

05-1655-CD
Wells Fargo Bank vs Timothy J. Szlaza

Wells Fargo Bank vs. Timothy J. Szlaza
2005-1655-CD

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

Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.

Docket# *05-1655-CD*

v.

Complaint in Ejectment

Timothy J. Szlaska or Occupants

Ejectment

CERTIFICATE OF LOCATION:

I hereby certify that the
Location of the Real Estate
Which is the subject of this
Litigation is:

901 Dorey Street
Clearfield, PA 16830

Counsel of Record for
Plaintiff:

Martha E. VonRosenstiel
Attorney I.D.# 52634

649 South Avenue, Unit 7
Secane, PA 19018
(610) 328-2887
(610) 328-2649 – fax

BY:

[Handwritten Signature]
Martha E. Von Rosenstiel, Esquire

FILED Atypd.
m/3/10 85.00
OCT 25 2005
S C C S H F
William A. Shaw
Prothonotary/Clerk of Courts

Martha E. Von Rosenstiel, P.C.

Martha E. Von Rosenstiel

649 South Avenue, Unit 7

Secane, PA 19018

610-328-2887

Attorney I.D.# 52634

WELLS FARGO BANK, N.A., SUCCESSOR: COURT OF COMMON PLEAS

BY MERGER TO WELLS FARGO HOME : CLEARFIELD COUNTY

MORTGAGE, INC.

3476 STATEVIEW BOULEVARD :

FORT MILL SC 29715 :

PLAINTIFF :

Attorney for Plaintiff

VS. :

TIMOTHY J. SZLASA OR OCCUPANTS :

901 DOREY STREET :

CLEARFIELD PA 16830 :

DEFENDANT :

CIVIL ACTION - EJECTMENT

NOTICE

ADVISIO

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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar una comparencia 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 a visado que si usted no se defiende, la corte toma ra medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, 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 o otros de rechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO . ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
(800) 692-7375
Pennsylvania Bar Association
P.O. Box 186, Harrisburg, PA 17108

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
649 South Avenue, Unit 7
Secane, PA 19018
610-328-2887
Attorney I.D.# 52634

Attorney for Plaintiff

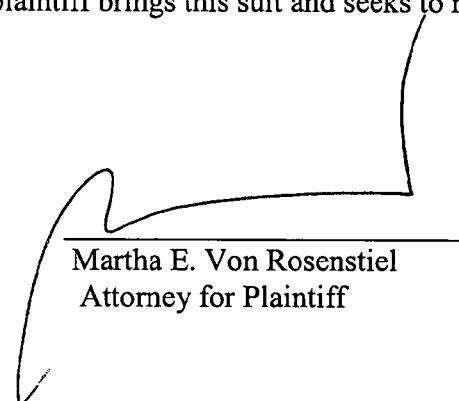
WELLS FARGO BANK, N.A., SUCCESSOR : COURT OF COMMON PLEAS
BY MERGER TO WELLS FARGO HOME : CLEARFIELD COUNTY
MORTGAGE, INC. :
3476 STATEVIEW BOULEVARD :
FORT MILL SC 29715 :
PLAINTIFF : CASE NO:
VS. :
TIMOTHY J. SZLASA OR OCCUPANTS :
901 DOREY STREET :
CLEARFIELD PA 16830 :
DEFENDANT

CIVIL ACTION – EJECTMENT

1. Plaintiff, Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc., is the owner of premises known as 901 Dorey Street Clearfield PA 16830, more fully described in the legal description attached hereto as Exhibit I.
2. Plaintiff claims title to the aforesaid property by virtue of a Sheriff's sale held on October 7, 2005 in the execution of a judgment in mortgage foreclosure obtained in the Court of Common Pleas of Clearfield County, Docket No. 05-469-CD where plaintiff was the successful bidder, and became the owner of the said property.

3. Plaintiff, by virtue of the aforesaid title, is the owner in fee of the said premises, and is entitled to possession thereof. The defendants Timothy J. Szlasa or Occupants are occupying the said premises without right, and so far as the plaintiff is informed, without claim of title.

WHEREFORE, plaintiff brings this suit and seeks to recover possession of said premises.



Martha E. Von Rosenstiel
Attorney for Plaintiff

VERIFICATION

I verify that the statements made in the foregoing document(s) are true and correct.

I understand that false statements herein are made subject to penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.

By:

Martha E. Von Rosenstiel, Esq.
Attorney for Plaintiff

DESCRIPTION

ALL THAT CERTAIN piece or parcel of land with improvements, situate in the Fourth Ward of the Borough of Clearfield, County of Clearfield and State of Pennsylvania bounded and described as follows:

BEGINNING at the corner of 9th and Dorey Streets; thence East along Dorey Street fifty (50) feet to lot now or formerly of J. Warren Flegal; thence along the lot now or formerly of J. Warren Flegal ninety (90) feet to lot now or formerly of John E. Brown; thence West along lot now or formerly of John E. Brown fifty (50) feet to 9th Street; thence North along 9th Street ninety (90) feet to place of beginning.

BEING a part of the lot known as Lot No. 19 in J. Wesley Dorey's Addition to the Borough of Clearfield.

Tax Parcel #44-K08-247-49

AND BEING the same premises which were sold to WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC., as Trustee by the Sheriff of CLEARFIELD County on October 7, 2005 in execution of a judgment in mortgage foreclosure entered in the Court of Common Pleas of CLEARFIELD County in the matter of WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC., as Trustee v. TIMOTHY J. SZLASA, Docket No. 05-469-CD.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100935
NO: 05-1655-CD
SERVICE # 1 OF 1
COMPLAINT IN EJECTMENT

PLAINTIFF: WELLS FARGO BANK, N.A.
vs.
DEFENDANT: TIMOTHY J. SZLASA or OCCUPANTS

SHERIFF RETURN

NOW, November 07, 2005 AT 3:30 PM SERVED THE WITHIN COMPLAINT IN EJECTMENT ON TIMOTHY J. SZLASA or OCCUPANT DEFENDANT AT 901 DOREY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TIMOTHY SZLASA, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN EJECTMENT AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED
010.04.61
DEC 15 2005
WMA
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	ROSENSTIEL	6201	10.00
SHERIFF HAWKINS	ROSENSTIEL	6201	20.00

Sworn to Before Me This

____ Day of _____ 2005

So Answers,

Chester A. Hawkins
by Marilyn Hanner
Chester A. Hawkins
Sheriff

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
649 South Avenue, Unit 7
Secane, PA 19018
610-328-2887
Attorney I.D.# 52634

Attorney for Plaintiff

#17823-JP

WELLS FARGO BANK, N.A.,
SUCCESSOR BY MERGER TO WELLS
FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL SC 29715

PLAINTIFF

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
:
:
:
:
CASE NO: 05-1655-CD

VS.

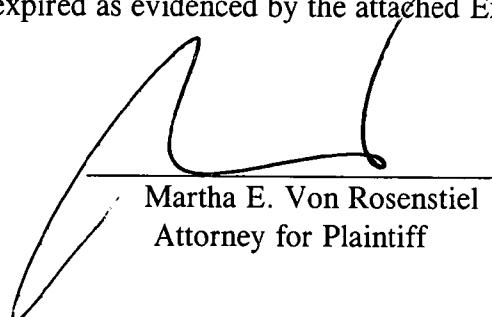
TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

DEFENDANT

PRAECIPE TO ENTER JUDGMENT

TO THE PROTHONOTARY:

Enter judgment in the above captioned Ejectment action for failure of the above named defendants to file an answer within twenty days from date of service thereof. I hereby certify that Notice as provided in Rule 237.5 has been duly given, and that the time limits provided for in that notice have expired as evidenced by the attached Exhibit I.


Martha E. Von Rosenstiel
Attorney for Plaintiff

FILED Atty pd.
20.00
m 11/03/05
DEC 19 2005 Notice to
Def.

William A. Shaw
Prothonotary/Clerk of Courts

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
649 South Avenue, Unit 7
Secane, PA 19018
610-328-2887
Attorney I.D.# 52634

Attorney for Plaintiff

WELLS FARGO BANK, N.A.,
SUCCESSOR BY MERGER TO WELLS
FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL SC 29715
PLAINTIFF

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
: :
: :
: CASE NO: 05-1655-CD

VS.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830
DEFENDANT

AFFIDAVIT OF NON MILITARY SERVICE

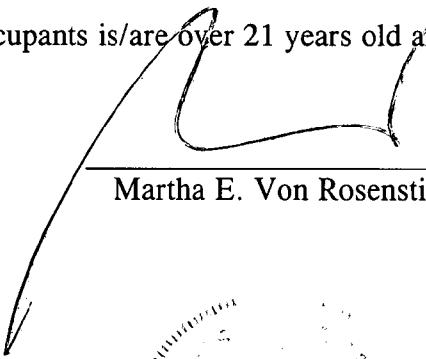
COMMONWEALTH OF PENNSYLVANIA:

: SS

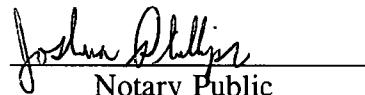
COUNTY OF DELAWARE :
:

MARTHA E. VON ROSENSTIEL, being duly sworn according to law deposes and says that she is the attorney for the plaintiff herein; that she is duly authorized to take this affidavit in behalf of the plaintiff, and that the defendants are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended;

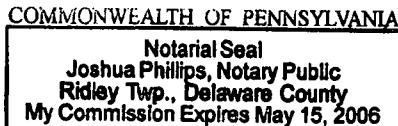
That Timothy J. Szlasa or Occupants is/are over 21 years old and reside(s) at 901 Dorey Street Clearfield PA 16830.


