

05-1937-CD
Citimortgage Inc. vs Rodney Smith
et al

Citimortgage et al vs Rodney Smith et al
2005-1937-CD

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

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.
1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

Plaintiff

v.

RODNEY G. SMITH
LORI L. SMITH
1220 JOSEPH RD
CLEARFIELD, PA 16830

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO. 05-1937-CD
CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

FILED Atty pd. 850
m11117601 4CCShff
DEC 13 2005

William A. Shaw
Prothonotary/Clerk of Courts

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

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

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

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

1. Plaintiff is

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.
1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

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

RODNEY G. SMITH
LORI L. SMITH
1220 JOSEPH RD
CLEARFIELD, PA 16830

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

3. On 06/06/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CSB BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200209004. By Assignment of Mortgage recorded 07/02/02 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument No: 200210495.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/01/2005 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$43,586.96
Interest	1,281.54
07/01/2005 through 12/06/2005	
(Per Diem \$8.06)	
Attorney's Fees	1,250.00
Cumulative Late Charges	88.48
06/06/2002 to 12/06/2005	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 46,756.98
Escrow	
Credit	0.00
Deficit	23.32
Subtotal	<u>\$ 23.32</u>
TOTAL	\$ 46,780.30

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 46,780.30, together with interest from 12/06/2005 at the rate of \$8.06 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

LEGAL DESCRIPTION

ALL That certain piece of land situate in the Township of Girard, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the middle of the right-of-way of Township Road T-640 at the intersection of said road and the property line separating the property herein conveyed and other property of the Grantors; thence South eighty-six (86 degrees) degrees; thirty-seven (37 minutes) minutes East along land of the Grantors herein a distance of two hundred ninety-nine and five tenths (299.5) feet to a point; thence South ten (10 degrees) degrees, thirty-three (33 minutes) minutes West a distance of one hundred fifty-four and four tenths (154.4) feet to a point; thence North eighty-six (86 degrees) degrees, thirty-seven (37 minutes) minutes West along line of property of Bald Hill Water Company a distance of two hundred ninety-nine and five tenths (299.5) feet to a point in the middle of the right-of-way of said Township Road; thence North ten (10 degrees) degrees, thirty-three (33 minutes) East along said Township right-of-way a distance of one hundred fifty-four and four tenths (154.4) feet to a point at the place of BEGINNING. Containing approximately 1.0 acres.

BEING those same premises conveyed to the grantor above by deed dated November 7, 1990 and recorded at Clearfield County Deed Book 1373, Page 519. Gary L. Plubell married Gwendolyn M. Wisor, now Plubell, on October 27, 2001.

PROPERTY BEING: 332 BALD HILL ROAD

VERIFICATION

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



Scott Scheiner
Assistant Vice President

DATE: 12/2/15

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101079
NO: 05-1937-CD
SERVICE # 1 OF 5
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC.
vs.
DEFENDANT: RODNEY G. SMITH and LORI L. SMITH

SHERIFF RETURN

NOW, December 16, 2005 AT 1:52 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RODNEY G. SMITH DEFENDANT AT 385 LECONTE'S MILLS ROAD, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RODNEY G. SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

FILED
9/3:15 am LM
MAR 15 2006

William A. Shaw
Prothonotary

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 5 Services

Sheriff Docket # **101079**

CITIMORTGAGE, INC.

Case # **05-1937-CD**

vs.

RODNEY G. SMITH and LORI L. SMITH

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW March 15, 2006 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO LORI L. SMITH, DEFENDANT. 332 BALD HILL ROAD, FRENCHVILLE, PA. "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101079
NO: 05-1937-CD
SERVICE # 3 OF 5
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC.
vs.
DEFENDANT: RODNEY G. SMITH and LORI L. SMITH

SHERIFF RETURN

NOW, January 04, 2006 AT 8:57 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RODNEY G. SMITH DEFENDANT AT 385 LECONTE'S MILLS ROAD, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RODNEY SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101079
NO: 05-1937-CD
SERVICE # 4 OF 5
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC.
vs.
DEFENDANT: RODNEY G. SMITH and LORI L. SMITH

SHERIFF RETURN

NOW, December 29, 2005 AT 3:27 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LORI L. SMITH DEFENDANT AT 1220 JOSEPH ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LORI L. SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / HUNTER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101079
NO: 05-1937-CD
SERVICE # 5 OF 5
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC.
vs.
DEFENDANT: RODNEY G. SMITH and LORI L. SMITH

SHERIFF RETURN

NOW, December 16, 2005 AT 1:52 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON RODNEY G. SMITH DEFENDANT AT 385 LECONTE'S MILLS ROAD, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO RODNEY G. SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101079
NO: 05-1937-CD
SERVICES 5
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC.

