

06-18-CD
M&T Mortg. Corp. vs Robert

M&T Mortgage Corp vs Robert Smeal
2006-18-CD

GOLDBECK McCAFFERTY & MCKEEVER

BY: JOSEPH A. GOLDBECK, JR.

ATTORNEY I.D. #16132

SUITE 5000 – MELLON INDEPENDENCE CENTER
701 MARKET STREET
PHILADELPHIA, PA 19106
(215) 825-6318
WWW.GOLDBECKLAW.COM

ATTORNEY FOR PLAINTIFF

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

ROBERT L. SMEAL
Mortgagor and Real Owner
5355 Sanborn Road
Houtzdale, PA 16651

Defendant

FILED ICCShff

M 13:40 AM JAN 05 2006 Amt pd. 85.00

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

06-18-CD

Term
**CIVIL ACTION: MORTGAGE
FORECLOSURE**

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after the 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 claim 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 OR CANNOT AFFORD ONE, 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.

KEYSTONE LEGAL SERVICES
211 1/2 E. Locust Street
Clearfield, PA 16830
814-765-9646

PENNSYLVANIA BAR ASSOCIATION
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. SI DESEA DEFENDERSE CONTRA LAS QUEJAS PERESENTADAS, ES ABSOLUTAMENTE NECESSARIO QUE USTED RESPONDA DENTRO DE 20 DIAS DESPUES DE SER SERVIDO CON ESTA DEMANDA Y AVISO. PARA DEFENDERSE ES NECESSARIO QUE USTED, O SU ABOGADO, REGISTRE CON LA CORTE EN FORMA ESCRITA, EL PUNTO DE VISTA DE USTED Y CUALQUIER OBJECCION CONTRA LAS QUEJAS EN ESTA DEMANDA.

RECUPERDE: SI USTED NO REPONDE A ESTA DEMANDA, SE PUEDE PROSEGUIR CON EL PROCESO SIN SU PARTICIPACION. ENTONCES, LA COUTE PUEDE, SIN NOTIFICARIO, DECIDIR A

FAVOR DEL DEMANDANTE Y REQUERIRA QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. POR RAZON DE ESA DECISION, ES POSSIBLE QUE USTED PUEDA PERDER DINERO, PROPIEDAD U OTROS DERECHOS IMPORTANTES.

USTED DEBE LLEVAR ÉSTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELÉFONO LA OFICINA FIJADA AQUÍ ABAJO. ESTA OFICINA PUEDE PROVEERÉ CON INFORMACIÓN DE CÓMO CONSEUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ÉSTA OFICINA PUEDE PROVEERÉ INFORMACION ACERCA AGENCIAS QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

KEYSTONE LEGAL SERVICES
211 1/2 E. Locust Street
Clearfield, PA 16830
814-765-9646

PENNSYLVANIA BAR ASSOCIATION
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

**THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT
A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU
WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.**

Resources available for Homeowners in Foreclosure

ACT NOW!

Even though your lender (and our client) has filed an Action of Mortgage Foreclosure against you, you still may be able to **SAVE YOUR HOME FROM FORECLOSURE**.

- 1). Call an attorney. For referrals to a qualified attorney call either of the following numbers: 814-765-9646 or 800-692-7375.
- 2). Call the Consumer Credit Counseling Agency at 1-800-989-2227 for free counseling.
- 3). Visit HUD'S website www.hud.gov for Help for Homeowners Facing the Loss of Their Homes.
- 4). Call the Plaintiff (your lender) at and ask to speak to someone about Loss Mitigation or Home Retention options.
- 5). Call or contact our office to request the amount to bring the account current, or payoff the mortgage or request a Loan Workout / Home Retention Package. Call Beth at 215-825-6329 or fax 215-825-6429. The figure and/or package you requested will be mailed to the address that you request or faxed if you leave a message with that information. The attorney in charge of our firm's Homeowner Retention Department is David Fein who can be reached at 215-825-6318 or Fax: 215-825-6418. Please reference our Attorney File Number of MT-0921.

Para informacion en espanol puede comunicarse con Loretta al 215-825-6344.

This Action of Mortgage Foreclosure will continue unless you take action to stop it.

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff is M&T MORTGAGE CORPORATION, PO Box 840, Buffalo, NY 14240-0840.
2. The name and address of the Defendant is ROBERT L. SMEAL, 5355 Sanborn Road, Houtzdale, PA 16651, who is the mortgagor and real owner of the mortgaged premises hereinafter described.
3. On March 30, 2005 mortgagor made, executed and delivered a mortgage upon the premises hereinafter described to M&T MORTGAGE CORPORATION, which mortgage is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument #200504722. The Mortgage and assignment(s) are matters of public record and are incorporated by this reference in accordance with Pennsylvania Rule of Civil Procedure 1019(g); which Rule relieves the Plaintiff from its obligation to attach documents to pleadings if those documents are matters of public record.
4. The Property subject to the Mortgage is more fully described in the legal description set forth as Exhibit "A" ("Property").
5. The mortgage is in default because the monthly payments of principal and interest are due and unpaid for August 01, 2005, and each month thereafter and by the terms of the Mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due and other charges are due and collectible.
6. The following amounts are due to Plaintiff on the Mortgage:

Principal Balance	\$36,724.72
Interest from 07/01/2005	\$1,066.40
through 01/31/2006 at 4.9250%	
Per Diem interest rate at \$4.96	
Reasonable Attorney's Fee as more fully explained in the	\$2,000.00
next numbered paragraph	
Late Charges from 08/01/2005 to 01/31/2006	\$85.01
Monthly late charge amount at \$14.17	
Costs of suit and Title Search	\$900.00
Escrow	\$203.43
Monthly Escrow amount \$87.17	
	<hr/>
	\$40,979.56

7. If the Mortgage is reinstated prior to a Sheriff's Sale, the Attorney's Fees set forth above may be less than the amount demanded based on work actually performed. The Attorney's Fees requested are in conformity with the Mortgage and Pennsylvania law. Plaintiff reserves its right to collect Attorney's fees of up to 5% of the remaining principal balance in the event the Property is sold to a third party purchaser at Sheriff's Sale or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or and "in personam" judgment) against the Defendant in this Action but reserves it's right to bring a separate Action to establish that right, if such right exists. If Defendant has received a discharge of their personal liability in a Bankruptcy proceeding, this Action of Mortgage Foreclosure is, in no way, an attempt to re-establish the personal liability that was discharged in Bankruptcy, but only to foreclose the Mortgage and sell the Property pursuant to Pennsylvania law.
9. Notice of Intention to Foreclose and a Notice of Homeowners' Emergency Mortgage Assistance has been sent to Defendant by certified and regular mail, as required by Act 160 of 1998 of the Commonwealth of Pennsylvania, on the date(s) set forth in the true and correct copy of such notice(s)

attached hereto as Exhibit "B". The Defendant has not had the required face-to-face meeting within the required time and Plaintiff has no knowledge of any such meeting being requested by the Defendant through the Plaintiff, the Pennsylvania Housing Finance Agency, or any appropriate Consumer Credit Counseling Agency.

WHEREFORE, Plaintiff demands a de terris judgment in mortgage foreclosure in the sum of \$40,979.56, together with interest at the rate of \$4.96, per day and other expenses costs and charges incurred by the Plaintiff which are properly chargeable in accordance with the terms of the Mortgage and Pennsylvania law until the Mortgage is paid in full, and for the foreclosure of the Mortgage and Sheriff's Sale of the Property.

By: 

GOLDBECK McCAFFERTY & McKEEVER

BY: JOSEPH A. GOLDBECK, JR., ESQUIRE

ATTORNEY FOR PLAINTIFF

VERIFICATION

I, Diana M. Robinson, as the representative of the Plaintiff corporation within named do hereby verify that I am authorized to and do make this verification on behalf of the Plaintiff corporation and the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

Date: 1-4-06


Diana M. Robinson
M&T MORTGAGE CORPORATION

Exhibit A

EXHIBIT "A" – FILE NO. 133086

ALL that surface of that certain piece or parcel of land, situate in the Township of Woodward, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a stone, at the corner of land now or formerly of Charles Baughman, formerly of Rheuben Mayhew, and John Yarger, formerly of Phillips Heirs; thence South 87 degrees East, along line of now or formerly Charles Baughman, 24 feet, more or less, to right-of-way of Highway (known as Sanborn Road) leading to Sanborn; thence in an easterly direction along the line of said (macadam) highway (known as Sanborn Road) 270 feet, more or less, to intersection of said highway with the macadam highway (known as L. R. 17047) leading to Clearfield; thence in a northerly direction along the line of the right-of-way line of the madacam highway (known as L. R. 17047); leading to Clearfield, 105 feet, more or less, to line of land of John Yarger; and thence in a westerly direction, along the line of the said John Yarger, 270 feet, more or less, to stone-corner, and place of beginning.

Exhibit B

M&T Mortgage Corp.
P.O. Box 1288
Buffalo, NY 14240-1288

 **M&T Mortgage Corporation**
A subsidiary of M&T Bank

10/11/2005

Certified No.: 71826389306016964901

Robert L Smeal
5355 Sanborn Road
Houtzdale, PA 16651

HOMEOWNERS NAME(S): Robert L Smeal

PROPERTY ADDRESS: 5355 Sanborn Road
Houtzdale, PA 16651

LOAN ACCT NO: 0010892485
CURRENT LENDER/SERVICER: M&T Mortgage Corporation

HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE WHICH CAN SAVE YOUR HOME FROM FORECLOSURE AND HELP YOU MAKE FUTURE MORTGAGE PAYMENTS

IF YOU COMPLY WITH THE PROVISIONS OF THE HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE ACT OF 1983 (THE "ACT"), YOU MAY BE ELIGIBLE FOR EMERGENCY MORTGAGE ASSISTANCE:

IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL,

IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR MORTGAGE PAYMENTS, AND

IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY.

TEMPORARY STAY OF FORECLOSURE -- Under the Act, you are entitled to a temporary stay of foreclosure on your mortgage for thirty (30) days from the date of this Notice. During that time you must arrange and attend a "face-to-face" meeting with one of the consumer credit counseling agencies listed at the end of this Notice. **THIS MEETING MUST OCCUR WITHIN THE NEXT (30) DAYS. IF YOU DO NOT APPLY FOR EMERGENCY MORTGAGE ASSISTANCE, YOU MUST BRING YOUR MORTGAGE UP TO DATE. THE PART OF THIS NOTICE CALLED "HOW TO CURE YOUR MORTGAGE DEFAULT", EXPLAINS HOW TO BRING YOUR MORTGAGE UP TO DATE.**

CONSUMER CREDIT COUNSELING AGENCIES -- If you meet with one of the consumer credit counseling agency listed at the end of this notice, the lender may NOT take action against you for thirty (30) days after the date of this meeting. **The names, addresses and telephone numbers of designated consumer credit counseling agencies for the county in which the property is located are set forth at the end of this Notice.** It is only necessary to schedule one face-to-face meeting. Advise your lender immediately of your intentions.

APPLICATION FOR MORTGAGE ASSISTANCE -- Your mortgage is in default for the reasons set forth later in this Notice (see following pages for specific information about the nature of your default.) If you have tried and are unable to resolve this problem with the lender, you have the right to apply for financial assistance from the Homeowner's Emergency Mortgage Assistance Program. To do so, you must fill out, sign and file a completed Homeowner's Emergency Assistance Program Application with one of the designated consumer credit counseling agencies listed at the end of this Notice. Only consumer credit counseling agencies have applications for the program and they will assist you in submitting a complete application to the Pennsylvania Housing Finance Agency. Your application MUST be filed or postmarked within thirty (30) days of your face-to-face meeting.

YOU MUST FILE YOUR APPLICATION PROMPTLY. IF YOU FAIL TO DO SO OR IF YOU DO NOT FOLLOW THE OTHER TIME PERIODS SET FORTH IN THIS LETTER, FORECLOSURE MAY PROCEED AGAINST YOUR HOME IMMEDIATELY AND YOUR APPLICATION FOR MORTGAGE ASSISTANCE WILL BE DENIED.

AGENCY ACTION -- Available funds for emergency mortgage assistance are very limited. They will be disbursed by the Agency under the eligibility criteria established by the Act. The Pennsylvania Housing Finance Agency has sixty (60) days to make a decision after it receives your application. During that time, no foreclosure proceedings will be pursued against you if you have met the time requirements set forth above. You will be notified directly by the Pennsylvania Housing Finance Agency of its decision on your application.

NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT.

(If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)

HOW TO CURE YOUR MORTGAGE DEFAULT (Bring it up to date).

NATURE OF THE DEFAULT -- The MORTGAGE debt held by the above lender on your property located at:

5355 Sanborn Road
Houtzdale, PA 16851

IS SERIOUSLY IN DEFAULT because:

YOU HAVE NOT MADE MORTGAGE PAYMENTS for the following months and the following amounts are now past due:

Regular payments of \$283.38 for the months of 08/01/2005 through today's date:	\$ 850.08
Other charges: Accrued Late Charges:	\$ 19.82
	\$ 0.00
TOTAL AMOUNT PAST DUE:	\$ 869.70

HOW TO CURE THE DEFAULT -- You may cure the default within THIRTY (30) DAYS of the date of this notice **BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$869.70, PLUS ANY MORTGAGE PAYMENT'S AND LATE CHARGE'S WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to:**

M&T Mortgage Corporation
One Fountain Plaza / 7th Floor
Attn: Payment Processing
Buffalo, NY 14203

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter:

IF YOU DO NOT CURE THE DEFAULT -- If you do not cure the default within THIRTY (30) DAYS of the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.

IF THE MORTGAGE IS FORECLOSED UPON -- The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before the lender begins legal proceedings against you, you will still be required to pay the reasonable attorney's fees that were actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay all reasonable attorney's fees actually incurred by the lender even if they exceed \$50.00. Any attorney's fees will be added to the amount you owe the lender, which may also include other reasonable costs. **If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney's fees.**

OTHER LENDER REMEDIES -- The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE -- If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount then past due, plus any late or other charges then due, reasonable attorney's fees and costs connected with the foreclosure sale and any other costs connected with the Sheriff's Sale as specified in writing by the lender and by performing any other requirements under the mortgage. **Curing your default in the manner set forth in this notice will restore your mortgage to the same position as if you had never defaulted.**

EARLIEST POSSIBLE SHERIFF'S SALE DATE -- It is estimated that the earliest date that such a Sheriff's Sale of the mortgaged property could be held would be approximately 10 months from the date of this Notice. A notice of the actual date of the Sheriff's Sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment or action will be by contacting the lender.

HOW TO CONTACT THE LENDER:

Name of Lender: M&T Mortgage Corporation
Address: P.O. Box 840
Buffalo, NY 14240
Phone Number: (800) 724-1633

EFFECT OF SHERIFF'S SALE -- You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff's Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the lender at any time.

ASSUMPTION OF MORTGAGE -- You may or X may not sell or transfer your home to a buyer or transferee who will assume the mortgage debt, provided that all the outstanding payments, charges and attorney's fees and costs are paid prior to or at the sale and that the other requirements of the mortgage are satisfied.

YOU MAY ALSO HAVE THE RIGHT:

TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.

TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

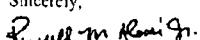
TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)

TO ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS.

TO ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE LENDER.

TO SEEK PROTECTION UNDER THE FEDERAL BANKRUPTCY LAW.

