

06-1619-CD
PHH Mortg, Corp vs Jason Smith et al

2006-1619-CD
PHH Mortgage vs Jason Smith et al

Date: 5/9/2007
Time: 10:20 AM
Page 1 of 1

Clearfield County Court of Common Pleas
ROA Report
Case: 2006-01619-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman
PHH Mortgage Corporation vs. Jason L. Smith, Lorrie Ann Smith

Mortgage Foreclosures

Date	Judge
10/4/2006	New Case Filed.
	<input checked="" type="checkbox"/> Filing: Complaint in Mortgage Foreclosure, situated in the City of DuBois Paid by: Hallinan, Francis S. (attorney for PHH Mortgage Corporation) Receipt number: 1915838 Dated: 10/04/2006 Amount: \$85.00 (Check) 2CC shff.
1/18/2007	<input checked="" type="checkbox"/> Sheriff Return, October 25, 2006 at 11:01 am Served the within Complaint in Mortgage Foreclosure on Jason L. Smith. October 25, 2006 at 11:01 am Served the within Complaint in Mortgage Foreclosure on Lorrie Ann Smith. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$60.91
2/5/2007	<input checked="" type="checkbox"/> Filing: Judgment Paid by: PHH Mortgage Corporation (plaintiff) Receipt number: 1917509 Dated: 2/5/2007 Amount: \$20.00 (Check) Judgment entered against the Defendants in the amount of \$49,566.99 Notice mailed to Defendants
2/28/2007	<input checked="" type="checkbox"/> Filing: Writ of Execution / Possession Paid by: Hallinan, Francis S. (attorney for PHH Mortgage Corporation) Receipt number: 1917824 Dated: 02/28/2007 Amount: \$20.00 (Check) Writ of Execution in the amount of: \$49,261.35. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & 6 Writs w/prop. descr. to Sheriff
4/11/2007	<input checked="" type="checkbox"/> Plaintiff's Motion to Reassess Damages, filed by s/ Michele M. Bradford Esq. No CC.
<i>not for filing as per Reffet 07</i>	<input checked="" type="checkbox"/> Cerification of Service, filed. That true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to Jason L. and Lorrie Ann Smith, filed by s/ Michele M. Bradford Esq. 1CC Atty.
4/13/2007	<input checked="" type="checkbox"/> Order, NOW, this 13th day of April, 2007, upon consideration of Plaintiff's Motion to Reassess Damages, a Rule is issued upon Defendant. Argument is scheduled for the 14th day of May, 2007, at 11:30 a.m. in Courtroom No. 1. By The Court, /s/ Fredric J Ammerman, Pres. Judge. 1CC Atty. Bradford
4/23/2007	<input checked="" type="checkbox"/> Certification of Service, filed. That a true and correct copy of the Court's April 13, 2007 Rule directing the Defendants to show cause was served upon Jason L. Smith and Lorrie Ann Smith, filed by s/ Michele M. Bradford Esq. No CC.
5/7/2007	<input checked="" type="checkbox"/> Praecipe to File Affidavit of Service, filed. Kindly mark the attached Affidavits of Service with reference to the above captioned matter, filed by s/ Daniel G. Schmieg Esq. (In Re: Jason L. Smith and Lorrie Ann Smith on March 21, 2007)

5-14-2007 Order, dated May 14, 2007.

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

139203

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION
3000 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054

Plaintiff

v.

JASON L. SMITH
LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

FILED Atty pd.
M 13.2001 85.00
OCT 04 2006
WAS
William A. Shaw
Prothonotary/Clerk of Courts

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

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
3000 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054

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

JASON L. SMITH
LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

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

3. On 07/08/2005 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS AS A NOMINEE FOR COLDWELL BANKER MORTGAGE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200510531. 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 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	\$44,273.54
Interest	2,029.11
02/01/2006 through 09/27/2006	
(Per Diem \$8.49)	
Attorney's Fees	1,250.00
Cumulative Late Charges	87.90
07/08/2005 to 09/27/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 48,190.55
Escrow	
Credit	0.00
Deficit	306.70
Subtotal	<u>\$ 306.70</u>
TOTAL	\$ 48,497.25

