

06-2082-CD

Citimortgage vs Kenneth Luchini

Citimortgage et al vs Kenneth Luchini  
2006-2082-CD

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

145418

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL  
RESIDENTIAL MORTGAGE, INC.  
5280 CORPORATE DRIVE  
MS1011  
FREDERICK, MD 21703

Plaintiff

v.

KENNETH A. LUCHINI  
A/K/A KENNETH K. LUCHINI  
RR 2 BOX 123 A  
DUBOIS, PA 15801

Defendant

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 06-2082-CD

CLEARFIELD COUNTY

FILED <sup>Pd \$65.00 A/H</sup>  
<sup>11.40cm (m)</sup>  
DEC 14 2006

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL MORTGAGE, INC.  
5280 CORPORATE DRIVE  
MS1011  
FREDERICK, MD 21703

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

KENNETH A. LUCHINI  
A/K/A KENNETH K. LUCHINI  
RR 2 BOX 123 A  
DUEOIS, PA 15801

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

3. On 01/24/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CSB BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200201478. By Assignment of Mortgage recorded 02/01/2002 the mortgage was Assigned To PLAINTIFF which Assignment is recorded in Assignment Of Mortgage Instrument No: 200202737.
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 08/01/2006 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	\$28,182.84
Interest	913.00
07/01/2006 through 12/13/2006	
(Per Diem \$5.50)	
Attorney's Fees	1,325.00
Cumulative Late Charges	76.08
01/24/2002 to 12/13/2006	
Cost of Suit and Title Search	\$ 550.00
Subtotal	\$ 31,046.92
Escrow	
Credit	0.00
Deficit	51.92
Subtotal	\$ 51.92
<b>TOTAL</b>	<b>\$ 31,098.84</b>

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 31,098.84, together with interest from 12/13/2006 at the rate of \$5.50 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

## LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania bounded and described as follows, to wit:

BEGINNING at a set 5/8 inches rebar set on the line of the Moshannon State Forest Lands; thence by the said line as acquiesced by the present owner South 84 degrees 32 minutes 20 seconds East, 365.76 feet to a set 5/8 inches rebar by a line blazed tree; thence by the lands of now or formerly Shugars South 14 degrees 19 minutes 56 seconds East, 71.22 feet to a set 5/8 inches rebar; thence by the land of Shugars and Luchini South 78 degrees 43 minutes 48 seconds West, 121.02 feet to a set 5/8 inches rebar, passing a 5/8 inches rebar 98.82 feet; thence by land of Luchini the following courses and distances, South 24 degrees 43 minutes 27 seconds East, 31.11 feet to a set 5/8 inches rebar; thence South 53 degrees 58 minutes West, 98.15 feet to a set 5/8 inches rebar; thence South 58 degrees 02 minutes West, 77.79 feet to a set 5/8 inches rebar; thence North 27 degrees 11 minutes 11 seconds West, 286.79 feet to the point and place of beginning. Containing 1.174 acres in accordance with survey of Jon P. Garmong, Land Surveyor No. 051080-E, of Lee-Simpson Associates, Inc., said survey map intended to be recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania.

SUBJECT to reservations as to minerals and mining rights as have been reserved or conveyed out in previous deeds and reserves the gas and oil, coal, fire clay and minerals.

EXCEPTING AND RESERVING all exceptions and reservations as may appear of record.

ALSO SUBJECT to the grant of an easement and right to use and draw water from a spring located on adjacent lands and to lay and maintain and replace the waterline from said spring for the lands of the Grantee as set forth in prior deeds of conveyance.

ALSO granting to Grantee the right of ingress, egress and regress over a dirt road leading from a township road as set forth in prior deeds of conveyance.

BEING the same premises which became vested in Kenneth A. Luchini, the Mortgagor herein, by deed of Kenneth A. Luchini dated February 7, 2001, and recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200102318.

**PROPERTY BEING: RR 2 BOX 123 A**

**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.

21/llin

FRANCIS S. HALLINAN, ESQUIRE  
Attorney for Plaintiff

DATE: 12/13/06

**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: 215-563-5534**  
**Email: [complaints@fedphe.com](mailto:complaints@fedphe.com)**

*Representing Lenders in  
Pennsylvania and New Jersey*

December 13, 2006

Office of the Prothonotary  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

Re: CITIMORTGAGE, INC., ... vs. KENNETH A. LUCHINI

**ACTION IN MORTGAGE FORECLOSURE**

Dear Sir/Madam:

Enclosed are an original and 1 copies of a Civil Action in Mortgage Foreclosure relative to the above captioned matter for filing with your office. A check for filing has been attached in the amount of \$85.00. The sheriff's office advised our office on 12/13/06 that sheriff's costs total \$100.00 for this file. If there is a concern regarding the costs, please contact Nancy Velazquez at PH&S; please do not return the complaint to our office.

Please file the complaint and return your receipt to us in the enclosed stamped, self-addressed envelope, together with a time-stamped copy of the first page of the Complaint.

I would also appreciate your taking the additional copies of the Complaint, the check for service, and the enclosed service sheet(s) to the Office of the Sheriff for service on the defendant(s).

Thank you for your cooperation.

Very truly yours,



PHELAN HALLINAN & SCHMIEG, LLP  
COMPLAINT DEPARTMENT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102247  
NO: 06-2082-CD  
SERVICE # 1 OF 1  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC. s/b/m  
VS.  
DEFENDANT: KENNETH A. LUCHINI a/k/a KENNETH K. LUCHINI

FILED  
07/30/06  
MAR 13 2007  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF RETURN

---

NOW, December 15, 2006 AT 11:10 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KENNETH A. LUCHINI aka KENNETH K. LUCHINI DEFENDANT AT CLEARFIELD COUNTY JAIL, 115 21st ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KENNETH A. LUCHINI, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET / NEVLING

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	558498	10.00
SHERIFF HAWKINS	PHELAN	558498	20.00

Sworn to Before Me This

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

So Answers,

*Chester A. Hawkins*  
*by Marilyn Hause*  
Chester A. Hawkins  
Sheriff

FILED Atty pd.  
m 110:36 AM  
20.00  
MAR 22 2007 ICC Notice  
(a) 2

William A. Shaw  
Prothonotary/Clerk of Courts

**CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL  
MORTGAGE, INC.  
5280 CORPORATE DRIVE, MS 1011  
FREDERICK, MD 21703**

**KENNETH A. LUCHINI,  
A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON,  
115 21ST STREET  
CLEARFIELD, PA 16830**

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

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI**, 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	\$ 31,098.84
Interest - 12/14/06 TO 3/21/07	\$539.00
<b>TOTAL</b>	<b>\$ 31,637.84</b>

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: 3/22/07

PRO PROTHY

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

CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL MORTGAGE, INC.

Plaintiff

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

KENNETH A. LUCHINI  
A/K/A KENNETH K. LUCHINI

: NO. 06-2082-CD

Defendants

TO: KENNETH A. LUCHINI A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON  
115 21<sup>ST</sup> STREET  
CLEARFIELD, PA 16830

DATE OF NOTICE: JANUARY 5, 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.

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

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

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

FILE COPY

*Francis S. Hallinan*  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

## PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

**Identification No. 62205**

## Suite 1400

**One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000**

**ATTORNEY FOR PLAINTIFF**

**CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL MORTGAGE,  
INC.  
5280 CORPORATE DRIVE, MS 1011  
FREDERICK, MD 21703**

**Plaintiff.**

V.

**KENNETH A. LUCHINI,  
A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON,  
115 21ST STREET  
CLEARFIELD, PA 16830**

**Defendant(s).**

## **VERIFICATION OF NON-MILITARY SERVICE**

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

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

(b) that defendant **KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI** is over 18 years of age and resides at **CLEARFIELD COUNTY PRISON, 115 21ST STREET, CLEARFIELD, PA 16830**.

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

  
DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised

COPY

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

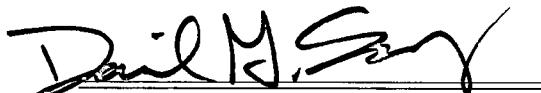
CITIMORTGAGE, INC., S/B/M TO :  
PRINCIPAL RESIDENTIAL MORTGAGE, :  
INC. :  
5280 CORPORATE DRIVE, MS 1011 :  
FREDERICK, MD 21703 :  
Plaintiff, :  
v. :  
NO. 06-2082-CD

KENNETH A. LUCHINI, :  
A/K/A KENNETH K. LUCHINI :  
CLEARFIELD COUNTY PRISON, :  
115 21ST STREET :  
CLEARFIELD, PA 16830 :  
Defendant(s).

Notice is given that a Judgment in the above captioned matter has been entered against you  
on March 22, 2007.

BY William J. Schmieg DEPUTY  
*by*

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.

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

**COPY**

Citimortgage Inc.  
Principal Residential Mortgage, Inc.  
Plaintiff(s)

No.: 2006-02082-CD

Real Debt: \$31,637.84

Atty's Comm: \$

Vs.

Costs: \$

Kenneth A. Luchini  
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: March 22, 2007

Expires: March 22, 2012

Certified from the record this 22nd day of March, 2007.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

\_\_\_\_\_  
Plaintiff/Attorney

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

CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL  
MORTGAGE, INC.

vs.

KENNETH A. LUCHINI, A/K/A  
KENNETH K. LUCHINI

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

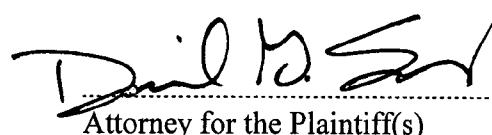
No. 06-2082-CD Term 2005..

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	Prothonotary costs	\$31,637.84
Interest from MARCH 21, 2007 to Sale		125.00
Per diem \$5.20		\$ _____.
Add'l Costs		\$

  
\_\_\_\_\_  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

145418

6/2  
FILED Atty pd.  
11:05 AM 20.00  
APR 04 2007  
ccs-legal  
william A. Shaw  
Prothonotary/Clerk of Courts  
w/prop.  
descri.  
to Sheriff

No. 06-2082-CD ..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CITMORTGAGE, INC., S/B/M TO PRINCIPAL  
RESIDENTIAL MORTGAGE, INC.

vs.

KENNETH A. LUCHINI,  
A/K/A KENNETH K. LUCHINI

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff(s)

Address: KENNETH A. LUCHINI,  
A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON,  
115 21ST STREET  
CLEARFIELD, PA 16830

**LEGAL DESCRIPTION**

**ALL that certain piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania bounded and described as follows, to wit:**

**BEGINNING** at a set 5/8 inches rebar set on the line of the Moshannon State Forest Lands; thence by the said line as acquiesced by the present owner South 84 degrees 32 minutes 20 seconds East, 365.76 feet to a set 5/8 inches rebar by a line blazed tree; thence by the lands of now or formerly Shugars South 14 degrees 19 minutes 56 seconds East, 71.22 feet to a set 5/8 inches rebar; thence by the land of Shugars and Luchini South 78 degrees 43 minutes 48 seconds West, 121.02 feet to a set 5/8 inches rebar, passing a 5/8 inches rebar 98.82 feet; thence by land of Luchini the following courses and distances, South 24 degrees 43 minutes 27 seconds East, 31.11 feet to a set 5/8 inches rebar; thence South 53 degrees 58 minutes West, 98.15 feet to a set 5/8 inches rebar; thence South 58 degrees 02 minutes West, 77.79 feet to a set 5/8 inches rebar; thence North 27 degrees 11 minutes 11 seconds West, 286.79 feet to the point and place of beginning. Containing 1.174 acres in accordance with survey of Jon P. Garmong, Land Surveyor No. 051080-E, of Lee-Simpson Associates, Inc., said survey map intended to be recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania.

**SUBJECT** to reservations as to minerals and mining rights as have been reserved or conveyed out in previous deeds and reserves the gas and oil, coal, fire clay and minerals.

**EXCEPTING AND RESERVING** all exceptions and reservations as may appear of record.

**ALSO SUBJECT** to the grant of an easement and right to use and draw water from a spring located on adjacent lands and to lay and maintain and replace the waterline from said spring for the lands of the Grantee as set forth in prior deeds of conveyance.

**ALSO** granting to Grantee the right of ingress, egress and regress over a dirt road leading from a township road as set forth in prior deeds of conveyance.

**BEING** the third, fourth and fifth parcels of the same premises which became vested in the Grantor herein by deed of Andrew J. Park, et ux, dated June 14, 2000, and recorded in Clearfield County as Instrument No. 2000008512.

**PARCEL IDENTIFICATION NO:** DO1-000-00016      **CONTROL #:** 128077440

**PARCEL IDENTIFICATION NO:** DO1-000-016.5      **CONTROL #:** 128078678

**RECORD OWNER**

**TITLE TO SAID PREMISES IS VESTED IN** Kenneth A. Luchini, by Deed from Kenneth A. Luchini, single, dated 02/07/2001, recorded 02/15/2001, in Deed Mortgage Inst# 200102318.

Premises being: RR 2 BOX 123 A  
DUBOIS, PA 15801

Tax Parcel No. DO1-000-00016 & DO1-000-016.55

## **PHELAN HALLINAN & SCHMIEG**

By: DANIEL G. SCHMIEG

**Identification No. 62205**

## Suite 1400

**One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000**

**ATTORNEY FOR PLAINTIFF**

**CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL  
MORTGAGE, INC.  
5280 CORPORATE DRIVE, MS 1011  
FREDERICK, MD 21703**

...  
...  
...  
...  
...  
**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**  
...  
**CIVIL DIVISION**  
...  
**NO. 06-2082-CD**

**KENNETH A. LUCHINI,  
A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON,  
115 21ST STREET  
CLEARFIELD, PA 16830**

**Defendant(s).**

## CERTIFICATION

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

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

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

  
Daniel G. Schmieg

**CITIMORTGAGE, INC., S/B/M TO :  
PRINCIPAL RESIDENTIAL MORTGAGE, :  
INC. : CLEARFIELD COUNTY  
5280 CORPORATE DRIVE, MS 1011 : COURT OF COMMON PLEAS  
FREDERICK, MD 21703 :  
:**

**Plaintiff, v. : NO. 06-2082-CD**

**KENNETH A. LUCHINI,  
A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON,  
115 21ST STREET  
CLEARFIELD, PA 16830**

**Defendant(s).**

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

**CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, INC.,**  
Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the  
Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at  
**RR 2 BOX 123 A, DUBOIS, PA 15801.**

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

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

KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI      CLEARFIELD COUNTY PRISON, 115 21ST STREET, CLEARFIELD, PA 16830

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.

MARCH 21, 2007  
Date

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

**CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL MORTGAGE,  
INC.** :  
**5280 CORPORATE DRIVE, MS 1011** :  
**FREDERICK, MD 21703** :  
: **CLEARFIELD COUNTY**  
: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**

**Plaintiff,** :  
**v.** :  
: **NO. 06-2082-CD**

**KENNETH A. LUCHINI,** :  
**A/K/A KENNETH K. LUCHINI** :  
**CLEARFIELD COUNTY PRISON,** :  
**115 21ST STREET** :  
**CLEARFIELD, PA 16830** :

**Defendant(s).**

**AFFIDAVIT PURSUANT TO RULE 3129**

**CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, 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  
**RR 2 BOX 123 A, DUBOIS, PA 15801.**

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

<b>NAME</b>	<b>LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
<b>Bank of America, s/b/m to Fleet National Bank</b>	<b>4161 Piedmont Parkway Greensboro, NY 27410-8110</b>
<b>First Commonwealth Bank</b>	<b>P.O. Box 400 Indiana, PA 15701</b>

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

<b>NAME</b>	<b>LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
<b>Fleet National Bank Consumer Loan Operations</b>	<b>315 Court Street P.O. Box 3092 Utica, NY 13502</b>
<b>Bank of America, s/b/m to Fleet National Bank</b>	<b>4161 Piedmont Parkway Greensboro, NY 27410-8110</b>

5. Name and address of every other person who has any record lien on the property:  
NAME LAST KNOWN ADDRESS (If address cannot be  
reasonably ascertained, please so indicate.)  
**None**

6. Name and address of every other person who has any record interest in the property and whose interest  
may be affected by the Sale:  
NAME LAST KNOWN ADDRESS (If address cannot be  
reasonably ascertained, please so indicate.)  
**None**

7. Name and address of every other person whom the Plaintiff has knowledge who has any interest in the  
property which may be affected by the Sale:  
NAME LAST KNOWN ADDRESS (If address cannot be  
reasonably ascertained, please so indicate.)  
  
TENANT/OCCUPANT **RR 2 BOX 123 A  
DUBOIS, PA 15801**  
  
DOMESTIC  
RELATIONS  
CLEARFIELD  
COUNTY  
  
COMMONWEALTH  
OF PENNSYLVANIA  
  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
  
DEPARTMENT OF WELFARE  
PO BOX 2675  
HARRISBURG, PA 17105

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

MARCH 21, 2007  
Date

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

COPY

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

CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL  
MORTGAGE, INC.

vs.

KENNETH A. LUCHINI,  
A/K/A. KENNETH K. LUCHINI

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. ..... Term 20  
No. 06-2082-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: RR 2 BOX 123 A, DUBOIS, PA 15801  
(See Legal Description attached)

Amount Due	<b>Prothonotary costs</b>	\$31,637.84 105.00
Interest from MARCH 21, 2007 to Sale per diem \$5.20		\$-----
Total		\$-----

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

Dated April 14, 2007  
(SEAL)

No. 06-2082-CD ..... Term 20 05.A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CITIMORTGAGE, INC., S/B/M TO PRINCIPAL  
RESIDENTIAL MORTGAGE, INC.

vs.

KENNETH A. LUCHINI, A/K/A KENNETH K.  
LUCHINI

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

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Real Debt	Costs
	\$31,637.84
Int. from MARCH 21, 2007	
To Date of Sale (\$5.20 per diem)	
Costs	_____
Prothy Pd.	<u>125.00</u>

Sheriff

*Dan B. S.*

Attorney for Plaintiff(s)

Address: KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON,  
115 21ST STREET  
CLEARFIELD, PA 16830

**LEGAL DESCRIPTION**

ALL that certain piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania bounded and described as follows, to wit:

BEGINNING at a set 5/8 inches rebar set on the line of the Moshannon State Forest Lands; thence by the said line as acquiesced by the present owner South 84 degrees 32 minutes 20 seconds East, 365.76 feet to a set 5/8 inches rebar by a line blazed tree; thence by the lands of now or formerly Shugars South 14 degrees 19 minutes 56 seconds East, 71.22 feet to a set 5/8 inches rebar; thence by the land of Shugars and Luchini South 78 degrees 43 minutes 48 seconds West, 121.02 feet to a set 5/8 inches rebar, passing a 5/8 inches rebar 98.82 feet; thence by land of Luchini the following courses and distances, South 24 degrees 43 minutes 27 seconds East, 31.11 feet to a set 5/8 inches rebar; thence South 53 degrees 58 minutes West, 98.15 feet to a set 5/8 inches rebar; thence South 58 degrees 02 minutes West, 77.79 feet to a set 5/8 inches rebar; thence North 27 degrees 11 minutes 11 seconds West, 286.79 feet to the point and place of beginning. Containing 1.174 acres in accordance with survey of Jon P. Garmong, Land Surveyor No. 051080-E, of Lee-Simpson Associates, Inc., said survey map intended to be recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania.

SUBJECT to reservations as to minerals and mining rights as have been reserved or conveyed out in previous deeds and reserves the gas and oil, coal, fire clay and minerals.

EXCEPTING AND RESERVING all exceptions and reservations as may appear of record.

ALSO SUBJECT to the grant of an easement and right to use and draw water from a spring located on adjacent lands and to lay and maintain and replace the waterline from said spring for the lands of the Grantee as set forth in prior deeds of conveyance.

ALSO granting to Grantee the right of ingress, egress and regress over a dirt road leading from a township road as set forth in prior deeds of conveyance.

BEING the third, fourth and fifth parcels of the same premises which became vested in the Grantor herein by deed of Andrew J. Park, et ux, dated June 14, 2000, and recorded in Clearfield County as Instrument No. 2000008512.

**PARCEL IDENTIFICATION NO: DO1-000-00016**      **CONTROL #: 128077440**

**PARCEL IDENTIFICATION NO: DO1-000-016.5**      **CONTROL #: 128078678**

**RECORD OWNER**

**TITLE TO SAID PREMISES IS VESTED IN** Kenneth A. Luchini, by Deed from Kenneth A. Luchini, single, dated 02/07/2001, recorded 02/15/2001, in Deed Mortgage Inst# 200102318.

Premises being: RR 2 BOX 123 A  
DUBOIS, PA 15801

Tax Parcel No. DO1-000-00016 & DO1-000-016.55

**PHELAN HALLINAN & SCHMIEG, LLP**  
By: **DANIEL G. SCHMIEG**  
Identification 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**

**COURT OF COMMON PLEAS  
CIVIL DIVISION**

---

**CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL  
MORTGAGE, INC.**

**Plaintiff**

**vs**

**KENNETH A. LUCHINI A/K/A  
KENNETH K. LUCHINI**

**Defendant(s)**

**CLEARFIELD COUNTY**

**NO. 06-2082-CD**

**FILED** *NO cc*  
*5/10/2007*  
**MAY 3 1 2007** *CR*

William A. Shaw  
Prothonotary/Clerk of Courts

**SUGGESTION OF RECORD CHANGE**  
**RE: MORTGAGE PREMISES**

**TO THE PROTHONOTARY:**

DANIEL G. SCHMIEG, ESQUIRE, attorney for the Plaintiff, hereby certifies that, to the best of his knowledge, information and belief the Mortgage Premises was erroneously listed as:

**RR 2 BOX 123 A.  
DUBOIS, PA 15801**

The correct name for the Mortgage Premises is:

**RR 2 BOX 123 A A/K/A 555 BEARS ROAD,  
DUBOIS, PA 15801**

Kindly change the information on the docket.

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

SALE DATE: 6/1/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL  
MORTGAGE, INC.

No.: 06-2082-CD

vs.

KENNETH A. LUCHINI A/K/A  
KENNETH K. LUCHINI

FILED  
110:2401 NOCC  
MAY 31 2007 (6K)

William A. Shaw  
Prothonotary/Clerk of Courts

**AFFIDAVIT PURSUANT TO RULE 3129.1  
AND RETURN OF SERVICE PURSUANT TO  
Pa. R.C.P. 405 OF NOTICE OF SALE**

Plaintiff in the above action sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at:

**RR 2 BOX 123 A A/K/A 555 BEARS ROAD , DUBOIS, PA 15801.**

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the attached Affidavit No. 2 (previously filed) and Amended Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.

  
DANIEL SCHMIEG, ESQUIRE  
Attorney for Plaintiff

May 30, 2007

Name and  
Address  
of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address						
1		TENANT/OCCUPANT RR 2 BOX 123 A DUBOIS, PA 15801						
2		DOMESTIC RELATIONS CLEARFIELD COUNTY, CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET, CLEARFIELD, PA 16830						
3		COMMONWEALTH OF PENNSYLVANIA, DEPARTMENT OF WELFARE, PO BOX 2675, HARRISBURG, PA 17105						
4		Bank of America, s/b/m to Fleet National Bank, 4161 Piedmont Parkway, Greensboro, NY 27410-8110						
5		First Commonwealth Bank, P.O. Box 400, Indiana, PA 15701						
6		Fleet National Bank, Consumer Loan Operations, 315 Court Street, P.O. Box 3092 Utica, NY 13502						
7								
8								
9								
10								
11								
12		<b>Re: KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI</b>	145418	TEAM 4	<b>KX</b>			
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.				

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20568  
NO: 06-2082-CD

PLAINTIFF: CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, INC.  
vs.  
DEFENDANT: KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 04/04/2007

LEVY TAKEN 04/24/2007 @ 10:15 AM  
POSTED 04/24/2007 @ 10:15 AM  
SALE HELD 06/01/2007  
SOLD TO BANK OF AMERICA, N.A. S/B/M FLEET NATIONAL BANK  
SOLD FOR AMOUNT \$42,000.00 PLUS COSTS  
WRIT RETURNED 08/07/2007  
DATE DEED FILED 08/07/2007

PROPERTY ADDRESS RR #2, BOX 123A A/K/A 555 BEERS ROAD DUBOIS , PA 15801

FILED  
04/04/2007  
AUG 08 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

SERVICES

04/24/2007 @ 2:25 PM SERVED KENNETH A. LUCHINI A/K/A KENNETH K. LUCHINI

SERVED, KENNETH LUCHINI A/K/A KENNETH K. LUCHINI, DEFENDANT, AT CLEARFIELD COUNTY PRISON, 115 21ST STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KENNETH A. LUCHINI

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20568  
NO: 06-2082-CD

PLAINTIFF: CITIMORTGAGE, INC., S/B/M TO PRINCIPAL RESIDENTIAL MORTGAGE, INC.  
VS.  
DEFENDANT: KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI

Execution REAL ESTATE

SHERIFF RETURN

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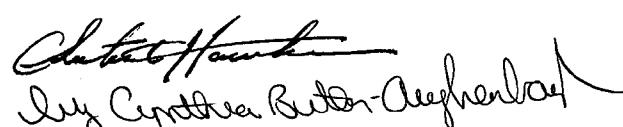
SHERIFF HAWKINS \$1,065.11

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

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

So Answers,

  
by Cynthia Butler-Caughenbach  
Chester A. Hawkins  
Sheriff

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

CITIMORTGAGE, INC., S/B/M TO  
PRINCIPAL RESIDENTIAL  
MORTGAGE, INC.

vs.

KENNETH A. LUCHINI,  
A/K/A. KENNETH K. LUCHINI

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. ..... Term 20  
No. 06-2082-CD Term 20 Q5  
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: RR 2 BOX 123 A, DUBOIS, PA 15801  
(See Legal Description attached)

Amount Due	Prothonotary costs	\$31,637.84
		125.00
Interest from MARCH 21, 2007 to Sale		\$-----
per diem \$5.20		
Total		\$-----

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

Dated April 14, 2007  
(SEAL)

Received April 4, 2007 @ 3:00 P.M.  
Chester A. Hawkins  
By Cynthia Butler-Angelina

No. 06-2082-CD ..... Term 20 05.A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CITIMORTGAGE, INC., S/B/M TO PRINCIPAL  
RESIDENTIAL MORTGAGE, INC.

vs.

KENNETH A. LUCHINI, A/K/A KENNETH K.  
LUCHINI

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs	
Real Debt	\$31,637.84
Int. from MARCH 21, 2007 To Date of Sale (\$5.20 per diem)	
Costs	
Prothy Pd.	<u>125.00</u>
Sheriff	

*Dale B. S.*

Attorney for Plaintiff(s)

Address: KENNETH A. LUCHINI, A/K/A KENNETH K. LUCHINI  
CLEARFIELD COUNTY PRISON,  
115 21ST STREET  
CLEARFIELD, PA 16830

**LEGAL DESCRIPTION**

**ALL** that certain piece, parcel or tract of land situate, lying and being in Sandy Township, Clearfield County, Pennsylvania bounded and described as follows, to wit:

BEGINNING at a set 5/8 inches rebar set on the line of the Moshannon State Forest Lands; thence by the said line as acquiesced by the present owner South 84 degrees 32 minutes 20 seconds East, 365.76 feet to a set 5/8 inches rebar by a line blazed tree; thence by the lands of now or formerly Shugars South 14 degrees 19 minutes 56 seconds East, 71.22 feet to a set 5/8 inches rebar; thence by the land of Shugars and Luchini South 78 degrees 43 minutes 48 seconds West, 121.02 feet to a set 5/8 inches rebar, passing a 5/8 inches rebar 98.82 feet; thence by land of Luchini the following courses and distances, South 24 degrees 43 minutes 27 seconds East, 31.11 feet to a set 5/8 inches rebar; thence South 53 degrees 58 minutes West, 98.15 feet to a set 5/8 inches rebar; thence South 58 degrees 02 minutes West, 77.79 feet to a set 5/8 inches rebar; thence North 27 degrees 11 minutes 11 seconds West, 286.79 feet to the point and place of beginning. Containing 1.174 acres in accordance with survey of Jon P. Garmong, Land Surveyor No. 051080-E, of Lee-Simpson Associates, Inc., said survey map intended to be recorded in the Office of the Recorder of Deeds for Clearfield County, Pennsylvania.

**SUBJECT** to reservations as to minerals and mining rights as have been reserved or conveyed out in previous deeds and reserves the gas and oil, coal, fire clay and minerals.

**EXCEPTING AND RESERVING** all exceptions and reservations as may appear of record.

**ALSO SUBJECT** to the grant of an easement and right to use and draw water from a spring located on adjacent lands and to lay and maintain and replace the waterline from said spring for the lands of the Grantee as set forth in prior deeds of conveyance.

**ALSO** granting to Grantee the right of ingress, egress and regress over a dirt road leading from a township road as set forth in prior deeds of conveyance.

**BEING** the third, fourth and fifth parcels of the same premises which became vested in the Grantor herein by deed of Andrew J. Park, et ux, dated June 14, 2000, and recorded in Clearfield County as Instrument No. 2000008512.

**PARCEL IDENTIFICATION NO:** DO1-000-00016      **CONTROL #:** 128077440

**PARCEL IDENTIFICATION NO:** DO1-000-016.5      **CONTROL #:** 128078678

**RECORD OWNER**

**TITLE TO SAID PREMISES IS VESTED IN** Kenneth A. Luchini, by Deed from Kenneth A. Luchini, single, dated 02/07/2001, recorded 02/15/2001, in Deed Mortgage Inst# 200102318.

Premises being: RR 2 BOX 123 A  
DUBOIS, PA 15801

Tax Parcel No. DO1-000-00016 & DO1-000-016.55

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME KENNETH A. LUCHINI A/K/A KENNETH K. LUCHINI

NO. 06-2082-CD

NOW, August 08, 2007, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on June 01, 2007, I exposed the within described real estate of Kenneth A. Luchini A/K/A Kenneth K. Luchini to public venue or outcry at which time and place I sold the same to BANK OF AMERICA, N.A. S/B/M FLEET NATIONAL BANK he/she being the highest bidder, for the sum of \$42,000.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR SERVICE	15.00
MILEAGE	15.00
LEVY	2.00
MILEAGE POSTING	15.00
CSDS	10.00
COMMISSION	840.00
POSTAGE	4.68
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	42,000.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	20.00
<b>TOTAL SHERIFF COSTS</b>	<b>\$1,065.11</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	32.00
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$32.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	31,637.84
INTEREST @ 5.2000 %	374.40
FROM 03/21/2007 TO 06/01/2007	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$32,032.24</b>
<b>COSTS:</b>	
ADVERTISING	1,597.80
TAXES - COLLECTOR	317.68
TAXES - TAX CLAIM	2,875.59
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	32.00
SHERIFF COSTS	1,065.11
LEGAL JOURNAL COSTS	216.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$6,374.18</b>

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff