

06-15-CD
PHH Mortg. Corp. vs Betsy Spencer

PHH Mort et al vs Betsy Spencer
2004-15-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

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE
3000 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-15-CD

CLEARFIELD COUNTY

Plaintiff

v.

BETSY SPENCER
419 KNARR STREET
DU BOIS, PA 15801

Defendant

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. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

FILED ice shff
m 11:50/54
JAN 04 2006
85.00

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

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE
3000 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054

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

BETSY SPENCER
419 KNARR STREET
DU BOIS, PA 15801

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

3. On 07/17/2003 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200312660.
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	\$27,083.15
Interest	834.02
07/01/2005 through 01/03/2006 (Per Diem \$4.46)	
Attorney's Fees	1,250.00
Cumulative Late Charges	62.35
07/17/2003 to 01/03/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 29,779.52
Escrow	
Credit	0.00
Deficit	36.87
Subtotal	<u>\$ 36.87</u>
TOTAL	\$ 29,816.39

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 29,816.39, together with interest from 01/03/2006 at the rate of \$4.46 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

Francis S. Hallinan

By: /s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain tract of land situated lying and being in the City of DuBois, Clearfield County, Pennsylvania, known as Lot No. 55 as per Knarr's Addition to the City of DuBois, more particularly bounded and described as follows:

BEGINNING at a post on Knarr Street and corner of Lot No. 56;

THENCE South 55.30 degrees East 150 feet to a post at an alley;

THENCE3 along said alley North 30.45 degrees East 50 feet to a post at corner of Lot No. 54;

THENCE along line of said Lot 54 North 55.30 degrees West 150 feet to a post at Knarr Street;

THENCE along the line of said Knarr Street South 30.45 degrees West 50 feet to a post and place of beginning, and being one town lot 50 feet X 150 feet in size.

BEING the same premises conveyed to Deposit Bank by deed of Chester A. Hawkins, High Sheriff of the County of Clearfield, in the State of Pennsylvania, dated May 12, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2003-08648.

ALSO BEING the same premises which were seized, taken in execution and sold as the property of Ernie F. Burkes and Tammy L. Miller, at the suit of Deposit Bank. Judgment No. 02-1095-CD.

PROPERTY BEING: 419 KNARR STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for PLAINTIFF in this matter, that Plaintiff is outside the jurisdiction of the court and or the Verification could not be obtained within the time allowed for the filing on the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c) and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of his knowledge, information and belief. Furthermore, it is counsel's intention to substitute a verification from Plaintiff as soon as it is received by counsel .

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.



FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: _____

1/3/06

FILED

JAN 04 2006

**William A. Shaw
Prothonotary/Clerk of Courts**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101130
NO: 06-15-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION f/k/a CENDANT MORTGAGE CORP.
vs.
DEFENDANT: BETSY SPENCER

SHERIFF RETURN

NOW, January 16, 2006 AT 11:35 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON BETSY SPENCER DEFENDANT AT WORK: K-MART, RT. 255 N., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO BETSY SPENCER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED
01/24/06
MAR 16 2006
LSM

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	472800	10.00
SHERIFF HAWKINS	PHELAN	472800	51.82

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,

Chester A. Hawkins
My Marilyn Harper

Chester A. Hawkins
Sheriff

FILED

MAR 16 2006

WILLIAM A. SHAW
Attorney at Law

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE
3000 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054

No.: 06-15-CD

vs.

BETSY SPENCER
419 KNARR STREET
DU BOIS, PA 15801

**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 BETSY SPENCER , 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	\$29816.39
Interest (1/4/06 to 3/30/06)	<u>379.10</u>
TOTAL	\$30195.49

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: 3/31/06


PRO PROTHY

KAM

FILED Any pd. 20.00
m110:47/01
MAR 31 2006 1009
Notice to Def.
Statement to Atty
(6)

William A. Shaw
Prothonotary/Clerk of Courts

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

PHH MORTGAGE CORPORATION, F/K/A CENDANT : COURT OF COMMON PLEAS

MORTGAGE CORPORATION, D/B/A COLDWELL

BANKER MORTGAGE

: CIVIL DIVISION

Plaintiff

: CLEARFIELD COUNTY

Vs.

: NO. 06-15-CD

BETSY SPENCER

Defendant

TO: BETSY SPENCER
K-MART
ROUTE 255
NORTH DUBOIS, PA 15801

DATE OF NOTICE: FEBRUARY 7, 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.

