

2006-206-CD
Deutsche Bank et al vs Samuel McClelland et

06-206-CD
Deutsche Natl Trust Co vs Samuel T

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

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

Plaintiff

v.

SAMUEL T. MCCLELLAND JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-206-CD

CLEARFIELD COUNTY

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 *Att'y pd 85.00*
3/2/06 *4CC Shff*
FEB 08 2006

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

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

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

SAMUEL T. MCCLELLAND JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

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

3. On 03/17/2000 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ADVANTA NATIONAL BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200004069. By Assignment of Mortgage recorded 07/13/2000 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Mortgage Instrument No: 200009825.
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 05/22/2005 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	\$38,266.12
Interest	2,706.30
04/22/2005 through 02/06/2006	
(Per Diem \$9.30)	
Attorney's Fees	1,250.00
Cumulative Late Charges	141.20
03/17/2000 to 02/06/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 42,913.62
Escrow	
Credit	0.00
Deficit	154.78
Subtotal	<u>\$ 154.78</u>
TOTAL	\$ 43,068.40

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

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

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

10. By Deed recorded 07/01/1999 in the office of the recorder of Clearfield County as Instrument No: 199910991 MARY D. MCCLELLAND retained a life estate interest in the mortgaged premises. According she is being named as a defendant in the foreclosure action.

WHEREFORE, PLAINTIFF demands an *in rem* Judgment against the Defendant(s) in the sum of \$ 43,068.40, together with interest from 02/06/2006 at the rate of \$9.30 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

Lawrence T. Phelan

By: /s/ Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL those pieces, parcels or lots of land, situate in Decatur Township, Clearfield County, Pennsylvania, known and designated as West Osceola, and marked in the plot plan as Lots Nos. 544, 545, and 546 bounded as follows:

BEGINNING at the Southwest corner of Curtin Street and First Avenue; thence along said Curtin Street North sixty-one (61 degrees) degrees thirty (30 minutes) minutes West, fifty-two (52 feet) feet; thence North seventy-eight (78 degrees) degrees forty-five minutes (45 minutes) West one hundred (100 feet) feet to an Alley; thence along said Alley South eleven (11 degrees) degrees fifteen (15 minutes) minutes West one hundred and fifty (150 feet) feet to an alley; thence along said Alley seventy-eight (78 degrees) degrees forty-five (45 minutes) minutes East one hundred and fifty (150 feet) feet to First Avenue; and, thence along the said First Avenue North eleven (11 degrees) degrees fifteen (15 minutes) minutes East one hundred and thirty-nine (139 feet) feet to the place of beginning.

UNDER AND SUBJECT, Nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, qualifications, limitations and conveyances out as are contained in all prior deeds.

EXCEPTING AND RESERVING to Mary D. McClelland, the right to use, occupy and enjoy the premises, and the rents and profits thereof, for and during her natural life. It being the intention of Mary D. McClelland to reserve a life estate for herself in said premise.

BEING the same premises as were granted and conveyed unto Mary D. McClelland by deed of Mike Kolesar and Margaret Kolesar, his wife, dated August 30, 1973, entered for record in the Office for the Recording of Deeds in and for Clearfield County in Clearfield County Deed Book Vol. 660, page 99, on October 3, 1973.

PROPERTY BEING: 803 CURTAIN 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.

fs/hll

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 2/6/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101238
NO: 06-206-CD
SERVICE # 1 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEFENDANT: SAMUEL T. MCCLELLAND JR. and MARY D. MCCLELLAND, LIFE TENANT

SHERIFF RETURN

NOW, February 16, 2006 AT 8:24 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SAMUEL T. MCCLELLAND JR. DEFENDANT AT 27 KOLESKI CLUB ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY MCCLELLAND, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

FILED
04/09/06
APR 10 2006
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101238
NO: 06-206-CD
SERVICE # 2 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY
VS.
DEFENDANT: SAMUEL T. MCCLELLAND JR. and MARY D. MCCLELLAND, LIFE TENANT

SHERIFF RETURN

NOW, February 16, 2006 AT 8:24 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SAMUEL T. MCCLELLAND JR. DEFENDANT AT 27 KOLESKI CLUB ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY MCCLELLAND, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101238
NO: 06-206-CD
SERVICE # 3 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY
vs.
DEFENDANT: SAMUEL T. MCCLELLAND JR. and MARY D. MCCLELLAND, LIFE TENANT

SHERIFF RETURN

NOW, February 16, 2006 AT 8:24 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARY D. MCCLELLAND DEFENDANT AT 27 KOLESKI CLUB ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY D. MCCLELLAND, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101238
NO: 06-206-CD
SERVICE # 4 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEFENDANT: SAMUEL T. MCCLELLAND JR. and MARY D. MCCLELLAND, LIFE TENANT

SHERIFF RETURN

NOW, February 16, 2006 AT 8:24 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARY D. MCCLELLAND DEFENDANT AT 27 KOLESKI CLUB ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY D. MCCLELLAND, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / NEVLING

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101238
NO: 06-206-CD
SERVICES 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY

VS.

DEFENDANT: SAMUEL T. MCCLELLAND JR. and MARY D. MCCLELLAND, LIFE TENANT

SHERIFF RETURN

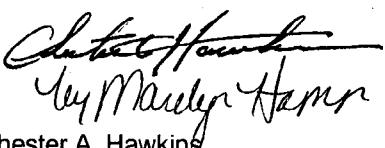
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	480778	40.00
SHERIFF HAWKINS	PHELAN	480778	60.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2006


Chester A. Hawkins
Sheriff

(Rule of Civil Procedure No. 236 - Revised

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST :
COMPANY, AS CUSTODIAN OR TRUSTEE, :
F/K/A BANKERS TRUST COMPANY OF : CLEARFIELD COUNTY
CALIFORNIA, N.A. : COURT OF COMMON PLEAS
10790 RANCHO BERNARDO RD :
SAN DIEGO, CA 92127 : CIVIL DIVISION

Plaintiff, : NO. 06-206-CD

v.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

Defendant(s).

FILED pd \$20.00
4/2/06 12:17pm LM Statement to Atty
APR 28 2006 ICC + Notice issued
to debtors

William A. Shaw
Prothonotary

Notice is given that a Judgment in the above captioned matter has been entered against you
on April 28, 2006.

BY William A. Shaw DEPUTY

If you have any questions concerning this matter, please contact:

Daniel G. Schmieg

DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

This firm is a debt collector attempting to collect a debt. Any information we obtain will be used for that purpose. If you have previously received a discharge in bankruptcy, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127**

Plaintiff,

V.

**SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666**

Defendant(s).

NO. 06-206-CD

FILED

APR 28 2006

William A. Shaw
Prothonotary

PRAEICE FOR IN REM JUDGMENT FOR FAILURE TO ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **SAMUEL T. MCCLELLAND, JR.** and **MARY D. MCCLELLAND, LIFE TENANT**, 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 the Complaint	\$ 43,068.40
Interest - 2/7/06 TO 4/27/06	\$744.00
TOTAL	<u>\$ 43,812.40</u>

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

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 7.28.04

PRO PROTHY

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, : COURT OF COMMON PLEAS
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS : CIVIL DIVISION
TRUST COMPANY OF CALIFORNIA, N.A. : CLEARFIELD COUNTY
Plaintiff : NO. 06-206-CD
Vs.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
Defendants

TO: SAMUEL T. MCCLELLAND, JR.
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

FILE COPY

DATE OF NOTICE: MARCH 23, 2006

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

IMPORTANT NOTICE

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

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

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

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

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


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
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

DEUTSCHE BANK NATIONAL TRUST COMPANY, : COURT OF COMMON PLEAS
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A. : CIVIL DIVISION
Plaintiff : CLEARFIELD COUNTY
Vs. : NO. 06-206-CD

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
Defendants

TO: MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

RECEIVED
MAY 11 2006
CLERK'S OFFICE
CLEARFIELD COUNTY
PA

DATE OF NOTICE: MARCH 23, 2006

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

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

Francis S. Hallinan
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
:
: NO. 06-206-CD

v.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

:
:
:
:

Defendant(s).

VERIFICATION OF NON-MILITARY SERVICE

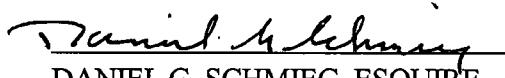
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 **SAMUEL T. MCCLELLAND, JR.** is over 18 years of age and resides at **27 KOLESKI CLUB ROAD, OSCEOLA MILLS, PA 16666**.

(c) that defendant **MARY D. MCCLELLAND, LIFE TENANT** is over 18 years of age, and resides at **27 KOLESKI CLUB ROAD, OSCEOLA MILLS, PA 16666**.

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

PHELAN HALLINAN & SCHMIEG, LLP

Suite 1400

1617 JFK Boulevard

Philadelphia, PA 19103-1814

Automated Attendant #215-320-0007

Operator Assisted #215-563-7000

Fax: 215-563-5534

CHRISTINE SCHOFFLER
Legal Assistant, Ext. 1286

Representing Lenders in
Pennsylvania and New Jersey

4/27/06

Office of the Prothonotary
Clearfield County Courthouse
Clearfield, PA 16830

**Re: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE, F/K/A
BANKERS TRUST COMPANY OF CALIFORNIA, N.A. v. SAMUEL T. MCCLELLAND, JR.
and MARY D. MCCLELLAND, LIFE TENANT**
No. 06-206-CD

Dear Sir/ Madam:

I would appreciate your entering a Judgment against defendant(s), SAMUEL T. MCCLELLAND, JR. and MARY D. MCCLELLAND, LIFE TENANT, relative to the above matter.

All of the necessary documents are enclosed, together with my check to your order for payment of fees and costs. Kindly, send me your receipt and a stamped copy of the Praecept for Judgment in the stamped self-addressed envelope, which I have enclosed.

If there are any questions concerning the above matter, please contact me immediately.

Very truly yours,

By: CHRISTINE SCHOFFLER
CHRISTINE SCHOFFLER

CQS
Enclosures

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

Deutsche Bank National Trust Company
Bankers Trust Company of California, N.A.
Plaintiff(s)

No.: 2006-00206-CD

Real Debt: \$43812.40

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Samuel T. McClelland Jr.
Mary D. McClelland
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: April 28, 2006

Expires: April 28, 2011

Certified from the record this April 28, 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

NOTICE OF JUDGMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA

CIVIL DIVISION

Deutsche Bank National Trust Company Bankers
Trust Company of California, N.A.

Vs.

No. 2006-00206-CD

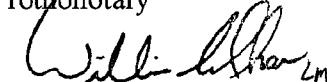
Samuel T. McClelland Jr. Mary D. McClelland

To: DEFENDANT(S)

NOTICE is given that a JUDGMENT in the above captioned matter has been entered
against you in the amount of \$43812.40 on April 28, 2006.

William A. Shaw

Prothonotary



William A. Shaw

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
CUSTODIAN OR TRUSTEE, F/K/A
BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.

MARY D. MCCLELLAND, LIFE
TENANT

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-206-CD Term 2005...

**PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)**

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	\$43,812.40
------------	-------------

Interest from 4/27/06 to Sale	\$ _____
-------------------------------	----------

Per diem \$7.20	
-----------------	--

Prothonotary costs ^{\$} 125.00

Add'l Costs	\$3,190.00
-------------	------------

Daniel McLeining
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

FILED
MAY 12 2006
13:40/
William A. Shaw
Prothonotary/Clerk of Courts
1 CENT w/ 6 WHTS
TO SHTP

No. 06-206-CD..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.
11

vs.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Daniel M. Shamus
Attorney for Plaintiff(s)

Address: SAMUEL T. MCCLELLAND, JR. MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD 27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666 OSCEOLA MILLS, PA 16666

LEGAL DESCRIPTION

ALL those pieces, parcels or lots of land, situate in Decatur Township, Clearfield County, Pennsylvania, known and designated as West Osceola, and marked in the plot plan as Lots Nos. 544, 545, and 546 bounded as follows:

BEGINNING at the Southwest corner of Curtin Street and First Avenue; thence along said Curtin Street North sixty-one (61 degrees) degrees thirty (30 minutes) minutes West, fifty-two (52 feet) feet; thence North seventy-eight (78 degrees) degrees forty-five minutes (45 minutes) West one hundred (100 feet) feet to an Alley; thence along said Alley South eleven (11 degrees) degrees fifteen (15 minutes) minutes West one hundred and fifty (150 feet) feet to an alley; thence along said Alley seventy-eight (78 degrees) degrees forty-five (45 minutes) minutes East one hundred and fifty (150 feet) feet to First Avenue; and, thence along the said First Avenue North eleven (11 degrees) degrees fifteen (15 minutes) minutes East one hundred and thirty-nine (139 feet) feet to the place of beginning.

UNDER AND SUBJECT, Nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, qualifications, limitations and conveyances out as are contained in all prior deeds.

EXCEPTING AND RESERVING to Mary D. McClelland, the right to use, occupy and enjoy the premises, and the rents and profits thereof, for and during her natural life. It being the intention of Mary D. McClelland to reserve a life estate for herself in said premise.

TITLE TO SAID PREMISES IS VESTED IN Samuel T. McClelland, Jr., single, by Deed from Mary D. McClelland, single, dated 6-29-99, recorded 7-1-99 in Deed Inst#: 199910991

(Note: Deed transfer from parent to child.)

Premises being: 803 CURTIN STREET
OSCEOLA MILLS, PA 16666

Tax Parcel No. 013-381-00008

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
CUSTODIAN OR TRUSTEE, F/K/A
BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.

MARY D. MCCLELLAND, LIFE
TENANT

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 property
(specifically described property below):**

PREMISES: 803 CURTIN STREET, OSCEOLA MILLS, PA 16666
(See Legal Description attached)

Amount Due	\$43,812.40
Interest from 4/27/06 to Sale per diem \$7.20	\$-----
Total	\$-----
Add'l Costs	\$3,190.00

Prothonotary costs 125.00

Dated 5-12-06
(SEAL)


(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

No. 06-206-CD Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

WREIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$43,812.40

Int. from 4/27/06
To Date of Sale (\$7.20 per diem)

Costs

Prothy Pd.

Sheriff

Daniel M. Johnson

Attorney for Plaintiff(s)

Address: SAMUEL T. MCCLELLAND, JR. MARY D. MCCLELLAND, LIFE TENANT
27 KOLEFSKI CLUB ROAD 27 KOLEFSKI CLUB ROAD
OSCEOLA MILLS, PA 16666 OSCEOLA MILLS, PA 16666

LEGAL DESCRIPTION

ALL those pieces, parcels or lots of land, situate in Decatur Township, Clearfield County, Pennsylvania, known and designated as West Osceola, and marked in the plot plan as Lots Nos. 544, 545, and 546 bounded as follows:

BEGINNING at the Southwest corner of Curtin Street and First Avenue; thence along said Curtin Street North sixty-one (61 degrees) degrees thirty (30 minutes) minutes West, fifty-two (52 feet) feet; thence North seventy-eight (78 degrees) degrees forty-five minutes (45 minutes) West one hundred (100 feet) feet to an Alley; thence along said Alley South eleven (11 degrees) degrees fifteen (15 minutes) minutes West one hundred and fifty (150 feet) feet to an alley; thence along said Alley seventy-eight (78 degrees) degrees forty-five (45 minutes) minutes East one hundred and fifty (150 feet) feet to First Avenue; and, thence along the said First Avenue North eleven (11 degrees) degrees fifteen (15 minutes) minutes East one hundred and thirty-nine (139 feet) feet to the place of beginning.

UNDER AND SUBJECT, Nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, qualifications, limitations and conveyances out as are contained in all prior deeds.

EXCEPTING AND RESERVING to Mary D. McClelland, the right to use, occupy and enjoy the premises, and the rents and profits thereof, for and during her natural life. It being the intention of Mary D. McClelland to reserve a life estate for herself in said premise.

TITLE TO SAID PREMISES IS VESTED IN Samuel T. McClelland, Jr., single, by Deed from Mary D. McClelland, single, dated 6-29-99, recorded 7-1-99 in Deed Inst#: 199910991

(Note: Deed transfer from parent to child.)

Premises being: 803 CURTIN STREET
OSCEOLA MILLS, PA 16666

Tax Parcel No. 013-381-00008

DEUTSCHE BANK NATIONAL TRUST :
COMPANY, AS CUSTODIAN OR TRUSTEE, :
F/K/A BANKERS TRUST COMPANY OF :
CALIFORNIA, N.A. :
10790 RANCHO BERNARDO RD :
SAN DIEGO, CA 92127

Plaintiff, :

v.

SAMUEL T. MCCLELLAND, JR. :
MARY D. MCCLELLAND, LIFE TENANT :
27 KOLESKI CLUB ROAD :
OSCEOLA MILLS, PA 16666

CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION

NO. 06-206-CD

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A.**, 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 **803 CURTIN STREET,
OSCEOLA MILLS, PA 16666**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
------	--

SAMUEL T. MCCLELLAND, JR.	27 KOLESKI CLUB ROAD OSCEOLA MILLS, PA 16666
------------------------------	---

MARY D. MCCLELLAND, LIFE TENANT	27 KOLESKI CLUB ROAD OSCEOLA MILLS, PA 16666
---------------------------------------	---

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

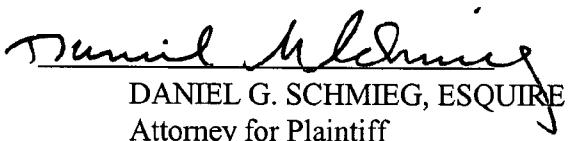
NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
------	--

Same as Above	
----------------------	--

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

4/27/06

Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF
CALIFORNIA, N.A. : : : CLEARFIELD COUNTY
10790 RANCHO BERNARDO RD : : COURT OF COMMON PLEAS
SAN DIEGO, CA 92127 : : CIVIL DIVISION**

1

**SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666**

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A., Plaintiff in the above action, by its
attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution
was filed, the following information concerning the real property located at 803 CURTIN STREET,
OSCEOLA MILLS, PA 16666.**

3. Name and 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 so indicate.)
None

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

NAME LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

Advanta National Bank 10790 Rancho Bernardo Road
San Diego, CA 92127

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

NAME LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so 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 so indicate.)

None

7. Name and address of every other person 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 so indicate.)

TENANT/OCCUPANT

**803 CURTIN STREET
OSCEOLA MILLS, PA 16666**

**DOMESTIC
RELATIONS
CLEARFIELD
COUNTY**

**CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830**

**COMMONWEALTH
OF PENNSYLVANIA**

**DEPARTMENT OF WELFARE
PO BOX 2675
HARRISBURG, PA 17105**

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

4/27/06

Date

Daniel Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 06-206-CD

Plaintiff,

v.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

:
:
:
:
:

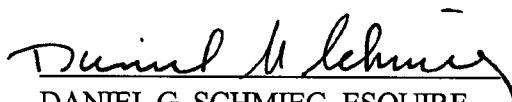
Defendant(s).

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. sec.4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

PLAINTIFF**AFFIDAVIT OF SERVICE**

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.

CLEARFIELD County
No. 06-206-CD
Our File #: 126298

DEFENDANT(S)

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

Type of Action
- Notice of Sheriff's Sale

Please serve upon:

SAMUEL T. MCCLELLAND, JR.

Sale Date: 8-4-06

SERVE AT:

27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

SERVED

Served and made known to Samuel T. McClelland, Jr., Defendant, on the 16th day of June, 2006, at 5:55, o'clock P.m., at 27 Koleski Club Rd. Osceola Mills,

Commonwealth of Pennsylvania, in the manner described below:

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

Description: Age 58 Height 5'7" Weight 140 Race W Sex F Other

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

Sworn to and subscribed
before me this 19th day
of June, 2006
Notary:

By: Thomas Holmberg

NOT SERVED

ATTEMPT SERVICE NLT THREE (3) TIMES

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

Moved Unknown No Answer Vacant
 1st attempt Date: _____ Time: _____, 2nd attempt Date: _____ Time: _____, 3rd
 attempt Date: _____ Time: _____.
 Other: _____

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

Notary: _____ By: _____

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814(215) 563-7000

Marilyn A. Campbell
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Marilyn A. Campbell, Notary Public
City of Altoona, Blair County
My Commission Expires Oct. 28, 2007

Member, Pennsylvania Association of Notaries

FILED NO
M 11:11 AM
JUN 28 2006
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

PLAINTIFF DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF
CALIFORNIA, N.A. CLEARFIELD County
No. 06-206-CD
Our File #: 126298

DEFENDANT(S) SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT Type of Action
- Notice of Sheriff's Sale

Please serve upon: MARY D. MCCLELLAND, LIFE TENANT Sale Date: 8-4-06

SERVE AT: 27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666 SERVED

Served and made known to Mary D. McClelland, Defendant, on the 16th day of June,
2006 at 5:55, o'clock P.m., at 27 Koleski Club Road, Osceola Mills,

Commonwealth of Pennsylvania, in the manner described below:

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

Description: Age 58 Height 5'7" Weight 140 Race W Sex F Other

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

Sworn to and subscribed
before me this 19th day
of June, 2006
Notary:

By: Thomas Holmberg

NOT SERVED

ATTEMPT SERVICE NLT THREE (3) TIMES

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

____ Moved ____ Unknown ____ No Answer ____ Vacant
1st attempt Date: _____ Time: _____, 2nd attempt Date: _____ Time: _____, 3rd _____
attempt Date: _____ Time: _____.
Other:

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

Notary: _____

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard Philadelphia, PA 19103-1814
(215) 563-7000

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

Member, Pennsylvania Association of Notaries

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20352

NO: 06-206-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A.

vs.

DEFENDANT: SAMUEL T. MCCLELLAND, JR. AND MARY D. MCCLELLAND, LIFE TENANT

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 05/15/2006

LEVY TAKEN 05/26/2006 @ 10:42 AM

POSTED 05/26/2006 @ 10:42 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 01/22/2007

DATE DEED FILED NOT SOLD

FILED

01/22/07
JAN 22 2007
W.A.S.

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

06/29/2006 @ 11:05 AM SERVED SAMUEL T. MCCLELLAND, JR.

SERVED SAMUEL T. MCCLELLAND, JR., DEFENDANT, AT HIS RESIDENCE 27 KOLESKI CLUB ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY D. MCCLELLAND, LIFE TENANT/MOTHER/CO-DEFENDANT

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.

06/29/2006 @ 11:05 AM SERVED MARY D. MCCLELLAND, LIFE TENANT

SERVED MARY D. MCCLELLAND, LIFE TENANT, DEFENDANT, AT HER RESIDENCE 27 KOLESKI CLUB ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY D. MCCLELLAND, LIFE TENANT

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.

@ SERVED

NOW, JULY 28, 2006 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR AUGUST 4, 2006 TO NOVEMBER 3, 2006.

@ SERVED

NOW, OCTOBER 30, 2006 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SCHEDULED FOR NOVEMBER 3, 2006 AND RETURN THE WRIT TO THE PROTHONOTARY'S OFFICE.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20352
NO: 06-206-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.

vs.

DEFENDANT: SAMUEL T. MCCLELLAND, JR. AND MARY D. MCCLELLAND, LIFE TENANT

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$290.45

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
By Griffiths Butler - Aufenthal
Chester A. Hawkins
Sheriff

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
CUSTODIAN OR TRUSTEE, F/K/A
BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.

MARY D. MCCLELLAND, LIFE
TENANT

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 property (specifically described property below):

PREMISES: 803 CURTIN STREET, OSCEOLA MILLS, PA 16666
(See Legal Description attached)

Amount Due	\$43,812.40
Interest from 4/27/06 to Sale per diem \$7.20	\$-----
Total	\$-----
Add'l Costs	\$3,190.00
	Prothonotary costs 125.00

Weller
(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

Dated 5-12-06
(SEAL)

Received May 15, 2006 @ 3:00 PM.
Chester A. Steinkuehler
by Courtney Butler-Steinkuehler

LEGAL DESCRIPTION

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BEGINNING at the Southwest corner of Curtin Street and First Avenue; thence along said Curtin Street North sixty-one (61 degrees) degrees thirty (30 minutes) minutes West, fifty-two (52 feet) feet; thence North seventy-eight (78 degrees) degrees forty-five minutes (45 minutes) West one hundred (100 feet) feet to an Alley; thence along said Alley South eleven (11 degrees) degrees fifteen (15 minutes) minutes West one hundred and fifty (150 feet) feet to an alley; thence along said Alley seventy-eight (78 degrees) degrees forty-five (45 minutes) minutes East one hundred and fifty (150 feet) feet to First Avenue; and, thence along the said First Avenue North eleven (11 degrees) degrees fifteen (15 minutes) minutes East one hundred and thirty-nine (139 feet) feet to the place of beginning.

UNDER AND SUBJECT, Nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, qualifications, limitations and conveyances out as are contained in all prior deeds.

EXCEPTING AND RESERVING to Mary D. McClelland, the right to use, occupy and enjoy the premises, and the rents and profits thereof, for and during her natural life. It being the intention of Mary D. McClelland to reserve a life estate for herself in said premise.

TITLE TO SAID PREMISES IS VESTED IN Samuel T. McClelland, Jr., single, by Deed from Mary D. McClelland, single, dated 6-29-99, recorded 7-1-99 in Deed Inst#: 199910991

(Note: Deed transfer from parent to child.)

Premises being: 803 CURTIN STREET
OSCEOLA MILLS, PA 16666

Tax Parcel No. 013-381-00008

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME SAMUEL T. MCCLELLAND, JR. NO. 06-206-CD

NOW, January 20, 2007, 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 , I exposed the within described real estate of Samuel T. McClelland, Jr. And Mary D. McClelland, Life Tenant to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00	DEBT-AMOUNT DUE	43,812.40
SERVICE	15.00	INTEREST @ 7.2000	(5,273,481.6
MILEAGE	17.80	FROM 04/27/2006 TO	
LEVY	15.00		
MILEAGE	17.80	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	5.85	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	40.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	89.00	MISCELLANEOUS	
ADD'L LEVY			
BID/SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	(\$5,229,629.20)
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	429.46
BILLING/PHONE/FAX		TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$290.45	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	
DEED COSTS:		DEED COSTS	0.00
ACKNOWLEDGEMENT		SHERIFF COSTS	290.45
REGISTER & RECORDER		LEGAL JOURNAL COSTS	198.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	125.00
TOTAL DEED COSTS	\$0.00	MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
		TOTAL COSTS	\$1,182.91

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. Kennedy 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 23, 2006

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

ATTENTION: CINDY (814) 765-5915

Re: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR
TRUSTEE, F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A.
v. SAMUEL T. MCCLELLAND, JR. MARY D. MCCLELLAND, LIFE TENANT
No. 06-206-CD
803 CURTIN STREET, OSCEOLA MILLS, PA 16666

Dear Cindy:

Please postpone the Sheriff's Sale of the above referenced property which
is scheduled for AUGUST 4, 2006.

The property is to be relisted for the NOVEMBER 3, 2006 Sheriff's Sale.

Very truly yours,

CQS

Christine Schoffler

VIA TELECOPY (814) 765-5915

CC:	SAMUEL T. MCCLELLAND, JR. 27 KOLESKI CLUB ROAD OSCEOLA MILLS, PA 16666	MARY D. MCCLELLAND, LIFE TENANT 803 CURTIN STREET OSCEOLA MILLS, PA 16666
-----	--	--

Law Offices
PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Christine.Schoffler@fedphe.com

CHRISTINE SCHOFFLER
Judgment Department, Ext. 1286

Representing Lenders in
Pennsylvania and New Jersey

October 23, 2006

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

ATTENTION: CINDY (814) 765-5915

Re: **DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN
OR TRUSTEE, F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A.
v. SAMUEL T. MCCLELLAND, JR. & MARY D. MCCLELLAND
No. 06-206-CD
808 CURTIN STREET, OSCEOLA MILLS, PA 16666**

Dear Cindy:

Please stay the Sheriff's Sale of the above referenced property, which is scheduled for November 3, 2006, return the original writ of execution to the Prothonotary's office and refund any unused money to our office.

Please be further advised that no consideration was reported to have been received by our office.

Very truly yours,

Christine Schoffler

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
CUSTODIAN OR TRUSTEE, F/K/A
BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.

MARY D. MCCLELLAND, LIFE
TENANT

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-206-CD Term 2005....

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	\$43,812.40
------------	-------------

Interest from 4/27/06 to Sale	\$ _____.
Per diem \$7.20	

Prothonotary costs

145.00

Add'l Costs	\$6092.50
-------------	-----------

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

FILED
m 12/4/06
FEB 01 2007

William A. Shaw *(GTC)*
Prothonotary/Clerk of Courts
Atty pd. 20.00
100% 6 wnts w/
prop. descr. to Sheriff

No. 06-206-CD..... Term 20 05.A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

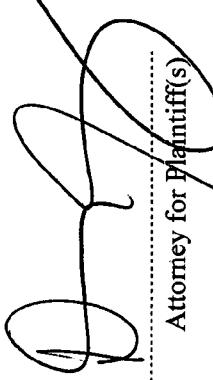
DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed: --



Attorney for Plaintiff(s)

Address: SAMUEL T. MCCLELLAND, JR. MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD 27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666 OSCEOLA MILLS, PA 16666

LEGAL DESCRIPTION

ALL those pieces, parcels or lots of land, situate in Decatur Township, Clearfield County, Pennsylvania, known and designated as West Osceola, and marked in the plot plan as Lots Nos. 544, 545, and 546 bounded as follows:

BEGINNING at the Southwest corner of Curtin Street and First Avenue; thence along said Curtin Street North sixty-one (61 degrees) degrees thirty (30 minutes) minutes West, fifty-two (52 feet) feet; thence North seventy-eight (78 degrees) degrees forty-five minutes (45 minutes) West one hundred (100 feet) feet to an Alley; thence along said Alley South eleven (11 degrees) degrees fifteen (15 minutes) minutes West one hundred and fifty (150 feet) feet to an alley; thence along said Alley seventy-eight (78 degrees) degrees forty-five (45 minutes) minutes East one hundred and fifty (150 feet) feet to First Avenue; and, thence along the said First Avenue North eleven (11 degrees) degrees fifteen (15 minutes) minutes East one hundred and thirty-nine (139 feet) feet to the place of beginning.

UNDER AND SUBJECT, Nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, qualifications, limitations and conveyances out as are contained in all prior deeds.

EXCEPTING AND RESERVING to Mary D. McClelland, the right to use, occupy and enjoy the premises, and the rents and profits thereof, for and during her natural life. It being the intention of Mary D. McClelland to reserve a life estate for herself in said premise.

TITLE TO SAID PREMISES IS VESTED IN Samuel T. McClelland, Jr., single, by Deed from Mary D. McClelland, single, dated 6-29-99, recorded 7-1-99 in Deed Inst#: 199910991

(Note: Deed transfer from parent to child.)

Premises being: 803 CURTIN STREET
OSCEOLA MILLS, PA 16666

Tax Parcel No. 013-381-00008

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST

COMPANY, AS CUSTODIAN OR TRUSTEE,

F/K/A BANKERS TRUST COMPANY OF

CALIFORNIA, N.A.

10790 RANCHO BERNARDO RD

SAN DIEGO, CA 92127

:

CLEARFIELD COUNTY

COURT OF COMMON PLEAS

CIVIL DIVISION

:

NO. 06-206-CD

:

v.

:

SAMUEL T. MCCLELLAND, JR.

MARY D. MCCLELLAND, LIFE TENANT

27 KOLESKI CLUB ROAD

OSCEOLA MILLS, PA 16666

:

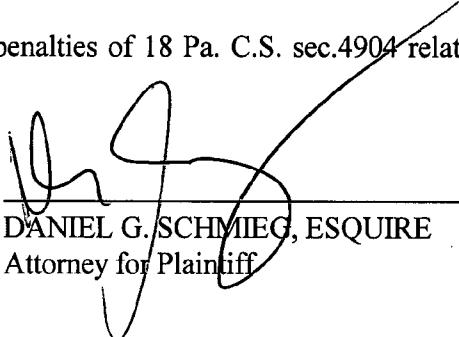
Defendant(s).

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. sec.4904 relating to unsworn falsification to authorities.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DEUTSCHE BANK NATIONAL TRUST :
COMPANY, AS CUSTODIAN OR TRUSTEE, :
F/K/A BANKERS TRUST COMPANY OF :
CALIFORNIA, N.A. :
10790 RANCHO BERNARDO RD :
SAN DIEGO, CA 92127

Plaintiff, :
v. :
:

SAMUEL T. MCCLELLAND, JR. :
MARY D. MCCLELLAND, LIFE TENANT :
27 KOLESKI CLUB ROAD :
OSCEOLA MILLS, PA 16666

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A.**, 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 **803 CURTIN STREET,
OSCEOLA MILLS, PA 16666**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
------	--

SAMUEL T. 27 KOLESKI CLUB ROAD
MCCLELLAND, JR. OSCEOLA MILLS, PA 16666

MARY D. 27 KOLESKI CLUB ROAD
MCCLELLAND, LIFE OSCEOLA MILLS, PA 16666
TENANT

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

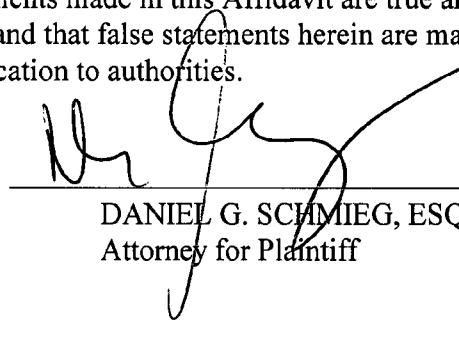
NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
------	--

Same as Above

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

4/27/06

Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

**DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF
CALIFORNIA, N.A. : : CLEARFIELD COUNTY
10790 RANCHO BERNARDO RD : : COURT OF COMMON PLEAS
SAN DIEGO, CA 92127 : : CIVIL DIVISION**

Plaintiff, : NO. 06-206-CD

V.

**SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666**

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129

**DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A.**, Plaintiff in the above action, by its
attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution
was filed, the following information concerning the real property located at **803 CURTIN STREET,
OSCEOLA MILLS, PA 16666**.

3. Name and 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 so indicate.)
None

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

NAME LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

Advanta National Bank 10790 Rancho Bernardo Road
San Diego, CA 92127

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

NAME LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so 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 so indicate.)

None

7. Name and address of every other person 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 so indicate.)

TENANT/OCCUPANT **803 CURTIN STREET**
OSCEOLA MILLS, PA 16666

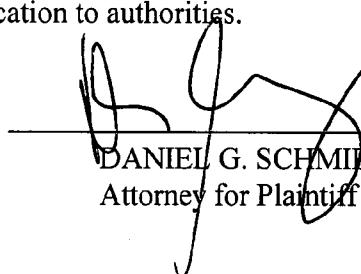
DOMESTIC
RELATIONS
CLEARFIELD
COUNTY **CLEARFIELD COUNTY COURTHOUSE**
230 EAST MARKET STREET
CLEARFIELD, PA 16830

COMMONWEALTH
OF PENNSYLVANIA **DEPARTMENT OF WELFARE**
PO BOX 2675
HARRISBURG, PA 17105

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

4/27/06

Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
CUSTODIAN OR TRUSTEE, F/K/A
BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.

MARY D. MCCLELLAND, LIFE
TENANT

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 property (specifically described property below):

PREMISES: 803 CURTIN STREET, OSCEOLA MILLS, PA 16666

(See Legal Description attached)

Amount Due	\$43,812.40
Interest from 4/27/06 to Sale per diem \$7.20	\$-----
Total	\$-----
	Prothonotary costs
Add'l Costs	\$6092.50

Dated 21/10/07
(SEAL)

Walter L. Hays
(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

No. 06-206-CD Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$43,812.40

Int. from 4/27/06
To Date of Sale (\$7.20 per diem)

Costs

Prothy Pd. 145.00

Sheriff

[Signature]
Attorney for Plaintiff(s)

Address: SAMUEL T. MCCLELLAND, JR. MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD 27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666 OSCEOLA MILLS, PA 16666

LEGAL DESCRIPTION

ALL those pieces, parcels or lots of land, situate in Decatur Township, Clearfield County, Pennsylvania, known and designated as West Osceola, and marked in the plot plan as Lots Nos. 544, 545, and 546 bounded as follows:

BEGINNING at the Southwest corner of Curtin Street and First Avenue; thence along said Curtin Street North sixty-one (61 degrees) degrees thirty (30 minutes) minutes West, fifty-two (52 feet) feet; thence North seventy-eight (78 degrees) degrees forty-five minutes (45 minutes) West one hundred (100 feet) feet to an Alley; thence along said Alley South eleven (11 degrees) degrees fifteen (15 minutes) minutes West one hundred and fifty (150 feet) feet to an alley; thence along said Alley seventy-eight (78 degrees) degrees forty-five (45 minutes) minutes East one hundred and fifty (150 feet) feet to First Avenue; and, thence along the said First Avenue North eleven (11 degrees) degrees fifteen (15 minutes) minutes East one hundred and thirty-nine (139 feet) feet to the place of beginning.

UNDER AND SUBJECT, Nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, qualifications, limitations and conveyances out as are contained in all prior deeds.

EXCEPTING AND RESERVING to Mary D. McClelland, the right to use, occupy and enjoy the premises, and the rents and profits thereof, for and during her natural life. It being the intention of Mary D. McClelland to reserve a life estate for herself in said premise.

TITLE TO SAID PREMISES IS VESTED IN Samuel T. McClelland, Jr., single, by Deed from Mary D. McClelland, single, dated 6-29-99, recorded 7-1-99 in Deed Inst#: 199910991

(Note: Deed transfer from parent to child.)

Premises being: 803 CURTIN STREET
OSCEOLA MILLS, PA 16666

Tax Parcel No. 013-381-00008

SALE DATE: MAY 4, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS CUSTODIAN OR
TRUSTEE, F/K/A BANKERS TRUST
COMPANY OF CALIFORNIA, N.A.

No.: 06-206-CD

vs.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

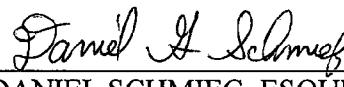
FILED ^{NO CC}
MT10:44 AM
APR 04 2007
WPS
William A. Shaw
Prothonotary/Clerk of Courts

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

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

803 CURTIN STREET, OSCEOLA MILLS, PA 16666.

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 Amended 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.



DANIEL SCHMIEG, ESQUIRE
Attorney for Plaintiff

April 3, 2007

Name and
Address
of Sender

CQS
PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814

A/XA

Line	Article Number	Name of Addressee, Street, and Post Office Address	Po:
1		TENANT/OCCUPANT 803 CURTIN STREET OSCEOLA MILLS, PA 16666	
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830	
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105	
4		Advanta National Bank 10790 Rancho Bernardo Road San Diego, CA 92127	
5			
6			
7			
8			
9			
10			
11			
12		Re: SAMUEL T. MCCLELLAND, JR.	
KAM TEAM 4		126208	
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 per piece subject to a limit of \$50,000.00 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$300. 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>



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20526
NO: 06-206-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A.

vs.

DEFENDANT: SAMUEL T. MCCLELLAND, JR. AND MARY D. MCCLELLAND, LIFE TENANT

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 02/01/2007

LEVY TAKEN 02/16/2007 @ 2:14 PM

POSTED 02/16/2007 @ 2:14 PM

SALE HELD 05/04/2007

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 06/11/2007

DATE DEED FILED

PROPERTY ADDRESS 803 CURTIN STREET OSCEOLA MILLS , PA 16666

SERVICES

02/23/2007 @ 2:00 PM SERVED SAMUEL T. MCCLELLAND

SERVED SAMUEL T. MCCLELLAND, DEFENDANT, AT HIS RESIDENCE 803 CURTIN STREET, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SAMUEL T. MCCLELLAND,

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.

02/23/2007 @ 2:00 PM SERVED MARY D. MCCLELLAND, LIFE TENANT

SERVED MARY D. MCCLELLAND, LIFE TENANT, AT HER RESIDENCE 803 CURTAIN STREET, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SAMUEL MCCLELLAND, SON OF THE DEFENDANT

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.

@ SERVED

NOW, APRIL 26, 2007 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR MAY 4, 2007. DUE TO A BANKRUPTCY FILING.

FILED
03/18/07
JUN 11 2007
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20526
NO: 06-206-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.

VS.

DEFENDANT: SAMUEL T. MCCLELLAND, JR. AND MARY D. MCCLELLAND, LIFE TENANT

Execution REAL ESTATE

SHERIFF RETURN

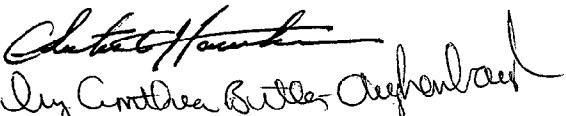
SHERIFF HAWKINS \$247.28

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2007

So Answers,


by *Anthony Butler, Deafendant*
Chester A. Hawkins
Sheriff

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS
CUSTODIAN OR TRUSTEE, F/K/A
BANKERS TRUST COMPANY OF
CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.

MARY D. MCCLELLAND, LIFE
TENANT.

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 property (specifically described property below):

PREMISES: 803 CURTIN STREET, OSCEOLA MILLS, PA 16666
(See Legal Description attached)

Amount Due \$43,812.40

Interest from 4/27/06 to Sale \$-----
per diem \$7.20

Total Prothonotary costs \$-----
145.00

Add'l Costs \$6092.50

Willie M. Gray

(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

Dated 2/1/07
(SEAL)

Received February 1, 2007 @ 3:00 P.M.
Chester A. Hawkins
by Cynthia Butler-Angelina

No. 06-206-CD Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY,
AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS
TRUST COMPANY OF CALIFORNIA, N.A.

vs.

SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

WRIT OF EXECUTION
(Mortgage Foreclosure)

	Costs
Real Debt	\$43,812.40
Int. from 4/27/06 To Date of Sale (\$7.20 per diem)	
Costs	
Prothy Pd.	<u>145.00</u>
Sheriff	

J. J.
Attorney for Plaintiff(s)

Address: SAMUEL T. MCCLELLAND, JR. MARY D. MCCLELLAND, LIFE TENANT
27 KOLESKI CLUB ROAD 27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666 OSCEOLA MILLS, PA 16666

LEGAL DESCRIPTION

ALL those pieces, parcels or lots of land, situate in Decatur Township, Clearfield County, Pennsylvania, known and designated as West Osceola, and marked in the plot plan as Lots Nos. 544, 545, and 546 bounded as follows:

BEGINNING at the Southwest corner of Curtin Street and First Avenue; thence along said Curtin Street North sixty-one (61 degrees) degrees thirty (30 minutes) minutes West, fifty-two (52 feet) feet; thence North seventy-eight (78 degrees) degrees forty-five minutes (45 minutes) West one hundred (100 feet) feet to an Alley; thence along said Alley South eleven (11 degrees) degrees fifteen (15 minutes) minutes West one hundred and fifty (150 feet) feet to an alley; thence along said Alley seventy-eight (78 degrees) degrees forty-five (45 minutes) minutes East one hundred and fifty (150 feet) feet to First Avenue; and, thence along the said First Avenue North eleven (11 degrees) degrees fifteen (15 minutes) minutes East one hundred and thirty-nine (139 feet) feet to the place of beginning.

UNDER AND SUBJECT, Nevertheless, to such express and/or implied exceptions, reservations, conditions, easements, covenants, restrictions, qualifications, limitations and conveyances out as are contained in all prior deeds.

EXCEPTING AND RESERVING to Mary D. McClelland, the right to use, occupy and enjoy the premises, and the rents and profits thereof, for and during her natural life. It being the intention of Mary D. McClelland to reserve a life estate for herself in said premise.

TITLE TO SAID PREMISES IS VESTED IN Samuel T. McClelland, Jr., single, by Deed from Mary D. McClelland, single, dated 6-29-99, recorded 7-1-99 in Deed Inst#: 199910991

(Note: Deed transfer from parent to child.)

Premises being: 803 CURTIN STREET
OSCEOLA MILLS, PA 16666

Tax Parcel No. 013-381-00008

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME SAMUEL T. MCCLELLAND

NO. 06-206-CD

NOW, June 11, 2007, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on May 04, 2007, I exposed the within described real estate of Samuel T. McClelland, Jr. And Mary D. McClelland, Life Tenant to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	19.40
LEVY	15.00
MILEAGE	19.40
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	4.68
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	38.80
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$247.28

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	43,812.40
INTEREST @ 7.2000	2,678.40
FROM 04/27/2006 TO 05/04/2007	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$46,530.80
COSTS:	
ADVERTISING	430.90
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	247.28
LEGAL JOURNAL COSTS	180.00
PROTHONOTARY	145.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$1,003.18

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. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Christine.Schoffler@fedphe.com

CHRISTINE SCHOFFLER
Judgment Department, Ext. 1286

Representing Lenders in
Pennsylvania and New Jersey

April 26, 2007

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

ATTENTION: CINDY (814) 765-5915

Re: DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE,
F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A. v. SAMUEL T. MCCLELLAND, JR.
MARY D. MCCLELLAND, LIFE TENANT

803 CURTIN STREET, OSCEOLA MILLS, PA 16666
No. 06-206-CD
PHS # 126298

Dear Cindy:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for 5/4/2007.

The Defendant(s) filed a Chapter 13 Bankruptcy (No. 07-70406) on 4/18/07 .

Very truly yours,

Christine Schoffler
Christine Schoffler (for)
Phelan Hallinan & Schmieg, LLP

CC: SAMUEL T. MCCLELLAND, JR. MARY D. MCCLELLAND, LIFE
27 KOLESKI CLUB ROAD TENANT
OSCEOLA MILLS, PA 16666 27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

FILED

in 4:50p.m. GL

FEB 19 2014

BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

ICC Atty Dunn
Atty paid 7.00
OK

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

Attorney For Plaintiff

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A. Plaintiff	:	Court of Common Pleas
	:	Civil Division
	:	CLEARFIELD County
	:	No. 06-206-CD
v.		
SAMUEL T. MCCLELLAND JR. MARY D. MCCLELLAND Defendant(s)		

PRAECIPE

TO THE PROTHONOTARY:

- Please withdraw the complaint and mark the action Discontinued and Ended without prejudice.
- Please mark the above referenced case Settled, Discontinued and Ended.
- Please Vacate the judgment entered and mark the action Discontinued and Ended without prejudice.
- Please mark the in rem judgment Satisfied and the action Discontinued and Ended.
- Please Vacate the Judgment entered.

Date: 2/18/14

PHELAN HALLINAN, LLP

By:

Courtenay R. Dunn, Esq., Id. No. 206779
Attorney for Plaintiff

PH # 620442

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

Attorney For Plaintiff

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS CUSTODIAN OR TRUSTEE, F/K/A BANKERS TRUST COMPANY OF CALIFORNIA, N.A. Plaintiff	:	Court of Common Pleas
	:	Civil Division
	:	CLEARFIELD County
	:	No. 06-206-CD
v.		
SAMUEL T. MCCLELLAND JR. MARY D. MCCLELLAND Defendant(s)		

CERTIFICATION OF SERVICE

I hereby certify true and correct copies of the foregoing Plaintiff's Praeclipe was served by regular mail to the person(s) on the date listed below:

SAMUEL T. MCCLELLAND JR.
27 KOLESKI CLUB ROAD
OSCEOLA MILLS, PA 16666

MARY D. MCCLELLAND
803 CURTIN STREET
OSCEOLA MILLS, PA 16666

Date: 2/18/14

PHELAN HALLINAN, LLP

By: 
Courtenay R. Dunn, Esq., Id. No. 206779
Attorney for Plaintiff