

06-1669-C0
M&T Morg. Corp vs Mark A. Phillips

2006-1669-CD
M&T Mortgage vs Mark Phillips

GOLDBECK McCAFFERTY & MCKEEVER

BY: JOSEPH A. GOLDBECK, JR.

ATTORNEY I.D. #16132

SUITE 5000 – MELLON INDEPENDENCE CENTER

701 MARKET STREET

PHILADELPHIA, PA 19106

(215) 825-6318

WWW.GOLDBECKLAW.COM

ATTORNEY FOR PLAINTIFF

M & T MORTGAGE CORPORATION

PO Box 840

Buffalo, NY 14240-0840

Plaintiff

vs.

MARK A. PHILLIPS

Mortgagor and Real Owner

40 Railroad Lane

Bigler, PA 16825

Defendant

2006-1669-CJ

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

**CIVIL ACTION: 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 the 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 claim 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 OR CANNOT AFFORD ONE, 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.

PENNSYLVANIA BAR ASSOCIATION

P.O. Box 186

Harrisburg, PA 17108

800-692-7375

FILED

OCT 12 2006

m/12:20/06

William A. Shaw

Prothonotary/Clerk of Courts

1 CENT TO ATTY

1 CENT TO SWORN

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. SI DESEA DEFENDERSE CONTRA LAS QUEJAS PERESENTADAS, ES ABSOLUTAMENTE NECESSARIO QUE USTED RESPONDA DENTRO DE 20 DIAS DESPUES DE SER SERVIDO CON ESTA DEMANDA Y AVISO. PARA DEFENDERSE ES NECESSARIO QUE USTED, O SU ABOGADO, REGISTRE CON LA CORTE EN FORMA ESCRITA, EL PUNTO DE VISTA DE USTED Y CUALQUIER OBJECCION CONTRA LAS QUEJAS EN ESTA DEMANDA.

RECUERDE: SI USTED NO REPONDE A ESTA DEMANDA, SE PUEDE PROSEGUIR CON EL PROCESO SIN SU PARTICIPACION. ENTONCES, LA COUTE PUEDE, SIN NOTIFICARIO, DECIDIR A FAVOR DEL DEMANDANTE Y REQUERIRA QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. POR RAZON DE ESA DECISION, ES POSSIBLE QUE USTED PUEDA PERDER DINERO, PROPIEDAD U OTROS DERECHOS IMPORTANTES.

USTED DEBE LLEVAR ÉSTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELÉFONO LA OFICINA FIJADA AQUÍ ABAJO. ESTA OFICINA PUEDE PROVEERÉ CON INFORMACIÓN DE CÓMO CONSEUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ÉSTA OFICINA PUEDE PROVEERÉ INFORMACION ACERCA AGENCIAS QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

PENNSYLVANIA BAR ASSOCIATION
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

KEYSTONE LEGAL SERVICES
211 1/2 E. Locust Street
Clearfield, PA 16830
814-765-9646

**THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT
A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU
WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.**

Resources available for Homeowners in Foreclosure

ACT NOW!

Even though your lender (and our client) has filed an Action of Mortgage Foreclosure against you, you still may be able to **SAVE YOUR HOME FROM FORECLOSURE**.

- 1). Call an attorney. For referrals to a qualified attorney call either of the following numbers: 800-692-7375 or 814-765-9646.
- 2). Call the Consumer Credit Counseling Agency at 1-800-989-2227 for free counseling.
- 3). Visit HUD'S website www.hud.gov for Help for Homeowners Facing the Loss of Their Homes.
- 4). Call the Plaintiff (your lender) at and ask to speak to someone about Loss Mitigation or Home Retention options.
- 5). Call or contact our office to request the amount to bring the account current, or payoff the mortgage or request a Loan Workout / Home Retention Package. Call our toll free number at 1-866-413-2311 or via email at homeretention@goldbecklaw.com. Call Judy at 215-825-6329 or fax 215-825-6429. The figure and/or package you requested will be mailed to the address that you request or faxed if you leave a message with that information. The attorney in charge of our firm's Homeowner Retention Department is David Fein who can be reached at 215-825-6318 or Fax: 215-825-6418. Please reference our Attorney File Number of MT-1089.

Para informacion en espanol puede comunicarse con Loretta al 215-825-6344.

This Action of Mortgage Foreclosure will continue unless you take action to stop it.

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff is M & T MORTGAGE CORPORATION, PO Box 840, Buffalo, NY 14240-0840.
2. The names and addresses of the Defendant is MARK A. PHILLIPS, 40 Railroad Lane, Bigler, PA 16825, who is the mortgagor and real owner of the mortgaged premises hereinafter described.
3. On November 14, 2006 mortgagors made, executed and delivered a mortgage upon the Property hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. ACTING SOLELY AS NOMINEE FOR M&T MORTGAGE CORPORATION, which mortgage is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument# 200320970. The mortgage has been assigned to: M & T MORTGAGE CORPORATION by assignment of Mortgage which assignment is lodged for recording. The Mortgage and assignment(s) are matters of public record and are incorporated by this reference in accordance with Pennsylvania Rule of Civil Procedure 1019(g); which Rule relieves the Plaintiff from its obligation to attach documents to pleadings if those documents are matters of public record.
4. The Property subject to the Mortgage is more fully described in the legal description set forth as Exhibit "A" ("Property").
5. The mortgage is in default because the monthly payments of principal and interest are due and unpaid for June 22, 2006 and each month thereafter and by the terms the Mortgage, upon default in such payments for a period of one month or more, the entire principal balance and all interest due and other charges are due and collectible.
6. The following amounts are due to Plaintiff on the Mortgage:

Principal Balance	\$48,701.28
Interest from 05/22/2006 through 10/31/2006 at 5.2500%.....	\$1,141.00
Per Diem interest rate at \$7.00	
Reasonable Attorney's Fee at 5% of Principal Balance	
as more fully explained in the next numbered paragraph.....	\$2,435.06
Late Charges from 06/22/2006 to 10/31/2006	\$54.50
Monthly late charge amount at \$10.90	
Costs of suit and Title Search	\$900.00
Escrow.....	\$193.02
Monthly Escrow amount \$76.13	
	<hr/>
	\$53,424.86

7. If the Mortgage is reinstated prior to a Sheriff's Sale, the Attorney's Fees set forth above may be less than the amount demanded based on work actually performed. The Attorney's Fees requested are in conformity with the Mortgage and Pennsylvania law. Plaintiff is entitled to collect Attorney's fees of up to 5% of the remaining principal balance in the event the Property is sold to a third party purchaser at Sheriff's Sale or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an "in personam" judgment) against the Defendant in this Action but reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant has received a discharge of their personal liability in a Bankruptcy proceeding, this Action of Mortgage Foreclosure is, in no way, an attempt to re-establish the personal liability that was discharged in Bankruptcy, but only to foreclose the Mortgage and sell the Property pursuant to Pennsylvania law.

9. Notice of Intention to Foreclose and a Notice of Homeowners' Emergency Mortgage Assistance has been sent to Defendant by certified and regular mail, as required by Act 160 of 1998 of the Commonwealth of Pennsylvania, on the date(s) set forth in the true and correct copy of such notice(s) attached hereto as Exhibit "B". The Defendant have not had the required face-to-face meeting within the required time and Plaintiff has no knowledge of any such meeting being requested by the Defendant through the Plaintiff, the Pennsylvania Housing Finance Agency, or any appropriate Consumer Credit Counseling Agency.

WHEREFORE, Plaintiff demands a de terris judgment in mortgage foreclosure in the sum of \$53,424.86, together with interest at the rate of \$7.00, per day and other expenses, costs and charges incurred by the Plaintiff which are properly chargeable in accordance with the terms of the Mortgage and Pennsylvania law until the Mortgage is paid in full, and for the foreclosure of the Mortgage and Sheriff's Sale of the Property.

