

05-1623-CD
HSBC vs Harlan Medzie et al

HSBC et al vs. Harlan Medzie
2005-1623-CD

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

HSBC, a London Corporation, s/b/m/a
of Beneficial Consumer Discount
Company d/b/a Beneficial Mortgage
Company of Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

v.

Harlan Medzie a/k/a Harlan R. Medzie
513 Eagle Street
Morrisdale, PA 16858

Attorney for Plaintiff

FILED *Atty pd*
111-0781 85.00
OCT 20 2005 *cc Shaff*

William A. Shaw
Prothonotary/Clerk of Courts

Clearfield County
Court of Common Pleas

Number *05-1623-CD*

CIVIL ACTION/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.

Dave Meholic
Court Administrator
Clearfield County Courthouse
230 East Market Street
Clearfield, PA, 16830
814-765-2641 x 5982

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentir una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A OTELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMATION ACERCA DE EMPLEAR A UN ABOGADO.

SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMATION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

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Attorney for Plaintiff

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Clearfield County
Court of Common Pleas

v.

Harlan Medzie a/k/a Harlan R. Medzie
513 Eagle Street
Morrisdale, PA 16858

Number

CIVIL ACTION/MORTGAGE FORECLOSURE

1. Plaintiff is HSBC, a London Corporation, s/b/m/a of Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania, a corporation duly organized and doing business at the above captioned address.

2. The Defendant is Harlan Medzie a/k/a Harlan R. Medzie, who is the mortgagor and real owner of the mortgaged property hereinafter described, and his last-known address is 513 Eagle Street, Morrisdale, PA 16858.

3. On 11/27/2001, mortgagor made, executed and delivered a mortgage upon the premises hereinafter described to Plaintiff which mortgage is recorded in the Office of the Recorder of Clearfield County in Mortgage Book as Instrument #200119043.

4. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known as 513 Eagle Street, Morrisdale, PA 16858.

5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 04/01/2005 and each month thereafter are due and unpaid, and by the terms of said mortgage,

upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$ 20,043.83
Interest 03/01/2005 through 09/15/2005	\$ 1,906.17
(Plus \$ 6.92 per diem thereafter)	
Attorney's Fee	\$ 1,500.00
Corporate Advances	\$ 165.00
Cost of Suit	\$ 225.00
Appraisal Fee	\$ 125.00
Title Search	\$ 200.00
GRAND TOTAL	\$ 24,165.00

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 based on work actually performed.

8. Notice of Intention to Foreclose as required by Act 6 of 1974 (41 P.S. §403) and notice required by the Emergency Mortgage Assistance Act of 1983 as amended under 12 PA Code Chapter 13, et seq., commonly known as the Combined Notice of Delinquency has been sent to Defendant by regular mail with a certificate of mailing and by certified mail, return receipt requested.

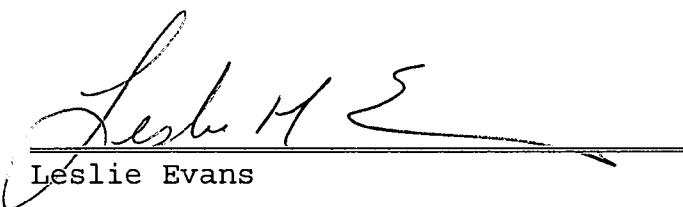
WHEREFORE, Plaintiff demands Judgment against the Defendant in the sum of \$24,165.00, together with interest at the rate of \$6.92 per diem and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.



TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

VERIFICATION

The undersigned, Leslie Evans, hereby certifies that she is the Foreclosure Specialist of the Plaintiff in the within action, HSBC, a London Corp. s/b/m/a of Beneficial Cdc d/b/a, and that Beneficial Mfg Co of PA she is authorized to make this verification and that the foregoing 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 P.A.C.S. §4904 relating to unsworn falsification to authorities.



Leslie Evans

Legal Description

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

The First Thereof: Beginning at an iron pin located on the North side of Township Road #694. Said point is also the Southwest corner of, now or formerly, Gail and Ronald J. Ohl; thence along lands of, now or formerly, Dorothy Hess Sullivan, South seventy-two degrees, thirty-one minutes West (S 72° 31' W), seventy-eight feet (78.0) to an iron pin; thence still along lands of same, North thirty degrees, forty-seven minutes, ten seconds East (N 30° 47' 10" E), three hundred eighty-six and ninety-two hundredths feet (386.92) to an iron pipe and also the Northwest corner of, now or formerly, Gail and Ronald J. Ohl; thence along lands of same, South twenty-one degrees, forty-eight minutes, forty seconds West (S 21° 48' 40" W), three hundred thirty-two and seventy-eight hundredths feet (332.78) to an iron pin and place of beginning.

Containing 0.2306 acre.

The Second Thereof: Beginning at an iron pin on line of, now or formerly, Velma Francisko. Said point is South four degrees, twenty-two minutes West (S 4° 22' W), eighty feet (80.0) from a stone monument which is the Northeast corner of, now or formerly, Velma Francisko; thence along lands of, now or formerly, Dorothy Hess Sullivan, South seventy-six degrees, thirty-nine minutes East (S 76° 39' E), two hundred twenty-one feet (221.0) to an iron pin; thence still along lands of same, South twenty-nine degrees, twenty-five minutes, fifty seconds West (S 29° 25' 50" W) two hundred seventy-seven and ninety-four hundredths feet (277.94) to an iron pin; thence still along lands of same, South sixty-six degrees, fifteen minutes West (S 66° 15' W), one hundred fourteen feet (114.0) to an iron pin on line of, now or formerly, Velma Francisko; thence along lands of same, North four degrees, twenty-two minutes East (N 4° 22' E), three hundred forty feet (340.0) to an iron pin and place of beginning

Containing 1.0699 acres.