VS.

DEFENDANT: RODNEY G. SMITH and LORI L. SMITH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	467914	20.00
SURCHARGE	PHELAN	469057	30.00
SHERIFF HAWKINS	PHELAN	467951	100.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

Ches A. Hawkins
by Marilyn Harris

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

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.
1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

Plaintiff

v.

RODNEY G. SMITH
LORI L. SMITH
1220 JOSEPH RD
CLEARFIELD, PA 16830

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 05-1937-CD

CLEARFIELD COUNTY

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

DEC 13 2005

Attest.

Wm. A. Brown
Prothonotary/
Clerk of Courts

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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Clearfield, PA 16830
814-765-2641 x 5982

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

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1. Plaintiff is

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1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

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

RODNEY G. SMITH
LORI L. SMITH
1220 JOSEPH RD
CLEARFIELD, PA 16830

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

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6. The following amounts are due on the mortgage:

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Attorney's Fees	1,250.00
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Subtotal	\$ 46,756.98
Escrow	
Credit	0.00
Deficit	23.32
Subtotal	<u>\$ 23.32</u>
TOTAL	\$ 46,780.30

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 46,780.30, together with interest from 12/06/2005 at the rate of \$8.06 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

LEGAL DESCRIPTION

ALL That certain piece of land situate in the Township of Girard, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the middle of the right-of-way of Township Road T-640 at the intersection of said road and the property line separating the property herein conveyed and other property of the Grantors; thence South eighty-six (86 degrees) degrees; thirty-seven (37 minutes) minutes East along land of the Grantors herein a distance of two hundred ninety-nine and five tenths (299.5) feet to a point; thence South ten (10 degrees) degrees, thirty-three (33 minutes) minutes West a distance of one hundred fifty-four and four tenths (154.4) feet to a point; thence North eighty-six (86 degrees) degrees, thirty-seven (37 minutes) minutes West along line of property of Bald Hill Water Company a distance of two hundred ninety-nine and five tenths(299.5) feet to a point in the middle of the right-of-way of said Township Road; thence North ten (10 degrees) degrees, thirty-three (33 minutes) East along said Township right-of-way a distance of one hundred fifty-four and four tenths (154.4) feet to a point at the place of BEGINNING. Containing approximately 1.0 acres.

BEING those same premises conveyed to the grantor above by deed dated November 7, 1990 and recorded at Clearfield County Deed Book 1373, Page 519. Gary L. Plubell married Gwendolyn M. Wisor, now Plubell, on October 27, 2001.

PROPERTY BEING: 332 BALD HILL ROAD

VERIFICATION

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



Scott Scheiner
Assistant Vice President

DATE: 12/2/15

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL MORTGAGE,
INC.
1000 TECHNOLOGY DRIVE
O'FALLON, MO 63368

No.: 05-1937-CD

vs.

RODNEY G. SMITH
LORI L. SMITH
332 BALD HILL ROAD
FRENCHVILLE, PA 16836

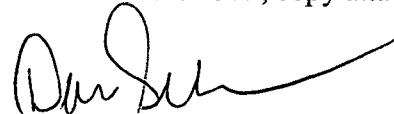
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against RODNEY G. SMITH and LORI L. SMITH, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in Complaint	\$46780.30
Interest (12/7/05 to 3/30/06)	<u>910.78</u>
TOTAL	\$47691.08

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



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: March 31, 2006



PRO PROTHY

KAM

FILED
10/10/06
MAR 31 2006
William A. Shaw
Prothonotary/Clerk of Courts
cc: notice to Defs.
Statement to Atty
Atty pd. 20.00
GR

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

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL : COURT OF COMMON PLEAS
RESIDENTIAL MORTGAGE, INC.

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

RODNEY G. SMITH : NO. 05-1937-CD
LORI L. SMITH

Defendants

**TO: LORI L. SMITH
1220 JOSEPH ROAD
CLEARFIELD, PA 16830**

DATE OF NOTICE: JANUARY 18, 2006

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

IMPORTANT NOTICE

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

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

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

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

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


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
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One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
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ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL : COURT OF COMMON PLEAS
RESIDENTIAL MORTGAGE, INC.

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

RODNEY G. SMITH : NO. 05-1937-CD
LORI L. SMITH

Defendants

TO: RODNEY G. SMITH
385 LECONTE'S MILLS ROAD
FRENCHVILLE, PA 16836

DATE OF NOTICE: JANUARY 18, 2006

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

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

Francis Hallinan
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

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

ATTORNEY FOR PLAINTIFF

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FRANCIS S. HALLINAN, ESQUIRE
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FRANCIS S. HALLINAN, ESQUIRE
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ATTORNEY FOR PLAINTIFF

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RESIDENTIAL MORTGAGE, INC.