By: _____


GOLDBECK McCAFFERTY & MCKEEVER
BY: JOSEPH A. GOLDBECK, JR., ESQUIRE
ATTORNEY FOR PLAINTIFF

VERIFICATION

I, Tara Weller, as the representative of the Plaintiff corporation within named do hereby verify that I am authorized to and do make this verification on behalf of the Plaintiff corporation and the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

Date: 10.10.06



Tara Weller
Tara Weller
M&T Mortgage Corporation

Exhibit A

EXHIBIT "A" - FILE NO. 125072

ALL that certain parcel of land situate in the Village of Bigler, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the northern line of an unnamed alley at the line of lands of now or formerly of T. H. Forcey; thence by the northern line of said unnamed alley north eighty seven (87) degrees west one and three tenths (1.3) chains to a point; thence by a line through the center of the parcel of which this is the eastern half in a northeasterly direction north sixteen degrees (16°) one minute (1') fifteen seconds (15") East four and ninety-three (4.93) chains (*erroneously referred to as three (3) degrees east hundredths (4.93) chains in prior deed in the chain of title*) more or four hundred eighty (480) chains *in prior deed in the chain of title* to a point in the northern line of this parcel; thence by the northern line less, to a point in the northern line of lands now or formerly of T. H. Forcey; thence to a white pine stump in the line of land now or formerly of T. H. Forcey; thence by the lands now or formerly of T. H. Forcey south three (3) degrees west four and eighty hundredths chains (4.80) (*erroneously referred to as four hundred eighty (480) chains in prior deed in the chain of title*) to a post and place of beginning.

Being further identified as Clearfield County Tax Map No. 106-
N9-588-18.1 as shown on the assessment map in the Records of
Clearfield County, PA.

Exhibit B

M&T Mortgage Corp.
P.O. Box 1288
Buffalo, NY 14240-1288

M&T Mortgage Corporation
A subsidiary of M&T Bank

08/28/2006

Certified No.: 71826389306008772054

Mark A Phillips
40 Railroad Ln
Bigler, PA 16825

HOMEOWNERS NAME(S): Mark A Phillips

PROPERTY ADDRESS: 40 Railroad Lane
Bigler, PA 16825

LOAN ACCT NO: 0010088581
CURRENT LENDER/SERVICER: M&T Mortgage Corporation

HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE WHICH CAN SAVE YOUR HOME FROM FORECLOSURE AND HELP YOU MAKE FUTURE MORTGAGE PAYMENTS

IF YOU COMPLY WITH THE PROVISIONS OF THE HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE ACT OF 1983 (THE "ACT"), YOU MAY BE ELIGIBLE FOR EMERGENCY MORTGAGE ASSISTANCE:

IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR CONTROL,

IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR MORTGAGE PAYMENTS, AND

IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE PENNSYLVANIA HOUSING FINANCE AGENCY.

TEMPORARY STAY OF FORECLOSURE -- Under the Act, you are entitled to a temporary stay of foreclosure on your mortgage for thirty (30) days from the date of this Notice. During that time you must arrange and attend a "face-to-face" meeting with one of the consumer credit counseling agencies listed at the end of this Notice. **THIS MEETING MUST OCCUR WITHIN THE NEXT (30) DAYS. IF YOU DO NOT APPLY FOR EMERGENCY MORTGAGE ASSISTANCE, YOU MUST BRING YOUR MORTGAGE UP TO DATE. THE PART OF THIS NOTICE CALLED "HOW TO CURE YOUR MORTGAGE DEFAULT", EXPLAINS HOW TO BRING YOUR MORTGAGE UP TO DATE.**

CONSUMER CREDIT COUNSELING AGENCIES -- If you meet with one of the consumer credit counseling agency listed at the end of this notice, the lender may NOT take action against you for thirty (30) days after the date of this meeting. **The names, addresses and telephone numbers of designated consumer credit counseling agencies for the county in which the property is located are set forth at the end of this Notice.** It is only necessary to schedule one face-to-face meeting. Advise your lender immediately of your intentions.

APPLICATION FOR MORTGAGE ASSISTANCE -- Your mortgage is in default for the reasons set forth later in this Notice (see following pages for specific information about the nature of your default.) If you have tried and are unable to resolve this problem with the lender, you have the right to apply for financial assistance from the Homeowner's Emergency Mortgage Assistance Program. To do so, you must fill out, sign and file a completed Homeowner's Emergency Assistance Program Application with one of the designated consumer credit counseling agencies listed at the end of this Notice. Only consumer credit counseling agencies have applications for the program and they will assist you in submitting a complete application to the Pennsylvania Housing Finance Agency. Your application MUST be filed or postmarked within thirty (30) days of your face-to-face meeting.

YOU MUST FILE YOUR APPLICATION PROMPTLY. IF YOU FAIL TO DO SO OR IF YOU DO NOT FOLLOW THE OTHER TIME PERIODS SET FORTH IN THIS LETTER, FORECLOSURE MAY PROCEED AGAINST YOUR HOME IMMEDIATELY AND YOUR APPLICATION FOR MORTGAGE ASSISTANCE WILL BE DENIED.

AGENCY ACTION -- Available funds for emergency mortgage assistance are very limited. They will be disbursed by the Agency under the eligibility criteria established by the Act. The Pennsylvania Housing Finance Agency has sixty (60) days to make a decision after it receives your application. During that time, no foreclosure proceedings will be pursued against you if you have met the time requirements set forth above. You will be notified directly by the Pennsylvania Housing Finance Agency of its decision on your application.

NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT.

(If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)

HOW TO CURE YOUR MORTGAGE DEFAULT (Bring it up to date).

NATURE OF THE DEFAULT -- The MORTGAGE debt held by the above lender on your property located at:

40 Railroad Lane
Bigler, PA 16625

IS SERIOUSLY IN DEFAULT because:

YOU HAVE NOT MADE MORTGAGE PAYMENTS for the following months and the following amounts are now past due:

Regular payments of \$218.07 for the months of 08/22/2008	
through today's date:	\$ 1090.35
Other charges: Accrued Late Charges:	\$ 28.40
	\$ 0.00
TOTAL AMOUNT PAST DUE:	\$ 1118.75

HOW TO CURE THE DEFAULT -- You may cure the default within THIRTY (30) DAYS of the date of this notice BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$1118.75, PLUS ANY MORTGAGE PAYMENTS AND LATE CHARGES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cash, cashier's check, certified check or money order made payable and sent to:

M&T Mortgage Corporation
One Fountain Plaza / 7th Floor
Attn: Payment Processing
Buffalo, NY 14203

You can cure any other default by taking the following action within THIRTY (30) DAYS of the date of this letter:

IF YOU DO NOT CURE THE DEFAULT -- If you do not cure the default within THIRTY (30) DAYS of the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.

IF THE MORTGAGE IS FORECLOSED UPON -- The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before the lender begins legal proceedings against you, you will still be required to pay the reasonable attorney's fees that were actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay all reasonable attorney's fees actually incurred by the lender even if they exceed \$50.00. Any attorney's fees will be added to the amount you owe the lender, which may also include other reasonable costs. **If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney's fees.**

OTHER LENDER REMEDIES -- The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE -- If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount then past due, plus any late or other charges then due, reasonable attorney's fees and costs connected with the foreclosure sale and any other costs connected with the Sheriff's Sale as specified in writing by the lender and by performing any other requirements under the mortgage. **Curing your default in the manner set forth in this notice will restore your mortgage to the same position as if you had never defaulted.**

EARLIEST POSSIBLE SHERIFF'S SALE DATE -- It is estimated that the earliest date that such a Sheriff's Sale of the mortgaged property could be held would be approximately 10 months from the date of this Notice. A notice of the actual date of the Sheriff's Sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment or action will be by contacting the lender.