Sincerely,



Russell M. Alessi Jr.

Collections Manager

Enc: Act 91 Notice

Consumer Credit Counseling Agencies Serving Your County

ACT 91 NOTICE TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

This is an official notice that the mortgage on your home is in default, and the lender intends to foreclose. Specific information about the nature of the default is provided in the attached pages.

The HOMEOWNER'S MORTGAGE ASSISTANCE PROGRAM (HEMAP) may be able to help to save your home. This Notice explains how the program works.

To see if HEMAP can help, you must MEET WITH A CONSUMER CREDIT COUNSELING AGENCY WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Take this Notice with you when you meet with the Counseling Agency.

The name, address and phone number of Consumer Credit Counseling Agencies serving your County are listed at the end of this Notice. If you have any questions, you may call the Pennsylvania Housing Finance Agency toll free at 1-800-342-2397. (Persons with impaired hearing can call (717) 780-1869).

This Notice contains important legal information. If you have any questions, representatives at the Consumer Credit Counseling Agency may be able to help explain it. You may also want to contact an attorney in your area. The local bar association may be able to help you find a lawyer.

LA NOTIFICACION EN ADJUNTO ES DE SUMA IMPORTANCIA, PUES AFECTA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO COMPRENDE EL CONTENIDO DE ESTA NOTIFICACION OBTENGA UNA TRADUCCION INMEDIATAMENTE LLAMANDO ESTA AGENCIA (PENNSYLVANIA HOUSING FINANCE AGENCY) SIN CARGOS AL NUMERO MENCIONADO ARRIBA. PUEDES SER ELEGIBLE PARA UN PRESTAMO POR EL PROGRAMA LLAMADO "HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM" EL CUAL PUEDE SALVAR SU CASA DE LA PERDIDA DEL DERECHO A REDIMIR SU HIPOTECA.

Homeowners' Emergency Assistance Program

CLEARFIELD COUNTY

— CCCS of Northeastern PA
202 W. Hamilton Avenue
State College, PA 16801
(814) 238-3668

— CCCS of Western PA
219-A College Park Plaza
Johnstown, PA 15904
1-888-511-2227

CCCS of Western PA, Inc.
217 E. Plank Road
Altoona, PA 16602
1-888-511-2227

Indiana Co. Community Action Program
827 Water Street
Box 187
Indiana, PA 15701
(724) 465-2657

Keystone Economic Development Corp.
1954 Mary Grace Lane
Johnstown, PA 15901
(814) 535-6556



7182 6389 3060 0696 4901

Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	Service Type CERTIFIED
Article Number 7182 6389 3060 0696 4901	

COMPLETE THIS SECTION ON DELIVERY

A. Signature (Checkbox or Signature) <input checked="" type="checkbox"/> <i>L. Smeal</i>	B. Received By: <i>Page 3 Print Company</i>	C. Date of Delivery <i>10-31-05</i>
D. Addressee's Address (In Block Form, Separate On Reverse)		
Street, City, State, Zip, Floor <i>5355 Sanburn Road, Homestead, PA 16651</i>	Class & Print Company <i>Robert L Smeal</i>	Article Addressed To:
City <i>Homestead</i>	State <i>PA</i>	Zip + City <i>16651</i>

FILED
JAN 05 2006

William A. Shaw
Prothonotary/Clerk of Courts

In the Court of Common Pleas of Clearfield County

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

ROBERT L. SMEAL
(Mortgagor(s) and Record Owner(s))
5355 Sanborn Road
Houtzdale, PA 16651

No. 06-18-CD

Defendant(s)

PRAECIPE FOR JUDGMENT

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT
OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE
OF COLLECTING THE DEBT.

Enter the Judgment in favor of Plaintiff and against ROBERT L. SMEAL by default for want of an Answer.

Assess damages as follows:

Debt	<u>\$41,484.07</u>

Interest - 07/01/2005 to 03/10/2006

Total

(Assessment of Damages attached)

I CERTIFY THAT FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO
BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT.

I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten days prior to the date of the filing of this praecipe. A copy of the notice is attached. R.C.P. 237.1

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff
I.D. #16132

AND NOW April 3, 2006, Judgment is entered in favor of M&T
MORTGAGE CORPORATION and against ROBERT L. SMEAL by default for want of an Answer and damages assessed
in the sum of \$41,484.07 as per the above certification.

William A. Shaw
Prothonotary

FILED *Att'y pd. 20.00*
4/11/58/2006 APR 03 2006 Notice & copy of
order to def.

William A. Shaw Statement to Atty
Prothonotary/Clerk of Courts *ER*

Rule of Civil Procedure No. 236 – Revised

IN THE COURT OF COMMON PLEAS
OF Clearfield COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

No. 06-18-CD

vs.

ROBERT L. SMEAL
(**Mortgagors and Record Owner(s)**)
5355 Sanborn Road
Houtzdale, PA 16651

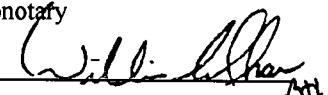
Defendant(s)

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OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE
PURPOSE OF COLLECTING THE DEBT.**

NOTICE

Notice is given that a judgment in the above-captioned matter has been entered against you.

William Shaw
Prothonotary

By: 

Deputy

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

Joseph A. Goldbeck, Jr.
Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.

DATE OF THIS NOTICE: February 27, 2006

TO:

ROBERT L. SMEAL
5355 Sanborn Road
Houtzdale, PA 16651

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.
ROBERT L. SMEAL
(Mortgagor(s) and Record Owner(s))
5355 Sanborn Road
Houtzdale, PA 16651

In the Court of
Common Pleas
of Clearfield County

CIVIL ACTION - LAW

Action of
Mortgage Foreclosure

Term
No. 06-18-CD

Defendant(s)

TO: **ROBERT L. SMEAL**
5355 Sanborn Road
Houtzdale, PA 16651

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 (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS. YOU SHOULD TAKE THIS 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.

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211 1/2 E. Locust Street
Clearfield, PA 16830
814-765-9646

PENNSYLVANIA BAR ASSOCIATION
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr., Esq.
Attorney for Plaintiff
Suite 5000 - Mellon Independence Center.
701 Market Street
Philadelphia, PA 19106 215-627-1322

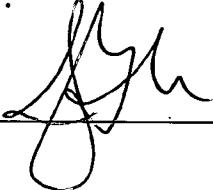
VERIFICATION OF NON-MILITARY SERVICE

The undersigned, as the representative for the Plaintiff corporation within named do hereby verify that I am authorized to make this verification on behalf of the Plaintiff corporation and that the facts set forth in the foregoing verification of Non-Military Service are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

1. That the above named Defendant, ROBERT L. SMEAL, is about unknown years of age, that Defendant's last known residence is 5355 Sanborn Road, Houtzdale, PA 16651, and is engaged in the unknown business located at unknown address.

2. That Defendant is 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 Action of Congress of 1940 and its Amendments.

Date:



GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney I.D. #16132
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322
Attorney for Plaintiff

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff
vs.

ROBERT L. SMEAL
(Mortgagor(s) and Record owner(s))
5355 Sanborn Road
Houtzdale, PA 16651

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION LAW

ACTION OF MORTGAGE FORECLOSURE

No. 06-18-CD

ORDER FOR JUDGMENT

Please enter Judgment in favor of M&T MORTGAGE CORPORATION, and against ROBERT L. SMEAL for failure to file an Answer in the above action within (20) days (or sixty (60) days if defendant is the United States of America) from the date of service of the Complaint, in the sum of \$41,484.07.

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

I hereby certify that the above names are correct and that the precise residence address of the judgment creditor is M&T MORTGAGE CORPORATION PO Box 840 Buffalo, NY 14240-0840 and that the name(s) and last known address(es) of the Defendant(s) is/are ROBERT L. SMEAL, 5355 Sanborn Road Houtzdale, PA 16651;

GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

Kindly assess the damages in this case to be as follows:

Principal Balance	\$36,724.72
Interest from 07/01/2005 through 03/10/2006	\$1,254.88
Reasonable Attorney's Fee	\$2,000.00
 Late Charges	 \$113.35
Costs of Suit and Title Search	\$900.00
Escrow	\$491.12
<hr/> \$41,484.07	


GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

AND NOW, this 3rd day of April, 2006 damages are assessed as above.



Pro Prothy

FILED

APR 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

M & T Mortgage Corporation

Vs.

No. 2006-00018-CD

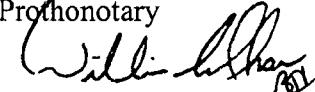
Robert L. Smeal

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you in the amount of \$41,484.07 on April 3, 2006.

William A. Shaw

Prothonotary



William A. Shaw

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

M & T Mortgage Corporation
Plaintiff(s)

No.: 2006-00018-CD

Real Debt: \$41,484.07

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Robert L. Smeal
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 3, 2006

Expires: April 3, 2011

Certified from the record this 3rd day of April, 2006.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101132
NO: 06-18-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: M&T MORTGAGE CORPORATION

vs.

DEFENDANT: ROBERT L. SMEAL

SHERIFF RETURN

NOW, January 18, 2006 AT 1:00 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT L. SMEAL DEFENDANT AT 5355 SANBORN ROAD, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBERT L. SMEAL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
03/13/2006
MAR 21 2006
WM

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GOLDBECK	245583	10.00
SHERIFF HAWKINS	GOLDBECK	245582	34.02

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

*Chester A. Hawkins
by, Marly Henn*
Chester A. Hawkins
Sheriff

William A. Shrewsbury
Probationary Clerk of Courts

MAR 21 2006

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

Joseph A. Goldbeck, Jr.
Attorney I.D.#16132
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322
Attorney for Plaintiff

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff
vs.
ROBERT L. SMEAL
Mortgagor(s) and Record Owner(s)
5355 Sanborn Road
Houtzdale, PA 16651
Defendant(s)

IN THE COURT OF COMMON PLEAS
of Clearfield County
CIVIL ACTION - LAW
ACTION OF MORTGAGE FORECLOSURE
No. 06-18-CD

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter:

Amount Due	
Interest from 07/01/2005 to 03/10/2006 at 4.9250%	\$41,484.07
Prothonotary costs	125.00
(Costs to be added)	


GOLDBECK McCAFFERTY & MCKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

FILED Atty pd. 20.00
m 11:58 AM
APR 03 2006 1CC&6writs
William A. Shaw
Prothonotary/Clerk of Courts
w/ prop. descr.
to Shff
GIO

Term
No. 06-18-CD
IN THE COURT OF COMMON PLEAS
M&T MORTGAGE CORPORATION

vs.

ROBERT L. SMEAL
(Mortgagor(s) and Record Owner(s))
5355 Sanborn Road
Houtzdale, PA 16651

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Joseph A. Goldbeck, Jr.

Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322

FILED

APR 03 2006

William A. Shaw
Prothonotary/Clerk of Courts

Goldbeck McCafferty & McKeever
BY: Joseph A. Goldbeck, Jr.
Attorney I.D. #16132
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322
Attorney for Plaintiff

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

ROBERT L. SMEAL
(Mortgagor(s) and Record Owner(s))
5355 Sanborn Road
Houtzdale, PA 16651

Defendant(s)

IN THE COURT OF COMMON PLEAS
of Clearfield County

CIVIL ACTION - LAW
ACTION OF MORTGAGE FORECLOSURE

No. 06-18-CD

AFFIDAVIT PURSUANT TO RULE 3129

M&T MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Joseph A. Goldbeck, Jr., Esquire, sets forth as of the date the praecipe for the writ of execution was filed the following information concerning the real property located at:

5355 Sanborn Road
Houtzdale, PA 16651

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

ROBERT L. SMEAL
5355 Sanborn Road
Houtzdale, PA 16651

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

ROBERT L. SMEAL
5355 Sanborn Road
Houtzdale, PA 16651

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

PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement
Health and Welfare Bldg. - Room 432
P.O. Box 2675
Harrisburg, PA 17105-2675

DOMESTIC RELATIONS OF CLEARFIELD COUNTY
230 E. Market Street
Clearfield, PA 16830

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

5. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

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

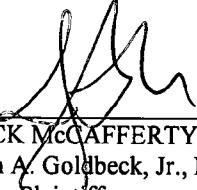
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale.

TENANTS/OCCUPANTS
5355 Sanborn Road
Houtzdale, PA 16651

(attach separate sheet if more space is needed)

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. Section 4904 relating to unsworn falsification to authorities.

DATED: March 10, 2006


GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr., Esq.
Attorney for Plaintiff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183 AND Rule 3257

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

vs.

ROBERT L. SMEAL
5355 Sanborn Road
Houtzdale, PA 16651

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

No. 06-18-CD

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:

PREMISES: 5355 Sanborn Road Houtzdale, PA 16651

See Exhibit "A" attached

AMOUNT DUE \$41,484.07

Interest From 07/01/2005
Through 07/01/2005
~~Prothonotary costs~~

Administrative costs 125.80

(Costs to be added)

Dated: 4/3/06

Prothonotary, Common Pleas Court
of Clearfield County, Pennsylvania

Deputy _____

Term
No. 06-18-CD

IN THE COURT OF COMMON PLEAS

M&T MORTGAGE CORPORATION

vs.

ROBERT L. SMEAL
Mortgor(s)
5355 Sanborn Road Houtzdale, PA 16651

WRIT OF EXECUTION

(Mortgage Foreclosure)	
REAL DEBT	\$41,484.07
INTEREST from	\$ _____
COSTS PAID:	\$ _____
PROTHY	\$ 125.00
SHERIFF	\$ _____
STATUTORY	\$ _____
COSTS DUE PROTHY	\$ _____
Office of Judicial Support	
Judg. Fee	
Cr.	
Sat.	

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
(215) 627-1322

All that surface of that certain piece or parcel of land, situate in the Township of Woodward, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a stone, at the corner of land now or formerly of Charles Baughman, formerly of Rheuben Mayhew, and John Yarger, formerly of Phillips Heirs; thence South 87 degrees East, along line now or formerly Charles Baughman, 24 feet, more or less, to right-of-way of Highway (known as Sanborn Road) leading to Sanborn; thence in an easterly direction along the line of said (macadam) highway (known as Sanborn Road) 270 feet, more or less, to intersection of said highway with the macadam highway (known as L.R. 17047) leading to Clearfield; thence in a northerly direction along the line of the right-of-way line of the macadam highway (known as L.R. 17047); leading to Clearfield, 105 feet, more or less, to line of land of John Yarger; and thence in a westerly direction, along the line of the said John Yarger, 270 feet, more or less, to stone-corner, and place of beginning.

TAX PARCEL NO:130-L11-000-00022

GOLDBECK McCAFFERTY & MCKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney I.D.#16132
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322
Attorney for Plaintiff

MT-0921
CF: 01/05/2006
SD: 06/02/2006
\$41,484.07

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff
vs.

ROBERT L. SMEAL
Mortgagor(s) and
Record Owner(s)

5355 Sanborn Road
Houtzdale, PA 16651

Defendant(s)

IN THE COURT OF COMMON PLEAS
of Clearfield County
CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

Term
No. 06-18-CD

FILED
MAY 08 2006
11:42 AM
cc
VS

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE
PURSUANT TO Pa.R.C.P. 3129.2 (c) (2)

Joseph A. Goldbeck, Jr., Esquire, Attorney for Plaintiff, hereby certifies that service on the Defendants of the Notice of Sheriff Sale was made by:

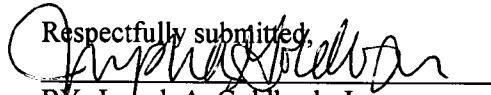
- Personal Service by the Sheriff's Office/competent adult (copy of return attached).
- Certified mail by Joseph A. Goldbeck, Jr. (original green Postal return receipt attached).
- Certified mail by Sheriff's Office.
- Ordinary mail by Joseph A. Goldbeck, Jr., Esquire to Attorney for Defendant(s) of record (proof of mailing attached).
- Acknowledgment of Sheriff's Sale by Attorney for Defendant(s) (proof of acknowledgment attached).
- Ordinary mail by Sheriff's Office to Attorney for Defendant(s) of record.

IF SERVICE WAS ACCOMPLISHED BY COURT ORDER.

- Premises was posted by Sheriff's Office/competent adult (copy of return attached).
- Certified Mail & ordinary mail by Sheriff's Office (copy of return attached).
- Certified Mail & ordinary mail by Joseph A. Goldbeck, Jr. (original receipt(s) for Certified Mail attached).

Pursuant to the Affidavit under Rule 3129 (copy attached), service on all lienholders (if any) has been made by ordinary mail by Joseph A. Goldbeck, Jr., Esquire (copies of proofs of mailing attached).

The undersigned understands that the statements herein are subject to the penalties provided by 18 P.S. Section 4904.

Respectfully submitted,

By: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

7005 3110 00002 00036 00000 0253

CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 0.67
Certified Fee	Yes
Return Receipt Fee (Endorsement Required)	Yes
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.12
<i>Sent To</i> MT 09/21/06	
SMEAL, ROBERT L.	
Street, Apt. No.; 5355 Sanborn Road	
or PO Box No.	
City, State, ZIP+4 Houtzdale, PA 16651	

AMERICAN POSTAL SYSTEM
POSTMARK HERE
PHILA PA APR 17 2006

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®.
- Certified Mail is *not* available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.
Internet access to delivery information is not available on mail addressed to APOs and FPOs.**

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
MT-0921 6/2/06

**SMEAL, ROBERT L.
5355 Sanborn Road
Houtzdale, PA 16651**

COMPLETE THIS SECTION ON DELIVERY**A. Signature**

X *Shane Smeal*

Agent
 Addressee

B. Received by (Printed Name)**C. Date of Delivery**

07/24/06

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label)

*** 7 0 0 5 3 1 1 0 0 0 0 2 0 0 3 6 8 2 5 3 ***

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• **Sender:** Please print your name, address, and ZIP+4 in this box •

JOLDBECK McCAFFERTY & MCKEEVER
Mellon Independence Center, Suite 5000
701 Market Street
Philadelphia, PA. 19106

012

GOLDBECK
SUITE 5000
701 MARKET STREET
PHILADELPHIA, PA
19106-1532

Name and Address of Sender		Check type of mail or service;		(If issued as a certificate of mailing, or for additional copies of this bill)		Affix Stamp Here	
		<input type="checkbox"/> Certified	<input type="checkbox"/> Recorded Delivery (International)	<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Postmark and Date of Receipt	
		<input type="checkbox"/> COD	<input type="checkbox"/> Signature Confirmation	<input type="checkbox"/> Delivery Confirmation	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Insured	
1.	Article Number	Addressee (Name, Street, City, State, & ZIP Code)		Postage	Fee	Handling Charge	Actual Value if Registered
1.		PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement Health and Welfare Bldg. - Room 432 P.O. Box 2675 Harrisburg, PA 17105-2675					
2.		DOMESTIC RELATIONS OF CLEARFIELD COUNTY					
3.		230 E. Market Street Clearfield, PA 16830					
4.		TENANTS/OCCUPANTS 5355 Sanborn Road Houtzdale, PA 16651					
5.							
6.							
7.							
8.							
		Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		Postmaster, Per (Name of receiving employee)	
<i>See Privacy Act Statement on Reverse</i>							

PS Form 3877, February 2002 (Page 1 of 2)

Complete by Typewriter, Ink, or Ball Point Pen

See Privacy Act Statement on Reverse

MT-0921

ROBERT L. SMEAL

Clearfield

GOLDBECK McCAFFERTY & MCKEEVER

BY: Joseph A. Goldbeck, Jr.
Attorney I.D.#16132
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-825-6320
Attorney for Plaintiff

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

ROBERT L. SMEAL
Mortgagor(s) and Record Owner(s)

5355 Sanborn Road
Houtzdale, PA 16651

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

Term
No. 06-18-CD

AFFIDAVIT PURSUANT TO RULE 3129

M&T MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Joseph A. Goldbeck, Jr., Esquire, sets forth as of the date the praecipe for the writ of execution was filed the following information concerning the real property located at:

5355 Sanborn Road
Houtzdale, PA 16651

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

ROBERT L. SMEAL
5355 Sanborn Road
Houtzdale, PA 16651

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

ROBERT L. SMEAL
5355 Sanborn Road
Houtzdale, PA 16651

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

PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement
Health and Welfare Bldg. - Room 432
P.O. Box 2675
Harrisburg, PA 17105-2675

DOMESTIC RELATIONS OF CLEARFIELD COUNTY
230 E. Market Street
Clearfield, PA 16830

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

5. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

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

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.

TENANTS/OCCUPANTS
5355 Sanborn Road
Houtzdale, PA 16651

(attach separate sheet if more space is needed)

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. Section 4904 relating to unsworn falsification to authorities.

DATED: April 28, 2006



GOLDBECK McCAFFERTY & MCKEEVER
BY: Joseph A. Goldbeck, Jr., Esq.
Attorney for Plaintiff

FILED

MAY 08 2006

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20310
NO: 06-18-CD

PLAINTIFF: M&T MORTGAGE CORPORATION

vs.

DEFENDANT: ROBERT L. SMEAL

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 04/03/2006

LEVY TAKEN 04/19/2006 @ 2:18 PM

POSTED 04/19/2006 @ 2:18 PM

SALE HELD 06/02/2006

SOLD TO M&T BANK

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 06/13/2006

DATE DEED FILED 06/13/2006

PROPERTY ADDRESS 5355 SANBORN ROAD HOUTZDALE , PA 16651

SERVICES

04/19/2006 @ 2:18 PM SERVED ROBERT L. SMEAL

SERVED ROBERT L. SMEAL, DEFENDANT, AT HIS RESIDENCE 5355 SANBORN ROAD, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROBERT L. SMEAL

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
12:30 PM
JUN 13 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20310
NO: 06-18-CD

PLAINTIFF: M&T MORTGAGE CORPORATION

vs.

DEFENDANT: ROBERT L. SMEAL

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$217.72

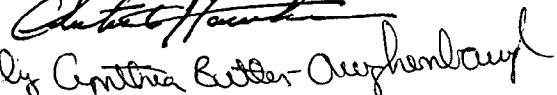
SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2006

So Answers,



by 
Chester A. Hawkins
Sheriff

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

M&T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

vs.

ROBERT L. SMEAL
5355 Sanborn Road
Houtzdale, PA 16651

In the Court of Common Pleas of
Clearfield County

No. 06-18-CD

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield

To the Sheriff of Clearfield County, Pennsylvania

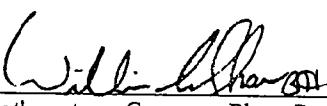
To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

PREMISES: 5355 Sanborn Road Houtzdale, PA 16651

See Exhibit "A" attached

AMOUNT DUE	
	<u>\$41,484.07</u>
Interest From 07/01/2005 Through 07/01/2006	
Prothonotary costs	<u>125.00</u>
(Costs to be added)	

Dated: 4/30/06


Will H. Hansen
Prothonotary, Common Pleas Court
of Clearfield County, Pennsylvania

Deputy /

Received April 3, 2006 @ 3:15 P.M.
Chester G. Hawkins
by Cynthia Butler - Deputy Sheriff

Term
No. 06-18-CD

IN THE COURT OF COMMON PLEAS
M&T MORTGAGE CORPORATION

vs.

ROBERT L. SMEAL
Mortagor(s)
5355 Sanborn Road Houtzdale, PA 16651

WRIT OF EXECUTION
(Mortgage Foreclosure)

REAL DEBT	\$41,484.07
INTEREST from	\$ _____
COSTS PAID:	\$ _____
PROTHY	\$ 125.00
SHERIFF	\$ _____
STATUTORY	\$ _____
COSTS DUE PROTHY	\$ _____
Office of Judicial Support	
Judg. Fee	
Cr.	
Sat.	

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
(215) 627-1322

All that surface of that certain piece or parcel of land, situate in the Township of Woodward, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a stone, at the corner of land now or formerly of Charles Baughman, formerly of Rheuben Mayhew, and John Yarger, formerly of Phillips Heirs; thence South 87 degrees East, along line now or formerly Charles Baughman, 24 feet, more or less, to right-of-way of Highway (known as Sanborn Road) leading to Sanborn; thence in an easterly direction along the line of said (macadam) highway (known as Sanborn Road) 270 feet, more or less, to intersection of said highway with the macadam highway (known as L.R. 17047) leading to Clearfield; thence in a northerly direction along the line of the right-of-way line of the macadam highway (known as L.R. 17047); leading to Clearfield, 105 feet, more or less, to line of land of John Yarger; and thence in a westerly direction, along the line of the said John Yarger, 270 feet, more or less, to stone-corner, and place of beginning.

TAX PARCEL NO:130-L11-000-00022

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME ROBERT L. SMEAL NO. 06-18-CD

NOW, June 13, 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 June 02, 2006, I exposed the within described real estate of Robert L. Smeal to public venue or outcry at which time and place I sold the same to M&T BANK he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	15.00
MILEAGE	15.00
LEVY	16.02
MILEAGE POSTING	15.00
CSDS COMMISSION	10.00
POSTAGE	0.00
HANDBILLS	4.68
DISTRIBUTION	15.00
ADVERTISING	25.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE COPIES	15.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	5.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$217.72

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	28.50
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$28.50

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	41,484.07
INTEREST @ %	0.00
FROM 03/10/2006 TO 06/02/2006	
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	
TOTAL DEBT AND INTEREST	\$41,504.07
COSTS:	
ADVERTISING	358.18
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	28.50
SHERIFF COSTS	217.72
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,018.40

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