

06-1829-CD

Mort. Elec. Vs. Scott A. Hess al

2006-1829-CD
Netbank vs Scott Hess et al

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 141359

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

Defendants

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO. 06-1829-CD
CLEARFIELD COUNTY

FILED *2006 Nov 07 Shaff*
William A. Shaw
Prothonotary/Clerk of Courts

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.

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800-692-7375

Notice to Defend:
David S. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

2-27-2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

lsh
Deputy Prothonotary

2-27-2007 Document
Reinstated/Reissued to Sheriff/Attorney
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File #: 141359
lsh
Deputy Prothonotary

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

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

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

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

3. On 11/22/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NETBANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200418985. 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:

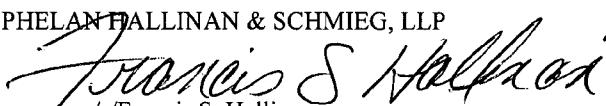
Principal Balance	\$51,423.23
Interest	2,901.60
02/01/2006 through 11/06/2006	
(Per Diem \$10.40)	
Attorney's Fees	1,250.00
Cumulative Late Charges	215.52
11/01/2004 to 11/06/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 56,340.35
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 56,340.35

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

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 56,340.35, together with interest from 11/06/2006 at the rate of \$10.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follow:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes east six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract south seventy-five (75) degrees twenty-nine (29) minutes east two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract south thirty-nine (39) degrees ten (10) minutes east one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township road the following four courses and distances: south forty-seven (47) degrees forty (40) minutes west thirty-six and one-tenth (36.1) feet to an iron pin; south forty-one (41) degrees twenty-one (21) minutes west two hundred six (206) feet to an iron pin; south thirty-seven (37) degrees twenty-eight (28) minutes west three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; south fifty-seven (57) degrees fifteen (15) minutes west fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING, a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, page 497.

BUT ALSO INCLUDING, those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded in Clearfield County Deed Book 483, Page 512.

UNDER AND SUBJECT TO all exceptions and reservations as contained in prior deeds of record in the chain of title.

BEING the same premises which Fairie Thomas, Administratrix of the Estate of Herald Thomas, a/k/a John Herald Thomas conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 332 and Charles Ellinger and Gladys M. Ellinger conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 335. The said William F. Hess died October 14, 1994, a resident and domiciliary of Grampian, Clearfield County, Pennsylvania, as evidenced by a death certificate to be filed of record contemporaneously herewith, thereby vesting sole and exclusive title to the above described premises by operation of law in his surviving spouse, as a surviving tenant by the entirety, decedent herein.

PREMISES BEING 2485 BILGERS ROCKS

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

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 4/6/6

FILED, No
m/11/2007
FEB 12 2007
6R

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Mortgage Electronic Registration
Systems, Inc.

COURT OF COMMON PLEAS

:

CIVIL DIVISION

vs.

Scott A. Hess
Melissa D. Hess

:

CLEARFIELD COUNTY

:

NO. 06-1829-CD

**MOTION FOR SERVICE PURSUANT TO
SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendants, Scott A. Hess and Melissa D. Hess, by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the mortgaged premises, 2485 Bilgers Rocks Road, Grampian, PA 16838, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint if Mortgage Foreclosure Action on November 7, 2006. As indicated by the copy of said complaint attached hereto as Exhibit "A".

2. Said complaint was forwarded to the Office of the Sheriff on or about November 8, 2006 for service to be completed on the Defendants, Scott A. Hess and Melissa D. Hess, at the mortgaged premises, 2485 Bilgers Rocks Road, Grampian, PA 16838. Plaintiff was advised by the Sheriff's Office that there was no service made at this address. Plaintiff is unable to append a copy of the Return of Service as a result of a backlog in completing the Affidavit at the Sheriff's Office. Plaintiff's Affidavit of No-Service is attached hereto and marked as Exhibit "B".

3. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendants. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "C".

4. Plaintiff has reviewed its internal records and has not been contacted by the Defendants as of February 8, 2007 to bring loan current.

5. Plaintiff submits that it has made a good faith effort to locate the Defendants but has been unable to do so.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by posting, first class mail and certified mail.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.


By: _____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: February 8, 2007

FILED
NOV 07 2006

William A. Shaw
Prothonotary/Clerk of Courts

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141359

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

SCOTT A. HESS
MELISSA D. HESS
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Defendants

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814-765-2641 x 5982

*Please return to my office and
return to us a true and
correct copy of the
original filed of record*

ATTORNEY FILE COPY
PLEASE RETURN

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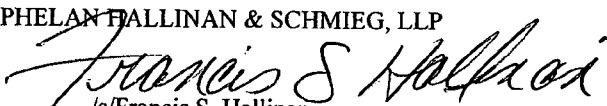
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WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 56,340.35, together with interest from 11/06/2006 at the rate of \$10.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

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

LEGAL DESCRIPTION

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BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes east six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract south seventy-five (75) degrees twenty-nine (29) minutes east two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract south thirty-nine (39) degrees ten (10) minutes east one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township road the following four courses and distances: south forty-seven (47) degrees forty (40) minutes west thirty-six and one-tenth (36.1) feet to an iron pin; south forty-one (41) degrees twenty-one (21) minutes west two hundred six (206) feet to an iron pin; south thirty-seven (37) degrees twenty-eight (28) minutes west three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; south fifty-seven (57) degrees fifteen (15) minutes west fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

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BUT ALSO INCLUDING, those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded in Clearfield County Deed Book 483, Page 512.

UNDER AND SUBJECT TO all exceptions and reservations as contained in prior deeds of record in the chain of title.

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PREMISES BEING 2485 BILGERS ROCKS

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

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 1/6/6

Exhibit B

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Mortgage Electronic : COURT OF COMMON PLEAS
Registration Systems, Inc. :
vs. : CIVIL DIVISION
Scott A. Hess : CLEARFIELD COUNTY
Melissa D. Hess :
: NO. 06-1829-CD

AFFIDAVIT OF NO-SERVICE

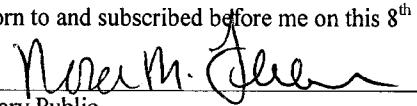
Plaintiff's Counsel, Phelan Hallinan & Schmieg, LLP, does hereby swear and subscribe that it contacted the Sheriff's Office of Clearfield County on January 4, 2007 and was advised that the Sheriff was unable to complete personal service on Scott A. Hess and Melissa D. Hess at the mortgaged premises, 2485 Bilgers Rocks Road, Grampian, PA 16838. On January 30, 2007, the Plaintiff, by its Counsel, called the Sheriff's Office inquiring if a Return of Service was complete. The Sheriff's Office advised the Plaintiff's Counsel that they are behind with getting the returns typed up and out the door. However, they did confirm that the Defendants, Scott A. Hess and Melissa D. Hess, were not served at the mortgaged premises, 2485 Bilgers Rocks Road, Grampian, PA 16838 because the Sheriff did not get a response after several attempts.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 

Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Sworn to and subscribed before me on this 8th day of February, 2007


Notary Public

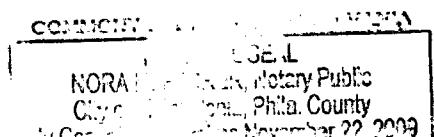


Exhibit C

**FULL SPECTRUM LEGAL SERVICES, INC.
AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 141359

Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**

Subject: Scott A. Hess & Melissa D. Hess

Property Address: 2485 Bilgers Rocks Road, Grampion, PA 16838

I, Kerri Smith, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct

Scott A. Hess - xxx-xx-3270

Melissa D. Hess - xxx-xx-4919

B. EMPLOYMENT SEARCH

Scott A. Hess & Melissa D. Hess - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Scott A. Hess & Melissa D. Hess reside(s) at: 2485 Bilgers Rocks Road, Grampion, PA 16838.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which indicated that Scott A. Hess & Melissa D. Hess reside(s) at: 2485 Bilgers Rocks Road, Grampion, PA 16838. On 01-31-07 our office made a telephone call to the subjects' phone number, (814) 236-2833 and received the following information: automated voicemail.

III. INQUIRY OF NEIGHBORS

Using both our White Pages data base and our National Address data base our office was unable to locate any neighbors of 2485 Bilgers Rocks Road, Grampion, PA 16838.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 01-31-07 we reviewed the National Address database and found the following information: Scott A. Hess & Melissa D. Hess- 2485 Bilgers Rocks Road, Grampion, PA 16838.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: no addresses on file.

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Scott A. Hess & Melissa D. Hess.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 01-31-07 Vital Records and all public databases have no death record on file for Scott A. Hess & Melissa D. Hess.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Scott A. Hess & Melissa D. Hess residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Scott A. Hess & Melissa D. Hess - 09-1974

B. A.K.A.

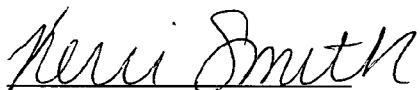
Melissa D. Fahr

* Our accessible databases have been checked and cross-referenced for the above named individual(s).

* Please be advised our database information indicates the subject resides at the current address.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.

