



## Mortgage Foreclosures

Date		Judge
10/4/2006	New Case Filed.	No Judge
	X 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.	No Judge
1/18/2007	X 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	No Judge
2/5/2007	X 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	No Judge
2/28/2007	X 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	No Judge
4/11/2007	X Plaintiff's Motion to Reassess Damgaes, filed by s/ Michele M. Bradford Esq. No CC.	No Judge
4/11/2007	X Certification 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.	No Judge
4/13/2007	X 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	Fredric Joseph Ammerman
4/23/2007	X Certification of Service, filed. That a true and correct copy of the Court's April 13, 2007 Rule directing the Defendats to show cause was served upon Jason L. Smith and Lorrie Ann Smith, filed by s/ Michele M. Bradford Esq. No CC.	Fredric Joseph Ammerman
5/7/2007	X Praeipce 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)	Fredric Joseph Ammerman

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

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**

**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  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. *06-1619-CD*

CLEARFIELD COUNTY

**FILED** *Atty pd.*  
*MT 3:2006 85.00*  
**OCT 04 2006** *2ccsaff*  
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  
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>
<b>TOTAL</b>	<b>\$ 48,497.25</b>

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: Francis S. Hallinan  
/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**

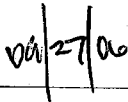
FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for PLAINTIFF in this matter, that Plaintiff is outside the jurisdiction of the court and or the Verification could not be obtained within the time allowed for the filing on the pleading, that he is authorized to make this verification pursuant 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.



FRANCIS S. HALLINAN, ESQUIRE  
Attorney for Plaintiff

DATE: \_\_\_\_\_





**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**

01/31/07  
JAN 18 2007

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

\_\_\_\_\_ Day of \_\_\_\_\_ 2007

So Answers,



Chester A. Hawkins  
Sheriff

PHELAN HALLINAN & SCHMIEG  
By: DANIEL G. SCHMIEG  
Identification No. 62205  
One Penn Center at Suburban Station - Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814 Attorney for Plaintiff  
(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  
:  
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:  
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:

FILED

FEB 05 2007

M/11:00/12

William A. Shaw  
Prothonotary/Clerk of Courts

CFR to ARR

sent w/ notice to  
DEPT'S

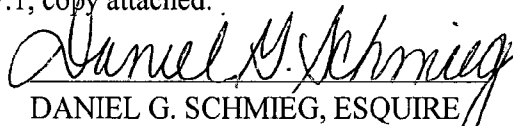
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

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	<u>\$ 49,566.99</u>

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: FEB. 5, 2007

  
PRO PROTHY

(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

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  
:  
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:  
:  
:  
:

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

BY  DEPUTY

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

  
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

TO: JASON L. 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.

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

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

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

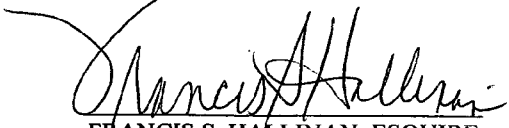
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CLEARFIELD COUNTY  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 x 5982

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

**(215) 563-7000**

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

*Daniel G. Schmieg*  
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

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

\$ 125.00

**Prothonotary costs**

*Daniel B. Schmieg*  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

139203

**FILED** Atty pd. 20.00  
m 11:11 60/ 100 @ 60 writs  
**FEB 28 2007** w/ prep. descr.  
to Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts (610)

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

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

*Daniel B. Schmiege*  
Attorney for Plaintiff(s)

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

William A. Shaw  
Prothonotary/Clerk of Courts

FEB 28 2007

FILED

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

**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 Praeipe 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, ESQUIRE  
Attorney for Plaintiff



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

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.

Date \_\_\_\_\_

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

*William L. H. [Signature]*

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

Dated 2/28/07  
(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.

125.00

Sheriff

*Daniel Y. Schmier*

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

FILED

014:0030  
APR 13 2007

icc  
Amy 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

Lorrie Ann Smith

: No. 06-1619-CD

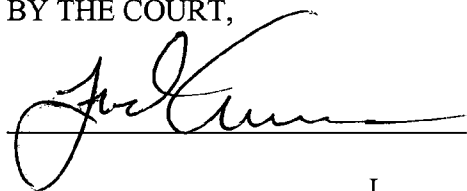
Defendant

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 14<sup>th</sup> day of May 2007, at 11:30 in Courtroom A.M.  
No. 1 in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



J.

DATE: 4/13/07

X 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 *NACC*  
m/11:35Lm  
APR 11 2007  
*Um*

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>
<b>TOTAL</b>	<b>\$52,819.08</b>

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: \_\_\_\_\_

Phelan 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 & Schnieg, 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

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 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

**FILED** ICC AAA  
4/11/07 11:35 am  
APR 11 2007  
(initials)

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 4/9/07

Phelan Hallinan & Schmieg, LLP

By: (signature)  
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

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 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 [Signature]  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

FILED NO CC  
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  
Plaintiff

vs.

JASON L. SMITH  
LORRIE ANN SMITH  
Defendants

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

**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. Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorneys for Plaintiff

Date: May 4, 2007

PHS # 139203

**FILED** *no cc*  
*21140354*  
MAY 07 2007 *(initials)*

William A. Shaw  
Prothonotary/Clerk of Courts

**AFFIDAVIT OF SERVICE**

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

**SERVED**

Served and made known to JASON L. SMITH, Defendant, on the 21<sup>ST</sup> 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.  
X \_\_\_\_\_ 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 21<sup>st</sup> 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

**PLAINTIFF**

CLEARFIELD County

**No. 06-1619-CD**

**Our File #: 139203**

**DEFENDANT(S)**

**JASON L. SMITH**

**LORRIE ANN SMITH**

**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 and made known to LORRIE ANN SMITH, Defendant, on the 21<sup>st</sup> 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:**

X 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 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 21<sup>st</sup> day  
of MARCH, 2007

Notary:

By: J.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**

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

CA

FILED

MAY 14 2007

0/11:55/

William A. Shaw  
Prothonotary/Clerk of Courts

2 CMR TO LHM  
FOR SEN.

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  
Escrow Deficit

0.00  
1,269.29

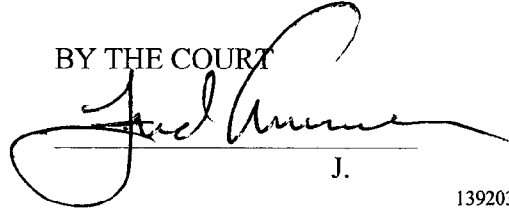
**TOTAL**

**\$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

A handwritten signature in black ink, appearing to read "Paul A. ...", is written over a horizontal line. Below the line, the letter "J." is printed.

139203

FILED  
MAY 17 2007  
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: 5/15/07

Phelan Hallinan & Schmieg, 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.**

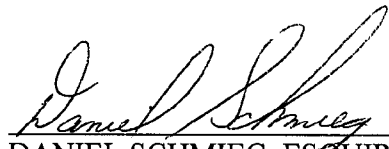
**JASON L. SMITH  
LORRIE ANN SMITH**

**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 Praecept 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

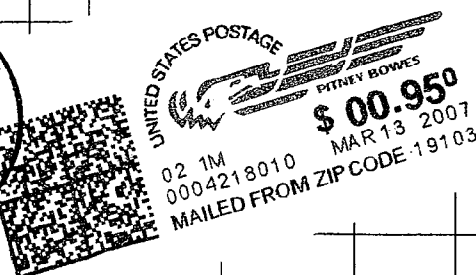
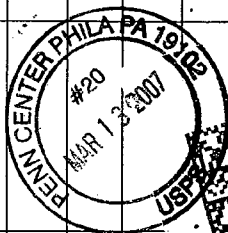
May 10, 2007

**FILED** *no cc*  
MAY 21 2007  
William A. Shaw  
Prothonotary/Clerk of Courts



**COs**  
**PHILAN 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	Postmaster, Per (Name of Receiving Employee)	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		<b>Re: JASON L. SMITH</b>	<b>139203 TEAM 4/LLD</b>	
Total Number of Pieces Listed by Sender Total Number of Pieces Received at Post Office 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.				



**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**  
03/20/2007  
JUN 14 2007  
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

---


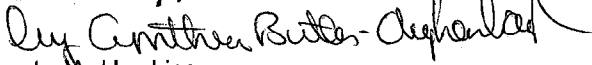
SHERIFF HAWKINS \$237.54

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2007  
\_\_\_\_\_

So Answers,

  
  
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):

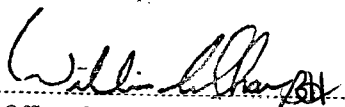
PREMISES: 216 FAIRVIEW AVENUE, DU BOIS, PA 15801  
(See Legal Description attached)

Amount Due \$49,261.35

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

Total \$-----

Prothonotary costs 125.00

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

Dated 2/28/07  
(SEAL)

139203

Received February 28, 2007 @ 3:00 P.M.  
Chesta A. Hawkins  
by Cynthia Butler-Alexander

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

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WRIT OF EXECUTION  
(Mortgage Foreclosure)

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Costs

Real Debt                      \$49,261.35

Int. from FEBRUARY 27, 2007  
To Date of Sale (\$8.10 per diem)

Costs

Prothy Pd.                      125.00

Sheriff

Daniel H. Schmiegel  
Attorney for Plaintiff(s)

Address: JASON L. SMITH                      LORRIE ANN SMITH  
216 FAIRVIEW AVENUE                      216 FAIRVIEW AVENUE  
DU BOIS, PA 15801                      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	
<b>TOTAL SHERIFF COSTS</b>	<b>\$237.54</b>

**DEED COSTS:**

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

**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
<b>TOTAL DEBT AND INTEREST</b>	<b>\$6,186,629.44</b>

**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	
<b>TOTAL COSTS</b>	<b>\$1,937.24</b>

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