

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

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-1829-CD

CLEARFIELD COUNTY

FILED *dec*
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William A. Shaw
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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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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Notice to Defend:
David S. Meholic, 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.

File #: 141359

[Signature]
Deputy Prothonotary

FEB. 12, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

[Signature]
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.

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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.

A handwritten signature in black ink, appearing to read "F. S. Hallinan", written over a horizontal line.

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 1/6/6

FILED No
m/1:52/01 cc
FEB 12 2007 (6K)

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

William A. Shaw
Prothonotary/Clerk of Courts

Attorney for Plaintiff

Mortgage Electronic Registration Systems, Inc.	:	COURT OF COMMON PLEAS
	:	
	:	CIVIL DIVISION
vs.	:	
Scott A. Hess	:	CLEARFIELD COUNTY
Melissa D. Hess	:	
	:	
	:	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.

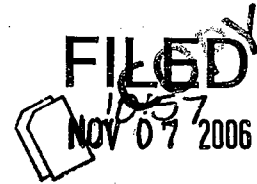
5. Plaintiff submits that it has made a good faith effort to locate the Defendants but has been unable to do so.

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



William A. Shaw
Prothonotary/Clerk of Courts

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141359

ATTORNEY FOR PLAINTIFF

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

Plaintiff

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-1829-CD
CLEARFIELD COUNTY

v.

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

Defendants

ATTORNEY FILE COPY
PLEASE RETURN

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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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
Be sure to use a true and correct copy of the original filed of record

ATTORNEY FILE COPY
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8201 GREENSBORO DRIVE, SUITE 350
MCLEAN, VA 22102

Plaintiff

v.

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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, 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

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.

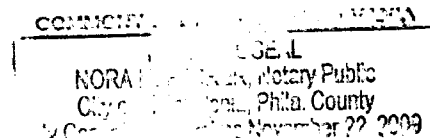
Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: _____

Daniel G. Schmieg, Esquire
Attorney for Plaintiff

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

Notary Public



**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 herby 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.

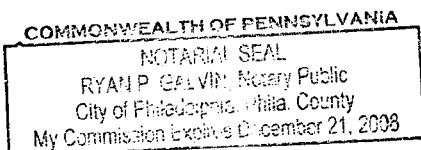
Kerri Smith

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



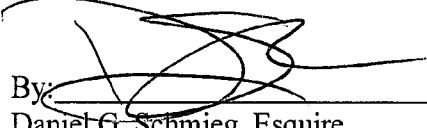
Ryan P. Galvin

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
Registration Systems, Inc.

:

COURT OF COMMON PLEAS

:

:

CIVIL DIVISION

vs.

Scott A. Hess
Melissa D. Hess

:

CLEARFIELD COUNTY

:

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

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

Plaintiff

vs.

SCOTT A. HESS
MELISSA D. HESS

Defendants

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: CLEARFIELD COUNTY

: No. 06-1829-CD
:
:
:

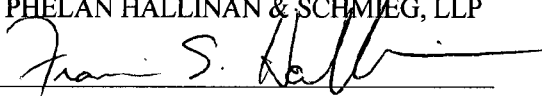
PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

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

m (2:30/6)
William A. Shaw
Prothonotary/Clerk of Courts

1 SENT TO ATT
m (REINSTATED CONSUM)

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 Praecipe 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

Defendants

NO. 06-1829-CD

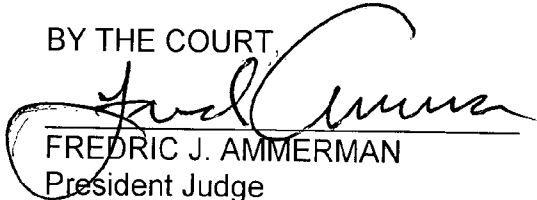
ORDER

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

01/31/07
FEB 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

3cc
Atty Schmieg
ER

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
0/2145/WN
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

_____ Day of _____ 2007

So Answers,



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

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

ATTORNEY FOR PLAINTIFF

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.

NOV 07 2006

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

NOTICE

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

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

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

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

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

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

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: 11/6/06

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

Defendants

ATTORNEY FOR PLAINTIFF

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.

NOV 07 2006

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE Attest.

William A. Shaw
Prothonotary/
Clerk of Courts

NOTICE

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

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

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

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

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

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	<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: _____

11/6/06

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

ATTORNEY FOR PLAINTIFF

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.

Plaintiff

vs.