Martha E. Von Rosenstiel

Sworn to and Subscribed
Before me this 12/13/2005



Notary Public



Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
649 South Avenue, Unit 7
Secane, PA 19018
610-328-2887
Attorney I.D.# 52634

Attorney for Plaintiff

#17823-JP

Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc. : COURT OF COMMON PLEAS
3476 Stateview Boulevard : Clearfield COUNTY
Fort Mill, SC 29715 :
Plaintiff :
vs. : Case No: 05-1655-CD
Timothy J. Szlaza or Occupants :
901 Dorey Street :
Clearfield, PA 16830 :
Defendant :

TO: Timothy J. Szlaza or Occupants
901 Dorey Street
Clearfield, PA. 16830

Date of Notice: December 1st, 2005

IMPORTANT NOTICE

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

PHONE THE FOLLOWING

U.S. POSTAL SERVICE **CERTIFICATE OF MAILING**
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

MARTHA VON ROSENSTIEL, P.C.
649 SOUTH AVENUE
UNIT 7
SECANE, PA 19018

One piece of ordinary mail addressed to:

Timothy J. Szlaza or Occupants
901 Dorey Street
Clearfield, PA 16830



Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
649 South Avenue, Unit 7
Secane, PA 19018
610-328-2887
Attorney I.D.# 52634

Attorney for Plaintiff

 COPY

WELLS FARGO BANK, N.A., : COURT OF COMMON PLEAS
SUCCESSOR BY MERGER TO WELLS : CLEARFIELD COUNTY
FARGO HOME MORTGAGE, INC. :
3476 STATEVIEW BOULEVARD :
FORT MILL SC 29715 :
PLAINTIFF : CASE NO: 05-1655-CD
VS. :
TIMOTHY J. SZLASA OR OCCUPANTS :
901 DOREY STREET :
CLEARFIELD PA 16830 :
DEFENDANT

NOTICE UNDER RULE 236

TO: Timothy J. Szlasa or Occupants
901 Dorey Street
Clearfield PA 16830

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Default Judgment was entered against you on December 19, 2005 for possession of the above premises.

Prothonotary

If you have any questions concerning the above, please contact:

Martha E. Von Rosenstiel, Esquire
(610) 328-2887

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
649 South Avenue, Unit 7
Secane, PA 19018
610-328-2887
Attorney I.D.# 52634

Attorney for Plaintiff

WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC. 3476 STATEVIEW BOULEVARD FORT MILL SC 29715	:	COURT OF COMMON PLEAS
	:	CLEARFIELD COUNTY
	:	
	:	
PLAINTIFF	:	CASE NO: 05-1655-CD
	:	
VS.	:	
TIMOTHY J. SZLASA OR OCCUPANTS 901 DOREY STREET CLEARFIELD PA 16830	:	
	:	
DEFENDANT	:	

PRAECIPE FOR THE WRIT OF POSSESSION

TO THE PROTHONOTARY:

Kindly issue Writ of Possession in the above Ejectment matter.

901 Dorey Street
Clearfield, PA 16830

Martha E. Von Rosenstiel
Attorney for Plaintiff

FILED Atty pd. 20.00
m11:03/01
DEC 19 2005 6wnts &
1CC Praecep
William A. Shaw to ~~AS~~ Shift
Notary/Clerk of Courts (60)

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

Wells Fargo Bank, N.A.
vs.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

NO 05-1655



COPY

WRIT OF POSSESSION

TO THE SHERIFF OF Clearfield COUNTY:

(1) To satisfy the judgment for possession in the above matter You are directed to deliver possession of the following described property to:

Wells Fargo Bank, N.A.

(2) To satisfy the costs against

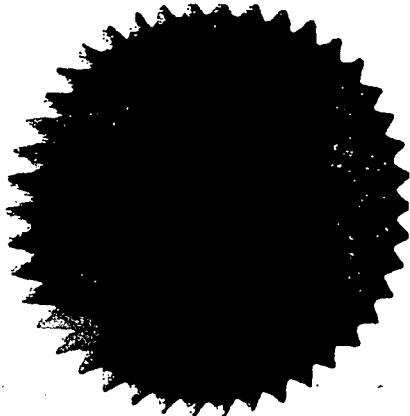
901 Dorey Street, Clearfield, PA 16830

directed to levy upon any property of Timothy J. Szlaza

you are

and sell

interest therein.



Prothonotary

By Willie L. Chang
Clerk

Date 12/19/05

Court of Common Pleas

N 0 05-1655

LaSalle Bank National Association, N.A.

vs.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
649 South Avenue, Unit 7
Secane, PA 19018
(610) 328-2887 Attorney I.D. #52634

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

101094

WELLS FARGO BANK, N.A.

Case # 05-1655CD

VS.

TIMOTHY J. SZLASA or OCCUPANTS

TYPE OF SERVICE WRIT OF POSSESSION

SHERIFF RETURNS

NOW December 28, 2005 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN WRIT OF POSSESSION "NOT FOUND" AS TO TIMOTHY J. SZLASA OR OCCUPANTS, DEFENDANT. 901 DOREY ST., CLEARFIELD, PA. "EMPTY".

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	ROSENSTIEL	7098	10.00
SHERIFF HAWKINS	ROSENSTIEL	7098	16.37

Sworn to Before me This

____ Day of _____ 2005

So Answers,

Chester A. Hawkins
by Marilyn Henn
Chester A. Hawkins
Sheriff

FILED

012516N
DEC 28 2005

William A. Shaw
Prothonotary/Clerk of Courts

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

Wells Fargo Bank, N.A.

VS.

NO 05-1655TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830WRIT OF POSSESSION

TO THE SHERIFF OF Clearfield COUNTY:

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Wells Fargo Bank, N.A.

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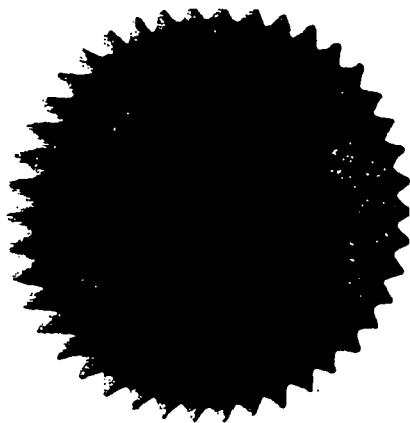
901 Dorey Street, Clearfield, PA 16830

directed to levy upon any property of Timothy J. Szlasa

you are

and sell

interest therein.



Prothonotary

By _____

Clerk

Recvd 12-19-05 @ 3:30pm
Cluster Hawkins Steff
by Mary HennDate 12/19/05

Court of Common Pleas

N 05-1655

LaSalle Bank National Association, N.A.

vs.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
649 South Avenue, Unit 7
Secane, PA 19018
(610) 328-2887 Attorney I.D. #52634

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

Wells Fargo Bank, N.A.

VS.

NO 05-1655

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

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Wells Fargo Bank, N.A.

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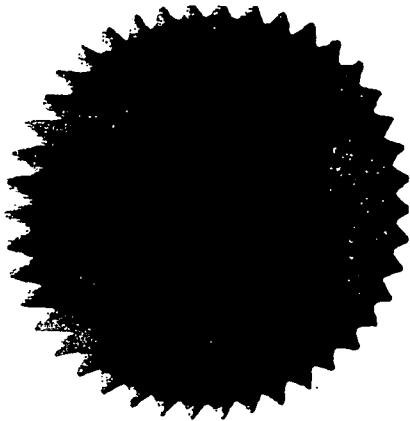
901 Dorey Street, Clearfield, PA 16830

directed to levy upon any property of Timothy J. Szlasa

you are

and sell

interest therein.



Prothonotary

By Willie Chang Clerk Recd 12-19-05 @ 7:30PM
Date 12/19/05 Chester A. Hawley Sheriff
by Maury Baker

Court of Common Pleas

N 005-1655

LaSalle Bank National Association, N.A.

vs.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
649 South Avenue, Unit 7
Secane, PA 19018
(610) 328-2887 Attorney I.D. #52634

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

Wells Fargo Bank, N.A.
VS.

NO 05-1655

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

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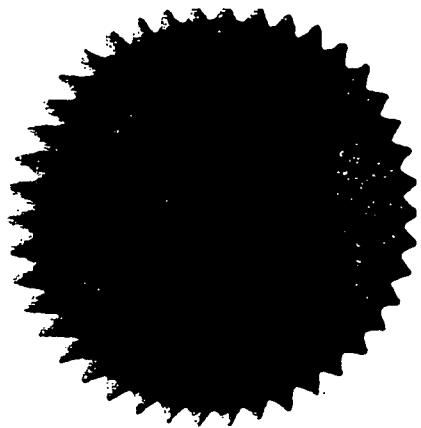
901 Dorey Street, Clearfield, PA 16830

directed to levy upon any property of Timothy J. Szlasa

you are

and sell

interest therein.



Prothonotary

By

Clerk

Recd 12-9-05 03:30pm
Clerk A. Hausey
by Marly Hausey

Date 12/19/05

Court of Common Pleas

N #05-1655

LaSalle Bank National Association, N.A.

vs

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
649 South Avenue, Unit 7
Secane, PA 19018
(610) 328-2887 Attorney I.D. #52634

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

Wells Fargo Bank, N.A.

vs.

NO 05-1655

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

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(1) To satisfy the judgment for possession in the above matter You are directed to deliver possession of the following described property to:

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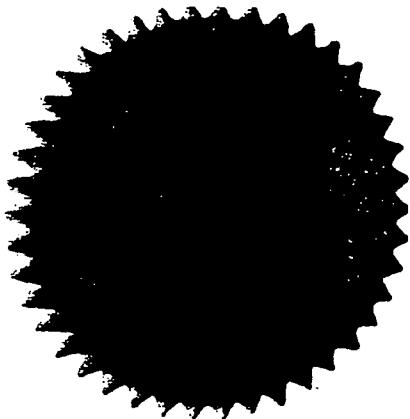
901 Dorey Street, Clearfield, PA 16830

directed to levy upon any property of Timothy J. Szlasa

you are

and sell

interest therein.



Prothonotary

By _____

Clerk

Recd 12/19/05 @ 7:30pm
Clint R. Haufersleben
by Marilyn Haufersleben

Date 12/19/05

Court of Common Pleas

N 05-1655

LaSalle Bank National Association, N.A.

vs.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
649 South Avenue, Unit 7
Secane, PA 19018
(610) 328-2887 Attorney I.D. #52634

Commonwealth of Pennsylvania

COURT OF COMMON PLEAS

Wells Fargo Bank, N.A.

VS.

NO 05-1655

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

TO THE SHERIFF OF Clearfield COUNTY:

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901 Dorey Street, Clearfield, PA 16830

directed to levy upon any property of Timothy J. Szlasa

you are

and sell

interest therein.

Prothonotary

By Will H. Hager

Clerk

Recd 12/19/05 @ 3:30 PM
Glenster A. Newlin, Clerk
by Maelyn Hager

Date 12/19/05

Philadelphia County
William A. Shaw
Court of Common Pleas

Court of Common Pleas

DEC 28 2005

FILED

N 05-1655

LaSalle Bank National Association, N.A.

vs.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830

WRIT OF POSSESSION

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel, Esquire
649 South Avenue, Unit 7
Secane, PA 19018
(610) 328-2887 Attorney I.D. #52634

Martha E. Von Rosenstiel, P.C.
Martha E. Von Rosenstiel
649 South Avenue, Unit 7
Scane, PA 19018
(610) 328-2887
Attorney I.D.# 52634

Attorney for Plaintiff

WELLS FARGO BANK, N.A.,
SUCCESSOR BY MERGER TO WELLS
FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL SC 29715

PLAINTIFF

COURT OF COMMON PLEAS
CLEARFIELD COUNTY
CASE NO: 05-1655-CD

VS.

TIMOTHY J. SZLASA OR OCCUPANTS
901 DOREY STREET
CLEARFIELD PA 16830
DEFENDANT

PRAECIPE TO SETTLE, DISCONTINUE and END WITHOUT PREJUDICE

To the Prothonotary:

Kindly mark the above case settled, discontinued and ended without prejudice.

Martha E. Von Rosenstiel
Attorney for Plaintiff

January 9, 2006
17823

FILED
m/1:44pm JAN 23 2006
cc'd Cert of disc issued to Atty Von Rosenstiel
Copy to C/A

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Wells Fargo Bank, N.A.
Wells Fargo Home Mortgage, Inc.

Vs. No. 2005-01655-CD
Timothy J. Szlasa

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 January 23, 2006, marked:

Settled, Discontinued and Ended without prejudice

Record costs in the sum of \$125.00 have been paid in full by Martha E. Von Rosenstiel Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of January A.D. 2006.

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, N.A., as Indenture
Trustee, Assignee of MELLON BANK,
N.A., Assignee of NATIONAL CITY
MORTGAGE CO.,

Plaintiff,

vs.

KENNETH E. MARRAPODE AND
TRACY A. MARRAPODE,

Defendants.

CIVIL DIVISION

NO. 05-1656-CD

**COMPLAINT IN MORTGAGE
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

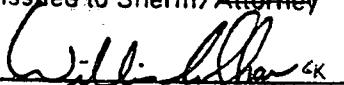
Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

12-30-2005 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary



FILED Atty pd.
m11/12/05 85.00
OCT 26 2005
cc Atty
William A. Shaw
Prothonotary/Clerk of Courts
cc Shff

05-1656-CD
Wachovia Bank vs Kenneth
Marrapode et al

Wachovia Bank et al vs. Kenneth Marrapode
2005-1656-CD

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

WACHOVIA BANK, N.A., et al)
Plaintiff,) NO:
vs.)
KENNETH E. MARRAPODE AND)
TRACY A. MARRAPODE,)
Defendant(s).)

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 THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND 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 SHOULD NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

(814) 765-2641 - EXT. 20

COMPLAINT IN MORTGAGE FORECLOSURE

AND NOW, comes the Plaintiff by its attorneys, Louis P. Vitti and Associates, P.C. and Louis P. Vitti, Esquire, and pursuant to the Pennsylvania Rules of Civil Procedure Numbers 1141 through 1150, for its Complaint in Mortgage Foreclosure, sets forth the following:

1. The Plaintiff is a corporation duly authorized to conduct business within the laws of the Commonwealth of Pennsylvania, having a principal place of business located at 3232 Newmark Drive, Miamisburg, OH 45342.
2. The Defendant(s) is/are individuals with a last known mailing address of P.O. Box 50, Irvona, PA 16650. The property address is **Corner of Haupt and Emma Streets, a/k/a 174 Haupt Street, Irvona, PA 16656** and is the subject of this action.
3. On the 24th day of May, 2000, in consideration of a loan of Forty Three Thousand Four Hundred Seventy Seven and 00/100 (\$43,477.00) Dollars made by National City Mortgage Co., an OH corporation, to Defendant(s), the said Defendant(s) executed and delivered to National City Mortgage Co., an OH corporation, a "Note" secured by a Mortgage with the Defendant(s) as mortgagor(s) and National City Mortgage Co., as mortgagee, which mortgage was recorded on the 26th day of May, 2000, in the Office of the Recorder of Deeds of Clearfield County, at Instrument No. 200007333. The said mortgage is incorporated herein by reference thereto as though the same were set forth fully at length.

4. The premises secured by the mortgage are:

SEE EXHIBIT "A" ATTACHED HERETO.

5. On the 22nd day of January, 2001, National City mortgage Co., an OH corporation, assigned to Mellon Bank, N.A., the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 22nd day of January, 2001, at Instrument No. 200100845. The said assignment is incorporated herein by reference.

6. On the 30th day of June, 2003, Mellon Bank, N.A., assigned to the Plaintiff, Wachovia Bank, N.A., the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 30th day of June, 2003, at Instrument No. 200311462. The said assignment is incorporated herein by reference.

7. Said mortgage provides, inter alia:

"that when as soon as the principal debt secured shall become due and payable, or in case default shall be made in the payment of any installment of principal and interest, or any monthly payment, keeping and performance by the mortgagor of any of the terms, conditions or covenants of the mortgage or note, it shall be lawful for mortgagee to bring an Action of Mortgage Foreclosure, or other proceedings upon the mortgage, of principal debt, interest and all other recoverable sums, together with attorney's fees."

8. Since May 1, 2005, the mortgage has been in default by reason, inter alia, of the failure of the mortgagor(s) to make payments provided for in the said mortgage (including principal and interest) and, under the terms of the mortgage, the entire principal sum is due and payable.

9. In accordance with the appropriate Pennsylvania Acts of Assembly and the Pennsylvania Rules of Civil Procedure, the mortgagor(s) has been advised in writing of the mortgagees intention to foreclose. The appropriate time period has elapsed since the Notice of Intention to Foreclose has been

served upon the mortgagor(s).

10. The amount due on said mortgage is itemized on the attached schedule.

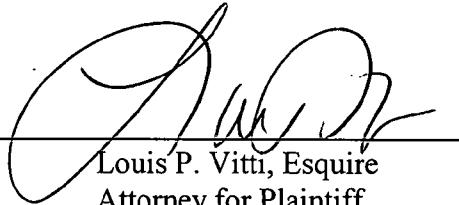
11. Pursuant to Pennsylvania Rule of Civil Procedure 1144, the Plaintiff releases from liability for the debt secured by the mortgage any mortgagor, personal representative, heir or devisee of the mortgagor who is not a real owner of the property as evidenced by the last recorded deed of record at the time of the filing of this Complaint.

WHEREFORE, pursuant to Pennsylvania Rule of Civil Procedure Number 1147(6), Plaintiff demands judgment for the amount due of Fifty One Thousand Seven Hundred Fifty Eight and 68/100 Dollars (\$51,758.68) with interest and costs.

Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY _____


Louis P. Vitti, Esquire
Attorney for Plaintiff

MARRAPODE

SCHEDULE OF AMOUNTS DUE UNDER MORTGAGE

Unpaid Principal Balance		41,590.86
Interest @ 8.5000% from 04/01/05 through 10/31/2005 (Plus \$9.6855 per day after 10/31/2005)		2,063.02
Late charges through 10/21/2005 0 months @ 18.42 Accumulated beforehand (Plus \$18.42 on the 17th day of each month after 10/21/2005)		92.10
Attorney's fee		2,079.54
Escrow deficit		<u>5,933.16</u>
	BALANCE DUE	51,758.68

(This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)

EXHIBIT "A"

ALL that certain parcel and lot of ground situate, lying and being in the said Borough of Irvona, in the County of Clearfield, and State aforesaid, marked and numbered on the plan of said Borough of Irvona, Lot Number Three Hundred Eighty-Seven (387) situate on the South side of Emma Street, which Street forms its boundary on the North, and bounded on the West, by Haupt Street, on the South by Lot Number Three Hundred Eighty-Eight (388) and on the East by an alley.

Exhibit "A"
Vol. T.M.

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 10/24/2005

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

WACHOVIA BANK, N.A., AS INDENTURE
TRUSTEE, Assignee of MELLON BANK,
N.A., Assignee of NATIONAL CITY MORTGAGE CO.,

Plaintiff,
vs.

KENNETH E. MARRAPODE and TRACY A. MARRAPODE

Defendants.

)
No. 05-1656-CD
)
)

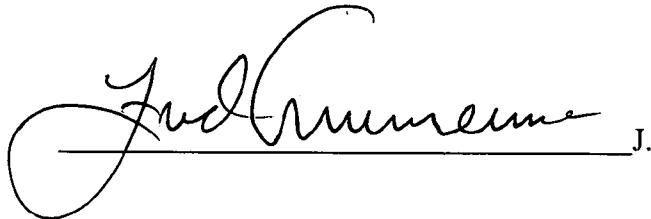
FILED

DEC 19 2005
O/213.cm *cc A/H Vitti*
William A. Shaw
Prothonotary

ORDER OF COURT

NOW, this 16th day of December, 2005, it appearing
to the Court that the Sheriff has been frustrated in service of process, it is Ordered, Adjudged
and Decreed that service of the Complaint and all subsequent documents upon all Defendants
be accomplished by ordinary mail to Defendants' last known address and by posting the property
by the Sheriff in order to effect compliance with Rule 400, et seq. and Rule 3129.1, et seq.

BY THE COURT:



J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, N.A., AS
INDENTURE TRUSTEE, Assignee of
MELLON BANK, N.A., Assignee of
NATIONAL CITY MORTGAGE CO.,

Plaintiff,

vs.