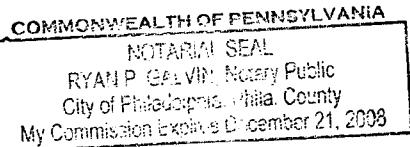


AFFIANT - Kerri Smith
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 31st day of January 2007.

The above information is obtained from available public records
and we are only liable for the cost of the affidavit.

kls



VERIFICATION

Daniel G. Schmieg, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements made are subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: February 8, 2007

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Mortgage Electronic : COURT OF COMMON PLEAS
Registration Systems, Inc. :
vs. : CIVIL DIVISION
Scott A. Hess : CLEARFIELD COUNTY
Melissa D. Hess :
NO. 06-1829-CD

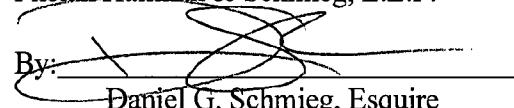
CERTIFICATION OF SERVICE

I, Daniel G. Schmieg, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court, Memorandum of Law, Proposed Order and attached exhibits have been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

Scott A. Hess and Melissa D. Hess
2485 Bilgers Rocks Road, Grampian, PA 16838

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: February 8, 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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

Plaintiff

vs.

SCOTT A. HESS
MELISSA D. HESS

Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: CLEARFIELD COUNTY
: No. 06-1829-CD
:
:

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: 
FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: January 31, 2007

/jmr, Svc Dept.
File# 141359

FILED

FEB 12 2007
n (2:30/)
William A. Shaw
Prothonotary/Clerk of Courts

1 cent to ATT
w (reinstate compon

PHELAN HALLINAN & SCHMIEG, LLP

One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
FAX: 215-563-7009
e-mail jason.ricco@fedphe.com

Jason Ricco, Ext. 1482
Service Department

January 31, 2007

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

RE: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.
vs. SCOTT A. HESS and MELISSA D. HESS
CLEARFIELD COUNTY, No. 06-1829-CD

Dear Sir or Madam:

Enclosed is a Praeclipe to Reinstate the Civil Action in the above captioned matter. **A check in the amount of \$7.00 is included to cover the cost.** Please file same and return a time-stamped copy to us in the enclosed stamped, self-addressed envelope.

Very truly yours,


Jason Ricco

for Phelan Hallinan & Schmieg, LLP

/JMR
File# 141359
Enclosure

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.,

Plaintiff

*
*
*
*
*
*

vs.
SCOTT A. HESS
MELISSA D. HESS

NO. 06-1829-CD

Defendants

*

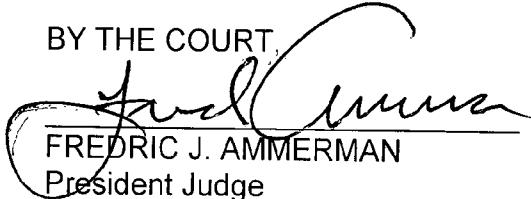
O R D E R

NOW, this 12th day of February, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendants **Scott A. Hess and Melissa D. Hess** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 2485 Bilgers Rocks Road, Grampian, PA 16838;
3. By certified mail, return receipt requested, to 2485 Bilgers Rocks Road, Grampian, PA 16838; and
4. By posting the mortgaged premises known in this herein action as 2485 Bilgers Rocks Road, Grampian, PA 16838.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED 3CC
01/31/07 Atty Schmieg
FEB 13 2007
6K

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # 102106

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.

Case # 06-1829-CD

vs.

SCOTT A. HESS and MELISSA D. HESS

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW February 15, 2007 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO SCOTT A. HESS, DEFENDANT. ATTEMPTED NOT HOME

SERVED BY: /

FILED
FEB 15 2007
6/2/45 (W47)
William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket # **102106**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.

Case # **06-1829-CD**

VS.

SCOTT A. HESS and MELISSA D. HESS

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW February 15, 2007 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO MELISSA D. HESS, DEFENDANT. ATTEMPTED NOT HOME

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102106
NO: 06-1829-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.

vs.

DEFENDANT: SCOTT A. HESS and MELISSA D. HESS

SHERIFF RETURN

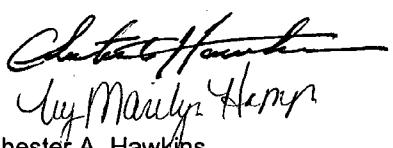
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	549462	20.00
SHERIFF HAWKINS	PHELAN	549462	40.36

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

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

141359

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-1829-CD

CLEARFIELD COUNTY

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

Defendants

NOV 07 2006

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE
Attest.
NOTICE

William L. Hess
Prothonotary/
Clerk of Courts

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830

814-765-2641
I hereby certify the
within to be a true and
correct copy of the
original document

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

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

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

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

3. On 11/22/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NETBANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200418985. 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	\$51,423.23
Interest	2,901.60
02/01/2006 through 11/06/2006	
(Per Diem \$10.40)	
Attorney's Fees	1,250.00
Cumulative Late Charges	215.52
11/01/2004 to 11/06/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 56,340.35
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 56,340.35

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

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 56,340.35, together with interest from 11/06/2006 at the rate of \$10.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

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

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follow:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes east six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract south seventy-five (75) degrees twenty-nine (29) minutes east two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract south thirty-nine (39) degrees ten (10) minutes east one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township road the following four courses and distances: south forty-seven (47) degrees forty (40) minutes west thirty-six and one-tenth (36.1) feet to an iron pin; south forty-one (41) degrees twenty-one (21) minutes west two hundred six (206) feet to an iron pin; south thirty-seven (37) degrees twenty-eight (28) minutes west three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; south fifty-seven (57) degrees fifteen (15) minutes west fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING, a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, page 497.

BUT ALSO INCLUDING, those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded in Clearfield County Deed Book 483, Page 512.

UNDER AND SUBJECT TO all exceptions and reservations as contained in prior deeds of record in the chain of title.

BEING the same premises which Fairie Thomas, Administratrix of the Estate of Herald Thomas, a/k/a John Herald Thomas conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 332 and Charles Ellinger and Gladys M. Ellinger conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 335. The said William F. Hess died October 14, 1994, a resident and domiciliary of Grampian, Clearfield County, Pennsylvania, as evidenced by a death certificate to be filed of record contemporaneously herewith, thereby vesting sole and exclusive title to the above described premises by operation of law in his surviving spouse, as a surviving tenant by the entirety, decedent herein.

PREMISES BEING 2485 BILGERS ROCKS

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: 1/6/6

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

141359

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. *06-1829-CD*

CLEARFIELD COUNTY

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

Defendants

NOV 07 2006

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE Attest.

William L. Hark
Prothonotary/
Clerk of Courts

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

We hereby certify the
within to be a true and
correct copy of the
original filed of record

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

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

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

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

3. On 11/22/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NETBANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200418985. 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	\$51,423.23
Interest	2,901.60
02/01/2006 through 11/06/2006	
(Per Diem \$10.40)	
Attorney's Fees	1,250.00
Cumulative Late Charges	215.52
11/01/2004 to 11/06/2006	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 56,340.35
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	\$ 0.00
TOTAL	\$ 56,340.35

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

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 56,340.35, together with interest from 11/06/2006 at the rate of \$10.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follow:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes east six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract south seventy-five (75) degrees twenty-nine (29) minutes east two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract south thirty-nine (39) degrees ten (10) minutes east one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township road the following four courses and distances: south forty-seven (47) degrees forty (40) minutes west thirty-six and one-tenth (36.1) feet to an iron pin; south forty-one (41) degrees twenty-one (21) minutes west two hundred six (206) feet to an iron pin; south thirty-seven (37) degrees twenty-eight (28) minutes west three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; south fifty-seven (57) degrees fifteen (15) minutes west fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING, a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, page 497.

BUT ALSO INCLUDING, those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded in Clearfield County Deed Book 483, Page 512.

UNDER AND SUBJECT TO all exceptions and reservations as contained in prior deeds of record in the chain of title.

BEING the same premises which Fairie Thomas, Administratrix of the Estate of Herald Thomas, a/k/a John Herald Thomas conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 332 and Charles Ellinger and Gladys M. Ellinger conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 335. The said William F. Hess died October 14, 1994, a resident and domiciliary of Grampian, Clearfield County, Pennsylvania, as evidenced by a death certificate to be filed of record contemporaneously herewith, thereby vesting sole and exclusive title to the above described premises by operation of law in his surviving spouse, as a surviving tenant by the entirety, decedent herein.

PREMISES BEING 2485 BILGERS ROCKS

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: 1/6/6

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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

Plaintiff

vs.

SCOTT A. HESS
MELISSA D. HESS

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY

No. 06-1829-CD

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: Francis S. Hallinan
FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: February 26, 2007

/jmr, Svc Dept.
File# 141359

FILED *Atty pd. 7.00*
2/11/10 0501
FEB 27 2007 3 Complaints
Reinstated to
William A. Shaw Sheriff
Prothonotary/Clerk of Courts
(60)

FILED

MAR 01 2007

W/11-1044

William A. Shaw
Prothonotary/Clerk of Courts

W/C/C.

PHELAN HALLINAN & SCHMIEG LLP
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

Mortgage Electronic Registration Systems,
Inc.

Plaintiff

vs.

Scott A. Hess
Melissa D. Hess
Defendant(s)

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 06-1829-CD

**AFFIDAVIT OF SERVICE OF COMPLAINT
BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage
Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt
requested, to **Scott A. Hess and Melissa D. Hess at 2485 Bilgers Rocks Road, Grampian, PA
16838** on February 26, 2007, in accordance with the Order of Court dated February 12, 2007.

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S.
§4904 relating to unsworn falsification to authorities.

Date: February 26, 2007


FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

7160 3901 9849 9381 3438

TO: Scott A. Hess
2485 Bilgers Rocks Road
Grampian, PA 16838

SENDER: jmr

REFERENCE:

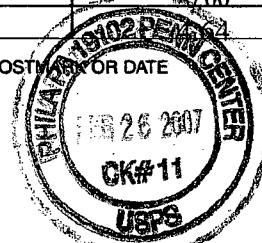
PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.39
Certified Fee		2.40
Return Receipt Fee		1.85
Restricted Delivery		0.00
Total Postage & Fees		

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE



7160 3901 9849 9381 3421

TO: Melissa D. Hess
2485 Bilgers Rocks Road
Grampian, PA 16838

SENDER: jmr

REFERENCE:

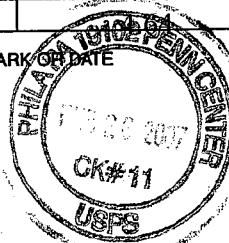
PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.39
Certified Fee		2.40
Return Receipt Fee		1.85
Restricted Delivery		0.00
Total Postage & Fees		

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE



Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Mortgage Electronic Registration Systems,
Inc.

vs.
Scott A. Hess
Melissa D. Hess

: Court Of Common Pleas
: Civil Division
: Clearfield County
: No. 06-1829-CD

FILED cc to
m/11/07 am Atty
APR 18 2007 Hallinan
WM

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE BY
PUBLICATION IN ACCORDANCE WITH COURT ORDER

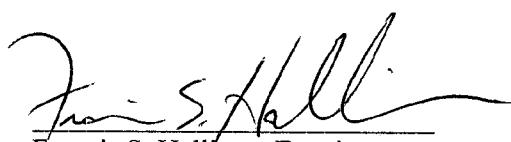
I hereby certify that service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order dated February 12, 2007 as indicated below:

By publication as provided by Pa. R.C.P. Rule 430(b)(1)

in The Progress on March 1, 2007 and the Clearfield County Legal Journal on March 2, 2007.

Proofs of the said publications are attached hereto.

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.


Francis S. Hallinan, Esquire

Date: April 17, 2007

Jmr/Service Dept.

NOTICE OF ACTION
IN MORTGAGE FORECLOSURE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
COURT OF
COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY
NO. 06-1829-CD

Mortgage Electronic
Registration Systems, Inc.

Vs.

Scott A. Hess

Melissa D. Hess

NOTICE

TO Scott A. Hess and Melissa D.

Hess:

You are hereby notified that on November 7, 2006, Plaintiff, Mortgage Electronic Registration Systems, Inc., filed a Mortgage Fore-

closure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Clearfield County, Pennsylvania, docketed to No. 06-1829-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 2485 Bilgers Rocks Road, Grampian, PA 16838 whereupon your property would be sold by the Sheriff of Clearfield County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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, Ext. 5982

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

3:1-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 23rd day of March, A.D. 20 07, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of March 1, 2007.

And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison

Notary Public

Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County

My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association of Notaries

PROOF OF PUBLICATION

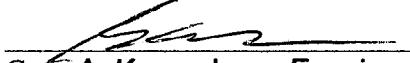
STATE OF PENNSYLVANIA :

:

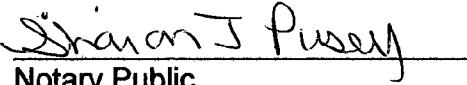
COUNTY OF CLEARFIELD :

:

On this 2nd day of March AD 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of March 2, 2007, Vol. 19 No. 9. And that all of the allegations of this statement as to the time, place, and character of the publication are true.


Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.


Sharon J. Pusey
Notary Public
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Clearfield, Clearfield County, PA
My Commission Expires APRIL 7, 2007

Full Spectrum Legal Services
400 Fellowship Rd Suite 220
Mt. Laurel NJ 08054

APPLIED MATHEMATICS

卷之三

THE HISTORY OF THE AMERICAN PEOPLE BY JAMES MCGOWAN

卷之三

Consequently, the *in vitro* growth of *Escherichia coli* is inhibited.

1996-1997 学年第一学期

卷之三

FILED

APR 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

[REDACTED]
[REDACTED]
f all tax claims and tax judgments. A bid of \$50
each assessment. Any party not satisfied with,
; of this notice, petition the Court of Common
Market Street, Suite 121, Clearfield, PA 16830.

HORNHILL, BRENDA LOU, Dec'd

Late of Curwensville

Administrators:

KENNETH J. CLAPSADLE

ROSALIE A. CLAPSADLE

Attorney: **JAMES A. NADDEO**

207 East Market Street

PO Box 552

Clearfield, PA 16830

LANE, DONALD LEE, Dec'd

a/k/a **DONALD L. LANE**

a/k/a **DONALD LANE**

a/k/a **D. LEE LANE**

Late of Osceola Mills

Executrix: **AMY MOORE**

Attorney: **DENNIS J. STOFKO**

969 Eisenhower Blvd.

PO Box 5500

Johnstown, PA 15904

KOVALICK, DOROTHY, Dec'd

Late of Frenchville

Administrator:

LONNIE M. KOVALICK, SR.

Attorney: **DANIEL C. BELL**

318 East Locust Street

PO Box 670

Clearfield, PA 16830

HAGEN ALBERT J., Dec'd

Late of Houtzdale

Executrix: **ELAINE CONEY**

Attorney: **PETER F. SMITH**

P.O. Box 130

Clearfield, PA 16830

TUCH, JOSEPH A., Dec'd

Late of Houtzdale

Executrix: **MARY M. WILSHIRE**

Attorney: **LEHMAN & KASUBICK**

611 Brisbin Street

Houtzdale, PA 16651

Second Publication

SETTER, KAREN ANNE, Dec'd

Late of DuBois

Administratrix:

TIFFANY MARIA EBERSOLE

Attorney: **BLAISE J. FERRARACCIO**

301 E. Pine Street

Clearfield, PA 16830

NOTICE OF
ACTION IN MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Mortgage Electronic Registration
Systems, Inc. Vs. Scott A. Hess and Melissa
D. Hess

COURT OF COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY
NO. 06-1829-CD

NOTICE

TO Scott A. Hess and Melissa D. Hess:
You are hereby notified that on
November 7, 2006, Plaintiff, Mortgage
Electronic Registration Systems, Inc., filed a
Mortgage Foreclosure Complaint endorsed
with a Notice to Defend, against you in the
Court of Common Pleas of Clearfield County
Pennsylvania, docketed to No. 06-1829-CD.
Wherein Plaintiff seeks to foreclose on the
mortgage secured on your property located
at 2485 Bilgers Rocks Road, Grampian, PA
16838 whereupon your property would be
sold by the Sheriff of Clearfield County.

You are hereby notified to plead to the
above referenced Complaint on or before 20
days from the date of this publication or a
Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a
written appearance personally or by attorney
and file your defenses or objections in
writing with the court. You are warned that
if you fail to do so the case may proceed
without you and a judgment may be entered
against you without further notice for the
relief requested by the plaintiff. You may
lose money or property or other rights
important to you.

YOU SHOULD TAKE THIS NOTICE 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

PHELAN HALLINAN & SCHMIEG, LLP

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id No.
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

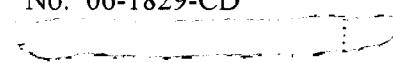
ATTORNEY FOR PLAINTIFF

NETBANK AS SUCCESSOR IN
INTEREST TO RBMG, INC.

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
: No. 06-1829-CD

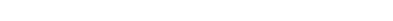
Plaintiff

Vs.

: 

: 

: 

: 

: 

: 

: 

SCOTT A. HESS
MELISSA D. HESS

Defendant(s) :

FILED No. *ac*
m/1/08 ed
APR 26 2007 GPO

William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE FOR VOLUNTARY SUBSTITUTION OF PARTY PLAINTIFF
PURSUANT TO Pa.R.C.P., RULE 2352

TO THE PROTHONOTARY:

**Kindly substitute NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC. as
successor Plaintiff for the originally named Plaintiff.**

The material facts on which the right of succession and substitution are based as
follows:

NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC. is the
current holder of the mortgage by virtue of that certain 06-1829-CD dated
CLEARFIELD and recorded 04/12/07.

Kindly change the information on the docket.

Date: April 24, 2007



Lawrence T. Phelan, Esq.
Francis S. Hallinan, Esq.
Daniel G. Schmieg, Esq.
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102494
NO: 06-1829-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

DEFENDANT: SCOTT A. HESS and MELISSA D. HESS

SHERIFF RETURN

NOW, March 01, 2007 AT 2:03 PM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT 2485 BILGERS ROCK ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA. (SCOTT A. HESS)

SERVED BY: DAVIS / MORGILLO

FILED No CC.
03:20 pm
JUN 15 2007 

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102494
NO: 06-1829-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

VS.

DEFENDANT: SCOTT A. HESS and MELISSA D. HESS

SHERIFF RETURN

NOW, March 01, 2007 AT 2:03 PM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT 2485 BILGERS ROCK ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA. (MELISSA D. HESS)

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102494
NO: 06-1829-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

vs.

DEFENDANT: SCOTT A. HESS and MELISSA D. HESS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	576865	20.00
SHERIFF HAWKINS	PHELAN	576865	26.64

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

COPY

FILED
1057
NOV 07 2006

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

141359

William A. Shaw
Prothonotary/Clerk of Courts

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-1829-CD

CLEARFIELD COUNTY

10/27/07 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Prothonotary

ATTORNEY FILE COPY
PLEASE RETURN

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
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

I hereby certify this to be a true
and attested copy of the original
statement filed in this case.

10/27/07 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

ATTORNEY FILE COPY
PLEASE RETURN FEB 12 2007

William A. Shaw
Prothonotary

PHELAN HALLINAN & SCHMIEG, LLP
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ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO.

CLEARFIELD COUNTY

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.

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2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

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

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

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

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

1. Plaintiff is

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

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

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

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

3. On 11/22/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NETBANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200418985. 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	\$51,423.23
Interest	2,901.60
02/01/2006 through 11/06/2006	
(Per Diem \$10.40)	
Attorney's Fees	1,250.00
Cumulative Late Charges	215.52
11/01/2004 to 11/06/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 56,340.35
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 56,340.35

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 56,340.35, together with interest from 11/06/2006 at the rate of \$10.40 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 or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follow:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes east six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract south seventy-five (75) degrees twenty-nine (29) minutes east two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract south thirty-nine (39) degrees ten (10) minutes east one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township road the following four courses and distances: south forty-seven (47) degrees forty (40) minutes west thirty-six and one-tenth (36.1) feet to an iron pin; south forty-one (41) degrees twenty-one (21) minutes west two hundred six (206) feet to an iron pin; south thirty-seven (37) degrees twenty-eight (28) minutes west three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; south fifty-seven (57) degrees fifteen (15) minutes west fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING, a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, page 497.

BUT ALSO INCLUDING, those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded in Clearfield County Deed Book 483, Page 512.

UNDER AND SUBJECT TO all exceptions and reservations as contained in prior deeds of record in the chain of title.

BEING the same premises which Fairie Thomas, Administratrix of the Estate of Herald Thomas, a/k/a John Herald Thomas conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 332 and Charles Ellinger and Gladys M. Ellinger conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 335. The said William F. Hess died October 14, 1994, a resident and domiciliary of Grampian, Clearfield County, Pennsylvania, as evidenced by a death certificate to be filed of record contemporaneously herewith, thereby vesting sole and exclusive title to the above described premises by operation of law in his surviving spouse, as a surviving tenant by the entirety, decedent herein.

PREMISES BEING 2485 BILGERS ROCKS

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.

F. S. Hallinan

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 4/6/6

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
(215) 563-7000

Attorney for Plaintiff

FILED 

JUL 03 2007
my 122307 filing
William A. Shaw

Prothonotary/Clerk of Courts

*cert with notice
to debt.*

NETBANK AS SUCCESSOR IN INTEREST :
TO RBMG, INC. :
8201 GREENSBORO DRIVE SUITE 350 :
MCLEAN, VA 22102 :

Plaintiff,

v.

SCOTT A. HESS :
MELISSA D. HESS :
2485 BILGERS ROCKS ROAD :
GRAMPIAN, PA 16838 :

Defendant(s). :

CLEARFIELD COUNTY :
COURT OF COMMON PLEAS :
CIVIL DIVISION :
NO. 06-1829-CD :

**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 **SCOTT A. HESS and MELISSA D. HESS**, 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	\$ 56,340.35
Interest - 11/07/06 - 06/29/07	\$ 2,444.00
TOTAL	<u>\$ 58,784.35</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: 7-3-07


PRO PROTHY

141359

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

SCOTT A. HESS
MELISSA D. HESS

: NO. 06-1829-CD

Defendants

FILE COPY

TO: MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

DATE OF NOTICE: APRIL 9, 2007

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.

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

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



FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

SCOTT A. HESS
MELISSA D. HESS

: NO. 06-1829-CD

Defendants

FILE COPY

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GRAMPIAN, PA 16838

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IMPORTANT NOTICE

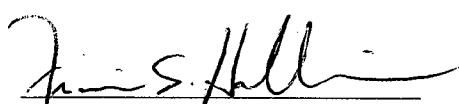
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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
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SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

(Rule of Civil Procedure No. 236 - Revised

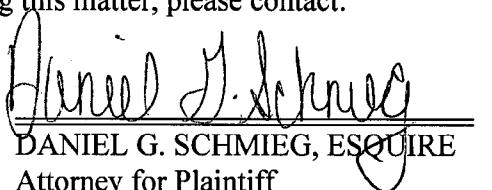
IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

NETBANK AS SUCCESSOR IN INTEREST :
TO RBMG, INC. :
8201 GREENSBORO DRIVE SUITE 350 : CLEARFIELD COUNTY
MCLEAN, VA 22102 : COURT OF COMMON PLEAS
:
Plaintiff, : CIVIL DIVISION
v. : NO. 06-1829-CD
SCOTT A. HESS :
MELISSA D. HESS :
2485 BILGERS ROCKS ROAD :
GRAMPIAN, PA 16838 :
:
Defendant(s). :
:

Notice is given that a Judgment in the above captioned matter has been entered against you
on July 3, 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 & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

NETBANK AS SUCCESSOR IN INTEREST

:

TO RBMG, INC.

:

8201 GREENSBORO DRIVE SUITE 350

:

MCLEAN, VA 22102

:

Plaintiff,

:

v.

:

SCOTT A. HESS

:

MELISSA D. HESS

:

2485 BILGERS ROCKS ROAD

:

GRAMPIAN, PA 16838

:

Defendant(s).

:

VERIFICATION OF NON-MILITARY SERVICE

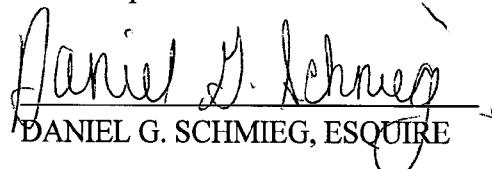
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant SCOTT A. HESS is over 18 years of age and resides at **2485 BILGERS ROCKS ROAD, GRAMPIAN, PA 16838**.

(c) that defendant MELISSA D. HESS is over 18 years of age, and resides at **2485 BILGERS ROCKS ROAD, GRAMPIAN, PA 16838**.

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



DANIEL G. SCHMIEG, ESQUIRE

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

NETBANK AS SUCCESSOR IN
INTEREST TO RBMG, INC.

vs.

SCOTT A. HESS
MELISSA D. HESS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 06-1829-CD. Term 2005

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

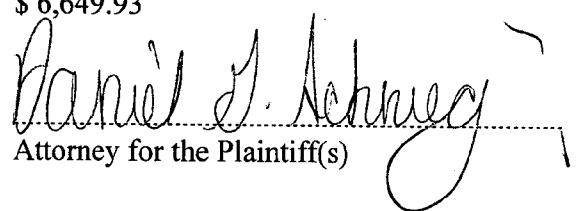
Issue writ of execution in the above matter:

Amount Due	\$ 58,784.35
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Interest from JUNE 29, 2007 to Sale	\$ _____
Per diem \$9.66	

Add'l Costs	\$ 6,649.93
-------------	-------------

Prothonotary Costs \$ 139.00


Daniel J. Achney
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

141359

FILED 

JUL 03 2007

12:45 PM

William A. Shaw

Prothonotary/Clerk of Courts

Issuer 6 Writs to

SHFR

No. 06-1829-CD Term 20 05.A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

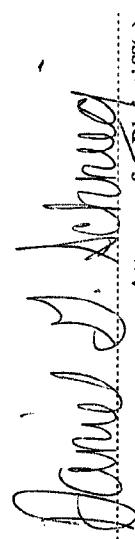
NETBANK AS SUCCESSOR IN INTEREST TO
RBMG, INC.

vs.

SCOTT A. HESS
MELISSA D. HESS

PRAECLPPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff(s)

Address: SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838 2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes East six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract South seventy-five (75) degrees twenty-nine (29) minutes East two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract South thirty-nine (39) degrees ten (10) minutes East one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township Road the following four courses and distances: South forty-seven (47) degrees forty (40) minutes West thirty-six and one-tenth (36.1) feet to an iron pin; South forty-one (41) degrees twenty-one (21) minutes West two hundred six (206) feet to an iron pin; South thirty-seven (37) degrees twenty-eight (28) minutes West three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; South fifty-seven (57) degrees fifteen (15) minutes West fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township Road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, Page 497.

ALSO INCLUDING those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded at Clearfield County Deed Book 483, Page 512.

TITLE TO SAID PREMISES IS VESTED IN Scott A. Hess and Melissa D. Hess, husband and wife, as tenants by the entireties, by Deed from David A. Hess, as Executor of the Estate of Sylvia Jean Hess, deceased, dated 09/16/2004, recorded 11/22/2004, in Deed Mortgage Inst# 200418984.

Premises being: 2485 BILGERS ROCKS
GRAMPIAN, PA 16838

Tax Parcel No. G09-000-016.3

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

NETBANK AS SUCCESSOR IN
INTEREST TO RBMG, INC.

vs.

SCOTT A. HESS

MELISSA D. HESS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 06-1829-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: 2485 BILGERS ROCKS, GRAMPIAN, PA 16838
(See Legal Description attached)

Amount Due \$ 58,784.35

Interest from JUNE 29, 2007 to Sale \$-----
per diem \$9.66

Total \$-----

Add'l Costs \$ 6,649.93

Prothonotary Costs 139.00

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

Dated 7-3-07
(SEAL)

141359

No. 06-1829-CD Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NETBANK AS SUCCESSOR IN INTEREST TO
RBMG, INC.

vs.

SCOTT A. HESS
MELISSA D. HESS

WRIT OF EXECUTION
(Mortgage Foreclosure)

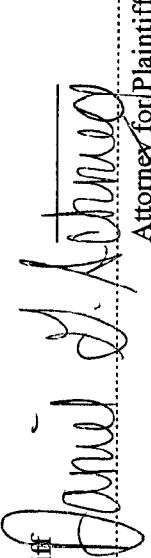
Costs

Real Debt \$ 58,784.35

Int. from JUNE 29, 2007
To Date of Sale (\$9.66 per diem)

Costs _____

Prothy Pd. _____

Sheriff 
James J. Anthony

Attorney for Plaintiff(s)

Address: SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD 2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838 GRAMPIAN, PA 16838

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes East six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract South seventy-five (75) degrees twenty-nine (29) minutes East two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract South thirty-nine (39) degrees ten (10) minutes East one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township Road the following four courses and distances: South forty-seven (47) degrees forty (40) minutes West thirty-six and one-tenth (36.1) feet to an iron pin; South forty-one (41) degrees twenty-one (21) minutes West two hundred six (206) feet to an iron pin; South thirty-seven (37) degrees twenty-eight (28) minutes West three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; South fifty-seven (57) degrees fifteen (15) minutes West fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township Road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, Page 497.

ALSO INCLUDING those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded at Clearfield County Deed Book 483, Page 512.

TITLE TO SAID PREMISES IS VESTED IN Scott A. Hess and Melissa D. Hess, husband and wife, as tenants by the entireties, by Deed from David A. Hess, as Executor of the Estate of Sylvia Jean Hess, deceased, dated 09/16/2004, recorded 11/22/2004, in Deed Mortgage Inst# 200418984.

Premises being: 2485 BILGERS ROCKS
GRAMPIAN, PA 16838

Tax Parcel No. G09-000-016.3

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

NETBANK AS SUCCESSOR IN INTEREST

TO RBMG, INC.

8201 GREENSBORO DRIVE SUITE 350

MCLEAN, VA 22102

Plaintiff,

v.

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 06-1829-CD

SCOTT A. HESS

MELISSA D. HESS

2485 BILGERS ROCKS ROAD

GRAMPIAN, PA 16838

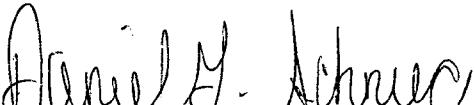
Defendant(s).

CERTIFICATION

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

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

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

**NETBANK AS SUCCESSOR IN INTEREST
TO RBMG, INC.
8201 GREENSBORO DRIVE SUITE 350
MCLEAN, VA 22102**

: **CLEARFIELD COUNTY**

: **COURT OF COMMON PLEAS**

Plaintiff,

v.

**SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838**

: **CIVIL DIVISION**

: **NO. 06-1829-CD**

Defendant(s).

**AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)**

NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **2485 BILGERS ROCKS, GRAMPIAN, PA 16838**.

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

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

SCOTT A. HESS **2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838**

MELISSA D. HESS **2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838**

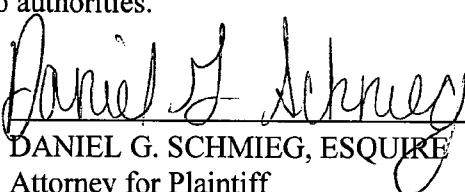
2. Name and address of Defendant(s) in the judgment:

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.

JUNE 29, 2007
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

NETBANK AS SUCCESSOR IN INTEREST	:	
TO RBMG, INC.	:	
8201 GREENSBORO DRIVE SUITE 350	:	CLEARFIELD COUNTY
MCLEAN, VA 22102	:	COURT OF COMMON PLEAS
Plaintiff,	:	CIVIL DIVISION
v.	:	
SCOTT A. HESS	:	NO. 06-1829-CD
MELISSA D. HESS	:	
2485 BILGERS ROCKS ROAD	:	
GRAMPIAN, PA 16838	:	
Defendant(s).	:	

AFFIDAVIT PURSUANT TO RULE 3129

NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information concerning the real property located at **2485 BILGERS ROCKS, GRAMPIAN, PA 16838**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
MORTGAGE ELECTRONICS REGISTRATION SYSTEMS, INC.	8201 GREENSBORO DRIVE SUITE 350 MCLEAN, VA 22102

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME

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

TENANT/OCCUPANT

**2485 BILGERS ROCKS
GRAMPIAN, PA 16838**

**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**

**COMMONWEALTH OF PA
BUREAU OF INDIVIDUAL
TAX
INHERITANCE TAX
DIVISION
ATTN: JOHN MURPHY**

**6TH FL. STRAWBERRY SQUARE
DEPT. 280601
HARRISBURG, PA 17128**

**DEPT. OF PUBLIC
WELFARE
TPL CASUALTY UNIT
ESTATE RECOVERY
PROGRAM**

**P.O. BOX 8486
WILLOW OAK BLDG.
HARRISBURG, PA 17105**

**INTERNAL REVENUE
SERVICE
FEDERATED INVESTORS
TOWER**

**13TH FLOOR, SUITE 1300
1001 LIBERTY AVENUE
PITTSBURGH, PA 15222**

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.

JUNE 29, 2007
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

NETBANK AS SUCCESSOR IN INTEREST
TO RBMG, INC.
8201 GREENSBORO DRIVE SUITE 350
MCLEAN, VA 22102

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS

Plaintiff,
v.

: CIVIL DIVISION
: NO. 06-1829-CD

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

:
:
:
:
:
:

Defendant(s).

:

FILED NDC
m/11/29 cm
AUG 31 2007
JS

William A. Shaw
Prothonotary/Clerk of Courts

AMENDED AFFIDAVIT PURSUANT TO RULE 3129

NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **2485 BILGERS ROCKS, GRAMPIAN, PA 16838**.

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

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

USA, Internal Revenue Service
Special Procedures Branch
Federated Investors Tower

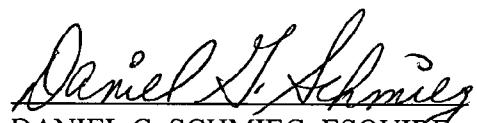
Thirteenth Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222

U.S. Department of Justice
U.S. Attorney for the
Western District of PA

633 US Post Office
and Courthouse
Pittsburgh, PA 15219

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.

August 28, 2007
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

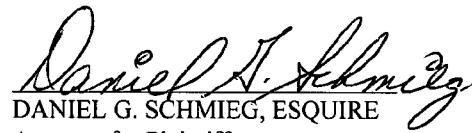
NETBANK AS SUCCESSOR IN INTEREST TO RBMG, : CLEARFIELD COUNTY
INC. : COURT OF COMMON PLEAS
Plaintiff, :
v. : CIVIL DIVISION
SCOTT A. HESS :
MELISSA D. HESS : NO. 06-1829-CD
Defendant(s) :

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: 2485 BILGERS ROCKS, GRAMPIAN, PA 16838.

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 Affidavit No. 2 (previously filed) and/or Amended Affidavit No. 2 on the date indicated. 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 G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: August 28, 2007

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

Name and
Address
of Sender

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

►

PHELAN HALLINAN & SCHMIEG

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

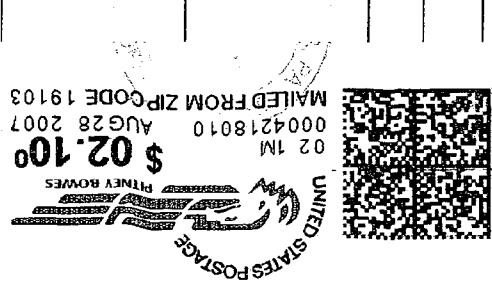
Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 2485 BILGERS ROCKS GRAMPIAN, PA 16838		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		MORTGAGE ELECTRONICS REGISTRATION SYSTEMS, INC. 8201 GREENSBORO DRIVE SUITE 350 MCLEAN, VA 22102		
5		COMMONWEALTH OF PA BUREAU OF INDIVIDUAL TAX INHERITANCE TAX DIVISION ATTN: JOHN MURPHY 6TH FL. STRAWBERRY SQUARE DEPT. 280601 HARRISBURG, PA 17128		
6		DEPT. OF PUBLIC WELFARE TPL CASUALTY UNIT ESTATE RECOVERY PROGRAM P.O. BOX 8486 WILLOW OAK BLDG. HARRISBURG, PA 17105		
7		INTERNAL REVENUE SERVICE FEDERATED INVESTORS TOWER 13TH FLOOR, SUITE 1300 1001 LIBERTY AVENUE PITTSBURGH, PA 15222 <i>Re: SCOTT A. HESS</i>		141359 TEAM 4



Name and
Address
of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Fee
1		USA, INTERNAL REVENUE SERVICE SPECIAL PROCEDURES BRANCH FEDERATED INVESTORS TOWER THIRTEENTH FLOOR, SUITE 1300 1001 LIBERTY AVENUE PITTSBURGH, PA 15222	
2		U.S. DEPARTMENT OF JUSTICE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PA 633 US POST OFFICE AND COURTHOUSE PITTSBURGH, PA 15219	
3			
4			
5			
6			
7			
PAGE 2	Re: SCOTT A. HESS	141359	SXF TEAM 4
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	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.



PHELAN HALLINAN & SCHMIEG
Suite 1400
1617 JFK Boulevard
Philadelphia, PA 19103-1814
215-563-7000
Fax (215) 563-5534
sue.fruit@fedphe.com

SUE FRUIT
Legal Assistant, Ext. 1276

Representing Lenders in
Pennsylvania and New Jersey

August 28, 2007

Office of the Prothonotary
CLEARFIELD County Courthouse

Re: NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC.
VS.
SCOTT A. HESS and MELISSA D. HESS
NO: 06-1829-CD
PHS#: 141359

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

Dear Sir/Madam:

Enclosed please find an Affidavit of Service Pursuant to Rule 3129 with the necessary attachments regarding the above matter.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

*****Please be advised that in the event the Plaintiff is not represented at the sale the sale is to be stayed or postponed.*****

****Property is listed for the OCTOBER 5, 2007 Sheriff Sale****

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

Very truly yours,

PHELAN HALLINAN & SCHMIEG

By:

SUE FRUIT, Legal Assistant

cc: Sheriff of CLEARFIELD County

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

NETBANK AS SUCCESSOR IN INTEREST	:	COURT OF COMMON PLEAS
TO RBMG, INC.	:	
Plaintiff	:	CIVIL DIVISION
	:	
vs.	:	CLEARFIELD COUNTY
SCOTT A. HESS	:	
MELISSA D. HESS	:	No. 06-1829-CD
Defendants	:	
	:	
	:	

PRAECIPE TO FILE AFFIDAVIT OF SERVICE

TO THE PROTHONOTARY:

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

PHELAN HALLINAN & SCHMIEG, LLP

By: *Daniel Schmiege*
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: August 31, 2007

PAW.
PHS # 141359

FILED
M 10/3/2007
SEP 04 2007
NOCC
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

PLAINTIFF **NETBANK AS SUCCESSOR IN INTEREST TO** **CLEARFIELD County**
RBMG, INC. **No. 06-1829-CD**
 Our File # 141359

DEFENDANT(S) SCOTT A. HESS
MELISSA D. HESS

Notice of Sheriff's Sale

SERVE AT: **2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838** Sale Date: *Oct 10*

SERVED

Served and made known to SCOTT A. HESS, Defendant, on the 23rd day of August, 2007, at 4:07, o'clock P.m., at TOYOTA Dealership, Service Aoe, Dubois, PA 15801

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s) Relationship is WIFE - MELISSA D. HESS
 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 30 Height 5'8" Weight 135 Race Cauc. Sex F Other

I, P.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 24th day
of August, 2007

Notary:

By: *Dm Ellis*
NOT SERVED

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Monica Crilly, Notary Public
City Of Altoona, Blair County
Commission Expires Aug. 27, 2009

Member, Pennsylvania Association of Notaries

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: Attorney for Plaintiff By:
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

AFFIDAVIT OF SERVICE

PLAINTIFF **NETBANK AS SUCCESSOR IN INTEREST TO
RBMG, INC.** TITLED BY OR DEFENDED BY **CLEARFIELD County
No. 06-1829-CD
Our File #: 141359**

DEFENDANT(S) **SCOTT A. HESS** **MELISSA D. HESS** **TYPE OF ACTION**
- Notice of Sheriff's Sale

Please serve upon: **MELISSA D. HESS**

**SERVE AT: 2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838**

Sale Date: October 5, 2007.

SERVED

Served and made known to MELISSA D. HESS, Defendant, on the 23rd day of AUGUST, 2007, at 4:07, o'clock P.m., at TOYOTA DEALERSHIP, READER AVE, TUGAS, PA 15801

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

Adult family member with whom Defendant(s) reside(s). Relationship is _____

Adult in charge of Defendant(s)'s residence who refused to give name or relationship.

Manager/Clerk of place of lodging in which Defendant(s) reside(s).

Agent or person in charge of Defendant(s)'s office or usual place of business.

_____ an officer of said Defendant(s)'s company.

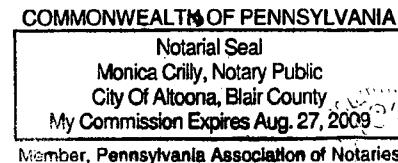
Other: _____

Description: Age 30 Height 5'8" Weight 135 Race Caucasian Sex F Other

I, D.M. ELLIS, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 24th day
of August, 2002

By: *Dm Elles*



On the _____ day of _____, 200____, at _____ o'clock ____a.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: Attorney for Plaintiff By:
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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

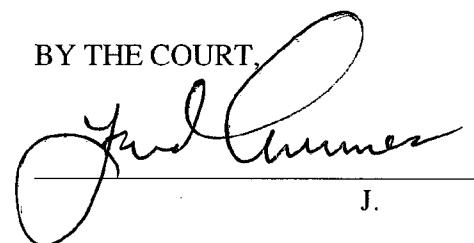
Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Scott A. Hess : No. 06-1829-CD
Melissa D. Hess
Defendants

RULE

AND NOW, this 17 day of Sept 2007, a Rule is entered upon the Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the 5th day of November 2007, at 10:30 in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,



J.

141359

FILED ^{1CC}
09/14/07 Atty Bradford
SEP 18 2007
(6K)

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 9/18/07

X You are responsible for serving all appropriate parties.

The Probationary's Office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED

SEP 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Scott A. Hess : No. 06-1829-CD
Melissa D. Hess
Defendants

ORDER

AND NOW, this _____ day of _____, 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	\$51,423.23
Interest Through 10/05/07	6,362.36
Per Diem \$10.39	
Late Charges	413.08
Legal fees	1,450.00
Cost of Suit and Title	2,003.93
Sheriff's Sale Costs	0.00
Property Inspections	0.00
Appraisal/Brokers Price Opinion	0.00
Mortgage Insurance Premium/Private	362.26
Mortgage Insurance	
NSF (Non-Sufficient Funds charge)	50.00

Suspense/Misc. Credits	0.00
Escrow Deficit	<u>5,646.35</u>
TOTAL	\$67,711.21

Plus interest from 10/05/07 through the date of sale at six percent per annum.

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

BY THE COURT

J.

141359

FILED

SEP 14 2007

11:30 AM

William A. Shaw
Prothonotary/Clerk of Courts

no c/c

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

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Scott A. Hess : No. 06-1829-CD
Melissa D. Hess
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 November 7, 2006, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on July 3, 2007 in the amount of \$58,784.35. 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 October 5, 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	\$51,423.23
Interest Through 10/05/07	6,362.36
Per Diem \$10.39	
Late Charges	413.08
Legal fees	1,450.00
Cost of Suit and Title	2,003.93
Sheriff's Sale Costs	0.00
Property Inspections	0.00
Appraisal/Brokers Price Opinion	0.00
Mortgage Insurance Premium/Private	362.26
Mortgage Insurance	
NSF (Non-Sufficient Funds charge)	50.00
Suspense/Misc. Credits	0.00
Escrow Deficit	<u>5,646.35</u>
 TOTAL	 \$67,711.21

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: 9/11/07

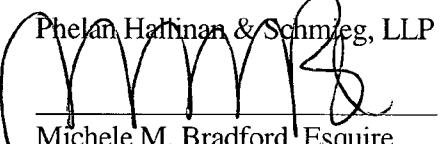
By: 
Phelan Hallinan & Schmeg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

FILED
NOV 07 2006

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
PHILADELPHIA, PA 19103
(215) 563-7000

141359

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-1829-CD

CLEARFIELD COUNTY

ATTORNEY FILE COPY
PLEASE RETURN

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982
No attorney copy the
return to be a true and
correct copy of the
original filed of record

ATTORNEY FILE COPY
PLEASE RETURN

**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

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.
8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

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

SCOTT A. HESS
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

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

3. On 11/22/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NETBANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200418985. 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:

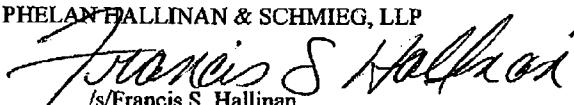
Principal Balance	\$51,423.23
Interest	2,901.60
02/01/2006 through 11/06/2006	
(Per Diem \$10.40)	
Attorney's Fees	1,250.00
Cumulative Late Charges	215.52
11/01/2004 to 11/06/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 56,340.35
 Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
 TOTAL	
	\$ 56,340.35

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

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

9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 56,340.35, together with interest from 11/06/2006 at the rate of \$10.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follow:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes east six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract south seventy-five (75) degrees twenty-nine (29) minutes east two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract south thirty-nine (39) degrees ten (10) minutes east one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township road the following four courses and distances: south forty-seven (47) degrees forty (40) minutes west thirty-six and one-tenth (36.1) feet to an iron pin; south forty-one (41) degrees twenty-one (21) minutes west two hundred six (206) feet to an iron pin; south thirty-seven (37) degrees twenty-eight (28) minutes west three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; south fifty-seven (57) degrees fifteen (15) minutes west fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING, a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, page 497.

BUT ALSO INCLUDING, those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded in Clearfield County Deed Book 483, Page 512.

UNDER AND SUBJECT TO all exceptions and reservations as contained in prior deeds of record in the chain of title.

BEING the same premises which Fairie Thomas, Administratrix of the Estate of Herald Thomas, a/k/a John Herald Thomas conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 332 and Charles Ellinger and Gladys M. Ellinger conveyed their undivided one-half interest to William F. Hess and Sylvia Hess by deed dated September 3, 1957, recorded in Clearfield County Deed Book 476, page 335. The said William F. Hess died October 14, 1994, a resident and domiciliary of Grampian, Clearfield County, Pennsylvania, as evidenced by a death certificate to be filed of record contemporaneously herewith, thereby vesting sole and exclusive title to the above described premises by operation of law in his surviving spouse, as a surviving tenant by the entirety, decedent herein.

PREMISES BEING 2485 BILGERS ROCKS

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

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 1/6/6

Exhibit “B”

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
 (215) 563-7000

Attorney for Plaintiff

FILED 

JUL 03 2007

W/ 122301a/s

William A. Shaw

Prothonotary/Clerk of Court

Cert with Notice
 to Depts.

NETBANK AS SUCCESSOR IN INTEREST
 TO RBMG, INC.

8201 GREENSBORO DRIVE SUITE 350
 MCLEAN, VA 22102

Plaintiff,

v.

: CLEARFIELD COUNTY
 : COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 06-1829-CD

SCOTT A. HESS
 MELISSA D. HESS
 2485 BILGERS ROCKS ROAD
 GRAMPIAN, PA 16838

Defendant(s).

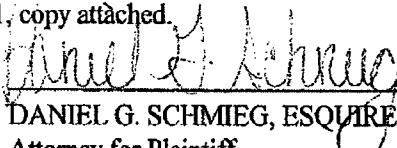
PRAECLICE FOR IN REM JUDGMENT FOR FAILURE TO
 ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against SCOTT A. HESS and MELISSA D. HESS, 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	\$ 56,340.35
Interest - 11/07/06 - 06/29/07	\$ 2,444.00
TOTAL	<u>\$ 58,784.35</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: 7-3-07


 PRO PROTHY

141359

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: 9/11/07

Phelan Mainan & 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

Mortgage Electronic Registration Systems, Inc.
Plaintiff

: Court of Common Pleas

: Civil Division

vs.

: Clearfield County

Scott A. Hess
Melissa D. Hess

: No. 06-1829-CD

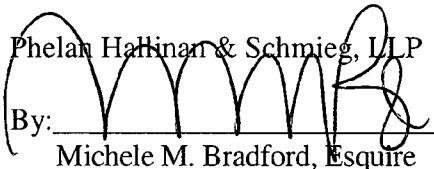
Defendants

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.

Scott A. Hess
Melissa D. Hess
2485 Bilgers Rocks Road
Grampian, PA 16838

DATE: 9/11/07

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

FILED

SEP 26 2007

10:25 AM
William A. Shaw
Prothonotary/Clerk of Courts

1 Cents to A/cn

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

Mortgage Electronic Registration Systems, Inc.

ATTORNEY FOR PLAINTIFF

: Court of Common Pleas

Plaintiff

: Civil Division

vs.

: Clearfield County

Scott A. Hess
Melissa D. Hess

: No. 06-1829-CD

Defendants

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's September 17, 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.

Scott A. Hess
Melissa D. Hess
2485 Bilgers Rocks Road
Grampian, PA 16838

DATE: 9/24/07

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

UA

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

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas

Plaintiff : Civil Division

vs. : Clearfield County

Scott A. Hess : No. 06-1829-CD
Melissa D. Hess

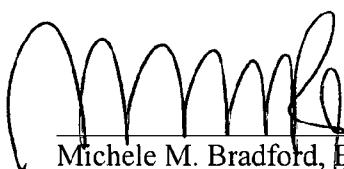
Defendants

PRAECIPE

TO THE PROTHONOTARY:

Plaintiff hereby withdraws its Motion to Reassess Damages, filed on September 14, 2007
in the above referenced action.

10/5/07
Date



Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED
OCT 09 2007
NO cc
100064


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

Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas

Plaintiff : Civil Division

vs. : Clearfield County

Scott A. Hess : No. 06-1829-CD
Melissa D. Hess

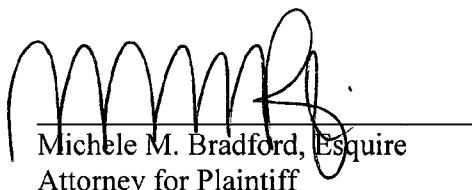
Defendants

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praecipe to withdraw its Motion to Reassess Damages was served upon the following interested parties on the date indicated below.

Scott A. Hess
Melissa D. Hess
2485 Bilgers Rocks Road
Grampian, PA 16838

10/5/07
Date


Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
BY: FRANCIS S. HALLINAN, ESQUIRE
Identification No. 62695
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Netbank as Successor in Interest to RBMG, Inc.

ATTORNEY FOR PLAINTIFF

: Court of Common Pleas

Plaintiff

: Civil Division

vs.

: Clearfield County

Scott A. Hess

Melissa D. Hess

Defendant(s)

: No. 06-1829-CD

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above referenced case Discontinued and Ended without prejudice.

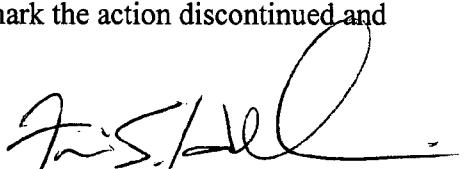
Please mark the above referenced case Settled, Discontinued and Ended.

Please mark Judgments satisfied and the Action settled, discontinued and ended.

Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date: 10/4/07


Francis S. Hallinan, Esquire

Attorney for Plaintiff

PHS # 141359

1cc, 1Cert of Sat
FILED + 1 Cert of Disc
m/2:10pm OCT 09 2007
ISSUED TO ATty
Hallinan, copy to
William A. Shaw
Prothonotary/Clerk of Courts
Pd \$1.00 ATty.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Netbank as Successor in Interest to RBMG, Inc.

Vs.

No. 2006-01829-CD

Scott A. Hess

Melissa D. Hess

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 9, 2007, marked:

Settled, discontinued and ended

Record costs in the sum of \$146.00 have been paid in full by Francis S. Hallinan Esq..

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 9th day of October A.D. 2007.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPIED

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2006-01829-CD

Netbank as Successor in Interest to RBMG, Inc.

Debt: \$58,784.35

Vs.

Atty's Comm.:

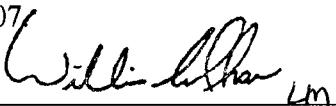
Scott A. Hess
Melissa D. Hess

Interest From:

Cost: \$7.00

NOW, Tuesday, October 09, 2007, directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 9th day of October, A.D. 2007,



Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20617
NO: 06-1829-CD

PLAINTIFF: NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC.

vs.

DEFENDANT: SCOTT A. HESS AND MELISSA D. HESS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 7/3/2007

LEVY TAKEN 7/26/2007 @ 9:35 AM

POSTED 7/26/2007 @ 9:35 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/21/2008

DATE DEED FILED NOT SOLD

FILED

09:05 AM
JAN 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

9/11/2007 @ SERVED SCOTT A. HESS

SERVED SCOTT A. HESS, DEFENDANT BY REG. AND CERT. MAIL PER COURT ORDER TO 2485 BILGERS ROCKS ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA CERT #70060810000145073251. FORWARDED TO PO BOX 301 AND SIGNED FOR BY SCOTT

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY.

9/11/2007 @ SERVED MELISSA D. HESS

SERVED MELISSA D. HESS, DEFENDANT BY REG & CERT MAIL PER COURT ORDER TO 2485 BILGERS ROCKS ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA CERT #70060810000145073442. FORWARDED TO PO BOX 301 AND SIGNED FOR BY SCOTT

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY.

@ SERVED

NOW, OCTOBER 2, 2007 RECEIVED A FAX LETTER TO STAY THE SHERIFF SALE SCHEDULED FOR OCTOBER 5, 2007. \$69,352.01 WAS RECEIVED IN CONSIDERATION FOR THE STAY.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20617
NO: 06-1829-CD

PLAINTIFF: NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC.

vs.

DEFENDANT: SCOTT A. HESS AND MELISSA D. HESS

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$1,592.16

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
by *Cynthia Butler-Cayhensch*
Chester A. Hawkins
Sheriff

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

NETBANK AS SUCCESSOR IN
INTEREST TO RBMG, INC.

vs.

SCOTT A. HESS

MELISSA D. HESS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 06-1829-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: 2485 BILGERS ROCKS, GRAMPIAN, PA 16838
(See Legal Description attached)

Amount Due \$ 58,784.35

Interest from JUNE 29, 2007 to Sale \$-----
per diem \$9.66

Total \$-----

Add'l Costs \$ 6,649.93

Prothonotary Costs 139.00

Will

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

Dated 7-3-07
(SEAL)

141359

Received this writ this 3rd day
of July A.D. 2007
At 2:00 A.M./P.M.

Charles A. Hembree
Sheriff by Cynthia Butler, Deputy

No. 06-1829-CD..... Term 20 05.A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NETBANK AS SUCCESSOR IN INTEREST TO
RBMG, INC.

vs.

SCOTT A. HESS
MELISSA D. HESS

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

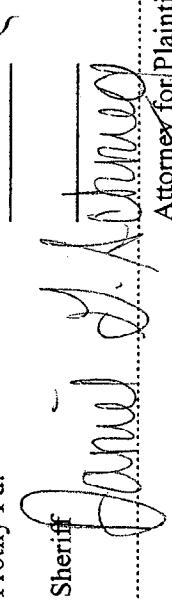
Real Debt \$ 58,784.35

Int. from JUNE 29, 2007
To Date of Sale (\$9.66 per diem)

Costs

Prothy Pd.

Sheriff


John J. Anthony

Attorney for Plaintiff(s)

Address: SCOTT A. HESS
2485 BILGERS ROCKS ROAD 2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838 GRAMPIAN, PA 16838

MELISSA D. HESS

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin in the line of land now or formerly of J.H. France Refractories Company, being the southern corner of the parcel herein conveyed, which point of beginning is in the line between Bloom and Pike Townships; thence along the Township line, being also along the line of land now or formerly of J.H. France Refractories Company, which is marked by a brush row north five (5) degrees thirty-nine (39) minutes East six hundred thirty-two (632) feet to an iron pin in the Township line at the corner of a 7.12 acre tract; thence by said 7.12 acre tract South seventy-five (75) degrees twenty-nine (29) minutes East two hundred eighty-seven (287) feet to an iron pin; thence still by said 7.12 acre tract South thirty-nine (39) degrees ten (10) minutes East one hundred twelve and five-tenths (112.5) feet to an iron pin in the line of the Township Road leading from State Highway Route No. 861 to Bilger Rocks; thence by the line of such Township Road the following four courses and distances: South forty-seven (47) degrees forty (40) minutes West thirty-six and one-tenth (36.1) feet to an iron pin; South forty-one (41) degrees twenty-one (21) minutes West two hundred six (206) feet to an iron pin; South thirty-seven (37) degrees twenty-eight (28) minutes West three hundred twenty-six and seven-tenths (326.7) feet to an iron pin; South fifty-seven (57) degrees fifteen (15) minutes West fifty-eight and nine tenths (58.9) feet to an iron pin in the line of said Township Road and in the Township line separating Bloom and Pike Townships and the place of beginning. Containing two and eighty-six one-hundredths (2.86) acres, according to a survey made July, 1956, by Curwensville Engineers.

EXCEPTING AND RESERVING a 0.616 acre parcel conveyed to David A. Hess and Sandy K. Hess by William Hess and Sylvia Hess by deed dated August 1, 1978 and recorded in Clearfield County Deed Book 765, Page 497.

ALSO INCLUDING those rights acquired by that Deed from J.H. France Refractories Company to William F. Hess and Sylvia Hess dated June 23, 1960, recorded at Clearfield County Deed Book 483, Page 512.

TITLE TO SAID PREMISES IS VESTED IN Scott A. Hess and Melissa D. Hess, husband and wife, as tenants by the entireties, by Deed from David A. Hess, as Executor of the Estate of Sylvia Jean Hess, deceased, dated 09/16/2004, recorded 11/22/2004, in Deed Mortgage Inst# 200418984.

Premises being: 2485 BILGERS ROCKS
GRAMPIAN, PA 16838

Tax Parcel No. G09-000-016.3

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.,

Plaintiff

*

*

*

*

*

*

*

vs.
SCOTT A. HESS
MELISSA D. HESS

Defendants

NO. 06-1829-CD

O R D E R

NOW, this 12th day of February, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendants **Scott A. Hess and Melissa D. Hess** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 2485 Bilgers Rocks Road, Grampian, PA 16838;
3. By certified mail, return receipt requested, to 2485 Bilgers Rocks Road, Grampian, PA 16838; and
4. By posting the mortgaged premises known in this herein action as 2485 Bilgers Rocks Road, Grampian, PA 16838.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

I hereby certify this to be a true and attested copy of the original statement filed in this case.

BY THE COURT,
/S/ Fredric J Ammerman

FEB 13 2007

FREDRIC J. AMMERMAN
President Judge

Attest,

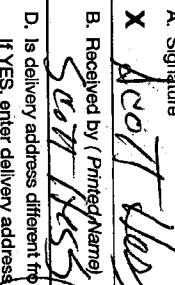
William L. Hess
Prothonotary/
Clerk of Courts

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

SCOTT A. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

A. Signature 	<input type="checkbox"/> Agent
B. Received by (Printed Name) 	<input type="checkbox"/> C. Date of Delivery 8/27/07
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: 40 Box 301	

**2. Article Number
(Transfer from service label)**

7006 0810 0001 4507 3251

3. Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

PS Form 3811, February 2004

Domestic Return Receipt

105595-02-M-1540

**U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only, No Insurance Coverage Provided)**

For delivery information visit our website at www.usps.com

OFFICIAL USE

4507	4	Postage	\$ 0.35
0001	0	Certified Fee	\$ 0.00
0810	0	Return Receipt Fee (Endorsement Required)	\$ 0.00
0006	0	Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees \$ 0.35			

Postmark
Here

2006	0810	0001	4507	3251
Sent To				
Street, Apt. No., MELISSA D. HESS or P.O. Box No. 2485 BILGERS ROCKS ROAD City, State, ZIP+4 GRAMPIAN, PA 16838				

PS Form 3800, June 2002

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION**COMPLETE THIS SECTION ON DELIVERY**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

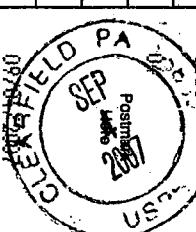
MELISSA D. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

A. Signature	X <i>Scott Hess</i> GRAMPIAN, PA		
B. Received by (Printed Name)	SEP 1 2007	Date of Delivery	<input type="checkbox"/> Agent
<input checked="" type="checkbox"/> Addressee			
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If YES, enter delivery address <i>PO Box 301</i>			

2. Article Number (Transfer from service label)	7006 0810 0001 4507 3442
PS Form 3811, February 2004	Domestic Return Receipt
102505-02-M-150	

**U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT***(Domestic Mail Only; No Insurance Coverage Provided)*For delivery information visit our website at www.usps.com**GRAMPIAN MAIL USE**

4507	082505-02-M-150
4507	082505-02-M-150
Postage	\$ 0.58
Certified Fee	\$ 2.65
Return Receipt Fee (Endorsement Required)	\$ 2.15
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 5.38

**Sent To**

SCOTT A. HESS
2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PA 16838

16838

PA

16838

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME SCOTT A. HESS NO. 06-1829-CD

NOW, January 19, 2008, 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 Scott A. Hess And Melissa D. Hess 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 \$69,352.01 and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	15.00	DEBT-AMOUNT DUE	58,784.35
MILEAGE	15.00	INTEREST @ 9.6600	0.00
LEVY	11.64	FROM TO	
MILEAGE	15.00	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	6,649.93
COMMISSION	1,387.04	FORECLOSURE FEES	
POSTAGE	16.84	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	40.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE		MISCELLANEOUS	
ADD'L LEVY			
BID/SETTLEMENT AMOUNT	69,352.01	TOTAL DEBT AND INTEREST	\$65,474.28
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	523.06
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$1,592.16	LIEN SEARCH	
		ACKNOWLEDGEMENT	
DEED COSTS:		DEED COSTS	0.00
ACKNOWLEDGEMENT		SHERIFF COSTS	1,592.16
REGISTER & RECORDER		LEGAL JOURNAL COSTS	216.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	139.00
TOTAL DEED COSTS	\$0.00	MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		TOTAL COSTS	\$2,470.22

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

Law Offices
PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Christine.Schoffler@fedphe.com

CHRISTINE SCHOFFLER
Judgment Department, Ext. 1286

Representing Lenders in
Pennsylvania and New Jersey

October 2, 2007

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

ATTENTION: CINDY (814) 765-5915

Re: NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC. v. SCOTT A. HESS and
MELISSA D. HESS
2485 BILGERS ROCKS, GRAMPIAN, PA 16838
No. 06-1829-CD 06-1829-CD
PHS #

Dear Cindy:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for
OCTOBER 5, 2007.

The sum of \$69,352.01 was received in consideration for the stay.

Please return the original writ of execution to the Prothonotary as soon as possible.

Very truly yours,

Christine Schoffler
Christine Schoffler (for)
Phelan Hallinan & Schmieg, LLP