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 48,497.25, together with interest from 09/27/2006 at the rate of \$8.49 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 of land situate in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

Beginning at a post at Fairview Avenue, Peony Alley and the Northerly corner of Lot No. 172; Thence Southeasterly by line of said Fairview Avenue 100 feet, more or less, to a post at Lily Alley; Thence Southwesterly by line of said Lily Alley, 40 feet more or less, to a post at corner of lands now or formerly of Fannie Freeman, afterwards Vandervort; Thence Northwesterly by line now or formerly of said Vandervort lands, 100 feet, more or less, to a post at Peony Alley; Thence Northeasterly by line of said Peony Alley, 40 feet, more or less, to a post at Fairview Avenue, the place of beginning.

Being known as 216 Fairview Avenue.

Being known as the Northeasterly part of Lot No. 172 as per J.E. Long's Addition to Dubois, Pennsylvania. Said addition being recorded in the Office of the Recorder of Deeds in and for Clearfield County in Deed Book Volume 66 at Page 289.

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.

31 hel

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 09/27/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102000
NO: 06-1619-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION
vs.
DEFENDANT: JASON L. SMITH and LORRIE ANN SMITH

SHERIFF RETURN

NOW, October 25, 2006 AT 11:01 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JASON L. SMITH DEFENDANT AT 216 FAIRVIEW AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LORRIE SMITH, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

FILED
03/14/07
JAN 18 2007
SF

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102000
NO: 06-1619-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION
VS.
DEFENDANT: JASON L. SMITH and LORRIE ANN SMITH

SHERIFF RETURN

NOW, October 25, 2006 AT 11:01 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LORRIE ANN SMITH DEFENDANT AT 216 FAIRVIEW AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LORRIE SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102000
NO: 06-1619-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION
vs.
DEFENDANT: JASON L. SMITH and LORRIE ANN SMITH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	538958	20.00
SHERIFF HAWKINS	PHELAN	538958	40.91

Sworn to Before Me This

So Answers,

____ Day of _____ 2007

Chester A. Hawkins
by Marilyn Harr

PHH MORTGAGE CORPORATION

**300 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054**

Plaintiff,

v.

**JASON L. SMITH
LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801**

Defendant(s),

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 **JASON L. SMITH and LORRIE ANN SMITH**, 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	\$ 48,497.25
Interest - 9/28/06-1/31/07	\$ 1,069.74
TOTAL	\$ 49,566.99

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: Feb. 5, 2007

PRO PROTHY

FILED

FEB 05 2007

M / 11:00 (W)

William A. Shaw
Prothonotary/Clerk of Courts

CFAT to APR

1

ENCL W/ NOTICE TO
DEPT'S

139203

(Rule of Civil Procedure No. 236 - Revised

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

PHH MORTGAGE CORPORATION	:	
300 LEADENHALL ROAD	:	
MOUNT LAUREL, NJ 08054	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CIVIL DIVISION
	:	
JASON L. SMITH	:	NO. 06-1619-CD
LORRIE ANN SMITH	:	
216 FAIRVIEW AVENUE	:	
DU BOIS, PA 15801	:	
	:	
Defendant(s).	:	
	:	

Notice is given that a Judgment in the above captioned matter has been entered against you
on Feb 5, 2007.

BY Billie 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.

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

PHH MORTGAGE CORPORATION
Plaintiff

Vs.

JASON L. SMITH
LORRIE ANN SMITH
Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 06-1619-CD

FILE COPY

TO: JASON L. SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

DATE OF NOTICE: DECEMBER 4, 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

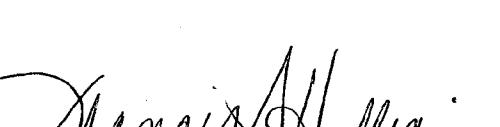
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

PHH MORTGAGE CORPORATION
Plaintiff

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

JASON L. SMITH
LORRIE ANN SMITH
Defendants

: CLEARFIELD COUNTY

: NO. 06-1619-CD

TO: LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

FILE COPY

DATE OF NOTICE: DECEMBER 4, 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.

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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 & 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

PHH MORTGAGE CORPORATION

300 LEADENHALL ROAD

MOUNT LAUREL, NJ 08054

Plaintiff,

v.

JASON L. SMITH

LORRIE ANN SMITH

216 FAIRVIEW AVENUE

DU BOIS, PA 15801

Defendant(s).

:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 06-1619-CD**
:
:
:
:
:

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 **JASON L. SMITH** is over 18 years of age and resides at **216 FAIRVIEW AVENUE, DU BOIS, PA 15801**.

(c) that defendant **LORRIE ANN SMITH** is over 18 years of age, and resides at **216 FAIRVIEW AVENUE, DU BOIS, PA 15801**.

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

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

PHH.MORTGAGE.CORPORATION

vs.

JASON L. SMITH

LORRIE ANN SMITH

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-1619-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	\$49,261.35.
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Interest from FEBRUARY 27, 2007 to Sale Per diem \$8.10	\$ _____ 125.00
--	--------------------

Prothonotary costs

Daniel N. Schmieg
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

139203

FILED Atty pd. 20.00
m 11:16 AM 100-06 w/its
FEB 28 2007 w/prop. descr.
William A. Shaw to Sheriff
Prothonotary/Clerk of Courts
GK

No. 06-1619-CD Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

FILED

vs.

JASON L. SMITH
LORRIE ANN SMITH

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Daniel M. Bohmier

Attorney for Plaintiff(s)

Address: JASON L. SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801
LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

PHH MORTGAGE CORPORATION	:	
300 LEADENHALL ROAD	:	
MOUNT LAUREL, NJ 08054	:	CLEARFIELD COUNTY
Plaintiff,	:	COURT OF COMMON PLEAS
v.	:	CIVIL DIVISION
JASON L. SMITH	:	NO. 06-1619-CD
LORRIE ANN SMITH	:	
216 FAIRVIEW AVENUE	:	
DU BOIS, PA 15801	:	
Defendant(s).	:	
	:	

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

PHH MORTGAGE CORPORATION, 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 **216 FAIRVIEW AVENUE, DU BOIS, PA 15801**.

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

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

JASON L. SMITH	216 FAIRVIEW AVENUE
	DU BOIS, PA 15801

LORRIE ANN SMITH	216 FAIRVIEW AVENUE
	DU BOIS, PA 15801

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.

FEBRUARY 27, 2007
 Date

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

PHH MORTGAGE CORPORATION	:	
300 LEADENHALL ROAD	:	
MOUNT LAUREL, NJ 08054	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CIVIL DIVISION
JASON L. SMITH	:	
LORRIE ANN SMITH	:	NO. 06-1619-CD
216 FAIRVIEW AVENUE	:	
DU BOIS, PA 15801	:	
Defendant(s).	:	
	:	

AFFIDAVIT PURSUANT TO RULE 3129

PHH MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **216 FAIRVIEW AVENUE, DU BOIS, PA 15801**.

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.)
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 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 **216 FAIRVIEW AVENUE**
DU BOIS, PA 15801

**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.

FEBRUARY 27, 2007

Date

Daniel G. 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

**PHH MORTGAGE CORPORATION
300 LEADENHALL ROAD
MOUNT LAUREL, NJ 08054**

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

Plaintiff,

19

JASON L. SMITH
LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

NO. 06-1619-CD

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
- (X) 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
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

COPY

PHH MORTGAGE CORPORATION

vs.

JASON L. SMITH

LORRIE ANN SMITH

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20

No. 06-1619-CD Term 20 05

No. Term 20

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 property (specifically described property below):

PREMISES: 216 FAIRVIEW AVENUE, DU BOIS, PA 15801
(See Legal Description attached)

Amount Due \$49,261.35

Interest from FEBRUARY 27, 2007 to Sale \$-----
per diem \$8.10

Total \$-----

Prothonotary costs

125.00

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

Dated 2128107
(SEAL)

No. 06-1619-CD Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

vs.