KENNETH E. MARRAPODE and
TRACY A. MARRAPODE

Defendants.

CIVIL DIVISION

NO. 05-1656-CD

**MOTION FOR SPECIAL
SERVICE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219
412-281-1725

FILED ^{ICC}
m 12/4/05 by *Att'y Vitti*
DEC 15 2005
BS

William A. Shaw
Prothonotary/Clerk of Courts

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

NOTICE

TO: Kenneth E. Marrapode
Tracy A. Marrapode
174 Haupt Street, P.O. Box 50
Irvona, PA 16656

Take notice that the within Motion for Special Service pursuant to Rule 430 of the Pennsylvania Rules of Civil Procedure will be presented to the Motions Judge, Clearfield County, Clearfield, Pennsylvania 16830, as unopposed unless a responsive pleading is filed.

LOUIS P. VITTI & ASSOC., P.C.

BY: 
Louis P. Vitti, Esquire
Attorney for Plaintiff

CERTIFICATION

I hereby certify that a true and correct copy of the within Motion was mailed to the Defendants at the above address on the 13th day of December, 2005.

BY: 
Louis P. Vitti, Esquire
Attorney for Plaintiff

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

WACHOVIA BANK, N.A., AS INDENTURE)
TRUSTEE, Assignee of MELLON BANK,) No. 05-1656-CD
N.A., Assignee of NATIONAL CITY MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE)
Defendants.)

**MOTION FOR SPECIAL SERVICE PURSUANT TO RULE 430
AND THE PENNSYLVANIA RULES OF
CIVIL PROCEDURE 400, ET SEQ.**

NOW comes the Plaintiff by and through their attorneys, Louis P. Vitti & Associates, P.C. and Louis P. Vitti, Esquire, and files this motion requesting this Honorable Court permit service pursuant to Pennsylvania Rules of Civil Procedure 400, et seq., and particularly Rule 430 whereof the following is a statement:

1. Plaintiff did file a Complaint at the above-captioned number in mortgage foreclosure.
2. The property address is 174 Haupt Street, P.O. Box 50, Irvona, PA 16656 and is the subject of this action.
3. Plaintiff's counsel spoke with the Sheriff's Office on November 23, 2005 and they stated they were unable to make service on the Defendants Kenneth E. Marrapode and Tracy

A. Marrapode because the premises situate at 174 Haupt Street, P.O. Box 50, Irvona, Pennsylvania is vacant. See Exhibit "A".

4. Postal verifications have been requested and the postal authority indicated that the Defendants last known mailing address was 174 Haupt Street, P.O. Box 50, Irvona, Pennsylvania 16656-0050. See Exhibit "B".

5. Efforts to effectuate service by the Sheriff have met without success and service has been frustrated requiring presentation of this Motion.

WHEREFORE, Plaintiff prays this Honorable Court enter an Order permitting service by ordinary mail to Defendants' last known address and also by posting the property by the Sheriff in order to effect compliance with Rule 400, et seq. and Rule 3129.1, et seq.

Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY: 

Louis P. Vitti, Esquire
Attorney for Plaintiff
PA ID 01072
916 Fifth Avenue
Pittsburgh, PA 15219
(412) 281-1725

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

WACHOVIA BANK, N.A., et al)
Plaintiff) No. 05-1656-CD
vs.)
KENNETH E. MARRAPODE and TRACY A.)
MARRAPODE,)
Defendants)

INVESTIGATION AFFIDAVIT PURSUANT TO P.A.R.C.P. NO. 430

Four Star Investigation sets forth the following:

1. Affiant and/or its agents have conducted an investigation to determine the whereabouts of the Defendant(s), KENNETH E. MARRAPODE and TRACY A. MARRAPODE, by making inquiries of or examining the following:

a. Local telephone directory assistance has the following information:

KENNETH → HAUPT ST. IRVONA, PA
814-672-4247 - DISCONNECT

TRACY → NO LISTING

b. Local voter registration office shows the property address is:

NO INFORMATION AVAILABLE

c. Department of Transportation - shows that the last known address for the Defendant(s) is/are:

KENNETH E. MARRAPODE - 174 HAUPT ST. P.O. BOX 50,
IRVONA, PA. 16656 -

TRACY A. MARRAPODE - NO RECORD

d. Other (please explain): NEIGH. INDICATE
174 HAUPT ST - IS EMPTY - PEOPLE
HAVE BEEN GONE APPROX 10 MO.
NO FORWARDING ADDRESS.

COLE DIRECTORY LISTS KENNETH
AT P.O. BOX 50, IRVONA, PA 16656
AS A CURRENT ADDRESS - NO
PHYSICAL ADDRESS.

2. Notwithstanding the investigation as set forth in this Affidavit, Affiant and/or its agents have not been able to locate the whereabouts of said Defendant(s) as shown above and by the attached exhibits.

We verify that the statements made in this Affidavit are true and correct to the best of our knowledge, information and belief. We understand that false statements are made subject to the penalties of 18 Pa.C.S.A. Section 4904, relating to unsworn falsification to authorities.

FOUR STAR INVESTIGATION

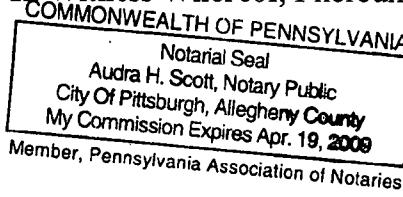
BY: Roy G. Gephart
Investigator

Commonwealth of Pennsylvania :
: SS.

County of Allegheny :

On this the 5th day of December, 2005, before me the undersigned officer, personally appeared the Affiant, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



Audra H. Scott
NOTARY PUBLIC

IMPORTANT MESSAGE			
FOR	TPV		
DATE	11-23-2005		
	TIME	11:40 AM	
M. CIPAC FIELD SHILLIFF			
DE	817-765-2671		
PHONE	AREA CODE	NUMBER	TIME TO CALLER
<input type="checkbox"/> FAX			
<input type="checkbox"/> MOBILE			
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	
MESSAGE: <i>Message code - 401 Service house is vacant They will send return but it may take awhile they are backed up</i>			
SIGNED <i>K</i>			
Tops FORM 30025 MADE IN U.S.A.			

EXHIBIT "A"

LOUIS P. VITTI & ASSOCIATES, P.C.

916 Fifth Avenue

Pittsburgh, PA 15219

PHONE: (412) 281-1725

FAX: (412) 281-3810

DATE: WEDNESDAY, NOVEMBER 23, 2005

POSTMASTER OF IRVONA PA 16656

**Request for Change of Address or Boxholder
Information Needed for Service of Legal Process**

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: KENNETH E. MARRAPODE and TRACY A. MARRAPODE
Address: 174 HAUPT STREET, IRVONA PA 16650

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

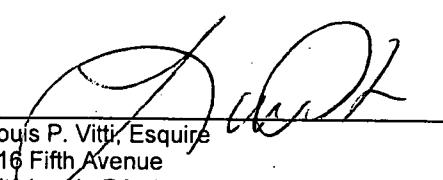
The following information is provided in accordance with 39 CFR 265.6(d)(6)(ii). There is no fee for providing boxholder information. **The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.**

1. Capacity of requester (e.g., process server, attorney, party representing himself): Attorney
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting *pro se* - except a corporation acting *pro se* must cite statute): N/A
3. The names of all known parties to the litigation: WACHOVIA BANK, N.A.
4. The court in which the case has been or will be heard: CLEARFIELD COUNTY, CLEARFIELD PA
5. The docket or other identifying number if one has been issued: NO. 05-1656-CD
6. The capacity in which this individual is to be served (e.g. defendant or witness): Defendant

WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.



Louis P. Vitti, Esquire
916 Fifth Avenue
Pittsburgh, PA 15219

FOR POST OFFICE USE ONLY

ADDRESS or BOXHOLDER'S POSTMARK

No change of address order on file. NEW

Not known at address given.

NAME AND STREET ADDRESS

Moved, left no forwarding address.

174 HAUPT ST

No such address.

P O Box 50

Good as Addressed

IRVONA PA 16656-0050

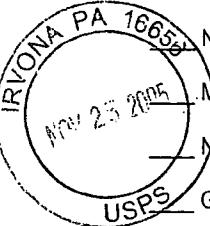


EXHIBIT "B"

LOUIS P. VITTI & ASSOCIATES, P.C.

916 Fifth Avenue
Pittsburgh, PA 15219

PHONE: (412) 281-1725 FAX: (412) 281-3810

DATE: WEDNESDAY, NOVEMBER 23, 2005

POSTMASTER OF IRVONA PA 16656

**Request for Change of Address or Boxholder
Information Needed for Service of Legal Process**

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: KENNETH E. MARRAPODE and TRACY A. MARRAPODE
Address: P.O. BOX 50, IRVONA PA 16650

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

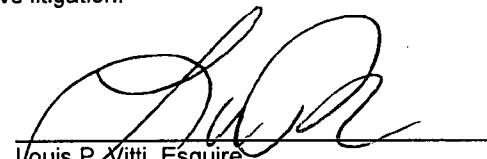
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1. Capacity of requester (e.g., process server, attorney, party representing himself): Attorney
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting *pro se* - except a corporation acting *pro se* must cite statute): N/A
3. The names of all known parties to the litigation: WACHOVIA BANK, N.A.
4. The court in which the case has been or will be heard: CLEARFIELD COUNTY, CLEARFIELD PA
5. The docket or other identifying number if one has been issued: NO. 05-1656-CD
6. The capacity in which this individual is to be served (e.g. defendant or witness): Defendant

WARNING

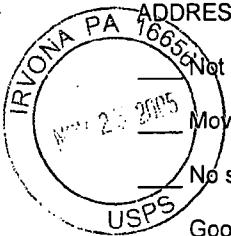
THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.



Louis P. Vitti, Esquire
916 Fifth Avenue
Pittsburgh, PA 15219

FOR POST OFFICE USE ONLY



ADDRESS or BOXHOLDER'S POSTMARK

Not known at address given.

Moved, left no forwarding address.

No such address.

