

06-149-CD
LaSalle Bank vs Michael Yamrick et al

LaSalle Bank vs Michale Yamrick et al
2006-149-CD

Date: 01/30/2006
Time: 02:54 PM

Clearfield County Court of Common Pleas
Receipt

NO. 1912267
Page 1 of 1

Received of: Hallinan, Francis S. (attorney for LaSal \$ 85.00

Eighty-Five and 00/100 Dollars

Case:	Plaintiff:	Amount
2006-00149-CD	LaSalle Bank National Associat	
Civil Complaint		85.00
Total:		85.00

CHARGE
RECEIVED
FOR REPORT

Check: 477899

Payment Method: Check

Amount Tendered:

Change Returned:

Clerk: BILLSHAW

85.00
0.00

William A. Shaw, Prothonotary/Clerk of Cou

By: _____
Deputy Clerk

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

LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE
UNDER THE POOLING AND SERVICING AGREEMENT,
DATED AS OF APRIL 1, 2002, AMONG ASSET BACKED
FUNDING CORPORATION, LITTON LOAN SERVICING LP
AND LASALLE BANK NATIONAL ASSOCIATION, ABFC
ASSET-BACKED CERTIFICATES, SERIES 2002-SB1
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226

Plaintiff

v.

MICHAEL E. YAMRICK
PATRICIA A. YAMRICK
A/K/A PATRICIA R. FRENO
P.O.BOX 34 WEST RIVER ROAD
A/K/A 7124 MAIN STREET
BURNSIDE, PA 15721

Defendants

FILED

JAN 30 2006

on 1/23/06

William A. Shaw
Prothonotary/Clerk of Courts

2 CENTS TO STAFF

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE
UNDER THE POOLING AND SERVICING AGREEMENT,
DATED AS OF APRIL 1, 2002, AMONG ASSET BACKED
FUNDING CORPORATION, LITTON LOAN SERVICING LP
AND LASALLE BANK NATIONAL ASSOCIATION, ABFC
ASSET-BACKED CERTIFICATES, SERIES 2002-SB1
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226

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

MICHAEL E. YAMRICK
PATRICIA A. YAMRICK
A/K/A PATRICIA R. FRENO
P.O.BOX 34 WEST RIVER ROAD
A/K/A 7124 MAIN STREET
BURNSIDE, PA 15721

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

3. On 11/09/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ALLIANCE FUNDING, A DIVISION OF SUPERIOR FEDERAL BANK, FSB which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200118655. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
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 09/01/2005 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	\$52,673.11
Interest	3,355.20
08/01/2005 through 01/27/2006	
(Per Diem \$18.64)	
Attorney's Fees	1,250.00
Cumulative Late Charges	116.04
11/09/2001 to 01/27/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 57,944.35
Escrow	
Credit	0.00
Deficit	1,390.54
Subtotal	<u>\$ 1,390.54</u>
TOTAL	\$ 59,334.89

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

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 59,334.89, together with interest from 01/27/2006 at the rate of \$18.64 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

LEGAL DESCRIPTION

ALL that certain lot of ground situate in the Borough of Burnside, County of Clearfield, and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a corner of Main and River Streets; thence West along River Street, 261 feet to lot now or formerly of H.C. Conner; thence South along lot now or formerly of H.C. Conner and land now or formerly of H.A. Tomkins, 120 feet to land now or formerly of H.A. Tomkins; thence East along land now or formerly of H.A. Tomkins, 261 feet to Main Street; thence North along Main Street, 120 feet to the place of beginning. Containing 31,320 square feet.

BEING the same premises title to which became vested in Grantor Lisa K. Hoover by Deed from United Companies Lending Corporation dated November 17, 1998 and recorded December 10, 1998 in the Recorder's Office of Clearfield County as Instrmnt No. 199800698.

PROPERTY BEING: PO BOX 34 WEST RIVER ROAD, A/K/A 7124 MAIN 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

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 1/27/04

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101215
NO: 06-149-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: LASALLE BANK NATIONAL ASSOCIATION

VS.

DEFENDANT: MICHAEL E. YAMRICK, PATRICIA A. YAMRICK a/k/a PATRICIA R. FRENO

SHERIFF RETURN

NOW, February 13, 2006 AT 3:07 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL E. YAMRICK DEFENDANT AT PO BOX 34 WEST RIVER ROAD, BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PATRICIA. YAMRICK, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
07/09/06
APR 10 2006
WAS
Clerk
APR 10 2006
WAS
Clerk

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101215
NO: 06-149-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: LASALLE BANK NATIONAL ASSOCIATION

VS.

DEFENDANT: MICHAEL E. YAMRICK, PATRICIA A. YAMRICK a/k/a PATRICIA R. FRENO

SHERIFF RETURN

NOW, February 13, 2006 AT 3:07 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON PATRICIA A. YAMRICK aka PATRICIA R. FRENO DEFENDANT AT PO BOX 34 WEST RIVER ROAD, BURNSIDE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PATRICIA YAMRICK, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101215
NO: 06-149-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: LASALLE BANK NATIONAL ASSOCIATION

vs.

DEFENDANT: MICHAEL E. YAMRICK, PATRICIA A. YAMRICK a/k/a PATRICIA R. FRENO

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	477909	20.00
SHERIFF HAWKINS	PHELAN	477909	80.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2006

Chester A. Hawkins
Sheriff

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney For Plaintiff

LASALLE BANK NATIONAL ASSOCIATION, AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT, DATED AS OF APRIL 1, 2002, AMONG ASSET BACKED FUNDING CORPORATION, LITTON LOAN SERVICING LP AND LASALLE BANK NATIONAL ASSOCIATION, ABFC ASSET-BACKED CERTIFICATES, SERIES 2002-SB1	:	Court of Common Pleas
	:	Civil Division
	:	CLEARFIELD County
	:	No. 2006-149-CD
Plaintiff		
vs		
MICHAEL E. YAMRICK PATRICIA A. YAMRICK A/K/A PATRICIA R. FRENO		
Defendant		

FILED

JUL 15 2010

NO CC

610

William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE

TO THE PROTHONOTARY:

Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date: July 14, 2010

PHELAN HALLINAN & SCHMIEG, LLP

By:

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375

Attorneys for Plaintiff

PHS# 129578

FILED

JUL 15 2010

William A. Shaw
Prothonotary/Clerk of Courts