JASON L. SMITH
LORRIE ANN SMITH

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs	
Real Debt	\$49,261.35
Int. from FEBRUARY 27, 2007 To Date of Sale (\$8.10 per diem)	
Costs	
Prothy Pd.	<u>125.00</u>

Sheriff Daniel H. Achman
Attorney for Plaintiff(s)

Address: JASON L. SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801
LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

LEGAL DESCRIPTION

ALL that certain piece of land situate in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post at Fairview Avenue, Peony Alley and the Northerly corner of Lot No. 172; Thence Southeasterly by line of said Fairview Avenue 100 feet, more or less, to a post at Lily Alley; Thence Southwesterly by line of said Lily alley, 40 feet more or less, to a post at corner of lands now or formerly of Fannie Freeman, afterwards Vandervort; Thence Northwesterly by line now or formerly of said Vandervort lands, 100 feet, more or less, to a post at Peony Alley; Thence Northeasterly by line of said Peony Alley, 40 feet, more or less, to a post at Fairview Avenue, the place of beginning.

Being known as the Northeasterly part of Lot No. 172 as per J.E. Long's Addition to Dubois, Pennsylvania. Said addition being recorded in the Office of the Recorder of Deeds in and for Clearfield County in Deed Book Volume 66 at Page 289.

TAX PARCEL INDEX NO: 7.4-3-719

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Jason L. Smith and Lorrie Ann Smith, husband and wife, by Deed from William E. Adamson, Sr. and Lori A. Adamson, husband and wife, dated 06/21/2005, recorded 07/13/2005, in Deed Mortgage Inst# 200510930.

Premises being: 216 FAIRVIEW AVENUE
DU BOIS, PA 15801

JA

FILED *04/07/07* *cc*
APR 13 2007 *Atty. Bradford*
GK

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

PHH Mortgage Corporation : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Jason L. Smith : No. 06-1619-CD
Lorrie Ann Smith
Defendant

ORDER

AND NOW, this 13 day of April 2007, upon consideration of Plaintiff's Motion to Reassess Damages, a Rule is hereby issued upon Defendant to appear and show cause why the motion should not be granted.

Argument is scheduled for the 14th day of May 2007, at 11:30 A.M. in Courtroom No. 1 in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


J.

DATE: 4/13/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

APR 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED
M/11/35LM
APR 11 2007
WM

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

PHH Mortgage Corporation

: Court of Common Pleas

Plaintiff : Civil Division

vs. : Clearfield County

Jason L. Smith : No. 06-1619-CD
Lorrie Ann Smith

Defendants

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorney, Michele M. Bradford, Esquire, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on October 4, 2006, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on February 5, 2007 in the amount of \$49,566.99. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

3. Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

4. The Property is listed for Sheriff's Sale on June 1, 2007. However, in the event this motion has not been heard by this Honorable Court by that date, Plaintiff may continue the sale in accordance with Pennsylvania Rule of Civil Procedure 3129.3.

5. Additional sums have been incurred or expended on Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	\$44,273.54
Interest Through 06/01/07	4,073.12
Per Diem \$8.37	
Late Charges	87.90
Legal fees	1,250.00
Cost of Suit and Title	1,415.00
Sheriff's Sale Costs	0.00
Property Inspections	172.25
Appraisal/Brokers Price Opinion	100.00
Mortgage Insurance Premium/Private	157.98
Mortgage Insurance	
NSF (Non-Sufficient Funds charge)	20.00
Suspense/Misc. Credits	0.00
Escrow Deficit	<u>1,269.29</u>
 TOTAL	 \$52,819.08

6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

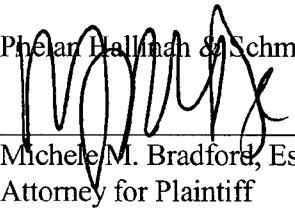
7. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

8. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as is addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

Date: 9/9/07

By:


Pheifer Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

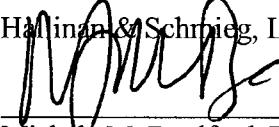
VERIFICATION

Michele M. Bradford, Esquire, hereby states that she is the attorney for Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: 4/9/07

Phelan Hallinan & Schmieg, LLP

By:



Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849 ATTORNEY FOR PLAINTIFF
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

PHH Mortgage Corporation : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Jason L. Smith : No. 06-1619-CD
Lorrie Ann Smith
Defendants

CERTIFICATION OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages,
and Brief in Support thereof were sent to the following individuals on the date indicated below.

Jason L. Smith
Lorrie Ann Smith
216 Fairview Avenue
Du Bois, PA 15801

DATE: 4/9/07

FILED *ICC A747*
4/11/35 cm
APR 11 2007
CR

William A. Shaw
Prothonotary/Clerk of Courts

MMB
Phelan Hallinan & Schmieg, LLP
By: Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

PHH Mortgage Corporation

ATTORNEY FOR PLAINTIFF

Plaintiff

: Court of Common Pleas

vs.

: Civil Division

Jason L. Smith
Lorrie Ann Smith

: Clearfield County

Defendants

: No. 06-1619-CD

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's April 13, 2007 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

Jason L. Smith
Lorrie Ann Smith
216 Fairview Avenue
Du Bois, PA 15801

DATE: 4/20/07

Phelan Hallinan & Schmieg, LLP
By _____
Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED *APR 21 2007* NO^o
APR 23 2007
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PLAINTIFF
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR

PHH MORTGAGE CORPORATION	:	COURT OF COMMON PLEAS
Plaintiff	:	
	:	CIVIL DIVISION
vs.	:	
	:	CLEARFIELD COUNTY
JASON L. SMITH	:	
LORRIE ANN SMITH	:	No. 06-1619-CD
Defendants	:	
	:	
	:	

PRAECIPE TO FILE AFFIDAVIT OF SERVICE

TO THE PROTHONOTARY:

Kindly file the attached Affidavits of Service with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: Daniel G. Schmiege
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: May 4, 2007

PHS # 139203

FILED
MAY 07 2007
3140354
WM
no cc

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

PLAINTIFF	PHH MORTGAGE CORPORATION	CLEARFIELD County No. 06-1619-CD Our File #: 139203
DEFENDANT(S)	JASON L. SMITH LORRIE ANN SMITH	
Please serve upon:	JASON L. SMITH	Type of Action - Notice of Sheriff's Sale
SERVE AT:	216 FAIRVIEW AVENUE DU BOIS, PA 15801	Sale Date: 6/1/07

SERVED

Served and made known to JASON L. SMITH, Defendant, on the 21st day of MARCH, 2007, at 11:17 o'clock P.m., at 216 FAIRVIEW AVENUE, DuBois, PA 15801,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s). Relationship is Wife, LORRIE ANN SMITH
 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 24 Height 5'3 Weight 120 Race Cauc Sex F Other

I, D. M. ELLIS, 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 21st day
of MARCH, 2007

Notary:

By: D. M. Ellis

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

AFFIDAVIT OF SERVICE

PLAINTIFF	PHH MORTGAGE CORPORATION	CLEARFIELD County
DEFENDANT(S)	JASON L. SMITH LORRIE ANN SMITH	No. 06-1619-CD Our File #: 139203
Please serve upon:	LORRIE ANN SMITH	Type of Action - Notice of Sheriff's Sale
SERVE AT:	216 FAIRVIEW AVENUE DU BOIS, PA 15801	Sale Date: 6/1/07

SERVED

Served and made known to LORRIE ANN SMITH, Defendant, on the 21ST day of MARCH, 2007 at 11:17, o'clock P.m., at 216 FAIRVIEW AVENUE, DuBois, PA 15801,

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 24 Height 5'3 Weight 120 Race Caucasian Sex F Other

I, D.M. Ellis, 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 21ST day
of MARCH, 2007

Notary:

By: D.M. Ellis

NOT SERVED

ATTEMPT SERVICE NLT THREE (3) TIMES

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

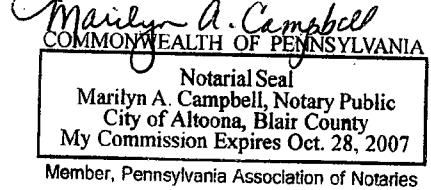
Moved Unknown No Answer Vacant
1st attempt Date: _____ Time: _____, 2nd attempt Date: _____ Time: _____, 3rd
attempt Date: _____ Time: _____.
Other: _____

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



Member, Pennsylvania Association of Notaries

CA
FILED

MAY 14 2007

0/11:55 AM
William A. Shaw
Prothonotary/Clerk of Courts

2 CENTS TO MAIL
FOR SEM.

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

PHH Mortgage Corporation

: Court of Common Pleas

Plaintiff

: Civil Division

vs.

: Clearfield County

Jason L. Smith

: No. 06-1619-CD

Lorrie Ann Smith

Defendants

ORDER

AND NOW, this 14 day of May, 2007 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

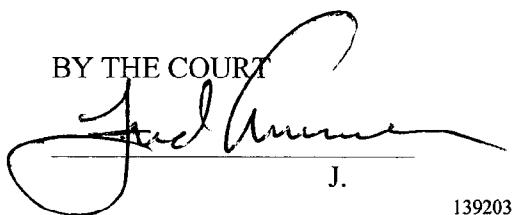
Principal Balance	\$44,273.54
Interest Through 06/01/07	4,073.12
Per Diem \$8.37	
Late Charges	87.90
Legal fees	1,250.00
Cost of Suit and Title	1,415.00
Sheriff's Sale Costs	0.00
Property Inspections	172.25
Appraisal/Brokers Price Opinion	100.00
Mortgage Insurance Premium/Private	157.98
Mortgage Insurance	
NSF (Non-Sufficient Funds charge)	20.00

Suspense/Misc. Credits	0.00
Escrow Deficit	<u>1,269.29</u>

TOTAL	\$52,819.08
--------------	--------------------

Plus interest from 06/01/07 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

J.
139203

FILED
MAY 17 2007
NO CC
LAW

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

PHH Mortgage Corporation

: Court of Common Pleas

Plaintiff

: Civil Division

vs.

: Clearfield County

Jason L. Smith
Lorrie Ann Smith

: No. 06-1619-CD

Defendants

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the May 14, 2007 Order was sent to the following individuals on the date indicated below.

Jason L. Smith
Lorrie Ann Smith
216 Fairview Avenue
Du Bois, PA 15801

Office of the Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 15853

DATE: 5/18/07

Phelan Hallinan & Schmiege, LLP
By: Michele M. Bradford, Esquire
Attorney for Plaintiff

SALE DATE: 6/01/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

PHH MORTGAGE CORPORATION

No.: 06-1619-CD

vs.

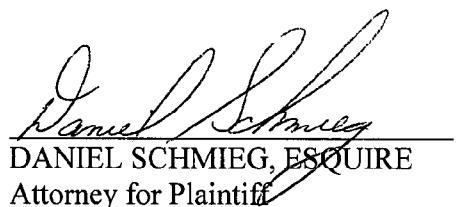
**JASON L. SMITH
LORRIE ANN SMITH**

**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:

216 FAIRVIEW AVENUE, DU BOIS, PA 15801.

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

May 10, 2007

FILED *MT 12:57 PM* *NO C*
MAY 21 2007
William A. Shaw
Prothonotary/Clerk of Courts

Name and
Address
of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Fee
1		TENANT/OCCUPANT 216 FAIRVIEW AVENUE DU BOIS, PA 15801	
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			
5			
6			
7			
8			
9			
10			
11			
12		Re: JASON L. SMITH 139203 TEAM 4/LD	
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 \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. 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> <p style="text-align: right;">02 1M 0004218010 MAR 13 2007 PHILADELPHIA PA 19102 PITNEY BOWES USPS PA 19103 MAILED FROM ZIP CODE 19103 02 1M 0004218010 MAR 13 2007 PHILADELPHIA PA 19102 PITNEY BOWES USPS PA 19103 MAILED FROM ZIP CODE 19103</p>

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20539
NO: 06-1619-CD

PLAINTIFF: PHH MORTGAGE CORPORATION
vs.
DEFENDANT: JASON L. SMITH AND LORRIE ANN SMITH

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 02/28/2007

LEVY TAKEN 03/20/2007 @ 1:30 PM

POSTED 03/20/2007 @ 1:30 PM

SALE HELD 06/01/2007

SOLD TO FANNIE MAE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 06/14/2007

DATE DEED FILED 06/14/2007

PROPERTY ADDRESS 216 FAIRVIEW AVENUE DUBOIS , PA 15801

FILED
06/19/2007
JUN 14 2007
S
William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

03/20/2007 @ 1:30 PM SERVED JASON L. SMITH

SERVED JASON L. SMITH, DEFENDANT, AT HIS RESIDENCE 216 FAIRVIEW AVENUE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LORRIE SMITH, WIFE/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.

03/20/2007 @ 1:30 PM SERVED LORRIE ANN SMITH

SERVED LORRIE ANN SMITH, DEFENDANT, AT HER RESIDENCE 216 FAIRVIEW AVENUE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LORRIE SMITH

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.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20539
NO: 06-1619-CD

PLAINTIFF: PHH MORTGAGE CORPORATION

VS.

DEFENDANT: JASON L. SMITH AND LORRIE ANN SMITH

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$237.54

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2007

So Answers,


By: Amitha Butte - Dephonice
Chester A. Hawkins
Sheriff

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

PHH MORTGAGE CORPORATION

vs.

JASON L. SMITH

LORRIE ANN SMITH

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20

No. 06-1619-CD Term 20 05

No. Term 20

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 property (specifically described property below):

PREMISES: 216 FAIRVIEW AVENUE, DU BOIS, PA 15801
(See Legal Description attached)

Amount Due \$49,261.35

Interest from FEBRUARY 27, 2007 to Sale \$-----
per diem \$8.10

Total \$-----

Prothonotary costs 125.00

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

Dated 2/28/07
(SEAL)

Received February 28, 2007 @ 3:00 P.M.

Chester A. Hawkins
by Cynthia Bitter-Dephonday

139203

No. 06-1619-CD..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

vs.

JASON L. SMITH
LORRIE ANN SMITH

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs	
Real Debt	\$49,261.35
Int. from FEBRUARY 27, 2007 To Date of Sale (\$8.10 per diem)	
Costs	
Prothry Pd.	<u>125.00</u>
Sheriff	<u>Daniel H. Johnson</u>

Attorney for Plaintiff(s)

Address: JASON L. SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801
LORRIE ANN SMITH
216 FAIRVIEW AVENUE
DU BOIS, PA 15801

LEGAL DESCRIPTION

ALL that certain piece of land situate in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post at Fairview Avenue, Peony Alley and the Northerly corner of Lot No. 172; Thence Southeasterly by line of said Fairview Avenue 100 feet, more or less, to a post at Lily Alley; Thence Southwesterly by line of said Lily alley, 40 feet more or less, to a post at corner of lands now or formerly of Fannie Freeman, afterwards Vandervort; Thence Northwesterly by line now or formerly of said Vandervort lands, 100 feet, more or less, to a post at Peony Alley; Thence Northeasterly by line of said Peony Alley, 40 feet, more or less, to a post at Fairview Avenue, the place of beginning.

Being known as the Northeasterly part of Lot No. 172 as per J.E. Long's Addition to Dubois, Pennsylvania. Said addition being recorded in the Office of the Recorder of Deeds in and for Clearfield County in Deed Book Volume 66 at Page 289.

TAX PARCEL INDEX NO: 7.4-3-719

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Jason L. Smith and Lorrie Ann Smith, husband and wife, by Deed from William E. Adamson, Sr. and Lori A. Adamson, husband and wife, dated 06/21/2005, recorded 07/13/2005, in Deed Mortgage Inst# 200510930.

Premises being: 216 FAIRVIEW AVENUE
DU BOIS, PA 15801

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME JASON L. SMITH

NO. 06-1619-CD

NOW, June 14, 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 June 01, 2007, I exposed the within described real estate of Jason L. Smith And Lorrie Ann Smith to public venue or outcry at which time and place I sold the same to FANNIE MAE he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	18.43
LEVY	15.00
MILEAGE	18.43
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	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$237.54

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.00
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$29.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	44,273.54
INTEREST @ 8.3700 %	6,133,770.36
FROM TO 06/01/2007	
PROTH SATISFACTION	
LATE CHARGES AND FEES	87.90
COST OF SUIT-TO BE ADDED	1,415.00
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	1,269.29
PROPERTY INSPECTIONS	172.25
INTEREST	4,073.12
MISCELLANEOUS	277.98
TOTAL DEBT AND INTEREST	\$6,186,629.44
COSTS:	
ADVERTISING	1,238.70
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	237.54
LEGAL JOURNAL COSTS	162.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,937.24

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