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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

FILE COPY


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

PHH MORTGAGE CORPORATION, F/K/A CENDANT : COURT OF COMMON PLEAS
MORTGAGE CORPORATION, D/B/A COLDWELL
BANKER MORTGAGE : CIVIL DIVISION
Plaintiff : CLEARFIELD COUNTY
Vs. : NO. 06-15-CD

BETSY SPENCER

Defendant

TO: BETSY SPENCER
419 KNARR STREET
DU BOIS, PA 15801

DATE OF NOTICE: FEBRUARY 7, 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

FILE COPY


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

PHH MORTGAGE CORPORATION, F/K/A CLEARFIELD COUNTY
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE No.: 06-15-CD

vs.

BETSY SPENCER

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, BETSY SPENCER, is over 18 years of age, and resides at 419 KNARR STREET, DU BOIS, PA 15801 .

(c) that defendant, , is over 18 years of age, and resides at , .

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

FILED

MAR 3 1 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE

No.: 06-15-CD

Plaintiff

vs.

BETSY SPENCER

Defendant(s)

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

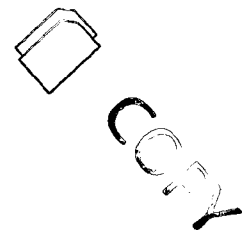
By: William L. Schmiege DEPUTY

If you have any questions concerning this matter please contact:

Daniel G. Schmiege
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

****THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS 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



PHH Mortgage Corporation
Cendant Mortgage Corporation
Coldwell Banker Mortgage
Plaintiff(s)

No.: 2006-00015-CD

Real Debt: \$30,195.49

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Betsy Spencer
Defendant(s)

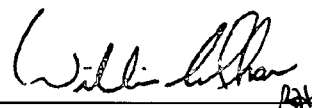
Entry: \$20.00

Instrument: Default 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

**PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE**

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

No. 06-15-CD

vs.

BETSY SPENCER

**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

\$30195.49

Interest from 3/30/06 to
Date of Sale (\$4.46 per diem)

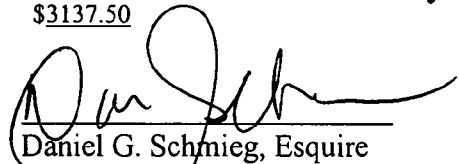
_____ and Costs.

125.00

Prothonotary costs

Add'l costs

\$3137.50



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 1cc & 6 writs
w/prop. descr.
to Shff
APR 10 2006
William A. Shaw
Prothonotary/Clerk of Courts
Atty pd. 20.00
(20)

William A. Shaw
Prothonotary/Clerk of Courts

APR 10 2006

FILED

No. 06-15-CD

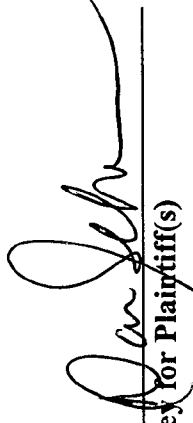
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE

vs.

BETSY SPENCER

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)



Attorney for Plaintiff(s)

Address: 419 KNARR STREET, DU BOIS, PA 15801
Where papers may be served.

DESCRIPTION

ALL that certain tract of land situated lying and being in the City of DuBois, Clearfield County, Pennsylvania, known as Lot No. 55 as per Knarr's Addition to the City of DuBois, more particularly bounded and described as follows:

BEGINNING at a post on Knarr Street and corner of Lot No. 56;

THENCE South 55.30 degrees East 150 feet to a post at an alley;

THENCE3 along said alley North 30.45 degrees East 50 feet to a post at corner of Lot No. 54;

THENCE along line of said Lot 54 North 55.30 degrees West 150 feet to a post at Knarr Street;

THENCE along the line of said Knarr Street South 30.45 degrees West 50 feet to a post and place of beginning, and being one town lot 50 feet X 150 feet in size.

BEING the same premises conveyed to Deposit Bank by deed of Chester A. Hawkins, High Sheriff of the County of Clearfield, in the State of Pennsylvania, dated May 12, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2003-08648.

ALSO BEING the same premises which were seized, taken in execution and sold as the property of Ernie F. Burkes and Tammy L. Miller, at the suit of Deposit Bank. Judgment No. 02-1095-CD.

Being Parcel # 011-000-03092

Premises: 419 Knarr Street, Du Bois, PA 15801
 Clearfield County
 Pennsylvania

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Betsy Spencer, single, by Deed from Deposit Bank, now known as, First Commonwealth Bank, a banking institution, dated 7-8-03, recorded 7-17-03, in Deed Inst#: 200312659.

CLEARFIELD COUNTY

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION, No.: 06-15-CD
D/B/A COLDWELL BANKER MORTGAGE

vs.

BETSY SPENCER

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE CORPORATION, D/B/A COLDWELL BANKER MORTGAGE, Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at 419 KNARR STREET, DU BOIS, PA 15801:

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

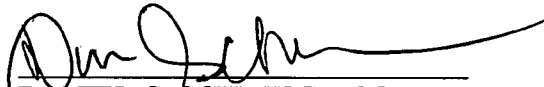
Name	Last Known Address (if address cannot be reasonably ascertained, please indicate)
------	---

BETSY SPENCER	419 KNARR STREET DU BOIS, PA 15801
---------------	---------------------------------------

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

CLEARFIELD COUNTY

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE

No.: 06-15-CD

vs.

BETSY SPENCER

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE CORPORATION, D/B/A COLDWELL BANKER MORTGAGE, Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at 419 KNARR STREET, DU BOIS, PA 15801:

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)
Discover Bank	3311 Mill Meadow Drive Hilliard, OH 43026

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.

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)

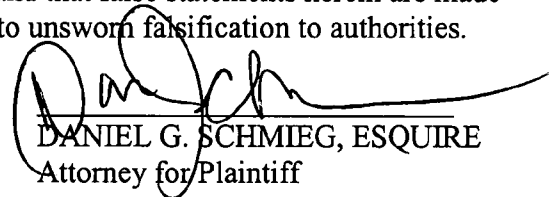
Commonwealth of Pennsylvania
Department of Welfare

PO Box 2675
Harrisburg, PA 17105

Tenant/Occupant

419 KNARR STREET
DU BOIS, PA 15801

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

SALE DATE: _____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION, No.: 06-15-CD
D/B/A COLDWELL BANKER MORTGAGE

vs.

BETSY SPENCER

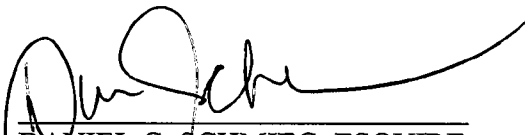
**AFFIDAVIT PURSUANT TO RULE 3129.1
AND RETURN OF SERVICE PURSUANT TO
Pa. R.C.P. 405 OF NOTICE OF SALE**

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

419 KNARR STREET, DU BOIS, PA 15801.

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

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

PHH MORTGAGE CORPORATION,
F/K/A CENDANT MORTGAGE
CORPORATION, D/B/A COLDWELL
BANKER MORTGAGE

No.: 06-15-CD

CLEARFIELD COUNTY

vs.

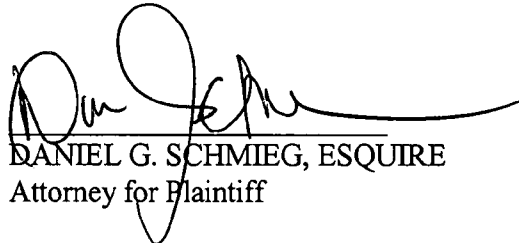
BETSY SPENCER

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

**PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE**

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

NO.: 06-15-CD

vs.

BETSY SPENCER

**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: 419 KNARR STREET, DU BOIS, PA 15801

(See legal description attached.)

Amount Due

\$30195.49

Interest from 3/30/06 to
Date of Sale (\$4.46 per diem)

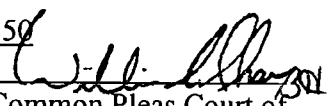
\$ 125.00 **Prothonotary costs**

Total

\$ _____ Plus costs as endorsed.

Add'l costs

\$3137.50


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. 06-15-CD

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

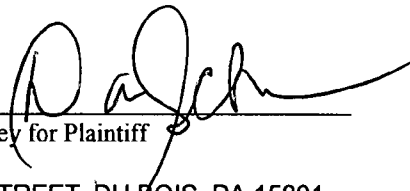
PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE
CORPORATION, D/B/A COLDWELL BANKER MORTGAGE

vs.

BETSY SPENCER

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt	<u>\$30195.49</u>
Int. from 3/30/06 to Date of Sale (\$4.46 per diem)	<u> </u>
Costs	<u> </u>
Prothy. Pd.	<u>125.00</u>
Sheriff	<u> </u>
Add'l costs	<u>\$3137.50</u>



Attorney for Plaintiff

Address: 419 KNARR STREET, DU BOIS, PA 15801
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 tract of land situated lying and being in the City of DuBois, Clearfield County, Pennsylvania, known as Lot No. 55 as per Knarr's Addition to the City of DuBois, more particularly bounded and described as follows:

BEGINNING at a post on Knarr Street and corner of Lot No. 56;

THENCE South 55.30 degrees East 150 feet to a post at an alley;

THENCE3 along said alley North 30.45 degrees East 50 feet to a post at corner of Lot No. 54;

THENCE along line of said Lot 54 North 55.30 degrees West 150 feet to a post at Knarr Street;

THENCE along the line of said Knarr Street South 30.45 degrees West 50 feet to a post and place of beginning, and being one town lot 50 feet X 150 feet in size.

BEING the same premises conveyed to Deposit Bank by deed of Chester A. Hawkins, High Sheriff of the County of Clearfield, in the State of Pennsylvania, dated May 12, 2003, and recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument No. 2003-08648.

ALSO BEING the same premises which were seized, taken in execution and sold as the property of Ernie F. Burkes and Tammy L. Miller, at the suit of Deposit Bank. Judgment No. 02-1095-CD.

Being Parcel # 011-000-03092

Premises: 419 Knarr Street, Du Bois, PA 15801
 Clearfield County
 Pennsylvania

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Betsy Spencer, single, by Deed from Deposit Bank, now known as, First Commonwealth Bank, a banking institution, dated 7-8-03, recorded 7-17-03, in Deed Inst#: 200312659.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION, F/K/A CENDANT
MORTGAGE CORPORATION, D/B/A COLDWELL
BANKER MORTGAGE

Plaintiff,
v.

BETSY SPENCER
Defendant(s)

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 06-15-CD

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

SS:

I, DANIEL G. SCHMIEG, ESQUIRE, attorney for PHH MORTGAGE CORPORATION, F/K/A CENDANT
MORTGAGE CORPORATION, D/B/A COLDWELL BANKER MORTGAGE hereby verifies that on
7/5/06 a true and Correct copies of the Notice of Sheriff's Sale were served
by certificate of mailing to the Recorded Lienholder(s) and any known interested party.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: 8/31/06

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.

FILED
m 11:05 AM
SEP 11 2006
NO CC
(initials)

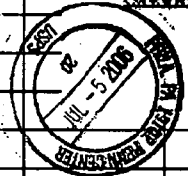
William A. Shaw
Prothonotary/Clerk of Courts

Name and
Address
Of Sender

PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station Suite 1400
Philadelphia, PA 19103-1814 ~~JOSEPH CARDELLIS/KAM~~

Cos/Support Team

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	BETSY SPENCER	Tenant/Occupant, 419 KNARR STREET, DU BOIS, PA 15801		
2	0024461030	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		Discover Bank 3311 Mill Meadow Drive Hilliard, OH 43026		
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
Total Number of Pieces Listed By Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name Of Receiving Employee)	
<p>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.</p>				



FILED

SEP 11 2006

William A. Shaw
Prothonotary, Clerk of Courts

1.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20320

NO: 06-15-CD

PLAINTIFF: PHH MORTGAGE CORPORATION F/K/A CENDANT MORTGAGE CORPORATION D/B/A COLDWELL
BANKER MORTGAGE

vs.

DEFENDANT: BETSY SPENCER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 04/10/2006

LEVY TAKEN 04/20/2006 @ 1:02 PM

POSTED 04/20/2006 @ 1:02 PM

SALE HELD 09/01/2006

SOLD TO FANNIE MAE

SOLD FOR AMOUNT \$25,000.00 PLUS COSTS

WRIT RETURNED 10/17/2006

DATE DEED FILED 10/17/2006

PROPERTY ADDRESS 419 KNARR STREET DUBOIS , PA 15801

FILED
04/20/2006
OCT 17 2006
William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

05/05/2006 @ 3:00 PM SERVED BETSY SPENCER

SERVED BETSY SPENCER, DEFENDANT, AT HER PLACE OF EMPLOYMENT K-MART, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY
HANDING TO BETSY SPENCER

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

@ SERVED

NOW, JULY 5, 2006 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR
JULY 7, 2006 TO SEPTEMBER 1, 2006.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20320
NO: 06-15-CD

PLAINTIFF: PHH MORTGAGE CORPORATION F/K/A CENDANT MORTGAGE CORPORATION D/B/A COLDWELL
BANKER MORTGAGE

vs.

DEFENDANT: BETSY SPENCER

Execution REAL ESTATE

SHERIFF RETURN

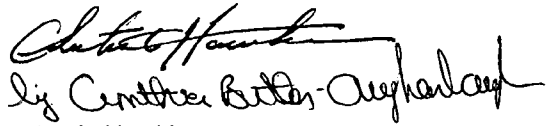
SHERIFF HAWKINS \$789.23

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

_____ Day of _____ 2006

So Answers,



Chester A. Hawkins
Sheriff

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

**PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
D/B/A COLDWELL BANKER MORTGAGE**

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

NO.: 06-15-CD

vs.

BETSY SPENCER

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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Premises: 419 KNARR STREET, DU BOIS, PA 15801

(See legal description attached.)

Amount Due

\$30195.49

Interest from 3/30/06 to
Date of Sale (\$4.46 per diem)

\$ 125.00 **Prothonotary costs**

Total

\$ _____ Plus costs as endorsed.

Add'l costs

\$3137.50

William L. Pearson
Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

Dated 4/10/06
(SEAL)

By:

[Signature]
Deputy

KAM

Received April 10, 2006 @ 12:30 P.M.
Chester A. Haukeis
By Catherine Butler-Coughenour

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. 06-15-CD

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


PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE
CORPORATION, D/B/A COLDWELL BANKER MORTGAGE

vs.

BETSY SPENCER

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

Real Debt	<u>\$30195.49</u>
Int. from 3/30/06 to Date of Sale (\$4.46 per diem)	_____
Costs	_____
Prothy. Pd.	<u>125.00</u>
Sheriff	_____
Add'l costs	<u>\$3137.50</u>



Attorney for Plaintiff

Address: 419 KNARR STREET, DU BOIS, PA 15801
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 tract of land situated lying and being in the City of DuBois, Clearfield County, Pennsylvania, known as Lot No. 55 as per Knarr's Addition to the City of DuBois, more particularly bounded and described as follows:

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ALSO BEING the same premises which were seized, taken in execution and sold as the property of Ernie F. Burkes and Tammy L. Miller, at the suit of Deposit Bank. Judgment No. 02-1095-CD.

Being Parcel # 011-000-03092

Premises: 419 Knarr Street, Du Bois, PA 15801
 Clearfield County
 Pennsylvania

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Betsy Spencer, single, by Deed from Deposit Bank, now known as, First Commonwealth Bank, a banking institution, dated 7-8-03, recorded 7-17-03, in Deed Inst#: 200312659.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME BETSY SPENCER

NO. 06-15-CD

NOW, October 17, 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 September 01, 2006, I exposed the within described real estate of Betsy Spencer to public venue or outcry at which time and place I sold the same to FANNIE MAE he/she being the highest bidder, for the sum of \$25,000.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	16.91
LEVY	15.00
MILEAGE	16.91
POSTING	15.00
CSDS	10.00
COMMISSION	500.00
POSTAGE	4.68
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	50.73
ADD'L LEVY	
BID AMOUNT	25,000.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$789.23

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	30,195.49
INTEREST @ 4.4600 %	691.30
FROM 03/30/2006 TO 09/01/2006	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	3,137.50
TOTAL DEBT AND INTEREST	\$34,044.29

COSTS:

ADVERTISING	1,149.60
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.50
SHERIFF COSTS	789.23
LEGAL JOURNAL COSTS	180.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
TOTAL COSTS	\$2,558.33

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

Law Offices

PHELAN HALLINAN & SCHMIEG, LLP

One Penn Center at Suburban Station

1617 John F. Kenredy Boulevard

Suite 1400

Philadelphia, PA 19103-1814

Christine.Schoffler@fedphe.com

Christine Schoffler
Judgment Department, Ext. 1286

Representing Lenders in
Pennsylvania and New Jersey

July 5, 2006

Office of the Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

ATTENTION: CINDY (814) 765-5915

Re: PHH MORTGAGE CORPORATION, F/K/A CENDANT MORTGAGE
CORPORATION, D/B/A COLDWELL BANKER MORTGAGE v. BETSY
SPEISER

No. 06-15-CD

419 KNARR STREET, DU BOIS, PA 15801

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property which
is scheduled for JULY 7, 2007.

The property is to be relisted for the SEPTEMBER 1, 2006 Sheriff's
Sale.

Very truly yours,

CQS

Christine Schoffler

FILED
OCT 17 2006

William A. Shaw
Prothonotary/Clerk of Courts