAL BANK FSB which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200118117. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 03/01/2005 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$69,903.15
Interest	3,649.74
02/01/2005 through 07/27/2005	
(Per Diem \$20.62)	
Attorney's Fees	1,250.00
Cumulative Late Charges	131.48
11/03/2001 to 07/27/2005	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 75,484.37
Escrow	
Credit	0.00
Deficit	1,144.94
Subtotal	<u>\$ 1,144.94</u>
<b>TOTAL</b>	\$ 76,629.31

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

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

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

WHEREFORE, PLAINTIFF demands an *in rem* Judgment against the Defendant(s) in the sum of \$ 76,629.31, together with interest from 07/27/2005 at the rate of \$20.62 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

## **LEGAL DESCRIPTION**

ALL that certain piece or parcel of land with a residential dwelling and other improvements thereon located in the Village of Bigler, Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin corner on the North Right-of-Way line of the Bigler Allport cutoff or State Highway Route 668 leading from Bigler to Allport. Said Right-of-Way line being 30.0 feet from the centerline thereof. Said iron pin being the Southwest corner of lands now or formerly of Edward J. and Pauline Boron. Said corner being further located (S 78 degrees 54 minutes E) (250.0) feet from the centerline of State Highway Route 322 at the Bigler redlight. THENCE by said Right-of-Way line North Seventy-eight degrees fifty-four minutes West (N 78 degrees 54 minutes W) seventy-eight and seven tenths (78.7) feet to an iron pin corner. THENCE still by said Right-of-Way line North eleven degrees six minutes East (N 11 degrees 06 minutes E) thirty (30.0) feet to a stake corner on the East Right-of-Way of a Township Road leading from said Route to the Bigler Cemetery and water tank. THENCE by said Right-of-Way line North thirty-seven degrees thirty-five minutes East (N 37 degrees 35 minutes E) one hundred eighty-three and eight tenths (183.8) feet to an iron pin corner on said Right-of-Way and the Southwest corner of a parcel of land conveyed by George A. and Ruth J. Jordan to George A. Jordan, III and Gwendolyn M. Jordan. THENCE by said lot, South eighty-five degrees fifty-five minutes East (S 85 degrees 55 minutes E) one hundred (100.0) feet to a corner of said lot and the line of lands now or formerly of said Edward J. and Pauline Boron.

THENCE by said Boron lands, South thirty-seven degrees twenty-seven minutes West (S 37 degrees 27 minutes W) two hundred thirty-one (231.0) feet to an iron pin corner and the place of beginning.

BEING the same premises which George A. Jordan and Ruth J. Jordan, his wife, granted and conveyed to Michael D. Jordan and Cindy Jordan, his wife, under a deed dated April 18, 1979 which was recorded in the Office of the Recorder of Deeds in and for Clearfield County, Pennsylvania, on April 18, 1979 in Deed Book Volume 779, Page 201.

PROPERTY BEING: RR 1 BOX 269 A/K/A 34 BIGLER CEMENTERY ROAD

**VERIFICATION**

Vanessa McDonald hereby states that he/she is FORECLOSURE SPECIALIST of LITTON LOAN

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

Vanessa McDonald

DATE: 7/25/5

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100686  
NO: 05-1103-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: LASALLE BANK  
VS.  
DEFENDANT: MARK A. HOOVER and JOYCE E. HOOVER

**SHERIFF RETURN**

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NOW, August 04, 2005 AT 10:35 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARK A. HOOVER DEFENDANT AT RR#1 BOX 269 aka 34 BIGLER CEMETERY RD., WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOYCE HOOVER, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED  
010:55 AM  
DEC 07 2006  
JS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100686  
NO: 05-1103-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: LASALLE BANK  
vs.  
DEFENDANT: MARK A. HOOVER and JOYCE E. HOOVER

**SHERIFF RETURN**

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NOW, August 04, 2005 AT 10:35 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JOYCE E. HOOVER DEFENDANT AT RR#1 BOX 269 aka BIGLER CEMETERY RD., WOODLAND, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOYCE HOOVER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100686  
NO: 05-1103-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: LASALLE BANK  
vs.  
DEFENDANT: MARK A. HOOVER and JOYCE E. HOOVER

**SHERIFF RETURN**

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RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	442409	20.00
SHERIFF HAWKINS	PHELAN	442440	32.10

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff