

06-1563-CD
Bank of New York vs John W. Shearer et al

2006-1563-CD
Bank of New York vs John Shearer et al

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

140808

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06
7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff

v.

JOHN W. SHEARER
PAMELA S. SHEARER
A/K/A PAMELA S ROMANOWSKI
A/K/A PAMELA S ZIMMERMAN
424 DRS LANE
A/K/A 424 DRIVES LANE
PENFIELD, PA 15849

Defendants

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

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06
7105 CORPORATE DRIVE
PLANO, TX 75024

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

JOHN W. SHEARER
PAMELA S. SHEARER
A/K/A PAMELA S ROMANOWSKI
A/K/A PAMELA S ZIMMERMAN
424 DRS LANE
A/K/A 424 DRIVES LANE
PENFIELD, PA 15849

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

3. On 04/25/2005 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR AMERICA'S WHOLESALE LENDER which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200506134. 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 05/01/2006 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:

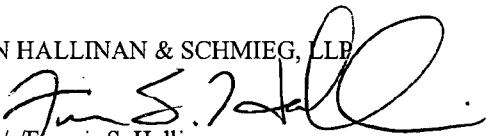
Principal Balance	\$116,098.16
Interest	4,461.36
04/01/2006 through 09/21/2006	
(Per Diem \$25.64)	
Attorney's Fees	1,250.00
Cumulative Late Charges	170.88
04/25/2005 to 09/21/2006	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 122,530.40
Escrow	
Credit	-1,136.24
Deficit	0.00
Subtotal	<u>\$- 1,136.24</u>
TOTAL	\$ 121,394.16

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 \$ 121,394.16, together with interest from 09/21/2006 at the rate of \$25.64 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: /s/ Francis S. Hallinan
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate, lying and being in Huston Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a 3/4 inches steel pin, said pin being on the Easterly right of way line of Township Road 529. also said pin being approximately 0.5 mile in a Northerly direction from the southerly intersection of Township Route 529 and US Route 255; thence by line of lands now or formerly of Steven Saduski, South 29 degrees 23 minutes East, 155.00 feet to a 3/4 inches steel pin; thence by lands now or formerly of the Luchuck Estate 36 degrees 20 minutes West, 100.00 feet to a 3/4 inches steel pin; thence by same lands of the said Luchuck Estate, North 69 degrees 03 minutes 40 seconds West 135.53 feet to a 3/4 inches steel pin located on the Easterly right of way line of Township Route 529; thence by a curve to the right with a long chord bearing North 33 degrees 18 minutes East, 200.00 feet to a 3/4 inches steel pin on the Easterly right of way line of Township Route 529 and the place of beginning.

BEING KNOWN AS: 424 DRS LANE, A/K/A 424 DRIVES LANE

TAX MAP NO. 119-H01-0-99

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.

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.

21 kee

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 09/21/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101957
NO: 06-1563-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE

vs.

DEFENDANT: JOHN W. SHEARER and PAMELA S. SHEARER a/k/a PAMELA S. ROMANOWSKI
a/k/a PAMELA S. ZIMMERMAN

SHERIFF RETURN

NOW, October 06, 2006 AT 9:42 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN W. SHEARER DEFENDANT AT SHERIFF'S OFFICE 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JOHN W. SHEARER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

FILED
12:20 pm
DEC 14 2006
S

William A. Shaw
Secretary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101957
NO: 06-1563-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE

vs.

DEFENDANT: JOHN W. SHEARER and PAMELA S. SHEARER a/k/a PAMELA S. ROMANOWSKI
a/k/a PAMELA S. ZIMMERMAN

SHERIFF RETURN

NOW, October 06, 2006 AT 9:40 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON PAMELA S. SHEARER aka PAMELA S. ZIMMERMAN aka PAMELA S. ROMANOWSKI DEFENDANT AT SHERIFF'S OFFICE 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PAMELA S. SHEARER AKA, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HAWKINS /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 101957
NO: 06-1563-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE

vs.

DEFENDANT: JOHN W. SHEARER and PAMELA S. SHEARER a/k/a PAMELA S. ROMANOWSKI
a/k/a PAMELA S. ZIMMERMAN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	537227	20.00
SHERIFF HAWKINS	PHELAN	537227	53.48

Sworn to Before Me This

So Answers,

____ Day of _____ 2006


Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS OF CWABS
2005-06
7105 CORPORATE DRIVE
PLANO, TX 75024

No.: 06-1563-CD

vs.

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN
424 DRS LANE A/K/A 424 DRIVES LANE
PENFIELD, PA 15849

FILED Atty pd.20.00
M 110:33 2007
SAC-Notice
JAN 08 2007
S to Defs.
William A. Shaw
Prothonotary/Clerk of Courts
Statement
to Atty

**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against JOHN W. SHEARER and PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in Complaint	\$121,394.16
Interest (9/22/06 to 11/9/06)	<u>1,230.72</u>
TOTAL	\$122,624.88

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

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Damages are hereby assessed as indicated.

DATE: January 8, 2007

Willie L. Shaw
PRO PROTHY

140808

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

BANK OF NEW YORK AS TRUSTEE FOR THE : COURT OF COMMON PLEAS
CERTIFICATEHOLDERS OF CWABS 2005-06

Plaintiff : CIVIL DIVISION
Vs. : CLEARFIELD COUNTY
JOHN W. SHEARER : NO. 06-1563-CD
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN
Defendants

TO: JOHN W. SHEARER
424 DRS LANE A/K/A 424 DRIVES LANE
PENFIELD, PA 15849

FILE COPY

DATE OF NOTICE: OCTOBER 27, 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

BANK OF NEW YORK AS TRUSTEE FOR THE : COURT OF COMMON PLEAS
CERTIFICATEHOLDERS OF CWABS 2005-06

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

JOHN W. SHEARER : NO. 06-1563-CD
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN
Defendants

FILE COPY

TO: PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN
424 DRS LANE A/K/A 424 DRIVES LANE
PENFIELD, PA 15849

DATE OF NOTICE: OCTOBER 27, 2006

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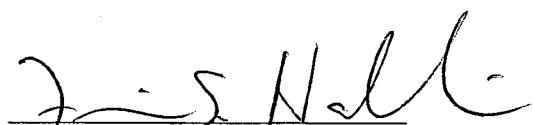
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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

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


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG, ESQUIRE
IDENTIFICATION NO. 62205
ONE PENN CENTER AT SUBURBAN STATION
1617 JOHN F. KENNEDY BLVD., SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS OF CWABS
2005-06

CLEARFIELD COUNTY
No.: 06-1563-CD

vs.

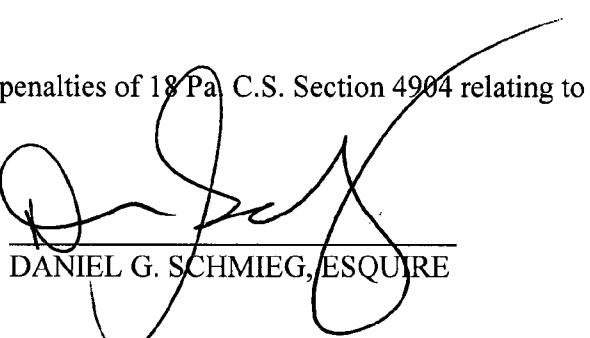
JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

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, JOHN W. SHEARER , is over 18 years of age, and resides at 424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849 .
- (c) that defendant, PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN, is over 18 years of age, and resides at 424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849.

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS OF CWABS
2005-06

 COPY

No.: 06-1563-CD

Plaintiff

vs.

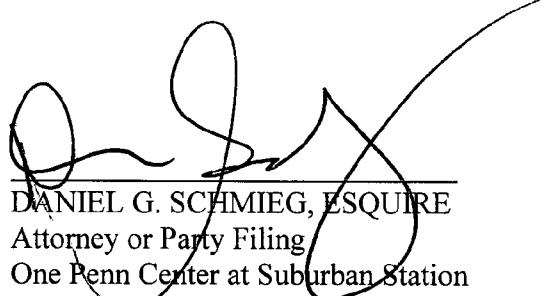
JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

Defendant(s)

Notice is given that a Judgment in the above captioned matter has been entered
against you on January 8, 2007.

By: William Schmieg DEPUTY
At

If you have any questions concerning this matter please contact:


DANIEL G. SCHMIEG, ESQUIRE
Attorney or Party Filing
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

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

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

Bank of New York
Plaintiff(s)

No.: 2006-01563-CD

Real Debt: \$122,624.88

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

John W. Shearer
Pamela S. Shearer
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: January 8, 2007

Expires: January 8, 2012

Certified from the record this 8th day of January, 2007.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

**BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06**

vs.

**JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN**

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

No. 06-1563-CD

**PRAECIPE FOR WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

To the Director of the Office of the Prothonotary:

Issue writ of execution in the above matter:

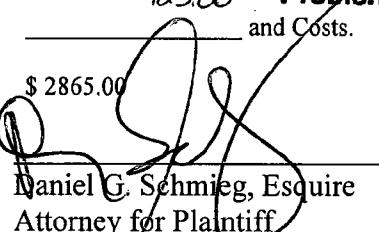
Amount Due

Interest from 11/9/06 to
Date of Sale (\$20.16 per diem)
Add'l fees

\$122,624.88
125.00

**Prothonotary costs
and Costs.**

\$ 2865.00


Daniel G. Schmieg, Esquire
Attorney for Plaintiff
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814

Note: Please attach description of Property.

140808

FILED Atty pd. \$0.00
m/10/47/07 1CC@Lewint
JAN 09 2007 w/property
William A. Shaw descr. to Sheriff
Prothonotary/Clerk of Courts
(6)

No. 06-1563-CD

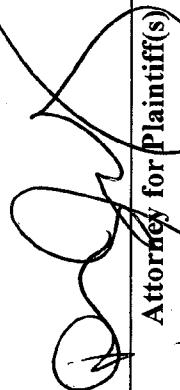
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06

vs.

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)



Attorney for Plaintiff(s)

Address: 424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849
424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849
Where papers may be served.

140808

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN HUSTON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS TO WIT:

BEGINNING AT A 3/4" STEEL PIN, SAID PIN BEING ON THE EASTERLY RIGHT OF WAY LINE OF TOWNSHIP ROAD 529, ALSO SAID PIN BEING APPROXIMATELY 0.5 MILE IN A NORTHERLY DIRECTION FROM THE SOUTHERLY INTERSECTION OF TOWNSHIP ROUTE 529 AND US ROUTE 255; THENCE BY LINE OF LANDS NOW OR FORMERLY OF STEVEN SADUSKI, SOUTH 29° 23' EAST, 155.00 FEET TO A 3/4" STEEL PIN; THENCE BY LANDS NOW OR FORMERLY OF THE LUCHUCK ESTATE 36° 20' WEST, 100.00 FEET TO A 3/4" STEEL PIN; THENCE BY SAME LANDS OF THE SAID LUCHUCK ESTATE, NORTH 69° 03' 40" WEST 135.53 FEET TO A 3/4" STEEL PIN LOCATED ON THE EASTERLY RIGHT OF WAY LINE OF TOWNSHIP ROUTE 529; THENCE BY A CURVE TO THE RIGHT WITH A LONG CHORD BEARING NORTH 33° 18' EAST, 200.00 FEET TO A 3/4" STEEL PIN ON THE EASTERLY RIGHT OF WAY LINE OF TOWNSHIP ROUTE 529 AND THE PLACE OF BEGINNING.

1) Vested by Special Warranty Deed, dated 4/19/2005, given by Karla J. Korb, formerly Karla J. Gornati, and Joseph O. Korb, her husband to John W. Shearer and Pamela S. Shearer, husband and wife and recorded 4/27/2005 Instrument # 200506133

Borrower Name: John W. and Pamela S. Shearer
Property Address: 424 DRS Lane, Penfield, PA 15849

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG, ESQUIRE
ONE PENN CENTER AT
SUBURBAN STATION
1617 JOHN F. KENNEDY BOULEVARD
SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF
COURT OF COMMON PLEAS
CIVIL DIVISION

BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWABS 2005-06

No.: 06-1563-CD

vs.

CLEARFIELD COUNTY

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA
S. ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

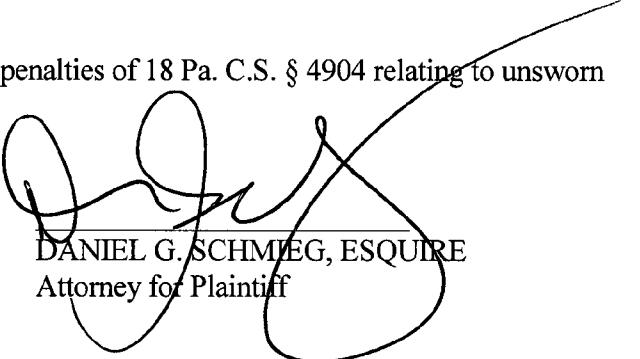
CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

This certification is made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff



BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS OF CWABS
2005-06

CLEARFIELD COUNTY

No.: 06-1563-CD

vs.

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS 2005-06, 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 424 DRS LANE A/K/A 424 DRIVES LANE, PENFIELD, PA 15849:

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

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

JOHN W. SHEARER	424 DRS LANE A/K/A 424 DRIVE LANE PENFIELD, PA 15849
-----------------	---

PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN	424 DRS LANE A/K/A 424 DRIVE LANE PENFIELD, PA 15849
--	---

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

SAME AS ABOVE

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

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

November 8, 2006

BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS OF CWABS
2005-06

CLEARFIELD COUNTY

No.: 06-1563-CD

vs.

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 2)

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF CWABS 2005-06, 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 424 DRS LANE A/K/A 424 DRIVES LANE, PENFIELD, PA 15849:

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

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

None.

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

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

None.

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

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

None.

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

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

Clearfield County Domestic Relations	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
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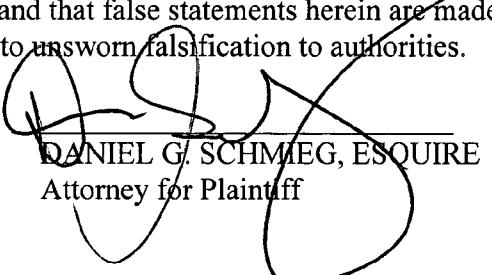
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

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

Commonwealth of Pennsylvania Department of Welfare	PO Box 2675 Harrisburg, PA 17105
---	-------------------------------------

Tenant/Occupant	424 DRS LANE A/K/A 424 DRIVES LANE PENFIELD, PA 15849
-----------------	--

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

November 8, 2006

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

COpy

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06

vs.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 06-1563-CD

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

Premises: **424 DRS LANE A/K/A 424 DRIVES LANE, PENFIELD, PA 15849**

(See legal description attached.)

Amount Due	\$122,624.88
Interest from 11/9/06 to Date of Sale (\$20.16 per diem)	\$ <u>125.00</u> Prothonotary costs
Total	\$ _____ Plus costs as endorsed.
Add'l fees	\$2865.00 <u>Will Shearer</u>

Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By:

Deputy

Dated 1/9/07
(SEAL)

140808

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

No. 06-1563-CD

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

**BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06**

VS.

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A
PAMELA S. ZIMMERMAN

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

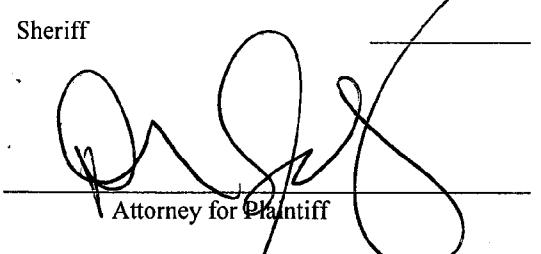
Real Debt \$122,624.88

Int. from 11/9/06 _____
to Date of Sale (\$20.16 per diem)

Costs _____

Prothy. Pd. 125.00

Sheriff _____


Attorney for Plaintiff

Address: 424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849
424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

140808

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN HUSTON TOWNSHIP, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS TO WIT:

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Borrower Name: John W. and Pamela S. Shearer
Property Address: 424 DRS Lane, Penfield, PA 15849

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20498
NO: 06-1563-CD

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLLERS OF CWABS 2005-06
VS.
DEFENDANT: JOHN W. SHEARER AND PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 01/09/2007

LEVY TAKEN 02/01/2007 @ 12:05 PM

POSTED 02/01/2007 @ 12:05 PM

SALE HELD

SOLD TO

WRIT RETURNED 10/19/2007

DATE DEED FILED NOT SOLD

FILED

02/55/01
OCT 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED JOHN W. SHEARER

DEPUTIES UNABLE TO SERVE JOHN W. SHEARER, DEFENDANT, AT HIS RESIDENCE 424 DRS LANE A/K/A 424 DRIVES LANE, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, DEFENDANT NOT HOME.

@ SERVED PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI ET AL

DEPUTIES UNABLE TO SERVE PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI ET AL, DEFENDANT AT HER RESIDENCE 424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, CLEARFIELD COUNTY, PENNSYLVANIA DEFENDANT NOT HOME.

@ SERVED

NOW, FEBRUARY 21, 2007 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR APRIL 13, 2007.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20498
NO: 06-1563-CD

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLLERS OF CWABS 2005-06
vs.

DEFENDANT: JOHN W. SHEARER AND PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$200.72

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
In Compliance Better Appended
Chester A. Hawkins
Sheriff

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

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06

vs.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA

NO.: 06-1563-CD

JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S.
ZIMMERMAN

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield:

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Prothonotary, Common Pleas Court of
Clearfield County, Pennsylvania

By:

Deputy

Dated 11/9/07
(SEAL)

140808

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Received January 9, 2007 @ 3:00 P.M.
Chester G. Steubis
by Cynthia Butler-Authorized

No. 06-1563-CD

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

**BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWABS 2005-06**

vs.

**JOHN W. SHEARER
PAMELA S. SHEARER A/K/A PAMELA S. ROMANOWSKI A/K/A
PAMELA S. ZIMMERMAN**

**WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)**

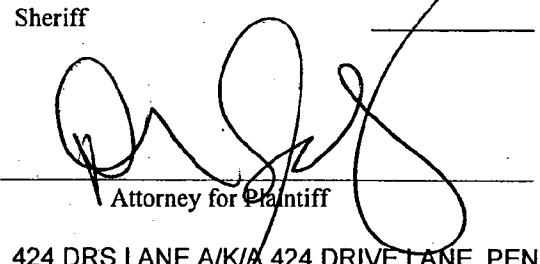
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Int. from 11/9/06
to Date of Sale (\$20.16 per diem)

Costs

Prothy. Pd. 125.00

Sheriff


Attorney for Plaintiff

Address: 424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849
424 DRS LANE A/K/A 424 DRIVE LANE, PENFIELD, PA 15849
Where papers may be served.

Daniel G. Schmieg, Esquire
One Penn Center at Suburban Station
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Borrower Name: John W. and Pamela S. Shearer
Property Address: 424 DRS Lane, Penfield, PA 15849

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

February 21, 2007

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

ATTENTION: CINDY (814) 765-5915

Re: **BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF
CWA3S 2005-06 v. JOHN W. SHEARER and PAMELA S. SHEARER A/K/A PAMELA S.
ROMANOWSKI A/K/A PAMELA S. ZIMMERMAN**
No. 06-1563-CD
421 DRS LANE A/K/A 424 DRIVES LANE, PENFIELD, PA 15849

Dear Cindy:

Please stay the Sheriff's Sale of the above referenced property, which is scheduled for
APRIL 13, 2007, 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,
CQS
Christine Schoffler

VIA TELECOPY (814) 765-5915

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME JOHN W. SHEARER NO. 06-1563-CD

NOW, October 19, 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 John W. Shearer And Pamela S. Shearer A/K/A Pamela S. Romanowski A/K/A Pamela S. Zimmerman 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 SERVICE	15.00	DEBT-AMOUNT DUE	122,624.88
MILEAGE	15.00	INTEREST @ 20.1600	(14,769,699.
LEVY	15.52	FROM 11/09/2006 TO	
MILEAGE	15.00	ATTORNEY FEES	
POSTING	15.00	PROTH SATISFACTION	
CSDS	10.00	LATE CHARGES AND FEES	
COMMISSION	0.00	COST OF SUIT-TO BE ADDED	
POSTAGE	4.68	FORECLOSURE FEES	
HANDBILLS	15.00	ATTORNEY COMMISSION	
DISTRIBUTION	25.00	REFUND OF ADVANCE	
ADVERTISING	15.00	REFUND OF SURCHARGE	40.00
ADD'L SERVICE	15.00	SATISFACTION FEE	
DEED		ESCROW DEFICIENCY	
ADD'L POSTING		PROPERTY INSPECTIONS	
ADD'L MILEAGE		INTEREST	
ADD'L LEVY		MISCELLANEOUS	2,865.00
BID/SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	(\$14,644,169.96)
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	0.00
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$200.72	LIEN SEARCH	
		ACKNOWLEDGEMENT	
DEED COSTS:		DEED COSTS	0.00
ACKNOWLEDGEMENT		SHERIFF COSTS	200.72
REGISTER & RECORDER		LEGAL JOURNAL COSTS	0.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	125.00
TOTAL DEED COSTS	\$0.00	MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		TOTAL COSTS	\$325.72

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