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

RODNEY G. SMITH : NO. 05-1937-CD
LORI L. SMITH
Defendants

TO: **LORI L. SMITH**
332 BALD HILL ROAD
FRENCHVILLE, PA 16836

DATE OF NOTICE: JANUARY 18, 2006

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Attorneys for Plaintiff

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ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL : COURT OF COMMON PLEAS
RESIDENTIAL MORTGAGE, INC.

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

RODNEY G. SMITH : NO. 05-1937-CD
LORI L. SMITH

Defendants

**TO: RODNEY G. SMITH
1220 JOSEPH ROAD
CLEARFIELD, PA 16830**

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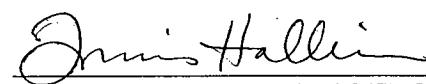
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FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
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Plaintiff : CIVIL DIVISION

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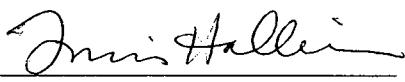
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FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG, ESQUIRE
IDENTIFICATION NO. 62205
ONE PENN CENTER AT SUBURBAN STATION
1617 JOHN F. KENNEDY BLVD., SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL MORTGAGE,
INC.

CLEARFIELD COUNTY

No.: 05-1937-CD

vs.

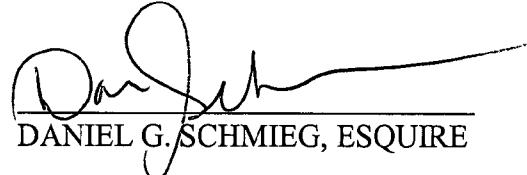
RODNEY G. SMITH
LORI L. SMITH

VERIFICATION OF NON-MILITARY SERVICE

DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

- (a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.
- (b) that defendant, RODNEY G. SMITH, is over 18 years of age, and resides at 385 LECONTES MILLS ROAD, FRENCHVILLE, PA 16836 .
- (c) that defendant, LORI L. SMITH, is over 18 years of age, and resides at 1220 JOSEPH ROAD, CLEARFIELD, PA 16830.

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

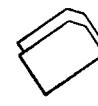


DANIEL G. SCHMIEG, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL MORTGAGE,
INC.

 COPY

No.: 05-1937-CD

Plaintiff

vs.

RODNEY G. SMITH
LORI L. SMITH

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on March 31, 2006.

By: Willie L. Hall DEPUTY

If you have any questions concerning this matter please contact:


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

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ENFORCEMENT OF A LIEN AGAINST PROPERTY.**

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

CC:Y

Citimortgage, Inc.
Principal Residential Mortgage, Inc.
Plaintiff(s)

No.: 2005-01937-CD

Real Debt: \$47,691.08

Atty's Comm: \$

Vs.

Costs: \$

Rodney G. Smith
Lori L. Smith
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: March 31, 2006

Expires: March 31, 2011

Certified from the record this 31st 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

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

**CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.**

vs.

**RODNEY G. SMITH
LORI L. SMITH**

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

No. 05-1937-CD

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

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

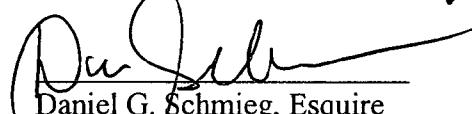
Amount Due

\$47691.08

Interest from 3/30/06 to
Date of Sale (\$7.84 per diem)

and Costs.

125.00 **Prothonotary costs**



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

Note: Please attach description of Property.

KAM

FILED
M 11.02.2006
APR 10 2006
cc & locants
w/prop. descr.
to Shft

William A. Shaw
Prothonotary/Clerk of Courts
\$44 pd. 20.00
GR

APR 10 2006
FILED

No. 05-1937-CD

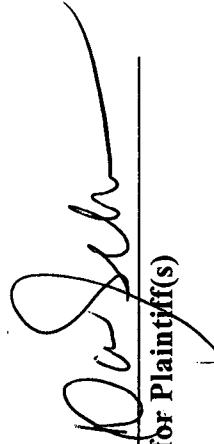
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.

vs.

RODNEY G. SMITH
LORI L. SMITH

PRAYER FOR WRIT OF EXECUTION
(Mortgage Foreclosure)



Attorney for Plaintiff(s)

Address: 385 LECONTES MILLS ROAD, FRENCHVILLE, PA 16836
1220 JOSEPH ROAD, CLEARFIELD, PA 16830
Where papers may be served.

DESCRIPTION

ALL That certain piece of land situate in the Township of Girard, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the middle of the right-of-way of Township Road T-640 at the intersection of said road and the property line separating the property herein conveyed and other property of the Grantors; thence South eighty-six (86 degrees) degrees; thirty-seven (37 minutes) minutes East along land of the Grantors herein a distance of two hundred ninety-nine and five tenths (299.5) feet to a point; thence South ten (10 degrees) degrees, thirty-three (33 minutes) minutes West a distance of one hundred fifty-four and four tenths (154.4) feet to a point; thence North eighty-six (86 degrees) degrees, thirty-seven (37 minutes) minutes West along line of property of Bald Hill Water Company a distance of two hundred ninety-nine and five tenths (299.5) feet to a point in the middle of the right-of-way of said Township Road; thence North ten (10 degrees) degrees, thirty-three (33 minutes) East along said Township right-of-way a distance of one hundred fifty-four and four tenths (154.4) feet to a point at the place of BEGINNING. Containing approximately 1.0 acres.

BEING those same premises conveyed to the grantor above by deed dated November 7, 1990 and recorded at Clearfield County Deed Book 1373, Page 519. Gary L. Plubell married Gwendolyn M. Wisor, now Plubell, on October 27, 2001.

Premises: 332 Bald Hill Road, Frenchville, PA 16836
 Girard, Clearfield County
 Pennsylvania

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Rodney G. Smith and Lori L. Smith, husband and wife, as tenants by the entireties, by Deed from Gary L. Plubell and Gwendolyn M. Plubell, husband and wife, dated 06-06-02, recorded 06-06-02 in Deed Inst#: 200209003.

SALE DATE: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL MORTGAGE, No.: 05-1937-CD
INC.

vs.

RODNEY G. SMITH
LORI L. SMITH

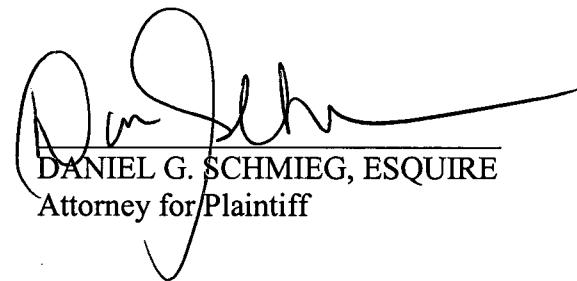
**AFFIDAVIT PURSUANT TO RULE 3129.1
AND RETURN OF SERVICE PURSUANT TO
Pa. R.C.P. 405 OF NOTICE OF SALE**

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

332 BALD HILL ROAD, FRENCHVILLE, PA 16836.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the attached Affidavit No. 2 (previously filed) and Supplemental Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

5. Name and address of every other person who has any record lien on the property:

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

None.

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale.

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

Clearfield County Domestic Relations	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
--------------------------------------	--

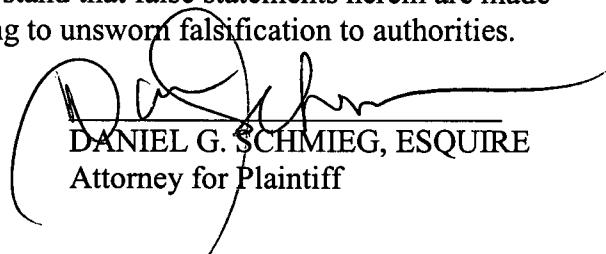
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

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

Commonwealth of Pennsylvania Department of Welfare	PO Box 2675 Harrisburg, PA 17105
---	-------------------------------------

Tenant/Occupant	332 BALD HILL ROAD FRENCHVILLE, PA 16836
-----------------	---

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

April 6, 2006

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL MORTGAGE, INC.

CLEARFIELD COUNTY

No.: 05-1937-CD

vs.

RODNEY G. SMITH
LORI L. SMITH

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 332 BALD HILL ROAD, FRENCHVILLE, PA 16836:

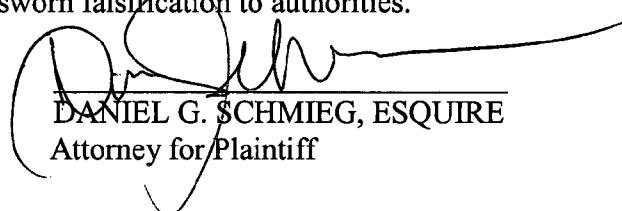
1. Name and address of Owner(s) or reputed Owner(s):

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
RODNEY G. SMITH	385 LECONTES MILLS ROAD FRENCHVILLE, PA 16836
LORI L. SMITH	1220 JOSEPH ROAD CLEARFIELD, PA 16830

2. Name and address of Defendant(s) in the judgment:

SAME AS ABOVE

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

April 6, 2006

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL MORTGAGE, INC.

CLEARFIELD COUNTY

No.: 05-1937-CD

vs.

RODNEY G. SMITH
LORI L. SMITH

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, INC., Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at 332 BALD HILL ROAD, FRENCHVILLE, PA 16836:

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
Leslie H. Smith	385 Lecontes Mills Road Frenchville, PA 16830

4. Name and address of last recorded holder of every mortgage of record:

Name	Last Known Address (if address cannot be reasonable ascertained, please indicate)
None.	

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

ATTORNEY FOR PLAINTIFF
COURT OF COMMON PLEAS
CIVIL DIVISION

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL
MORTGAGE, INC.

No.: 05-1937-CD

vs.

CLEARFIELD COUNTY

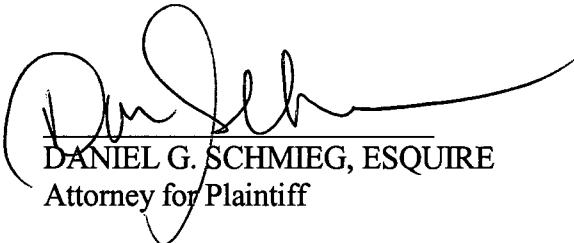
RODNEY G. SMITH
LORI L. SMITH

CERTIFICATION

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

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

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



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

CCOPY

**CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.**

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

vs.

NO.: 05-1937-CD

**RODNEY G. SMITH
LORI L. SMITH**

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (specifically described property below):

Premises: 332 BALD HILL ROAD, FRENCHVILLE, PA 16836

(See legal description attached.)

Amount Due	<u>\$47691.08</u>
Interest from 3/30/06 to Date of Sale (\$7.84 per diem)	\$ <u>125.00</u> Prothonotary costs
Total	\$ _____ Plus costs as endorsed.

Willie L. Thompson
Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated 4/10/06
(SEAL)

By:

Deputy

KAM

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

No. 05-1937-CD

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

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL
MORTGAGE, INC.

VS.

RODNEY G. SMITH
LORI L. SMITH

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt \$47691.08

Int. from 3/30/06 _____
to Date of Sale (\$7.84 per diem)

Costs _____

Prothy. Pd. 125.00

Sheriff _____

Attest: Daniel G. Schmieg



Attorney for Plaintiff

Address: 385 LECONTES MILLS ROAD, FRENCHVILLE, PA 16836
1220 JOSEPH ROAD, CLEARFIELD, PA 16830
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

DESCRIPTION

ALL That certain piece of land situate in the Township of Girard, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the middle of the right-of-way of Township Road T-640 at the intersection of said road and the property line separating the property herein conveyed and other property of the Grantors; thence South eighty-six (86 degrees) degrees; thirty-seven (37 minutes) minutes East along land of the Grantors herein a distance of two hundred ninety-nine and five tenths (299.5) feet to a point; thence South ten (10 degrees) degrees, thirty-three (33 minutes) minutes West a distance of one hundred fifty-four and four tenths (154.4) feet to a point; thence North eighty-six (86 degrees) degrees, thirty-seven (37 minutes) minutes West along line of property of Bald Hill Water Company a distance of two hundred ninety-nine and five tenths (299.5) feet to a point in the middle of the right-of-way of said Township Road; thence North ten (10 degrees) degrees, thirty-three (33 minutes) East along said Township right-of-way a distance of one hundred fifty-four and four tenths (154.4) feet to a point at the place of BEGINNING. Containing approximately 1.0 acres.

BEING those same premises conveyed to the grantor above by deed dated November 7, 1990 and recorded at Clearfield County Deed Book 1373, Page 519. Gary L. Plubell married Gwendolyn M. Wisor, now Plubell, on October 27, 2001.

Premises: 332 Bald Hill Road, Frenchville, PA 16836
 Girard, Clearfield County
 Pennsylvania

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Rodney G. Smith and Lori L. Smith, husband and wife, as tenants by the entireties, by Deed from Gary L. Plubell and Gwendolyn M. Plubell, husband and wife, dated 06-06-02, recorded 06-06-02 in Deed Inst#: 200209003.

AFFIDAVIT OF SERVICE
CLEARFIELD COUNTY

PLAINTIFF
CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.