Good as Addressed

No change of address order on file. NEW

NAME AND STREET ADDRESS

174 HAUPT ST
P O Box 50
IRVONA PA 16656-0050

VERIFICATION

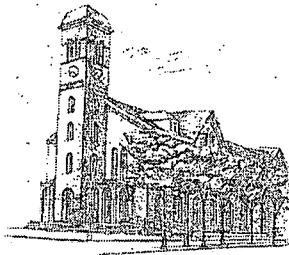
AND NOW Louis P. Vitti verifies that the statements made in this Motion are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the Court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: December 13, 2005



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: 12-19-05

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

WACHOVIA BANK, N.A., AS
INDENTURE TRUSTEE, Assignee of
MELLON BANK, N.A., Assignee of
NATIONAL CITY MORTGAGE CO.

Plaintiff,

vs.

KENNETH E. MARRAPODE and TRACY
A. MARRAPODE,

Defendants.

CIVIL DIVISION

NO. 05-1656-CD

**PRAECIPE TO REINSTATE
COMPLAINT IN MORTGAGE
FORECLOSURE**

Code - Mortgage Foreclosure

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED Atty pd.
m 11:35 AM 7.00
DEC 30 2005 Comp 1.
William A. Shaw Reinstated
Prothonotary/Clerk of Court
Shaff

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

WACHOVIA BANK, N.A., AS INDENTURE TRUSTEE,)
Assignee of MELLON BANK, N.A., Assignee of) NO. 05-1656-CD
NATIONAL CITY MORTGAGE CO.)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

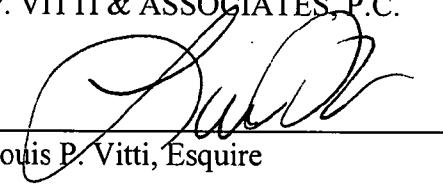
PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please reinstate the complaint in the above-captioned case.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

BY: 

Louis P. Vitti, Esquire

DATE: December 28, 2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, N.A., AS
INDENTURE TRUSTEE, Assignee of
MELLON BANK, N.A., Assignee of
NATIONAL CITY MORTGAGE CO.,

Plaintiff,

vs.

KENNETH E. MARRAPODE and TRACY
A. MARRAPODE,

Defendants.

CIVIL DIVISION

NO. 05-1656-CD

**CERTIFICATION OF
MAILING**

Code - Mortgage Foreclosure

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED NO
M 12:45 PM
JAN 09 2006
CLERK
C.C.

William A. Shaw
Prothonotary/Clerk of Courts

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

WACHOVIA BANK, N.A., AS INDENTURE TRUSTEE,
Assignee of MELLON BANK, N.A., Assignee of
NATIONAL CITY MORTGAGE CO.,

Plaintiff,

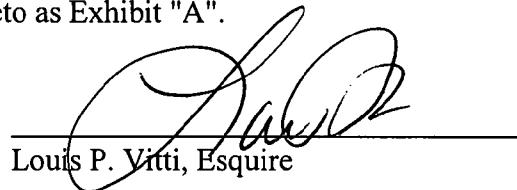
vs.

KENNETH E. MARRAPODE and TRACY A. MARRAPODE,

Defendants.

CERTIFICATION OF MAILING

I, Louis P. Vitti, Esquire, do hereby certify that service of the Complaint was accomplished by ordinary mail on the Defendants KENNETH E. MARRAPODE and TRACY A. MARRAPODE, on January 6 2006, as per the Order of Court dated December 16, 2005. A copy of said certificate of mailing is attached hereto as Exhibit "A".

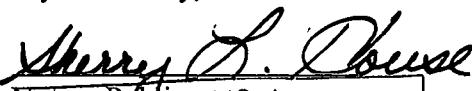


Louis P. Vitti, Esquire

Sworn to and subscribed

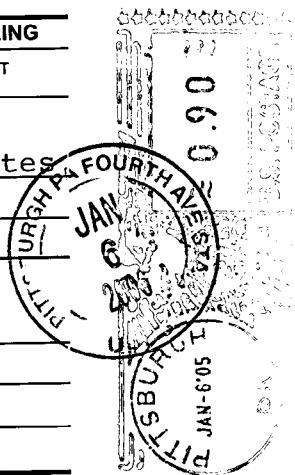
before me, this 6th

day of January, 2006.



Notary Public Notarial Seal
Sherry L. House, Notary Public
Pleasant Hills Boro, Allegheny County
My Commission Expires January 28, 2007
Member Pennsylvania Association of Notaries

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From:		
<u>Louis P. Vitti & Associates</u> <u>916 Fifth Avenue</u> <u>Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to:		
<u>KENNETH E. MARRAPODE</u> <u>174 HAUPT STREET</u> <u>P.O. BOX 50</u> <u>IRVONA PA 16656</u>		



PS Form 3817, January 2001

kc #54206

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From:		
<u>Louis P. Vitti & Associates</u> <u>916 Fifth Avenue</u> <u>Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to:		
<u>TRACY A. MARRAPODE</u> <u>174 Haupt Street</u> <u>P.O. Box 50</u> <u>Irsvona PA 16656</u>		



PS Form 3817, January 2001
KC #54206

Exhibit "A"

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **100939**

WACHOVIA BANK, N.A.

Case # **05-1656-CD**

VS.

KENNETH E. MARRAPODE and TRACY A. MARRAPODE

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW February 13, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO KENNETH E. MARRAPODE, DEFENDANT. PO BOX 50, HAUPT/EMMA STS., IRVONA, PA. "EMPTY".

SERVED BY: /

FILED
018-4567
FEB 14 2006
LM

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket #

100939

WACHOVIA BANK, N.A.

Case # 05-1656-CD

VS.

KENNETH E. MARRAPODE and TRACY A. MARRAPODE

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW February 13, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO TRACY A MARRAPODE, DEFENDANT. PO BOX 50, HAUPT/EMMA STS., IRVONA, PA. "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 100939
NO: 05-1656-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WACHOVIA BANK, N.A.

vs.

DEFENDANT: KENNETH E. MARRAPODE and TRACY A. MARRAPODE

SHERIFF RETURN

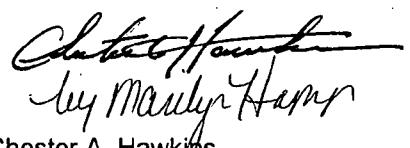
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	VITTI	26921	20.00
SHERIFF HAWKINS	VITTI	26921	45.19

Sworn to Before Me This

So Answers,

Day of _____ 2006


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, N.A., as Indenture
Trustee, Assignee of MELLON BANK,
N.A., Assignee of NATIONAL CITY
MORTGAGE CO.,

Plaintiff,

vs.

KENNETH E. MARRAPODE AND
TRACY A. MARRAPODE,

Defendants.

CIVIL DIVISION

NO. 05-1656-CD

**COMPLAINT IN MORTGAGE
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

OCT 26 2005

Attest.

William B. Brown
Prothonotary/
Clerk of Courts

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

WACHOVIA BANK, N.A., et al)
Plaintiff,) NO:
vs.)
KENNETH E. MARRAPODE AND)
TRACY A. MARRAPODE,)
Defendant(s).)

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 THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND 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 SHOULD NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

(814) 765-2641 - EXT. 20

COMPLAINT IN MORTGAGE FORECLOSURE

AND NOW, comes the Plaintiff by its attorneys, Louis P. Vitti and Associates, P.C. and Louis P. Vitti, Esquire, and pursuant to the Pennsylvania Rules of Civil Procedure Numbers 1141 through 1150, for its Complaint in Mortgage Foreclosure, sets forth the following:

1. The Plaintiff is a corporation duly authorized to conduct business within the laws of the Commonwealth of Pennsylvania, having a principal place of business located at 3232 Newmark Drive, Miamisburg, OH 45342.
2. The Defendant(s) is/are individuals with a last known mailing address of P.O. Box 50, Irvona, PA 16650. The property address is **Corner of Haupt and Emma Streets, a/k/a 174 Haupt Street, Irvona, PA 16656** and is the subject of this action.
3. On the 24th day of May, 2000, in consideration of a loan of Forty Three Thousand Four Hundred Seventy Seven and 00/100 (\$43,477.00) Dollars made by National City Mortgage Co., an OH corporation, to Defendant(s), the said Defendant(s) executed and delivered to National City Mortgage Co., an OH corporation, a "Note" secured by a Mortgage with the Defendant(s) as mortgagor(s) and National City Mortgage Co., as mortgagee, which mortgage was recorded on the 26th day of May, 2000, in the Office of the Recorder of Deeds of Clearfield County, at Instrument No. 200007333. The said mortgage is incorporated herein by reference thereto as though the same were set forth fully at length.

4. The premises secured by the mortgage are:

SEE EXHIBIT "A" ATTACHED HERETO.

5. On the 22nd day of January, 2001, National City mortgage Co., an OH corporation, assigned to Mellon Bank, N.A., the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 22nd day of January, 2001, at Instrument No. 200100845. The said assignment is incorporated herein by reference.

6. On the 30th day of June, 2003, Mellon Bank, N.A., assigned to the Plaintiff, Wachovia Bank, N.A., the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 30th day of June, 2003, at Instrument No. 200311462. The said assignment is incorporated herein by reference.

7. Said mortgage provides, inter alia:

"that when as soon as the principal debt secured shall become due and payable, or in case default shall be made in the payment of any installment of principal and interest, or any monthly payment, keeping and performance by the mortgagor of any of the terms, conditions or covenants of the mortgage or note, it shall be lawful for mortgagee to bring an Action of Mortgage Foreclosure, or other proceedings upon the mortgage, of principal debt, interest and all other recoverable sums, together with attorney's fees."

8. Since May 1, 2005, the mortgage has been in default by reason, inter alia, of the failure of the mortgagor(s) to make payments provided for in the said mortgage (including principal and interest) and, under the terms of the mortgage, the entire principal sum is due and payable.

9. In accordance with the appropriate Pennsylvania Acts of Assembly and the Pennsylvania Rules of Civil Procedure, the mortgagor(s) has been advised in writing of the mortgagees intention to foreclose. The appropriate time period has elapsed since the Notice of Intention to Foreclose has been

served upon the mortgagor(s).

10. The amount due on said mortgage is itemized on the attached schedule.

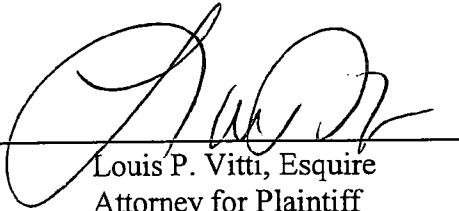
11. Pursuant to Pennsylvania Rule of Civil Procedure 1144, the Plaintiff releases from liability for the debt secured by the mortgage any mortgagor, personal representative, heir or devisee of the mortgagor who is not a real owner of the property as evidenced by the last recorded deed of record at the time of the filing of this Complaint.

WHEREFORE, pursuant to Pennsylvania Rule of Civil Procedure Number 1147(6), Plaintiff demands judgment for the amount due of Fifty One Thousand Seven Hundred Fifty Eight and 68/100 Dollars (\$51,758.68) with interest and costs.

Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY _____


Louis P. Vitti, Esquire
Attorney for Plaintiff

MARRAPODE

SCHEDULE OF AMOUNTS DUE UNDER MORTGAGE

Unpaid Principal Balance		41,590.86	
Interest @ 8.5000%	from 04/01/05	through 10/31/2005	2,063.02
(Plus \$9.6855 per day after 10/31/2005)			
Late charges through 10/21/2005			
0 months @ 18.42			
Accumulated beforehand			92.10
(Plus \$18.42 on the 17th day of each month after	10/21/2005)		
Attorney's fee		2,079.54	
Escrow deficit			<u>5,933.16</u>

(This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)

BALANCE DUE **51,758.68**

EXHIBIT "A"

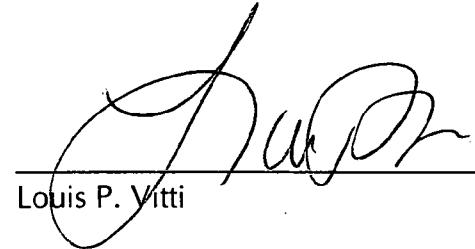
ALL that certain parcel and lot of ground situate, lying and being in the said Borough of Irvona, in the County of Clearfield, and State aforesaid, marked and numbered on the plan of said Borough of Irvona, Lot Number Three Hundred Eighty-Seven (387) situate on the South side of Emma Street, which Street forms its boundary on the North, and bounded on the West, by Haupt Street, on the South by Lot Number Three Hundred Eighty-Eight (388) and on the East by an alley.

Exhibit "A"
Jol. T.m.

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 10/24/2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, N.A., as Indenture
Trustee, Assignee of MELLON BANK,
N.A., Assignee of NATIONAL CITY
MORTGAGE CO.,

Plaintiff,

vs.

KENNETH E. MARRAPODE AND
TRACY A. MARRAPODE,

Defendants.

CIVIL DIVISION

NO. 05-1656-CD

**COMPLAINT IN MORTGAGE
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

I hereby certify this to be a true
and attested copy of the original
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OCT 26 2005

Attest.

William L. Blair
Prothonotary/
Clerk of Courts

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

WACHOVIA BANK, N.A., et al)
Plaintiff,) NO:
vs.)
KENNETH E. MARRAPODE AND)
TRACY A. MARRAPODE,)
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COMPLAINT IN MORTGAGE FORECLOSURE

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CLEARFIELD, PA 16830

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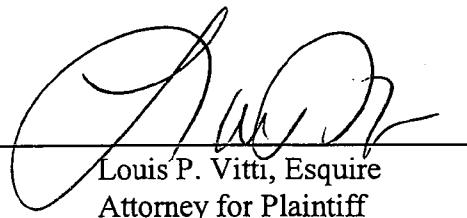
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LOUIS P. VITTI & ASSOC., P.C.

BY



Louis P. Vitti, Esquire
Attorney for Plaintiff

MARRAPODE

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Late charges through 10/21/2005			
0 months @ 18.42			
Accumulated beforehand			92.10
(Plus \$18.42 on the 17th day of each month after 10/21/2005)			
Attorney's fee		2,079.54	
Escrow deficit		<u>5,933.16</u>	
<p>(This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)</p>			
BALANCE DUE		51,758.68	

EXHIBIT "A"

ALL that certain parcel and lot of ground situate, lying and being in the said Borough of Iriona, in the County of Clearfield, and State aforesaid, marked and numbered on the plan of said Borough of Iriona, Lot Number Three Hundred Eighty-Seven (387) situate on the South side of Emma Street, which Street forms its boundary on the North, and bounded on the West, by Haupt Street, on the South by Lot Number Three Hundred Eighty-Eight (388) and on the East by an alley.

Exhibit "A"
Jol. T.M.

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By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 10/24/2005

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101118
NO. 05-1656-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: WACHOVIA BANK, N.A.

vs.

DEFENDANT: KENNETH E. MARRAPODE and TRACY A. MARRAPODE

SHERIFF RETURN

NOW, January 06, 2006 AT 12:56 PM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT 174 HAUPUT ST., PO BOX 50, IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: DAVIS / MORGILLO

FILED
01/03/2006
MAR 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101118
NO: 05-1656-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: WACHOVIA BANK, N.A.

vs.

DEFENDANT: KENNETH E. MARRAPODE and TRACY A. MARRAPODE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	VITTI	27504	10.00
SHERIFF HAWKINS	VITTI	27504	33.03

Sworn to Before Me This

So Answers,

Day of _____ 2006


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA., as indenture
trustee assignee of MELLON BANK, NA.,
assignee of NATIONAL CITY
MORTGAGE CO.,

Plaintiff,

vs.

KENNETH E. MARRAPODE and TRACY
A. MARRAPODE

Defendants.

CIVIL DIVISION

NO. 05-1656-CD

**PRAECIPE FOR DEFAULT
JUDGMENT, CERTIFICATION OF
MAILING AND AFFIDAVIT OF NON-
MILITARY SERVICE**

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED Atty pd.20.00
M 11/12/2006
MAR 08 2006 Notice to Def.

William A. Shaw
Prothonotary/Clerk of Courts
Atty
GR

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

WACHOVIA BANK, NA., as indenture trustee, assignee) NO. 05-1656-CD
of MELLON BANK, NA., assignee of NATIONAL CITY)
MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

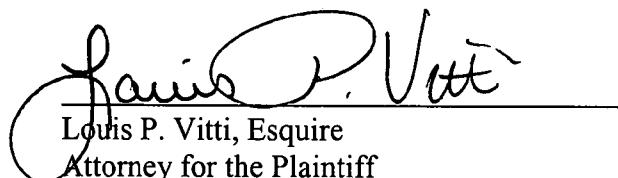
PRAECIPE FOR DEFAULT JUDGMENT
AND ASSESSMENT OF DAMAGES

TO: PROTHONOTARY OF CLEARFIELD

Enter judgment in Default of an Answer in the amount of **\$51,872.51**, in favor of the Wachovia Bank, NA., et al , Plaintiff in the above-captioned action, against the Defendants, **Kenneth E. Marrapode and Tracy A. Marrapode** and assess Plaintiff's damages as follows and/or as calculated in the Complaint:

Unpaid Principal Balance	\$41,590.86
Interest from 4/1/05-2/23/06 (Plus \$9.6855 per day after 2/23/06)	2,176.85
Late charges (Plus \$18.42 per month from 10/21/06-Sale Date)	92.10
Attorney's fee	2,079.54
Escrow Deficit (Plus any additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)	5,933.16
Total Amount Due	<u>\$51,872.51</u>

The real estate, which is the subject matter of the Complaint, is situate in Boro of Irvona, Cty of Clearfield, State of PA. HET a dwg k/a Corner of Haupt and Emma Street a/k/a 174 Haupt Street, PO Box 50, Irvona, PA 16656. 11-h16-353-19 .


Louis P. Vitti, Esquire
Attorney for the Plaintiff

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

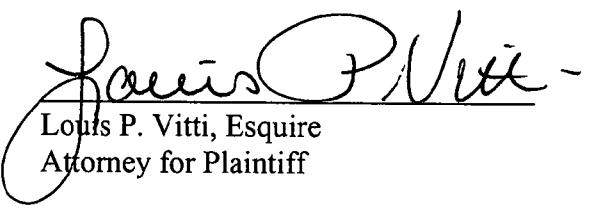
WACHOVIA BANK, NA., as indenture trustee, assignee) NO. 05-1656-CD
of MELLON BANK, NA., assignee of NATIONAL CITY)
MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

CERTIFICATION OF MAILING

I, Louis P. Vitti, do hereby certify that a Notice of Intention to Take Judgment was mailed to the Defendant(s), in the above-captioned case on February 10, 2006, giving ten (10) day notice that judgment would be entered should no action be taken.

LOUIS P. VITTI & ASSOCIATES, P.C.

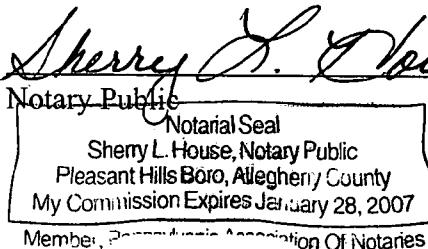
BY:


Louis P. Vitti, Esquire
Attorney for Plaintiff

SWORN to and subscribed

before me this 23rd day

of February, 2006.



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

WACHOVIA BANK, N.A., AS INDENTURE TRUSTEE, assignee of
MELLON BANK, N.A., assignee of NATIONAL CITY MORTGAGE CO.,

NO. 05-1656-CD

Plaintiff,

vs.

KENNETH E. MARRAPODE and TRACY A. MARRAPODE,

Defendants.

IMPORTANT NOTICE

TO: Kenneth E. Marrapode
Tracy A. Marrapode
174 Haupt Street
P.O. Box 50
Irvona, PA 16656

Date of Notice: **February 10, 2006**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

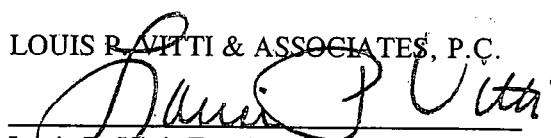
YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

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

PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 EXT. 20

LOUIS P. VITTI & ASSOCIATES, P.C.