HOW TO CONTACT THE LENDER:

Name of Lender: M&T Mortgage Corporation

Address: P.O. Box 840

Buffalo, NY 14240

Phone Number: (800) 724-1633

EFFECT OF SHERIFF'S SALE -- You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff's Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the lender at any time.

ASSUMPTION OF MORTGAGE -- You may or X may not sell or transfer your home to a buyer or transferee who will assume the mortgage debt, provided that all the outstanding payments, charges and attorney's fees and costs are paid prior to or at the sale and that the other requirements of the mortgage are satisfied.

YOU MAY ALSO HAVE THE RIGHT:

TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.

TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)

TO ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS,

TO ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE LENDER.

TO SEEK PROTECTION UNDER THE FEDERAL BANKRUPTCY LAW.

Sincerely,

Russell M. Alessi Jr.

Russell M. Alessi Jr.

Collections Manager

Enc: Act 91 Notice

Consumer Credit Counseling Agencies Serving Your County

1 800 724 1633 Correspondence - P.O. Box 840, Buffalo, NY 14240-0840 Payments - P.O. Box 62182, Baltimore, MD 21264-2182
Mortgage account information, just a click away. www.mandtmortgage.com

ACT 91 NOTICE TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

This is an official notice that the mortgagee on your home is in default, and the lender intends to foreclose. Specific information about the nature of the default is provided in the attached pages.

The HOMEOWNER'S MORTGAGE ASSISTANCE PROGRAM (HEMAP) may be able to help to save your home. This Notice explains how the program works.

To see if HEMAP can help, you must MEET WITH A CONSUMER CREDIT COUNSELING AGENCY WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Take this Notice with you when you meet with the Counseling Agency.

The name, address and phone number of Consumer Credit Counseling Agencies serving your County are listed at the end of this Notice. If you have any questions, you may call the Pennsylvania Housing Finance Agency toll free at 1-800-342-2397. (Persons with impaired hearing can call (717) 780-1869).

This Notice contains important legal information. If you have any questions, representatives at the Consumer Credit Counseling Agency may be able to help explain it. You may also want to contact an attorney in your area. The local bar association may be able to help you find a lawyer.

LA NOTIFICACION EN ADJUNTO ES DE SUMA IMPORTANCIA, PUES AFECTA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO COMPRENDE EL CONTENIDO DE ESTA NOTIFICACION ORTENGA UNA TRADUCCION INMEDIATAMENTE. LLAMANDO ESTA AGENCIA (PENNSYLVANIA HOUSING FINANCE AGENCY) SIN CARGOS AL NUMERO MENCIONADO ARRIBA. PUEDES SER ELEGIBLE PARA UN PRESTAMO POR EL PROGRAMA LLAMADO "HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM" EL CUAL PUEDE SALVAR SU CASA DE LA PERDIDA DEL DERECHO A REDIMIR SU HIPOTECA.

Homeowner's Emergency Assistance Program Clearfield County

CCCS of Northeastern PA
202 W. Hamilton Avenue
State College, PA 16801
814.238.3668
800.922.9537

CCCS of Western PA
Royal Remax Plaza
917 A Logan Boulevard
Altoona, PA 16602
888.511.2227

CCCS of Western PA
219-A College Park Plaza
Johnstown, PA 15904
888.511.2227

Indiana Co. Community Action Program
827 Water Street
Box 187
Indiana, PA 15701
724.463.2637

Keystone Economic Development Corp.
1954 Mary Grace Lane
Johnstown, PA 15901
814.535.6556

The NORCAM Group
4200 Crawford Avenue
Suite 200
Northern Cambria, PA 15714
814.948.4444

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102029
NO: 06-1669-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: M&T MORTGAGE CORPORATION
vs.
DEFENDANT: MARK A. PHILLIPS

SHERIFF RETURN

NOW, November 02, 2006 AT 9:51 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARK A. PHILLIPS DEFENDANT AT 40 RAILROAD LANE, BIGLER, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARK A. PHILLIPS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED

JAN 29 2007

0/3/07
William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	GOLDBECK	272777	10.00
SHERIFF HAWKINS	GOLDBECK	272777	46.48

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
by Maelyn Henn*

Chester A. Hawkins
Sheriff

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

Joseph A. Goldbeck, Jr.
Attorney I.D.#16132
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322
Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

MARK A. PHILLIPS
Mortgagor(s) and Record Owner(s)
40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

No. 2006-1669-CD

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter:

Amount Due	
Interest from 12/09/06	\$53,864.92
to Date of Sale at	
5.2500%	

(Costs to be added)

Prothonotary costs

125.00

GOLDBECK MCCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

FILED 4th fl. 20.00
MT 03/04 JAN 31 2007 ICC Wl 6 Wnts and
Prop. descr. to Shff
William A. Shaw
Prothonotary/Clerk of Courts
(GK)

Term
No. 2006-1669-CD
IN THE COURT OF COMMON PLEAS
M & T MORTGAGE CORPORATION

vs.

MARK A. PHILLIPS
(Mortgagor(s) and Record Owner(s))
40 Railroad Lane
Bigler, PA 16825

PRAECLPPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322

Goldbeck McCafferty & McKeever
BY: Joseph A. Goldbeck, Jr.
Attorney I.D. #16132
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322
Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

MARK A. PHILLIPS
(**Mortgagor(s) and Record Owner(s)**)
40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

No. 2006-1669-CD

AFFIDAVIT PURSUANT TO RULE 3129

M & T MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Joseph A. Goldbeck, Jr., 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:

40 Railroad Lane
Bigler, PA 16825

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

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

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

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

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

PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement
Health and Welfare Bldg. - Room 432
P.O. Box 2675
Harrisburg, PA 17105-2675

DOMESTIC RELATIONS OF CLEARFIELD COUNTY
230 E. Market Street
Clearfield, PA 16830

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

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

6. Name and address of every other person of whom the plaintiff has knowledge who has any record interest in the property which may be affected by the sale.

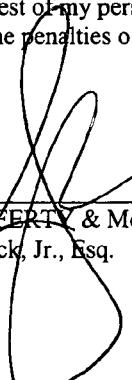
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale.

TENANTS/OCCUPANTS
40 Railroad Lane
Bigler, PA 16825

(attach separate sheet if more space is needed)

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

DATED: December 8, 2006


GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr., Esq.
Attorney for Plaintiff

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

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

vs.

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

In the Court of Common Pleas of
Clearfield County

No. 2006-1669-CD

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield

To the Sheriff of Clearfield County, Pennsylvania

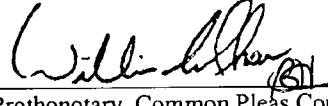
To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

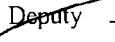
PREMISES: 40 Railroad Lane Bigler, PA 16825

See Exhibit "A" attached

AMOUNT DUE	\$53,864.92
Interest From 12/09/06 Through Date of Sale	
(Costs to be added)	
Prothonotary costs	125.00

Dated: 11/31/07


Prothonotary, Common Pleas Court
of Clearfield County, Pennsylvania

 Deputy _____

Term
No. 2006-1669-CD

IN THE COURT OF COMMON PLEAS

M & T MORTGAGE CORPORATION

vs.

MARK A. PHILLIPS

Mortgor(s)

40 Railroad Lane Bigler, PA 16825

WRIT OF EXECUTION
(Mortgage Foreclosure)

REAL DEBT	\$53,864.92
INTEREST from	\$ _____
COSTS PAID:	\$ _____
PROTHY	\$ 125.00
SHERIFF	\$ _____
STATUTORY	\$ _____
COSTS DUE PROTHY	\$ _____

Office of Judicial Support

Judg. Fee

Cr.

Sat.

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
(215) 627-1322

All that certain parcel of land situate in the Village of Bigler, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the northern line of an unnamed alley at the line of lands of now or formerly of T.H. Forcey; thence by the northern line of said unnamed alley north eighty seven (87) degrees west one and three tenths (1.3) chains to a point; thence by a line through the center of the parcel of which this is the eastern half in a northeasterly direction north sixteen degrees (16°) one minute (1) fifteen seconds (15") East four and ninety-three hundredths (4.93) chains (*erroneously referred to as three (3) degrees east four hundred eighty (480) chains in prior deed in the chain of title*) more or less, to a point in the northern line of this parcel; thence by the northern line south eighty-seven (87) degrees east nineteen one hundredths (.19) of a chain to a white pine stump in the line of land now or formerly south three (3) degrees west four and eighty hundredths chains (4.80) (*erroneously referred to as four hundred eighty (480) chains in prior deed in the chain of title*) to a post and place of beginning.

BEING KNOWN AS 40 RAILROAD LANE, BIGLER PA 16825

TAX PARCEL NO: 106-N9-588-18.1

In the Court of Common Pleas of Clearfield County

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

MARK A. PHILLIPS
(Mortgagor(s) and Record Owner(s))
40 Railroad Lane
Bigler, PA 16825

No. 2006-1669-CD

Defendant(s)

PRAECIPE FOR JUDGMENT

**THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT
OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE
OF COLLECTING THE DEBT.**

Enter the Judgment in favor of Plaintiff and against MARK A. PHILLIPS by default for want of an Answer.

Assess damages as follows:

\$53,864.92

Debt

Interest from 12/09/06 to Date of Sale

Total

(Assessment of Damages attached)

**I CERTIFY THAT FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO
BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT.**

I certify that written notice of the intention to file this praecipe was mailed or delivered to the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least ten days prior to the date of the filing of this praecipe. A copy of the notice is attached. R.C.P. 237.1

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff
I.D. #16132

AND NOW January 31, 2007, Judgment is entered in favor of M & T MORTGAGE CORPORATION and against MARK A. PHILLIPS by default for want of an Answer and damages assessed in the sum of \$53,864.92 as per the above certification.

Prothonotary

FILED Atty pd 20.00
M 1/30/2007
SUN 31 JAN 2007 No cc

Notice to Def.

William A. Shaw
Prothonotary/Clerk of Courts
Statement to Atty
(610)

IN THE COURT OF COMMON PLEAS
OF Clearfield COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

No. 2006-1669-CD

vs.

MARK A. PHILLIPS
(**Mortgagors and Record Owner(s)**)
40 Railroad Lane
Bigler, PA 16825

Defendant(s)

**THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT
OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE
PURPOSE OF COLLECTING THE DEBT.**

NOTICE

Notice is given that a judgment in the above-captioned matter has been entered against you.

William Shaw
Prothonotary

By:  13/07

Deputy

If you have any questions concerning the above, please contact:

Joseph A. Goldbeck, Jr.
Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322

THIS LAW FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.

DATE OF THIS NOTICE: November 27, 2006

TO:

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.
MARK A. PHILLIPS
(Mortgagor(s) and Record Owner(s))
40 Railroad Lane
Bigler, PA 16825

In the Court of
Common Pleas
of Clearfield County

CIVIL ACTION - LAW

Action of
Mortgage Foreclosure

Term
No. 2006-1669-CD

Defendant(s)

TO: MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

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 (10) 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.

PENNSYLVANIA BAR ASSOCIATION
P.O. Box 186
Harrisburg, PA 17108
800-692-7375

KEYSTONE LEGAL SERVICES
211 1/2 E. Locust Street
Clearfield, PA 16830
814-765-9646

Joseph A. Goldbeck Jr.
GOLDBECK McCAFFERTY & MCKEEVER
BY: Joseph A. Goldbeck, Jr., Esq.
Attorney for Plaintiff
Suite 5000 – 701 Market Street.
Philadelphia, PA 19106 215-825-6318

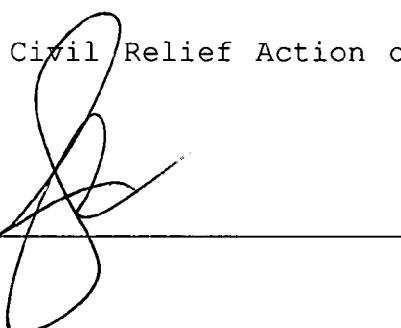
VERIFICATION OF NON-MILITARY SERVICE

The undersigned, as the representative for the Plaintiff corporation within named do hereby verify that I am authorized to make this verification on behalf of the Plaintiff corporation and that the facts set forth in the foregoing verification of Non-Military Service are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

1. That the above named Defendant, MARK A. PHILLIPS, is about unknown years of age, that Defendant's last known residence is 40 Railroad Lane, Bigler, PA 16825, and is engaged in the unknown business located at unknown address.

2. That Defendant is 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 Action of Congress of 1940 and its Amendments.

Date: _____

A handwritten signature in black ink, appearing to read "MARK A. PHILLIPS", is written over the horizontal line provided for the date.

GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney I.D. #16132
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-627-1322
Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff
vs.

MARK A. PHILLIPS
(Mortgagor(s) and Record owner(s))
40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION LAW

ACTION OF MORTGAGE FORECLOSURE

No. 2006-1669-CD

ORDER FOR JUDGMENT

Please enter Judgment in favor of M & T MORTGAGE CORPORATION, and against MARK A. PHILLIPS for failure to file an Answer in the above action within (20) days (or sixty (60) days if defendant is the United States of America) from the date of service of the Complaint, in the sum of \$53,864.92.

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

I hereby certify that the above names are correct and that the precise residence address of the judgment creditor is M & T MORTGAGE CORPORATION PO Box 840 Buffalo, NY 14240-0840 and that the name(s) and last known address(es) of the Defendant(s) is/are MARK A. PHILLIPS, 40 Railroad Lane Bigler, PA 16825;

GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

Kindly assess the damages in this case to be as follows:

Principal Balance	\$48,701.28
Interest from 05/22/2006 through 12/08/2006	\$1,407.00
Reasonable Attorney's Fee	\$2,435.06
Late Charges	\$76.30
Costs of Suit and Title Search	\$900.00
Escrow	\$345.28

\$53,864.92


GOLDBECK McCAFFERTY & McKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

AND NOW, this 31st day of January, 2007 damages are assessed as above.



Pro Prothy

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

CC

M & T Mortgage Corporation
Plaintiff(s)

No.: 2006-01669-CD

Real Debt: \$53,864.92

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mark A. Phillips
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: January 31, 2007

Expires: January 31, 2012

Certified from the record this 31st day of January, 2007



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

GOLDBECK McCAFFERTY & MCKEEVER
BY: Joseph A. Goldbeck, Jr.
Attorney I.D.#16132
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff
vs.

MARK A. PHILLIPS

**Mortgagor(s) and
Record Owner(s)**

40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION – LAW

ACTION OF MORTGAGE FORECLOSURE

Term
No. 2006-1669-CD

FILED
M 11/24/06
APR 12 2007
5
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE
PURSUANT TO Pa.R.C.P. 3129.2 (c) (2)

Joseph A. Goldbeck, Jr., Esquire, Attorney for Plaintiff, hereby certifies that service on the Defendants of the Notice of Sheriff Sale was made by:

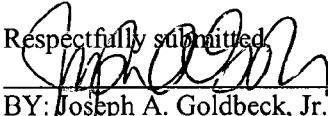
Personal Service by the Sheriff's Office/competent adult (copy of return attached). *Per Cindy C SD 02/16/07.*
 Certified mail by Joseph A. Goldbeck, Jr. (original green Postal return receipt attached).
 Certified mail by Sheriff's Office.
 Ordinary mail by Joseph A. Goldbeck, Jr., Esquire to Attorney for Defendant(s) of record (proof of mailing attached).
 Acknowledgment of Sheriff's Sale by Attorney for Defendant(s) (proof of acknowledgment attached).
 Ordinary mail by Sheriff's Office to Attorney for Defendant(s) of record.

IF SERVICE WAS ACCOMPLISHED BY COURT ORDER.

Premises was posted by Sheriff's Office/competent adult (copy of return attached).
 Certified Mail & ordinary mail by Sheriff's Office (copy of return attached).
 Certified Mail & ordinary mail by Joseph A. Goldbeck, Jr. (original receipt(s) for Certified Mail attached).

Pursuant to the Affidavit under Rule 3129 (copy attached), service on all lienholders (if any) has been made by ordinary mail by Joseph A. Goldbeck, Jr., Esquire (copies of proofs of mailing attached).

The undersigned understands that the statements herein are subject to the penalties provided by 18 P.S. Section 4904.

Respectfully submitted,

BY: Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

Name and Address of Sender		Check type of mail or service:		Postage		RD Fee	
GOLDBECK SUITE 5000 701 MARKET STREET PHILADELPHIA, PA 19106-1532		<input type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Delivery Confirmation <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured		<input type="checkbox"/> Recorded Delivery (International) <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation		<input type="checkbox"/> \$ 00.90⁰ <input type="checkbox"/> 0004340453 FEB 13 2007 <input type="checkbox"/> MAILED FROM ZIP CODE 19106	
Article Number		Addressee (Name, Street, City, State, & ZIP Code)		Postage		RD Fee	
1.		PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement Health and Welfare Bldg. - Room 432 P.O. Box 2675 Harrisburg, PA 17105-2675		TENANTS/OCCUPANTS 40 Railroad Lane Bigler, PA 16825		<input type="checkbox"/> 10 <input type="checkbox"/> 13 <input type="checkbox"/> 2007 <input type="checkbox"/> 16 <input type="checkbox"/> 9/06	
2.		DOMESTIC RELATIONS OF CLEARFIELD COUNTY 230 E. Market Street Clearfield, PA 16830					
3.							
4.							
5.							
6.							
7.							
8.							
				Postmaster, Per (Name of receiving employee)			
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office					
PS Form 3877, February 2002 (Page 1 of 2) MT-1089 MARK A. PHILLIPS							
See Privacy Act Statement on Reverse							

GOLDBECK McCAFFERTY & McKEEVER

BY: Joseph A. Goldbeck, Jr.
Attorney I.D.#16132
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
215-825-6320
Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

MARK A. PHILLIPS
Mortgagor(s) and Record Owner(s)

40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

Term
No. 2006-1669-CD

AFFIDAVIT PURSUANT TO RULE 3129

M & T MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Joseph A. Goldbeck, Jr., 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:

40 Railroad Lane
Bigler, PA 16825

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

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

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

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

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

PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement
Health and Welfare Bldg. - Room 432
P.O. Box 2675
Harrisburg, PA 17105-2675

DOMESTIC RELATIONS OF CLEARFIELD COUNTY
230 E. Market Street
Clearfield, PA 16830

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

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

6. Name and address of every other person of whom the plaintiff has knowledge who has any record interest in the property which may be affected by the sale.

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale.

TENANTS/OCCUPANTS
40 Railroad Lane
Bigler, PA 16825

(attach separate sheet if more space is needed)

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

DATED: April 10, 2007


GOLDBECK McCAFFERTY & MCKEEVER
BY: Joseph A. Goldbeck, Jr., Esq.
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20520
NO: 06-1669-CD

PLAINTIFF: M&T MORTGAGE CORPORATION

vs.

DEFENDANT: MARK A. PHILLIPS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 1/31/2007

LEVY TAKEN 2/16/2007 @ 9:30 AM

POSTED 2/16/2007 @ 9:30 AM

SALE HELD

SOLD TO

WRIT RETURNED 11/29/2007

DATE DEED FILED **NOT SOLD**

DETAILS

2/16/2007 @ 9:30 AM SERVED MARK A. PHILLIPS

SERVED MARK A. PHILLIPS, DEFENDANT, AT HIS RESIDENCE 40 RAILROAD LANE, BIGLER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARK A. PHILLIPS

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, MAY 3, 2007 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR MAY 4, 2007 TO JULY 6, 2007.

@ SERVED

NOW, JUNE 18, 2007 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR JULY 6, 2007 DUE TO A BANKRUPTCY FILING.

FILED
01/08/2007
NOV 29 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20520
NO: 06-1669-CD

PLAINTIFF: M&T MORTGAGE CORPORATION

vs.

DEFENDANT: MARK A. PHILLIPS

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$195.98

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
by Cynthia Bitter-Aspinwall
Chester A. Hawkins
Sheriff

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

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

vs.

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

In the Court of Common Pleas of
Clearfield County

No. 2006-1669-CD

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield

To the Sheriff of Clearfield County, Pennsylvania

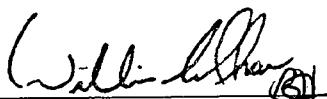
To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

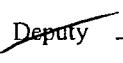
PREMISES: 40 Railroad Lane Bigler, PA 16825

See Exhibit "A" attached

AMOUNT DUE	\$53,864.92
Interest From 12/09/06 Through Date of Sale	
(Costs to be added)	
Prothonotary costs	125.00

Dated: 1/31/07


Prothonotary, Common Pleas Court
of Clearfield County, Pennsylvania


Deputy _____

Received January 31, 2007 @ 3:40 PM.
Chester A. Heubler
by Cynthia Butler-Clephantree

Term
No. 2006-1669-CD

IN THE COURT OF COMMON PLEAS
M & T MORTGAGE CORPORATION

vs.

MARK A. PHILLIPS

Mortagor(s)

40 Railroad Lane Bigler, PA 16825

WRIT OF EXECUTION

(Mortgage Foreclosure)

\$53,864.92
\$ _____

REAL DEBT
INTEREST from
COSTS PAID:

PROTHY
SHERIFF

STATUTORY

COSTS DUE PROTHY

Office of Judicial Support

Judg. Fee

Cr.

Sat.

\$ 125.00
\$ _____

\$ _____
\$ _____

\$ _____
\$ _____

Joseph A. Goldbeck, Jr.
Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106
(215) 627-1322

All that certain parcel of land situate in the Village of Bigler, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the northern line of an unnamed alley at the line of lands of now or formerly of T.H. Forcey; thence by the northern line of said unnamed alley north eighty seven (87) degrees west one and three tenths (1.3) chains to a point; thence by a line through the center of the parcel of which this is the eastern half in a northeasterly direction north sixteen degrees (16°) one minute (1) fifteen seconds (15") East four and ninety-three hundredths (4.93) chains (*erroneously referred to as three (3) degrees east four hundred eighty (480) chains in prior deed in the chain of title*) more or less, to a point in the northern line of this parcel; thence by the northern line south eighty-seven (87) degrees east nineteen one hundredths (.19) of a chain to a white pine stump in the line of land now or formerly south three (3) degrees west four and eighty hundredths chains (4.80) (*erroneously referred to as four hundred eighty (480) chains in prior deed in the chain of title*) to a post and place of beginning.

BEING KNOWN AS 40 RAILROAD LANE, BIGLER PA 16825

TAX PARCEL NO: 106-N9-588-18.1

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME MARK A. PHILLIPS

NO. 06-1669-CD

NOW, November 28, 2007, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Mark A. Phillips to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	15.00	DEBT-AMOUNT DUE	53,864.92
MILEAGE	15.00	INTEREST @	0.00
LEVY	7.76	FROM TO	
MILEAGE	15.00	ATTORNEY FEES	
POSTING	15.00	PROTH SATISFACTION	
CSDS	10.00	LATE CHARGES AND FEES	
COMMISSION	0.00	COST OF SUIT-TO BE ADDED	
POSTAGE	5.46	FORECLOSURE FEES	
HANDBILLS	15.00	ATTORNEY COMMISSION	
DISTRIBUTION	25.00	REFUND OF ADVANCE	
ADVERTISING	15.00	REFUND OF SURCHARGE	20.00
ADD'L SERVICE		SATISFACTION FEE	
DEED		ESCROW DEFICIENCY	
ADD'L POSTING		PROPERTY INSPECTIONS	
ADD'L MILEAGE		INTEREST	
ADD'L LEVY		MISCELLANEOUS	
BID/SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	\$53,884.92
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	389.14
BILLING/PHONE/FAX	10.00	TAXES - COLLECTOR	
CONTINUED SALES	20.00	TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$195.98	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	
		DEED COSTS	0.00
		SHERIFF COSTS	195.98
		LEGAL JOURNAL COSTS	144.00
		PROTHONOTARY	125.00
		MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
DEED COSTS:		TOTAL COSTS	\$994.12
ACKNOWLEDGEMENT			
REGISTER & RECORDER			
TRANSFER TAX 2%	0.00		
TOTAL DEED COSTS	\$0.00		

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

**GOLDBECK McCAFFERTY & McKEEVER
A PROFESSIONAL CORPORATION
SUITE 5000 - MELLON INDEPENDENCE CENTER
701 MARKET STREET
PHILADELPHIA, PA 19106-1632
(215) 627-1322
FAX (215) 627-7734**

May 3, 2007

Clearfield

Chester A. Hawkins
SHERIFF OF CLEARFIELD COUNTY
Sheriff's Office
230 E. Market Street
Clearfield, PA 16830
FAX 814-765-5915

RE: **M & T MORTGAGE CORPORATION**
vs.
MARK A. PHILLIPS
Term No. 2006-1669-CD

Property address:

*40 Railroad Lane
Bigler, PA 16825*

Sheriff's Sale Postpone Date: July 06, 2007

Dear Sir/Madam:

Kindly POSTPONE, due to a bankruptcy filing, the above-captioned Sheriff's Sale scheduled for May 04, 2007 to July 06, 2007.

Thank you for your cooperation.

Very truly yours,
Goldbeck McCafferty & McKeever

BY: Joseph A. Goldbeck, Jr.
JOSEPH A. GOLDBECK, JR.

JAG/AmyG

cc:

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

John R. Lhota
Email: lrj@atlanticbbn.net

Bankruptcy Information: Chapter 13, Case Number #07-70489, Filing Date: 05/03/2007

GOLDBECK McCAFFERTY & McKEEVER
A Professional Corporation
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322
(215) 627-7734 (Fax)

June 18, 2007

Clearfield

Chester A. Hawkins
SHERIFF OF CLEARFIELD COUNTY
Sheriff's Office
230 E. Market Street
Clearfield, PA 16830
FAX: 814-765-5915

BOOK WRIT

RE: M & T MORTGAGE CORPORATION
vs.
MARK A. PHILLIPS
Term. No. 2006-1669-CD

Property address:

*40 Railroad Lane
Bigler, PA 16825*

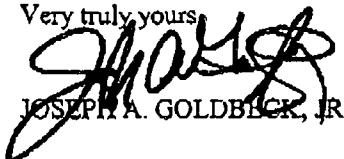
Sheriff's Sale Date: July 06, 2007

Dear Sir/Madam:

As a result of the filing of a Petition in Bankruptcy, kindly stay the Sheriff's Sale with reference to the above-captioned matter and return any unused costs. The bankruptcy filing information is as follows:

Date filed: May 03, 2007
Case number: 07-70489
Chapter: 13
Judge: Judith Fitzgerald

Thank you for your cooperation.

Very truly yours,

JOSEPH A. GOLDBECK, JR.

JAG/jlb

cc: Pamela Lewis
M&T MORTGAGE COMPANY
Acct. #0010088581

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

Michael T. McKeever
Attorney I.D.#56129
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322
Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff
vs.

MARK A. PHILLIPS
Mortgagor(s) and Record Owner(s)
40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS
of Clearfield County
CIVIL ACTION - LAW
ACTION OF MORTGAGE FORECLOSURE
No. 2006-1669-CD

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter:

Amount Due	
	\$53,864.92
Interest from 12/09/2006 to Date of Sale at 5.2500%	
(Costs to be added)	

Prothonotary costs 145.00



GOLDBECK McCAFFERTY & McKEEVER
BY: Michael T. McKeever
Attorney for Plaintiff

FILED *Atty pd*
6/11/2009 20.00
OCT 06 2009 1CC & Lownits
S William A. Shaw 40 Sheriff
Prothonotary/Clerk of Courts w/prop. desc.

(60)

Term
No. 2006-1669-CD
IN THE COURT OF COMMON PLEAS
M & T MORTGAGE CORPORATION

vs.

MARK A. PHILLIPS
(Mortgagor(s) and Record Owner(s))
40 Railroad Lane
Bigler, PA 16825

PRAEFICE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Michael T. McKeever
Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

All that certain parcel of land situate in the Village of Bigler, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the northern line of an unnamed alley at the line of lands of now or formerly of T.H. Forcey; thence by the northern line of said unnamed alley north eighty seven (87) degrees west one and three tenths (1.3) chains to a point; thence by a line through the center of the parcel of which this is the eastern half in a northeasterly direction north sixteen degrees (16°) one minute (1) fifteen seconds (15") East four and ninety-three hundredths (4.93) chains (*erroneously referred to as three (3) degrees east four hundred eighty (480) chains in prior deed in the chain of title*) more or less, to a point in the northern line of this parcel; thence by the northern line south eighty-seven (87) degrees east nineteen one hundredths (.19) of a chain to a white pine stump in the line of land now or formerly south three (3) degrees west four and eighty hundredths chains (4.80) (*erroneously referred to as four hundred eighty (480) chains in prior deed in the chain of title*) to a post and place of beginning.

BEING KNOWN AS 40 RAILROAD LANE, BIGLER PA 16825

TAX PARCEL NO: 106-N9-588-18.1

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

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

vs.

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

In the Court of Common Pleas of
Clearfield County

No. 2006-1669-CD

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield

To the Sheriff of Clearfield County, Pennsylvania

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

PREMISES: 40 Railroad Lane Bigler, PA 16825

See Exhibit "A" attached

AMOUNT DUE	<u>\$53,864.92</u>
------------	--------------------

Interest From 12/09/2006
Through Date of Sale

(Costs to be added)

Prothonotary costs 145.00

Willie L. Hagan

Prothonotary, Common Pleas Court
of Clearfield County, Pennsylvania

Dated: 10/16/09

Deputy _____

Term
No. 2006-1669-CD

IN THE COURT OF COMMON PLEAS
M & T MORTGAGE CORPORATION

vs.

MARK A. PHILLIPS

Mortagon(s)

40 Railroad Lane Bigler, PA 16825

WRIT OF EXECUTION

(Mortgage Foreclosure)

REAL DEBT
INTEREST from
COSTS PAID:

\$55,864.92

\$-----

\$145.00

\$-----

\$-----

\$-----

\$-----

SHERIFF
STATUTORY
COSTS DUE PROTHY
Office of Judicial Support
Judge, Fcc
Cr.
Sat.

Michael T. McKeever
Attorney for Plaintiff

Goldbeck McCafferty & McKeever

Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

All that certain parcel of land situate in the Village of Bigler, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the northern line of an unnamed alley at the line of lands of now or formerly of T.H. Forcey; thence by the northern line of said unnamed alley north eighty seven (87) degrees west one and three tenths (1.3) chains to a point; thence by a line through the center of the parcel of which this is the eastern half in a northeasterly direction north sixteen degrees (16°) one minute (1) fifteen seconds (15'') East four and ninety-thre three hundredths (4.93) chains (*erroneously referred to as three (3) degrees east four hundred eighty (480) chains in prior deed in the chain of title*) more or less, to a point in the northern line of this parcel; thence by the northern line south eighty-seven (87) degrees east nineteen one hundredths (.19) of a chain to a white pine stump in the line of land now or formerly south three (3) degrees west four and eighty hundredths chains (4.80) (*erroneously referred to as four hundred eighty (480) chains in prior deed in the chain of title*) to a post and place of beginning.

BEING KNOWN AS 40 RAILROAD LANE, BIGLER PA 16825

TAX PARCEL NO: 106-N9-588-18.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BRAD A. HUTTON,

Plaintiff

VS.

CLAUDIA L. HUTTON,

Defendant

*
* No. 06-1674-CD *acc atty*
* *FILED Thompson*
* *014.58cm*
* *S Oct 05 2009 Copy to CIA*

* TYPE OF CASE: William A. Shaw
* Civil Action - Law *Notary/Clerk of Courts*

*
* TYPE OF PLEADING:
* Praeclipe for Withdrawal of Appearance

*
* FILED ON BEHALF OF:
* Defendant

*
* COUNSEL OF RECORD FOR
* THIS PARTY:
* David R. Thompson, Esquire
* Supreme Court I.D. No. 73053
* Attorney at Law
* P.O. Box 587
* 308 Walton Street, Suite 4
* Philipsburg PA 16866
* (814) 342-4100

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION - LAW

BRAD A. HUTTON,

*

*

* No. 06-1674-cd

Plaintiff

*

VS.

*

CLAUDIA L. HUTTON,

*

*

Defendant

*

PRAECIPE FOR WITHDRAWAL OF APPEARANCE

TO THE PROTHONOTARY:

Kindly withdraw my appearance in the above-captioned matter on behalf of the
Defendant, Claudia L. Hutton.

Respectfully submitted,



David R. Thompson, Esquire

Goldbeck McCafferty & McKeever
BY: Michael T. McKeever
Attorney I.D. #56129
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322
Attorney for Plaintiff

FILED
m 11/23/09
OCT 06 2009
NO CC
6W

William A. Shaw
Prothonotary/Clerk of Courts

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

MARK A. PHILLIPS
(Mortgagor(s) and Record Owner(s))
40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

No. 2006-1669-CD

AFFIDAVIT PURSUANT TO RULE 3129

M & T MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Michael T. McKeever, 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:

40 Railroad Lane
Bigler, PA 16825

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

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

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

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

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

PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement
Health and Welfare Bldg. - Room 432
P.O. Box 2675
Harrisburg, PA 17105-2675

DOMESTIC RELATIONS OF CLEARFIELD COUNTY

230 E. Market Street
Clearfield, PA 16830

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

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

6. Name and address of every other person of whom the plaintiff has knowledge who has any record interest in the property which may be affected by the sale.

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale.

TENANTS/OCCUPANTS
40 Railroad Lane
Bigler, PA 16825

(attach separate sheet if more space is needed)

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

DATED: October 2, 2009



GOLDBECK McCAFFERTY & McKEEVER
BY: Michael T. McKeever, Esq.
Attorney for Plaintiff

GOLDBECK McCAFFERTY & McKEEVER
BY: Michael T. McKeever
Attorney I.D.#56129
Suite 5000 - Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
215-627-1322

MT-1089
CF: 10/12/2006
SD: 01/08/2010
\$53,864.92

Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff
vs.

MARK A. PHILLIPS
**Mortgagor(s) and
Record Owner(s)**

40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS
of Clearfield County
CIVIL ACTION – LAW

ACTION OF MORTGAGE FORECLOSURE

Term
No. 2006-1669-CD

FILED
m 12/4/09 NO CC
JAN 07 2010
LAW

William A. Shaw
Prothonotary/Clerk of Courts

CERTIFICATE OF SERVICE
PURSUANT TO Pa.R.C.P. 3129.2 (c) (2)

Michael T. McKeever, Esquire, Attorney for Plaintiff, hereby certifies that service on the Defendants of the Notice of Sheriff Sale was made by:

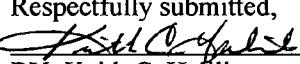
Personal Service by the Sheriff's Office/competent adult (copy of return attached).
 Certified mail by Michael T. McKeever (original green Postal return receipt attached).
 Certified mail by Sheriff's Office.
 Ordinary mail by Michael T. McKeever, Esquire to Attorney for Defendant(s) of record (proof of mailing attached).
 Acknowledgment of Sheriff's Sale by Attorney for Defendant(s) (proof of acknowledgment attached).
 Ordinary mail by Sheriff's Office to Attorney for Defendant(s) of record.

IF SERVICE WAS ACCOMPLISHED BY COURT ORDER.

Premises was posted by Sheriff's Office/competent adult (copy of return attached).
 Certified Mail & ordinary mail by Sheriff's Office (copy of return attached).
 Certified Mail & ordinary mail by Michael T. McKeever (original receipt(s) for Certified Mail attached).
 Published in accordance with court order (copy of publication attached).

Pursuant to the Affidavit under Rule 3129 (copy attached), service on all lienholders (if any) has been made by ordinary mail by Michael T. McKeever, Esquire (copies of proofs of mailing attached).

The undersigned understands that the statements herein are subject to the penalties provided by 18 P.S. Section 4904.

Respectfully submitted,

BY: Keith C. Halili
Legal Secretary

Name and Address of Sender		Affix Stamp Here (It is issued as a certificate of mailing, or for additional copies of this bill)										
GOLDBECK SUITE 5000 101 MARKET STREET PHILADELPHIA, PA 9106-1532		<input type="checkbox"/> Recorded Delivery (International) <input type="checkbox"/> Registered <input type="checkbox"/> Delivery Confirmation <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation <input type="checkbox"/> Postmark and Date of Receipt										
Article Number	Addressee (Name, Street, City, State, & ZIP Code)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1.	PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement Health and Welfare Bldg. - Room 432 P.O. Box 2875 Harrisburg, PA 17105-2875											
2.	DOMESTIC RELATIONS OF CLEARFIELD COUNTY 230 E. Market Street Clearfield, PA 16830											
3.												
4.												
5.												
6.												
7.												
8.												
<input checked="" type="checkbox"/> Certified <input type="checkbox"/> COD <input type="checkbox"/> Delivery Confirmation <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured		Postmaster, Per Name of receiving employee										
<input checked="" type="checkbox"/>		Total Number of Pieces Received at Post Office										

Complete by Typewriter, Ink, or Ball Point Pen

Sale Date: 01/08/2010

MARK A PHILLIPS

PS Form 3877, February 2002 (Page 1 of 2)

MT-1089 Clearfield C

GOLDBECK McCAFFERTY & McKEEVER

BY: Michael T. McKeever

Attorney I.D.#56129

Suite 5000 – Mellon Independence Center

701 Market Street

Philadelphia, PA 19106

215-825-6320

Attorney for Plaintiff

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

Plaintiff

vs.

MARK A. PHILLIPS
Mortgagor(s) and Record Owner(s)

40 Railroad Lane
Bigler, PA 16825

Defendant(s)

IN THE COURT OF COMMON PLEAS

of Clearfield County

CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

Term
No. 2006-1669-CD

AFFIDAVIT PURSUANT TO RULE 3129

M & T MORTGAGE CORPORATION, Plaintiff in the above action, by its attorney, Michael T. McKeever, 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:

40 Railroad Lane
Bigler, PA 16825

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

MARK A. PHILLIPS
189 Wood Street
Philipsburg, PA 16866

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

MARK A. PHILLIPS
189 Wood Street
Philipsburg, PA 16866

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

DOMESTIC RELATIONS OF CLEARFIELD COUNTY
230 E. Market Street
Clearfield, PA 16830

PA DEPARTMENT OF PUBLIC WELFARE - Bureau of Child Support Enforcement
Health and Welfare Bldg. - Room 432
P.O. Box 2675
Harrisburg, PA 17105-2675

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

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

6. Name and address of every other person of whom the plaintiff has knowledge who has any record interest in the property which may be affected by the sale.

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale.

TENANTS/OCCUPANTS
40 Railroad Lane
Bigler, PA 16825

(attach separate sheet if more space is needed)

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

DATED: January 6, 2010


GOLDBECK McCAFFERTY & MCKEEVER
BY: Keith C. Halili
Legal Secretary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21051
NO: 06-1669-CD

PLAINTIFF: M&T MORTGAGE CORPORATION
vs.
DEFENDANT: MARK A. PHILLIPS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 10/6/2009

LEVY TAKEN 11/2/2009 @ 11:20 AM

POSTED 11/2/2009 @ 11:20 AM

SALE HELD 1/8/2010

SOLD TO FANNIE MAE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 1/21/2010

DATE DEED FILED 1/21/2010

PROPERTY ADDRESS 40 RAILROAD LANE BIGLER , PA 16825

FILED

10/39/2010
JAN 21 2010

William A. Shaw
Prothonotary/Clerk of Court

SERVICES

@ SERVED MARK A. PHILLIPS

DEPUTIES UNABLE TO SERVE MARK A. PHILLIPS AT 40 RAILROAD LANE, BIGLER, PA HE NO LONGER LIVES AT THAT ADDRESS.

11/12/2009 @ 10:50 AM SERVED MARK A. PHILLIPS

SERVED MARK A. PHILLIPS, DEFENDANT, AT HIS RESIDENCE 189 WOOD STREET, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DOROTHY PHILLIPS, MOTHER/ADULT AT RESIDENCE

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 # 21051
NO: 06-1669-CD

PLAINTIFF: M&T MORTGAGE CORPORATION

vs.

DEFENDANT: MARK A. PHILLIPS

Execution REAL ESTATE

SHERIFF RETURN

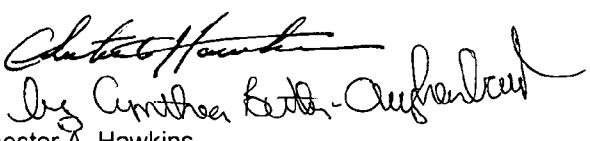
SHERIFF HAWKINS \$221.48

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2010

So Answers,


by Cynthia Betti - Aufderhald
Chester A. Hawkins
Sheriff

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

M & T MORTGAGE CORPORATION
PO Box 840
Buffalo, NY 14240-0840

vs.

MARK A. PHILLIPS
40 Railroad Lane
Bigler, PA 16825

In the Court of Common Pleas of
Clearfield County

No. 2006-1669-CD

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Clearfield

To the Sheriff of Clearfield County, Pennsylvania

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

PREMISES: 40 Railroad Lane Bigler, PA 16825

See Exhibit "A" attached

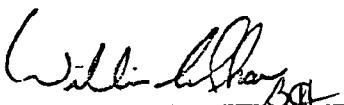
AMOUNT DUE	\$53,864.92
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Interest From 12/09/2006
Through Date of Sale

(Costs to be added)

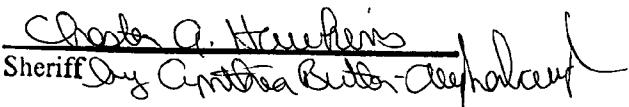
Prothonotary costs 145.00

Dated: 10/6/09


Prothonotary, Common Pleas Court
of Clearfield County, Pennsylvania

Deputy _____

Received this writ this 6th day
of October A.D. 2009
At 3:00 A.M./P.M.


Sheriff John A. Hawley
By Cynthia Butler-Alphonse

Term
No. 2006-1669-CD

IN THE COURT OF COMMON PLEAS
M & T MORTGAGE CORPORATION

vs.

MARK A. PHILLIPS
Mortgagor(s)
40 Railroad Lane Bigler, PA 16825

WRIT OF EXECUTION	
(Mortgage Foreclosure)	
REAL DEBT	\$ 53,864.92
INTEREST from	\$ _____
COSTS PAID:	\$ 145.00
PROTHY	\$ _____
SHERIFF	\$ _____
STATUTORY	\$ _____
COSTS DUE PROTHY	\$ _____
Office of Judicial Support	\$ _____
Judg. Fee	\$ _____
C.R.	\$ _____
Sat.	\$ _____

Michael T. McKeever
Attorney for Plaintiff

Goldbeck McCafferty & McKeever
Suite 5000 – Mellon Independence Center
701 Market Street
Philadelphia, PA 19106-1532
(215) 627-1322

All that certain parcel of land situate in the Village of Bigler, in the Township of Bradford, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

Beginning at a post on the northern line of an unnamed alley at the line of lands of now or formerly of T.H. Forcey; thence by the northern line of said unnamed alley north eighty seven (87) degrees west one and three tenths (1.3) chains to a point; thence by a line through the center of the parcel of which this is the eastern half in a northeasterly direction north sixteen degrees (16°) one minute (1) fifteen seconds (15") East four and ninety-three hundredths (4.93) chains (*erroneously referred to as three (3) degrees east four hundred eighty (480) chains in prior deed in the chain of title*) more or less, to a point in the northern line of this parcel; thence by the northern line south eighty-seven (87) degrees east nineteen one hundredths (.19) of a chain to a white pine stump in the line of land now or formerly south three (3) degrees west four and eighty hundredths chains (4.80) (*erroneously referred to as four hundred eighty (480) chains in prior deed in the chain of title*) to a post and place of beginning.

BEING KNOWN AS 40 RAILROAD LANE, BIGLER PA 16825

TAX PARCEL NO: 106-N9-588-18.1

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME MARK A. PHILLIPS NO. 06-1669-CD

NOW, January 21, 2010, 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 January 08, 2010, I exposed the within described real estate of Mark A. Phillips 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:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	15.00	DEBT-AMOUNT DUE	53,864.92
MILEAGE	15.00	INTEREST @ 7.7500 %	8,726.50
LEVY	8.80	FROM 12/09/2006 TO 01/08/2010	
MILEAGE	15.00	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	5.28	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	20.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
DEED	30.00	PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	17.60	MISCELLANEOUS	
ADD'L LEVY		TOTAL DEBT AND INTEREST	\$62,611.42
BID AMOUNT	1.00		
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	408.25
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS	10.00	DUE	
TOTAL SHERIFF COSTS	\$231.48	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	5.00
		DEED COSTS	52.00
		SHERIFF COSTS	231.48
		LEGAL JOURNAL COSTS	216.00
		PROTHONOTARY	145.00
		MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
DEED COSTS:		TOTAL COSTS	\$1,197.73
ACKNOWLEDGEMENT	5.00		
REGISTER & RECORDER	52.00		
TRANSFER TAX 2%	0.00		
TOTAL DEED COSTS	\$52.00		

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