F&P. #127369

DEFENDANT
RODNEY G. SMITH
LORI L. SMITH

COURT NO.: 05-1937-CD

SERVE LORI L. SMITH AT:
1220 JOSEPH ROAD
CLEARFIELD, PA 16830

TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: 7/7/00

FILED NO CC

110:55 AM
JUN 12 2006

William A. Shaw
Prothonotary/Clerk of Courts

SERVED

Served and made known to Lori L. Smith, Defendant on the 17th day of May, 2006, at 6:37, o'clock P. M., at 1220 Joseph Rd., Clearfield, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s).
Relationship is _____.
 Adult in charge of Defendant's residence who refused to give name or relationship.
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).
 Agent or person in charge of Defendant's office or usual place of business.
 _____ an officer of said Defendant's company.
 Other: _____

Description: Age 35 Height 5'10" Weight 190 Race W Sex F Other _____

I, Thomas Holmberg, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 18th day
of May, 2006.

Notary:

By: Thomas Holmberg

NOT SERVED

On the _____ day of _____, 200____, at _____ o'clock __. M., Defendant NOT FOUND because:

Moved Unknown No Answer Vacant

Other:

Sworn to and subscribed
before me this _____ day
of _____, 200____. By:

Notary:

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

AFFIDAVIT OF SERVICE
PLAINTIFF
CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.
CLEARFIELD COUNTY
F&P. #127369

DEFENDANT
RODNEY G. SMITH
LORI L. SMITH

COURT NO.: 05-1937-CD

SERVE RODNEY G. SMITH AT:
385 LECONTE'S MILLS ROAD
FRENCHVILLE, PA 16836

TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: 7/7/06

SERVED

Served and made known to Rodney G. Smith, Defendant on the 17th day of May, 2006, at 4:10, o'clock P. M., at 385 LeConte's Mills Rd, Frenchville, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s).
Relationship is Girlfriend / Elaine Saltsman
 Adult in charge of Defendant's residence who refused to give name or relationship.
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).
 Agent or person in charge of Defendant's office or usual place of business.
 _____ an officer of said Defendant's company.
 Other: _____

Description: Age 25 Height 5'5" Weight 100 Race W Sex F Other _____

I, Thomas Holmberg, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 18th day
of May, 2006.

Notary:

By: Thomas Holmberg

NOT SERVED

On the _____ day of _____, 200____, at _____ o'clock __. M., Defendant NOT FOUND because:

Moved Unknown No Answer Vacant

Other:

Sworn to and subscribed
before me this _____ day
of _____, 200____. By: _____

Notary:

Marilyn A. Campbell
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Marilyn A. Campbell, Notary Public
City of Altoona, Blair County
My Commission Expires Oct. 28, 2007
Member, Pennsylvania Association of Notaries

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

AFFIDAVIT OF SERVICE
CLEARFIELD COUNTY

PLAINTIFF
CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.

F&P. #127369

DEFENDANT
RODNEY G. SMITH
LORI L. SMITH

COURT NO.: 05-1937-CD

SERVE LORI L. SMITH AT:
1220 JOSEPH ROAD
CLEARFIELD, PA 16830

TYPE OF ACTION

XX Notice of Sheriff's Sale

SALE DATE: 7/7/00

FILED ^{NO CC}
M 12:48 PM
JUL 07 2006

William A. Shaw
Prothonotary/Clerk of Courts

SERVED

Served and made known to Lori L. Smith, Defendant on the 17th day of May, 2006, at 6:37, o'clock P. M., at 1220 Joseph Rd., Clearfield, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

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

Relationship is _____.

Adult in charge of Defendant's residence who refused to give name or relationship.

Manager/Clerk of place of lodging in which Defendant(s) reside(s).

Agent or person in charge of Defendant's office or usual place of business.

_____ an officer of said Defendant's company.

Other: _____

Description: Age 35 Height 5'10 Weight 190 Race W Sex F Other _____

I, Thomas Holmberg, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 18th day
of May, 2006.

Notary:

By: Thomas Holmberg
NOT SERVED

On the _____ day of _____, 200____, at _____ o'clock __. M., Defendant NOT FOUND because:

Moved Unknown No Answer Vacant

Other:

Sworn to and subscribed
before me this _____ day
of _____, 2006. By:

Notary:

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

AFFIDAVIT OF SERVICE
CLEARFIELD COUNTY

PLAINTIFF

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.

F&P. #127369

DEFENDANT

RODNEY G. SMITH
LORI L. SMITH

COURT NO.: 05-1937-CD

SERVE RODNEY G. SMITH AT:
385 LECONTES MILLS ROAD
FRENCHVILLE, PA 16836

TYPE OF ACTION

XX Notice of Sheriff's Sale
SALE DATE: 7/7/06

SERVED

Served and made known to Rodney G. Smith, Defendant on the 17th day of May, 2006, at 4:10, o'clock P. M., at 385 LeContes Mills Rd, Frenchville, Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s).
Relationship is Girlfriend / Elaine Saltsman
 Adult in charge of Defendant's residence who refused to give name or relationship.
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).
 Agent or person in charge of Defendant's office or usual place of business.
 _____ an officer of said Defendant's company.
 Other: _____

Description: Age 25 Height 5'5" Weight 100 Race W Sex F Other _____

I, Thomas Holmberg, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 18th day
of May, 2006.

Notary:

By: Thomas Holmberg

Marilyn A. Campbell
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Marilyn A. Campbell, Notary Public
City of Altoona, Blair County
My Commission Expires Oct. 28, 2007
Member, Pennsylvania Association of Notaries

NOT SERVED

On the _____ day of _____, 200____, at _____ o'clock __. M., Defendant NOT FOUND because:

Moved Unknown No Answer Vacant

Other:

Sworn to and subscribed
before me this _____ day
of _____, 200____.

By:

Notary:

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

SALE DATE: 7/7/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

CITIMORTGAGE, INC., S/B/M TO
PRINCIPAL RESIDENTIAL MORTGAGE, No.: 05-1937-CD
INC.

vs.

RODNEY G. SMITH
LORI L. SMITH

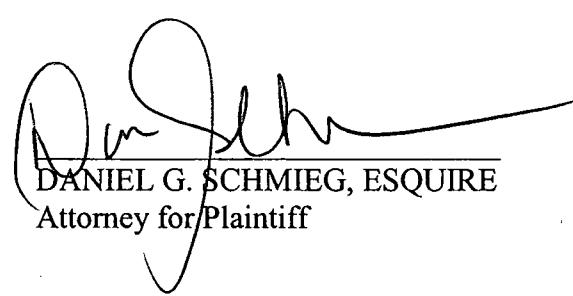
FILED
M 7/12/06
JUL 07 2006
S
William A. Shaw
Prothonotary/Clerk of Courts

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

Plaintiff in the above action sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at:
332 BALD HILL ROAD, FRENCHVILLE, PA 16836.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the attached Affidavit No. 2 (previously filed) and Supplemental Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Name and
Address
Of Sender

PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station
Philadelphia, PA 19103-1814 JOSEPH GARDELLIS/KAM

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	RODNEY G. SMITH	Tenant/Occupant, 332 BALD HILL ROAD, FRENCHVILLE, PA 16836		
2	3675074	Clearfield County Domestic Relations Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830		
3		Commonwealth of Pennsylvania Department of Welfare PO Box 2675 Harrisburg, PA 17105		
4		Leslie H. Smith 385 Leontes Mills Road Frenchville, PA 16830		
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
Total Number of Pieces Received at Post Office Listed By Sender		Total Number of Pieces Received at Post Office Employee)	Postmaster, Per (Name Of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000.00 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20323
NO: 05-1937-CD

PLAINTIFF: CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, INC.
VS.
DEFENDANT: RODNEY G. SMITH AND LORI L. SMITH

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 04/10/2006

LEVY TAKEN 04/20/2006 @ 12:55 PM

POSTED 04/20/2006 @ 12:52 PM

SALE HELD 07/07/2006

SOLD TO FEDERAL HOME LOAN MORTGAGE CORPORATION

SOLD FOR AMOUNT \$54,900.00 PLUS COSTS

WRIT RETURNED 08/03/2006

DATE DEED FILED 08/02/2006

PROPERTY ADDRESS 332 BALD HILL ROAD FRENCHVILLE , PA 16836

SERVICES

06/06/2006 @ 1:55 PM SERVED RODNEY G. SMITH

SERVED RODNEY G. SMITH, DEFENDANT, AT HIS RESIDENCE 385 LECONTE'S MILL ROAD, FRENCHVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RODNEY G. SMITH,

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

04/26/2006 @ 8:07 AM SERVED LORI L. SMITH

SERVED LORI L. SMITH, DEFENDANT, AT HER RESIDENCE 1220 JOSEPH ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LORI L. SMITH

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

FILED
AUG 03 2006 100 5.00
02:30 PM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20323

NO: 05-1937-CD

PLAINTIFF: CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, INC.

vs.

DEFENDANT: RODNEY G. SMITH AND LORI L. SMITH

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$1,399.36

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

Chester A. Hawkins
By Cynthia Butler-Augherday
Chester A. Hawkins
Sheriff

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

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL
RESIDENTIAL MORTGAGE, INC.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

vs.

NO.: 05-1937-CD

RODNEY G. SMITH
LORI L. SMITH

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property (specifically described property below):

Premises: **332 BALD HILL ROAD, FRENCHVILLE, PA 16836**

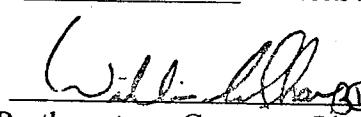
(See legal description attached.)

Amount Due	\$ <u>47691.08</u>	
Interest from 3/30/06 to Date of Sale (\$7.84 per diem)	\$ <u>125.00</u>	Prothonotary costs
Total	\$ <u></u>	Plus costs as endorsed.

Dated 4/10/06
(SEAL)

Received April 10, 2006 @ 12:30 P.M.

Chester A. Wetherbee
by Cynthia Butler-Angelone


Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By:


Deputy
KAM

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

No. 05-1937-CD

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

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL
MORTGAGE, INC.

VS.

RODNEY G. SMITH
LORI L. SMITH

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

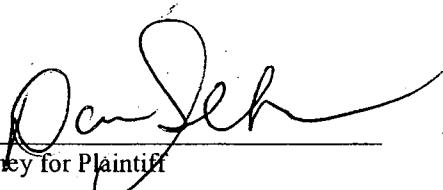
Real Debt \$47691.08

Int. from 3/30/06
to Date of Sale (\$7.84 per diem) _____

Costs _____

Proth. Pd. 125.00

Sheriff _____


Attorney for Plaintiff

Address: 385 LECONTE'S MILLS ROAD, FRENCHVILLE, PA 16836
1220 JOSEPH ROAD, CLEARFIELD, PA 16830
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

DESCRIPTION

ALL That certain piece of land situate in the Township of Girard, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING at a point in the middle of the right-of-way of Township Road T-640 at the intersection of said road and the property line separating the property herein conveyed and other property of the Grantors; thence South eighty-six (86 degrees) degrees; thirty-seven (37 minutes) minutes East along land of the Grantors herein a distance of two hundred ninety-nine and five tenths (299.5) feet to a point; thence South ten (10 degrees) degrees, thirty-three (33 minutes) minutes West a distance of one hundred fifty-four and four tenths (154.4) feet to a point; thence North eighty-six (86 degrees) degrees, thirty-seven (37 minutes) minutes West along line of property of Bald Hill Water Company a distance of two hundred ninety-nine and five tenths (299.5) feet to a point in the middle of the right-of-way of said Township Road; thence North ten (10 degrees) degrees, thirty-three (33 minutes) East along said Township right-of-way a distance of one hundred fifty-four and four tenths (154.4) feet to a point at the place of BEGINNING. Containing approximately 1.0 acres.

BEING those same premises conveyed to the grantor above by deed dated November 7, 1990 and recorded at Clearfield County Deed Book 1373, Page 519. Gary L. Plubell married Gwendolyn M. Wisor, now Plubell, on October 27, 2001.

Premises: 332 Bald Hill Road, Frenchville, PA 16836
 Girard, Clearfield County
 Pennsylvania

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Rodney G. Smith and Lori L. Smith, husband and wife, as tenants by the entireties, by Deed from Gary L. Plubell and Gwendolyn M. Plubell, husband and wife, dated 06-06-02, recorded 06-06-02 in Deed Inst#: 200209003.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME RODNEY G. SMITH

NO. 05-1937-CD

NOW, August 03, 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 July 07, 2006, I exposed the within described real estate of Rodney G. Smith And Lori L. Smith to public venue or outcry at which time and place I sold the same to FEDERAL HOME LOAN MORTGAGE CORPORATION he/she being the highest bidder, for the sum of \$54,900.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00	DEBT-AMOUNT DUE	47,691.08
SERVICE	15.00	INTEREST @ 7.8400 %	776.16
MILEAGE	16.24	FROM 03/30/2006 TO 07/07/2006	
LEVY	15.00		
MILEAGE	14.24	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	1,098.00	FORECLOSURE FEES	
POSTAGE	4.68	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	71.20	MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	54,900.00	TOTAL DEBT AND INTEREST	\$48,507.24
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	407.14
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$1,399.36	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	5.00
ACKNOWLEDGEMENT	5.00	DEED COSTS	29.50
REGISTER & RECORDER	29.50	SHERIFF COSTS	1,399.36
TRANSFER TAX 2%	0.00	LEGAL JOURNAL COSTS	180.00
TOTAL DEED COSTS	\$29.50	PROTHONOTARY	125.00
		MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
		TOTAL COSTS	\$2,286.00

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.50
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$29.50

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