BY:


Louis P. Vitti, Esquire
Attorney for Plaintiff
916 Fifth Avenue
Pittsburgh, PA 15219

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

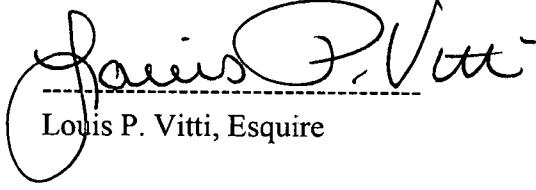
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA, SS:

COUNTY OF ALLEGHENY

BEFORE me, the undersigned authority, personally appeared Louis P. Vitti, Esquire, who, being duly sworn according to law, deposes and says that he is advised and believes that DEFENDANT(S) is/are not presently in the active military service of the United States of America and not members of the Army of the United States, United States Navy, the Marine Corps, or the Coast Guard, and not officers of the Public Health Service detailed by proper authority for duty with the Army or Navy; nor engaged in any active military service or duty with any military or naval units covered by the Soldiers and Sailors Civil Relief Act of 1940 and designated therein as military service, and to the best of this affiant's knowledge is/are not enlisted in military service covered by said act, and that the averments herein set forth, insofar as they are within his knowledge, are correct, and true; and insofar as they are based on information received from others, are true and correct as he verily believes.

This Affidavit is made under the provisions of the Soldiers and Sailors Civil Relief Act of 1940.



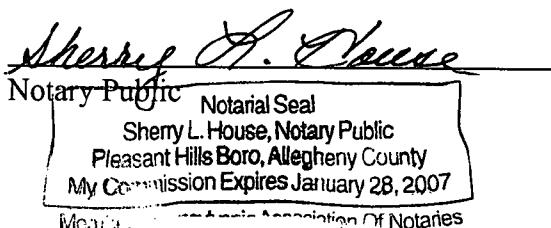
Louis P. Vitti

Louis P. Vitti, Esquire

SWORN to and subscribed

before me this 23rd day

of February, 2006.



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

WACHOVIA BANK, NA., as indenture trustee, assignee) NO. 05-1656-CD
of MELLON BANK, NA., assignee of NATIONAL CITY)
MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: DEFENDANT(S)

You are hereby notified that a judgment was entered in the above-captioned proceeding
on the 8th day of March 2006.

Judgment is as follows: **\$51,872.51.**



Deputy

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

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

 COPY

Wachovia Bank, N.A.
Mellon Bank, N.A.
National City Mortgage Co.
Plaintiff(s)

No.: 2005-01656-CD

Real Debt: \$51,872.51

Atty's Comm: \$

Vs.

Costs: \$

Kenneth E. Marrapode
Tracy A. Marrapode
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: March 8, 2006

Expires: March 8, 2011

Certified from the record this 8th day of March, 2006.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA., as indentured
trustee assignee of MELLON BANK,
NA.,MORTGAGE CO.,

CIVIL DIVISION
NO. 05-1656-cd

Plaintiff

vs.

KENNETH E. MARRAPODE and TRACY
A. MARRAPODE,

AFFIDAVIT OF SERVICE

Defendants.

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
PA I.D. #3810
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED
M 10 25 2006
APR 13 2006
cc

William A. Shaw
Prothonotary/Clerk of Courts

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

WACHOVIA BANK, NA., as indentured trustee assignee) NO. 05-1656-cd
of MELLON BANK, NA.,MORTGAGE CO.,)
Plaintiff)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

AFFIDAVIT OF SERVICE

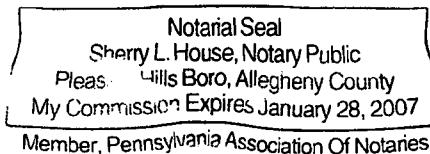
I, Helen Boyce, do hereby certify that a Notice of Sale and Order of Court has been served upon the Defendants by Clearfield County Sheriff on March 31, 2006 and all lienholders by Certificate of Mailing, for service in the above-captioned case on March 16, 2006, advising them of the Sheriff's sale of the property at 174 Haupt Street, PO Box 50, Irvona, PA 16656 on May 5, 2006.

LOUIS P. VITTI & ASSOCIATES, P.C.

BY H. Boyce
Helen Boyce

SWORN to and subscribed

before me this 10th day
of April, 2006.



Sherry L. House
Notary Public

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

Tax Collector of Irvona Borough
255 Hopkins Street
Irvona, PA 16656

PS Form 3817, January 2001

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

Irvona Municipal Building
Po Box 247
Irvona, PA 16656

PS Form 3817, January 2001

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

BCI Municipal Authority
Main Street
Irvona, PA 16656

PS Form 3817, January 2001

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

Commonwealth of PA -DPW
P.O. Box 8016
Harrisburg, PA 17105

PS Form 3817, January 2001

WB - Maropade, S.S.O.

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

Clerk of Courts
Criminal/Civil Division
P.O. Box 549
Clearfield, PA 16830

PS Form 3817, January 2001

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

Tax Claim Bureau of Clearfield County
230 East Market Street
Clearfield, PA 16830

PS Form 3817, January 2001

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

Court of Common Pleas of
Clearfield County
Domestic Relations Division
P.O. Box 549
Clearfield, PA 16830

PS Form 3817, January 2001

U.S. POSTAL SERVICE

CERTIFICATE OF MAILING

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

Received From:

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue, Pittsburgh, PA 15219

One piece of ordinary mail addressed to:

PA Dept. of Sheriff Sales
Bureau of Compliance
Dept. #281230
Harrisburg, PA 17128-1230

PS Form 3817, January 2001

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to: Tenant/Occupant The corner of Haupt and Emma Irvona, PA 16656		

PS Form 3817, January 2001

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to: Tenant/Occupant 174 Haupt Street PO Box 50 Irvona, PA 16656		

PS Form 3817, January 2001

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to: Citfinancial, Inc 302 Union Ave Altoona, PA 16602		

PS Form 3817, January 2001

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to: Tracy Marrapode 174 Haupt Street PO Box 50 Irvona, PA 16656		

PS Form 3817, January 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA., as indenture
trustee assignee of MELLON BANK, NA.,
assignee of NATIONAL CITY
MORTGAGE CO.,

CIVIL DIVISION

NO. 05-1656-CD

**PRAECIPE FOR WRIT OF
EXECUTION AND AFFIDAVIT OF
LAST KNOWN ADDRESS**

Plaintiff,

vs.

KENNETH E. MARRAPODE and TRACY
A. MARRAPODE

Defendants.

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED Atty pd. 2000
m 11 2006
MAR 08 2006 ICC leonard
W prop. descr.
William A. Shaw
Prothonotary/Clerk of Courts to Shff
(60)

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

WACHOVIA BANK, NA., as indenture trustee, assignee) NO. 05-1656-CD
of MELLON BANK, NA., assignee of NATIONAL CITY)
MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

**PRAECIPE FOR WRIT OF
EXECUTION IN MORTGAGE FORECLOSURE**

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Issue a Writ of Execution in favor of the Plaintiff and against the Defendant(s) in the
above-captioned matter as follows:

Amount Due	\$51,872.51
Interest 2/24/06-Sale Date	_____
Total	\$ <u>125.00</u> Prothonotary costs

The real estate, which is the subject matter of the Praeclipe for Writ of Execution is situate
in:

Boro of Irvona, Cty of Clearfield, State of PA. HET a dwg k/a Corner of Haupt and Emma Street a/k/a
174 Haupt Street, PO Box 50, Irvona, PA 16656. 11-h16-353-19.


Louis P. Vitti, Esquire
Attorney for Plaintiff

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

WACHOVIA BANK, NA., as indenture trustee, assignee) NO. 05-1656-CD
of MELLON BANK, NA., assignee of NATIONAL CITY)
MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

AFFIDAVIT

I, Louis P. Vitti, do hereby swear that, to the best of my knowledge, information and belief, the Defendant(s), is/are the owners of the real property on which the Plaintiff seeks to execute. That the Defendants' last known address is 174 Haupt Street, PO Box 50, Irvona, PA 16656.



Louis P. Vitti
Louis P. Vitti, Esquire

SWORN TO and subscribed

before me this 23rd day of

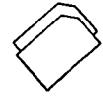
February, 2006.

Sherry L. House
Notary Public

Notarial Seal
Sherry L. House, Notary Public
Pleasant Hills Boro, Allegheny County
My Commission Expires January 28, 2007
Member Pennsylvania Association of Notaries

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

Wachovia Bank, N.A., as indenture trustee
assignee of Mellon Bank, N.A., assignee of
National City Mortgage Co.

 *Copy*

Vs. NO.: 2005-01656-CD

Kenneth E. Marrapode and Tracy A. Marrapode

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due WACHOVIA BANK, N.A., as indenture trustee assignee of MELLON BANK, N.A., assignee of NATIONAL CITY MORTGAGE CO., Plaintiff(s) from KENNETH E. MARRAPODE and TRACY A. MARRAPODE, Defendant(s):

(1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
See Attached Description

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL: \$51,872.51
INTEREST: 2/24/06-Sale Date
PROTH. COSTS: \$
ATTY'S COMM: \$
DATE: 03/08/2006

PAID: \$125.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Ave.
Pittsburgh, PA 15219
(412) 281-1725

Sheriff

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

WACHOVIA BANK, NA., as indenture trustee, assignee) NO. 05-1656-CD
of MELLON BANK, NA., assignee of NATIONAL CITY)
MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

LEGAL DESCRIPTION

All that certain parcel and lot of ground situate, lying and being in the said Borough of Irvona, in the County of Clearfield, and State aforesaid, marked and numbered on the plan of said Borough of Irvona, Lot Number Three Hundred Eighty-Seven (387) situate on the South side of Emma Street, which Street forms its boundary on the North, and bounded on the West, by Haupt Street, on the South by Lot Number Three Hundred Eighty-Eight (388) and on the East by an alley.

Having erected thereon a dwelling known as the corner of Haupt and Emma, Irvona, PA 16656 a/k/a 174 Haupt Street, PO Box 50, Irvona, PA 16656

Map#11-H16-353-19

Being the same premises which Hazel L. Peterson, widow, by her deed dated 5/23/2000 and recorded on 5/26/2000 in the Recorder of Deeds Office of Clearfield County, Pennsylvania, in Instrument Number 200007332, granted and conveyed unto Kenneth E. Marrapode and Tracy A. Marrapode.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20296
NO: 05-1656-CD

PLAINTIFF: WACHOVIA BANK, N.A., AS INDENTURE TRUSTEE, ASSIGNEE OF MELLON BANK, N.A. , AS
ASSIGNEE OF NATIONAL CITY MORTGAGE CO.

vs.

DEFENDANT: KENNETH E. MARRAPODE AND TRACY A. MARRAPODE

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 03/08/2006

LEVY TAKEN 03/21/2006 @ 10:15 AM

POSTED 03/21/2006 @ 10:15 AM

SALE HELD 05/05/2006

SOLD TO WACHOVIA BANK, N.A., AS INDENTURE TRUSTEE, ASSIGNEE OF MELLON BANK, N.A.

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 05/16/2006

DATE DEED FILED 05/16/2006

PROPERTY ADDRESS 174 HAUPT STREET, P. O. BOX 50 IRVONA , PA 16656

SERVICES

03/27/2006 @ SERVED KENNETH E. MARRAPODE

SERVED KENNETH E. MARRAPODE, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO P. O. BOX 50 174 HAUPT ST., IRVONA, PA CERT #70050390000372352374. CERTIFIED RETURNED UNCLAIMED ON 4/18/06

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

03/27/2006 @ SERVED TRACY A. MARRAPODE

SERVED TRACY A. MARRAPODE, DEFENDANT, BY CERT & REG MAIL PER COURT ORDER TO P. O. BOX 50, 174 HAUPT ST., IRVONA PA CERT #70050390000372352367. CERTIFIED RETURNED UNCLAIMED ON 4/18/06.

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

FILED
03-19-06
MAY 16 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20296

NO: 05-1656-CD

PLAINTIFF: WACHOVIA BANK, N.A., AS INDENTURE TRUSTEE, ASSIGNEE OF MELLON BANK, N.A. , AS
ASSIGNEE OF NATIONAL CITY MORTGAGE CO.

vs.

DEFENDANT: KENNETH E. MARRAPODE AND TRACY A. MARRAPODE

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$235.10

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

Chester A. Hawkins
By Cynthia Butler Aughenbaugh
Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION - LAW**

Wachovia Bank, N.A., as indenture trustee
assignee of Mellon Bank, N.A., assignee of
National City Mortgage Co.

Vs.

NO.: 2005-01656-CD

Kenneth E. Marrapode and Tracy A. Marrapode

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the debt, interest and costs due WACHOVIA BANK, N.A., as indenture trustee assignee of MELLON BANK, N.A., assignee of NATIONAL CITY MORTGAGE CO., Plaintiff(s) from KENNETH E. MARRAPODE and TRACY A. MARRAPODE, Defendant(s):

(1) You are directed to levy upon the property of the defendant(s) and to sell interest(s) therein:
See Attached Description

(2) You are also directed to attach the property of the defendant(s) not levied upon in the possession of:

Garnishee(s) as follows:

and to notify the garnishee(s) that: (a) an attachment has been issued; (b) the garnishee(s) is/are enjoined from paying any debt to or for the account of the defendant(s) and from delivering any property of the defendant(s) or otherwise disposing thereof;

(3) If property of the defendant(s) not levied upon and subject to attachment is found in the possession of anyone other than a named garnishee, you are directed to notify him/her that he/she has been added as a garnishee and is enjoined as above stated.

AMOUNT DUE/PRINCIPAL: \$51,872.51

PAID: \$125.00

INTEREST: 2/24/06-Sale Date

SHERIFF: \$

PROTH. COSTS: \$

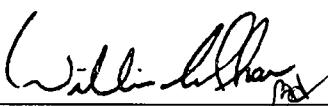
OTHER COSTS: \$

ATTY'S COMM: \$

DATE: 03/08/2006

Received this writ this 8th day
of March A.D. 2006
At 2:45 A.M.P.M.

Christopher A. Haenke
Sheriff by Christopher A. Haenke



William A. Shaw
Prothonotary/Clerk Civil Division

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Ave.
Pittsburgh, PA 15219
(412) 281-1725

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

WACHOVIA BANK, NA., as indenture trustee, assignee) NO. 05-1656-CD
of MELLON BANK, NA., assignee of NATIONAL CITY)
MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE,)
Defendants.)

LEGAL DESCRIPTION

All that certain parcel and lot of ground situate, lying and being in the said Borough of Irvona, in the County of Clearfield, and State aforesaid, marked and numbered on the plan of said Borough of Irvona, Lot Number Three Hundred Eighty-Seven (387) situate on the South side of Emma Street, which Street forms its boundary on the North, and bounded on the West, by Haupt Street, on the South by Lot Number Three Hundred Eighty-Eight (388) and on the East by an alley.

Having erected thereon a dwelling known as the corner of Haupt and Emma, Irvona, PA 16656 a/k/a 174 Haupt Street, PO Box 50, Irvona, PA 16656

Map#11-H16-353-19

Being the same premises which Hazel L. Peterson, widow, by her deed dated 5/23/2000 and recorded on 5/26/2000 in the Recorder of Deeds Office of Clearfield County, Pennsylvania, in Instrument Number 200007332, granted and conveyed unto Kenneth E. Marrapode and Tracy A. Marrapode.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME KENNETH E. MARRAPODE

NO. 05-1656-CD

NOW, May 16, 2006, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on May 05, 2006, I exposed the within described real estate of Kenneth E. Marrapode And Tracy A. Marrapode to public venue or outcry at which time and place I sold the same to WACHOVIA BANK, N.A., AS INDENTURE TRUSTEE, ASSIGNEE OF MELLON BANK, N.A. he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00	DEBT-AMOUNT DUE	51,872.51
SERVICE	15.00	INTEREST @ %	0.00
MILEAGE		FROM TO 05/05/2006	
LEVY	15.00		
MILEAGE	24.03	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	15.07	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	40.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED	30.00	PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE		MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	1.00	TOTAL DEBT AND INTEREST	\$51,912.51
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	327.94
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$235.10	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	5.00
ACKNOWLEDGEMENT	5.00	DEED COSTS	29.00
REGISTER & RECORDER	29.00	SHERIFF COSTS	235.10
TRANSFER TAX 2%	0.00	LEGAL JOURNAL COSTS	162.00
TOTAL DEED COSTS	\$29.00	PROTHONOTARY	125.00
		MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	191.64
		TOTAL COSTS	\$1,215.68

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

CHESTER A. HAWKINS, Sheriff

COPY

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

WACHOVIA BANK, N.A., AS INDENTURE)
TRUSTEE, Assignee of MELLON BANK,) No. 05-1656-CD
N.A., Assignee of NATIONAL CITY MORTGAGE CO.,)
Plaintiff,)
vs.)
KENNETH E. MARRAPODE and TRACY A. MARRAPODE) I hereby certify this to be a true
Defendants.) and attested copy of the original
) statement filed in this case.
)

DEC 19 2005

Attest.

Signature
Prothonotary
Clerk of Courts

ORDER OF COURT

NOW, this 16th day of December, 20 05, it appearing
to the Court that the Sheriff has been frustrated in service of process, it is Ordered, Adjudged
and Decreed that service of the Complaint and all subsequent documents upon all Defendants
be accomplished by ordinary mail to Defendants' last known address and by posting the property
by the Sheriff in order to effect compliance with Rule 400, et seq. and Rule 3129.1, et seq.

BY THE COURT:

/s/ Fredric J. Ammerman

J.

COPY

CERTIFIED MAIL™



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



7005 0390 0003 7235 2367

016H16505405
\$ 04.880
03/27/2006
Mailed From 16830
US POSTAGE

Hasler



3/24/06
4/1/06
100-1180
RECEIVED
TRACY A. MARRAPODE
P. O. BOX 50
174 HAUPt STREET
IRVONA, PA 16656

Unclaimed
RTS
RETURN TO SENDER

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

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

IRVONA, PA 16656

Postage	\$ 0.63
Certified Fee	\$ 2.40
Return Receipt Fee (Endorsement Required)	\$ 1.85
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.88

7005 0390 0003 7235 2367
Sent To

TRACY A. MARRAPODE
P. O. BOX 50
174 HAUPt STREET
IRVONA, PA 16656

PS Form 3800, June 2002

See Reverse for



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:

TRACY A. MARRAPODE

P.O. BOX 50
174 HAUPST STREET
IRVONA, PA 16656**COMPLETE THIS SECTION ON DELIVERY**

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

3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)

<input type="checkbox"/> Yes

2. Article Number

(Transfer from service label)

7005 0390 0003 7235 2367

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

ULTIMATE PRIVATE MAIL



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



7005 0390 0003 7235 2374

016H16505405
\$04.880
03/27/2006
Mailed From 16830
US POSTAGE

Hazler



KENNETH E. MARRAPODE
P. O. BOX 50
174 HAUPPT STREET
IRVONA, PA 16656
7005 0390 0003 7235 2374

3/26/04
4/1/04

Rec'd
4/1/04

Unclaimed
RTS
RETURN TO SENDER

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

IRVONA PA 16656

OFFICIAL USE

Postage	\$ 11.63
Certified Fee	\$ 2.40
Return Receipt Fee (Endorsement Required)	\$ 1.85
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 4.88

0830 04/20/04 Postmark Here

03/27/2006

Sent To: KENNETH E. MARRAPODE
Street, Apt. No.,
or PO Box No. P. O. BOX 50
City, State, ZIP+4 174 HAUPPT STREET
IRVONA, PA 16656

PS Form 3800, June 2002

See Reverse for

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:

KENNETH E. MARRAPODE
P. O. BOX 50
174 HAUPT STREET
IRVONA, PA 16656

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number

(Transfer from service label)

7005 0390 0003 7235 2374

Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004