SCOTT A. HESS
MELISSA D. HESS

Defendants

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: CLEARFIELD COUNTY

: No. 06-1829-CD
:
:
:

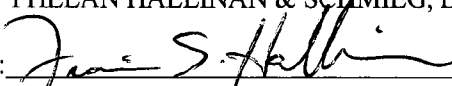
PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

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: February 26, 2007

/jmr, Svc Dept.
File# 141359

FILED *Atty pd 7.00*
m/11:10/67
FEB 27 2007 *3 Complaints*
Reinstated to
William A. Shaw
Prothonotary/Clerk of Courts *Sheriff*
(60)

FILED

MAR 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

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

: 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:

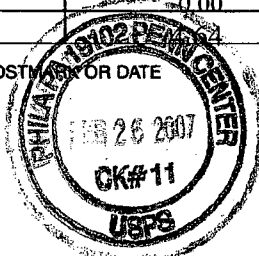
PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.39
	Certified Fee	2.40
	Return Receipt Fee	1.85
	Restricted Delivery	0.00
	Total Postage & Fees	4.64

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:

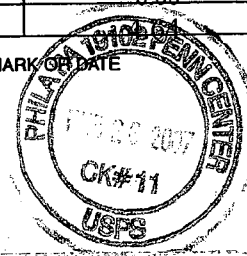
PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.39
	Certified Fee	2.40
	Return Receipt Fee	1.85
	Restricted Delivery	0.00
	Total Postage & Fees	4.64

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.

: Court Of Common Pleas

: Civil Division

vs.

Scott A. Hess
Melissa D. Hess

: Clearfield County

: No. 06-1829-CD

FILED to
m/11:10 am Atty
APR 18 2007 Hallinan
(SM)

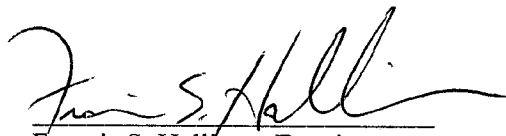
William A. Shaw
Prothonotary/Clerk of Courts

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, Mort-
gage Electronic Registration Sys-
tems, Inc., filed a Mortgage Fore-

closure Complaint endorsed with a
Notice to Defend, against you in the
Court of Common Pleas of Clear-
field County, Pennsylvania, dock-
eted to No. 06-1829-CD. Wherein
Plaintiff seeks to foreclose on the
mortgage secured on your prop-
erty 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 person-
ally or by attorney and file your de-
fenses or objections in writing with
the court. You are warned that if
you fail to do so the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS NO-
TICE 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 HIR-
ING 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 LE-
GAL 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 :
COUNTY OF CLEARFIELD : SS:

On this 23rd day of March, A.D. 2007,
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.

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

Cheryl J. Robison
Notary Public Clearfield, Pa.

My Commission Expires
October 31, 2007

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

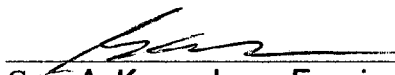
PROOF OF PUBLICATION

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.


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

[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
arket 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.

Plaintiff

Vs.

SCOTT A. HESS
MELISSA D. HESS

Defendant(s)

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

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:
:

FILED No cc
m/1/28/07
APR 26 2007 @GW

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:

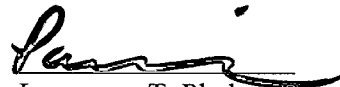
**Kindly substitute NETBANK AS SUCCESSOR IN INTEREST TO RBMG, INC. as
successor Plaintiff for the originally named Plaintiff.**

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, GRAMPAN, CLEARFIELD COUNTY, PENNSYLVANIA. (SCOTT A. HESS)

SERVED BY: DAVIS / MORGILLO

FILED No CC.
013:20 cm
JUN 15 2007 (5)

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

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

COPY

FILED
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

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-1829-CD

CLEARFIELD COUNTY

2/27/07 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy 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.

William A. Shaw
Deputy Prothonotary
I hereby certify the
above to be a true and
correct copy of the
original filed of record

ATTORNEY FILE COPY
PLEASE RETURN

FEB 12 2007

FEB 12 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

File #: 141359

Attest,

William A. Shaw
Prothonotary/

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
GRAMPLAN, PA 16838

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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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:

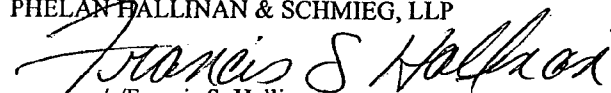
Principal Balance	\$51,423.23
Interest	2,901.60
02/01/2006 through 11/06/2006 (Per Diem \$10.40)	
Attorney's Fees	1,250.00
Cumulative Late Charges	215.52
11/01/2004 to 11/06/2006	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 56,340.35
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	\$ 0.00
TOTAL	\$ 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: 11/6/6

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 16

JUL 03 2007

W/ 12230/ung
William A. Shaw
Prothonotary/Clerk of Courts
CERT WITH NOTION
TO DEPT.

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

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.

ATTORNEY FOR PLAINTIFF

Plaintiff

Vs.

SCOTT A. HESS
MELISSA D. HESS

Defendants

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 06-1829-CD

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

FILE COPY

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P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

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

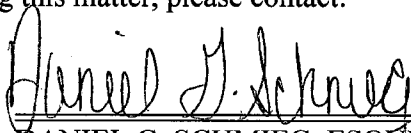
Defendant(s).

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

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.

(215) 563-7000

Defendant(s).

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

CIVIL DIVISION

NO. 06-1829-CD

Daniel G. Schmieg
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

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

\$ _____

Add'l Costs

\$ 6,649.93

Prothonotary Costs \$139.00

Daniel J. Schreyer

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

141359

FILED

JUL 03 2007

12:45/11

William A. Shaw

Prothonotary/Clerk of Courts

Issue 60000 TO

SHAR

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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

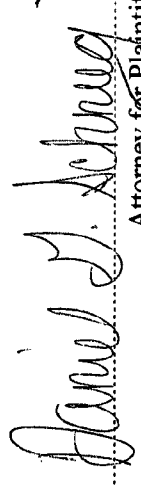
NETBANK AS SUCCESSOR IN INTEREST TO
RBMG, INC.

vs.

SCOTT A. HESS
MELISSA D. HESS

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:


.....
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

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 Prothy Support, 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

David 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

(215) 563-7000


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

**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 Praecipe 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

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 CLEARFIELD COUNTY COURTHOUSE
RELATIONS 230 EAST MARKET STREET
CLEARFIELD, PA 16830
COUNTY

COMMONWEALTH DEPARTMENT OF WELFARE
OF PENNSYLVANIA PO BOX 2675
HARRISBURG, PA 17105

COMMONWEALTH OF PA 6TH FL. STRAWBERRY SQUARE
BUREAU OF INDIVIDUAL DEPT. 280601
TAX HARRISBURG, PA 17128
INHERITANCE TAX
DIVISION
ATTN: JOHN MURPHY

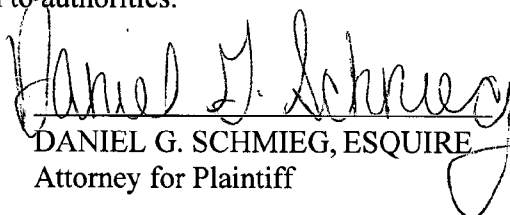
DEPT. OF PUBLIC P.O. BOX 8486
WELFARE WILLOW OAK BLDG.
TPL CASUALTY UNIT HARRISBURG, PA 17105
ESTATE RECOVERY
PROGRAM

INTERNAL REVENUE 13TH FLOOR, SUITE 1300
SERVICE 1001 LIBERTY AVENUE
FEDERATED INVESTORS PITTSBURGH, PA 15222
TOWER

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

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

FILED N.J.C.C.
m/11:29cm
AUG 31 2007

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 Praecipe 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

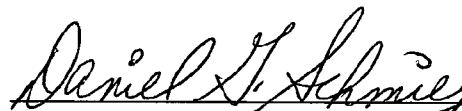
Thirteenth Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222

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

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

CQS

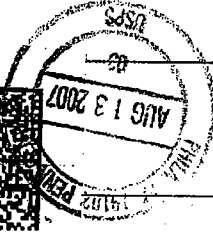
Name and
Address
of Sender


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

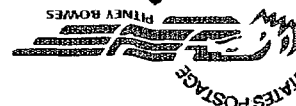
Asbury

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		
		Re: SCOTT A. HESS	141359 TEAM 4	

UNITED STATES POSTAGE
 02 1M
 0004218010 AUG 13 2007
 \$ 02.450
 MAILED FROM ZIP CODE 19103
 PRIMEY BOWLES



Name and Address of Sender  **CQS**
PHILAN HALLINAN & SCHMIEG
 One Penn Center at Suburban Station, Suite 1400
 1617 John F. Kennedy Boulevard
 Philadelphia, PA 19103-1814

Line	Article Number	Name of Addressee, Street, and Post Office Address	Fee
1		USA, INTERNAL REVENUE SERVICE SPECIAL PROCEDURES BRANCH FEDERATED INVESTORS TOWER THIRTEENTH FLOOR, SUITE 1300 1001 LIBERTY AVENUE PITTSBURGH, PA 15222	 \$ 02.10 AUG 28 2007 MAILED FROM ZIP CODE 19103
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	SXF TEAM 4
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee) 141359
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 G. Schmieg*
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: August 31, 2007

PAW.
PHS # 141359

FILED
m 10:34 AM
SEP 04 2007
WCC
US

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

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

Sale Date: October 5, 2007

SERVE AT: 2485 BILGERS ROCKS ROAD
GRAMPIAN, PA 16838

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, LEADER AVE, 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 _____

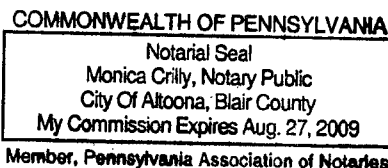
I, DM. ELLIS, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 24th day
of August, 2007

Notary: Monica Crilly

By: DM. Ellis

NOT SERVED



ATTEMPT SERVICE NLT THREE (3) TIMES

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

____ Moved ____ Unknown ____ No Answer ____ Vacant

1st attempt Date: _____ Time: _____, 2nd attempt Date: _____ Time: _____, 3rd attempt Date: _____ Time: _____.

Other: _____

Sworn to and subscribed
before me this _____ day
of _____, 200__.

Notary: _____

By: _____

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

AFFIDAVIT OF SERVICE

PLAINTIFF

**NETBANK AS SUCCESSOR IN INTEREST TO
RBMG, INC.**

**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

Sale Date: OCTOBER 5, 2007

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

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, BEAVER AVE, DUGES, 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 Cauc Sex F Other _____

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

Sworn to and subscribed
before me this 24th day
of AUGUST, 2007.

Notary: _____

By: DM Ellis

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Monica Crilly, Notary Public
City Of Altoona, Blair County
My Commission Expires Aug. 27, 2009
Member, Pennsylvania Association of Notaries

NOT SERVED

*****ATTEMPT SERVICE NLT THREE (3) TIMES*****

On the _____ day of _____, 200__, at _____ o'clock ____m., Defendant **NOT FOUND** because:

____ Moved ____ Unknown ____ No Answer ____ Vacant

1st attempt Date: _____ Time: _____, 2nd attempt Date: _____ Time: _____, 3rd attempt Date: _____ Time: _____.

Other: _____

Sworn to and subscribed
before me this _____ day
of _____, 200__.

Notary: _____

By: _____

Attorney for Plaintiff

**DANIEL G. SCHMIEG, Esquire - I.D. No. 62205
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

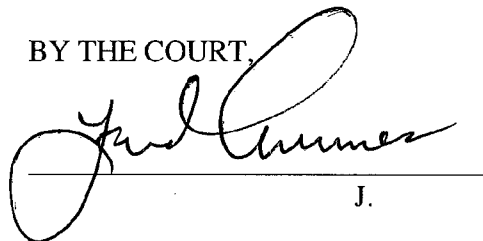
Mortgage Electronic Registration Systems, Inc. : Court of Common Pleas
Plaintiff : Civil Division
vs. : Clearfield County
Scott A. Hess : No. 06-1829-CD
Melissa D. Hess
Defendants

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
AM.
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT,


J.

FILED
09:44/ST
SEP 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

Att'y Bradford
@

141359

DATE: 9/8/07

~~—~~ You are responsible for serving all appropriate parties.

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

— Plaintiff(s) — Plaintiff(s) Attorney — Other

— Defendant(s) — Defendant(s) Attorney

— Special Instructions:

FILED

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

JA

FILED
SEP 14 2007
M/1:30 PM
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

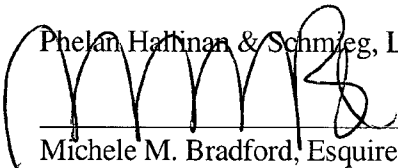
By:  Phelan, Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

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

ATTORNEY FOR PLAINTIFF

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

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. *06-1829-CD*
CLEARFIELD COUNTY

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

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. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982
Please bring 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>

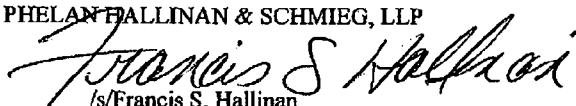
TOTAL **\$ 56,340.35**

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.

PHILANTHROPIC 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

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. A. Shaw
William A. Shaw

Prothonotary/Clerk of Courts

sent with notice
to Dept.

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
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 7-3-07

William A. Shaw
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 Hallinan & Schmieg, LLP

By _____

Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

ATTORNEY FOR PLAINTIFF

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

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

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

William A. Shaw

Prothonotary/Clerk of Courts

1 CEN TO AFR

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

CA

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

ATTORNEY FOR PLAINTIFF

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

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

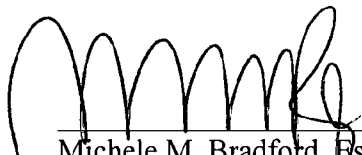
PRAECIPE

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 *no cc*
m/1007/07
OCT 09 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

ATTORNEY FOR PLAINTIFF

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

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.

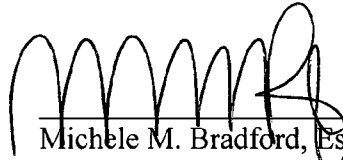
Scott A. Hess

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

ATTORNEY FOR PLAINTIFF

Netbank as Successor in Interest to RBMG, Inc.

: 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.

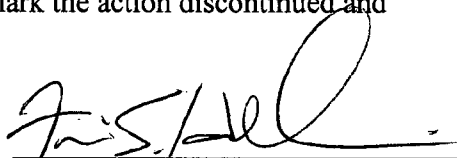
____ Please mark the above referenced case Settled, Discontinued and Ended.

X 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, 1 Cert of Sat
FILED + 1 Cert of disc
m/2:10um issued to ATty
OCT 09 2007 Hallinan, copy to
William A. Shaw
Prothonotary/Clerk of Courts Pa \$7.00 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

COPY

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

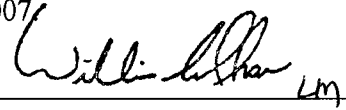
Melissa D. Hess

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

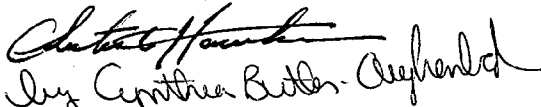
Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$1,592.16

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,


Chester 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 COST \$139.00


(Clerk) Office of the Prothy Support, 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. Hunsicker
Sheriff by Cynthia Butler-Ayhered

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

David J. Schreyer
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

Received this with this
of A.D.
A.M.P.M.

Shedff

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 entirety, 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

ORDER

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

FREDRIC J. AMMERMAN
President Judge

FEB 13 2007

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

SENDER: COMPLETE THIS SECTION

- 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
GRAMPAN, PA 16838

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent
Scott Hess

B. Received by (Printed Name) ☒ Addressee
SCOTT HESS

C. Date of Delivery
SEP 4 2007

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below:
PO Box 301

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number 11 11 11 11
(Transfer From service label)

7006 0810 0001 4507 3251

PS Form 3811, February 2004

Domestic Return Receipt

1025395-02-M-1540

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees

\$5.18



Postmark Here

Sent To

Street, Apt. No.,
or PO Box No. MELISSA D. HESS
2485 BILGERS ROCKS ROAD
City, State, ZIP+4 GRAMPAN PA 16838

PS Form 3800, June 2002

See Reverse for Instructions

7006 0810 0001 4507 3442

SENDER: COMPLETE THIS SECTION

- 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
GRAMPLAN, PA 16838

COMPLETE THIS SECTION ON DELIVERY

A. Signature Scott Hess ☒ Agent ☐ Addressee

B. Received by (Printed Name) Scott Hess ☒ Date of Delivery SEP 11 2007

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: PO Box 301 ☐ No

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes ☒ No

2. Article Number
(Transfer from service label)

7006 0810 0001 4507 3442

PS Form 3811, February 2004

Domestic Return Receipt

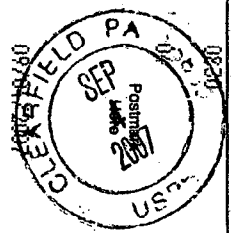
102595-02-M-1540

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

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

OFFICIAL USE

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
Street, Apt. No.,
or PO Box No. SCOTT A. HESS
2485 BILGERS ROCKS ROAD
City, State, ZIP+4 GRAMPLAN, PA 16838

PS Form 3800, June 2002 See Reverse for Instructions

7006 0810 0001 4507 3251

**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:

RDR	15.00
SERVICE	15.00
MILEAGE	11.64
LEVY	15.00
MILEAGE	11.64
POSTING	15.00
CSDS	10.00
COMMISSION	1,387.04
POSTAGE	16.84
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	69,352.01
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$1,592.16

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	58,784.35
INTEREST @ 9.6600	0.00
FROM TO	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	6,649.93
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$65,474.28

COSTS:

ADVERTISING	523.06
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	1,592.16
LEGAL JOURNAL COSTS	216.00
PROTHONOTARY	139.00
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