Excepting and reserving, nevertheless, all the coal, oil, gas, fire clay and other minerals underlying said described tract, together with the right of ingress, egress and regress by any convenient means for the purpose of searching for, mining, boring, removing and carrying away said coal and other minerals and minerals from other lands owned or controlled by Grantor's predecessors in title, without being liable for any damages to the Grantee, her heirs and assigns, by reason of such entry for purpose of aforesaid, and said mineral estate shall owe no duty of support or servitude to the superincumbent strata and surface of said land.

PARCEL NO. 124-Q10-99

Exhibit A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100923
NO: 05-1623-CD
SERVICE # 1 OF 1
COMPLAINT IN MORGAGE FORECLOSURE

PLAINTIFF: HSBC
vs.
DEFENDANT: HARLAN MEDZIE a/k/a HARLAN R. MEDZIE

SHERIFF RETURN

NOW, November 17, 2005 AT 8:30 AM SERVED THE WITHIN COMPLAINT IN MORGAGE FORECLOSURE ON HARLAN MEDZIE aka HARLAN R. MEDZIE DEFENDANT AT 513 EAGLE ST, MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO HARLAN MEDZIE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED
01/10/06
FEB 10 2006
S
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MCCABE	68850	10.00
SHERIFF HAWKINS	MCCABE	68850	55.83

Sworn to Before Me This

____ Day of _____ 2006

So Answers,

Chester A. Hawkins
by Marly Hawkins
Chester A. Hawkins
Sheriff

CA
McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
First Union Building
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

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Beneficial Consumer Discount Company
d/b/a Beneficial Mortgage Company of
Pennsylvania

v.

Harlan Medzie a/k/a Harlan R. Medzie

Clearfield County
Court of Common Pleas

Number 05-1623-CD

ORDER

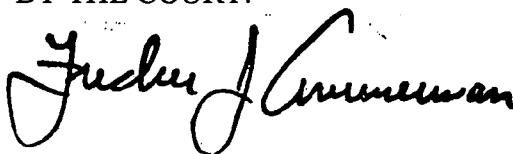
And now this 14th day of February 2006, it is hereby ordered that the Prothonotary

accept the verification of counsel for the plaintiff in lieu of the sheriff's return of service

and the Prothonotary further accept the Praecept of Default Judgment and Assessment of

Damages and Praecept of Writ of Execution and all subsequent filings.

BY THE COURT:



J.

FILED 200
02/16/2006 Atty McCabe
FEB 16 2006 (un)

William A. Shaw
Prothonotary/Clerk of Courts

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(215) 790-1010

Attorney for Plaintiff

FILED
m 12:58/01
FEB 13 2006
A. McCabe
cc
CR

William A. Shaw
Prothonotary/Clerk of Courts

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MOTION FOR DEFAULT JUDGMENT AND ASSESSMENT OF DAMAGES

- 1) Plaintiff filed a Complaint in Mortgage Foreclosure.
- 2) The Sheriff notified the Plaintiff that service was effectuated as set forth in Paragraph 3.
- 3) The Sheriff served the Complaint in Mortgage Foreclosure on the Defendant on November 17, 2005.
- 4) The Sheriff has not been able to file with the Prothonotary forthwith a return of service as required by Pennsylvania Rule of Civil Procedure 405(a)(e).
- 5) Plaintiff attempted to file its Praeclipe for Default Judgment and Assessment of Damages and Writ of Execution.
- 6) The Default Judgment and Writ of Execution has been rejected by the Prothonotary for the none compliance by the Sheriff with Pennsylvania Rule of Civil Procedure 405(a)(e).
- 7) All other Pennsylvania Rules of Civil Procedure have been complied with.
- 8) Plaintiff rights are being prejudiced.

- 9) Pennsylvania Rule of Civil Procedure are not to be strictly construed.
- 10) The verification of the Plaintiff is attached setting forth that service was made.
- 11) The aforesaid verification should suffice as substantially compliant with Pennsylvania Rule of Civil Procedure 405(a)(e).

Wherefore, Plaintiff prays that an order be entered. Ordering the Prothonotary to accept Plaintiff's verification as compliant with the above cited rule therefore allowing the Prothonotary to accept Plaintiff's Praeclipe to Default Judgment, Writ of Execution and all other subsequent filings.

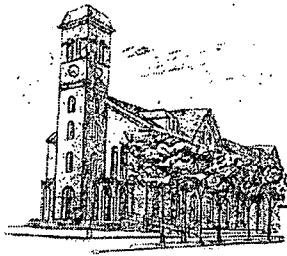
T. McCabe
TERRENCE J. McCABE, ESQUIRE

VERIFICATION

I, Terrence J. McCabe certifies to the best of his knowledge information and belief that the Sheriff of Clearfield County has served the defendants in the above-captioned matter on the 18th day October, 2005.

2/10/06
DATE

J. McCabe
TERRENCE J. MCCABE, ESQUIRE



Clearfield County Office of the Prothonotary and Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

David S. Ammerman
Solicitor

Jacki Kendrick
Deputy Prothonotary

Bonnie Hudson
Administrative Assistant

To: All Concerned Parties

From: William A. Shaw, Prothonotary

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

Sincerely,

William A. Shaw
Prothonotary

DATE: 2/16/06

You are responsible for serving all appropriate parties.

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

Plaintiff(s)/Attorney(s)

Defendant(s)/Attorney(s)

Other

Special Instructions: