

06-1103-CD
PHH Mortg. vs M. McKenrick-Passmore

2006-1103-CD
PHH mortgage et al vs Mary McKenrick-Pas

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
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ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
F/K/A PHH MORTGAGE SERVICES CORPORATION
3000 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054

Plaintiff

v.

MARY A. MCKENRICK-PASSMORE
A/K/A MARY ANN MCKENRICK-PASSMORE
67 FREDRICKA AVENUE
CURWENSVILLE, PA 16833

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

FILED
in 3:40 p.m. on 6/3 complaint
JUL 12 2006 to staff
1 copy atty
William A. Shaw
Prothonotary/Clerk of Courts

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

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

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

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

1. Plaintiff is

PHH MORTGAGE CORPORATION, F/K/A
CENDANT MORTGAGE CORPORATION,
F/K/A PHH MORTGAGE SERVICES CORPORATION
3000 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054

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

MARY A. MCKENRICK-PASSMORE
A/K/A MARY ANN MCKENRICK-PASSMORE
67 FREDRICKA AVENUE
CURWENSVILLE, PA 16833

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

3. On 03/28/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CENDANT MORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No: 200204890. By Assignment of Mortgage recorded 01/24/2003 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument No: 200301100.
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 03/01/2006 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	\$28,212.94
Interest	1,035.20
02/01/2006 through 07/10/2006	
(Per Diem \$6.47)	
Attorney's Fees	1,250.00
Cumulative Late Charges	158.76
03/28/2002 to 07/10/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 31,206.90
Escrow	
Credit	0.00
Deficit	517.00
Subtotal	<u>\$ 517.00</u>
TOTAL	\$ 31,723.90

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 31,723.90, together with interest from 07/10/2006 at the rate of \$6.47 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP


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

LEGAL DESCRIPTION

ALL those certain lots or parcels of land situate in Curwensville Borough, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEING known as Lots No. 117 and 118 in the plan of Lots known as Eastvu, plan of which is of record at the Register and Recorder's Office at Clearfield, Pennsylvania in Miscellaneous Book 9 at Page 74; bounded on the North by Lot 116; on the East by Frederica Avenue; on the South by Lot No. 119; on the West by Railroad Street, being eighty (80) feet in front on Frederica Avenue and two hundred three and eight-tenths (203.8) feet and two hundred and thirty-four (234) feet in depth.

THE SECOND THEREOF: BEGINNING at a point in Frederica Avenue at the northeast corner of Lot No. 117; thence along Frederica Avenue North thirty-three (33 degrees) degrees fourteen (14 minutes) minutes East twenty (20) feet to a post in the center line of Lot No. 116; thence along the center line of Lot No. 116 North fifty-seven (57 degrees) degrees forty-six (46 minutes) minutes West one hundred eighty (180) feet to a twenty (20 foot) foot unnamed alley; thence by said unnamed alley South thirty-three (33 degrees) degrees fourteen (14 minutes) minutes West, twenty (20) feet to the line of Lot No. 117; thence along Lot No. 117 South fifty-seven (57 degrees) degrees forty-six (46 minutes) minutes East one hundred eighty (180) feet to Frederica Avenue and place of beginning. BEING the southern half of Lot No. 116 in the plan of Eastvu as shown by the plot of record at Clearfield in Miscellaneous Book 9 Page 74. The above-described property consists of two and one-half lots.

TAX ID# 6-19-299-49

PROPERTY BEING: RR 1 BOX 67 FREDRICKA AVENUE

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: 3/7/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101707
NO: 06-1103-CD
SERVICE # 1 OF 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION f/k/a CENDANT MORTGAGE CORPORATION
vs.

DEFENDANT: MARY A. MCKENRICK-PASSMORE aka MARY ANN MCKENRICK-PASSMORE

SHERIFF RETURN

NOW, July 17, 2006 AT 9:40 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARY A. MCKENRICK-PASSMORE AKA MARY ANN MCKENRICK-PASSMORE DEFENDANT AT 67 FREDRICKA AVE., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY A MCKENRICK-PASSMORE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
0/2/30 cm
JUL 21 2006
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101707
NO: 06-1103-CD
SERVICE # 2 OF 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION f/k/a CENDANT MORTGAGE CORPORATION
VS.
DEFENDANT: MARY A. MCKENRICK-PASSMORE aka MARY ANN MCKENRICK-PASSMORE

SHERIFF RETURN

NOW, July 17, 2006 AT 9:40 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARY A. MCKENRICK-PASSMORE AKA MARY ANN MCKENRICK-PASSMORE DEFENDANT AT RR#1 BOX 67 FREDERICKA AVE., CURWENVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY A. MCKENRICK-PASSMORE, 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 # 101707
NO: 06-1103-CD
SERVICE # 3 OF 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION f/k/a CENDANT MORTGAGE CORPORATION
vs.
DEFENDANT: MARY A. MCKENRICK-PASSMORE aka MARY ANN MCKENRICK-PASSMORE

SHERIFF RETURN

NOW, July 17, 2006 AT 9:40 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARY A. MCKENRICK-PASSMORE AKA MARY ANN MCKENRICK-PASSMORE DEFENDANT AT BOX 67, FREDRICKA AVE., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARY A. MCKENRICK-PASSMORE, 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 # 101707
NO: 06-1103-CD
SERVICES 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION f/k/a CENDANT MORTGAGE CORPORATION
vs.

DEFENDANT: MARY A. MCKENRICK-PASSMORE aka MARY ANN MCKENRICK-PASSMORE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	516836	30.00
SHERIFF HAWKINS	PHELAN	516836	35.34

Sworn to Before Me This

So Answers,

____ Day of _____ 2006


Chester A. Hawkins
Sheriff