

07-39-CD  
US Bank NA vs W. Hockenburry

US Bank National vs Wendy Hockenburry et  
2016-39-CD

**McCABE, WEISBERG AND CONWAY, P.C.**

BY: **TERRENCE J. McCABE, ESQUIRE - ID # 16496**  
**MÁRC S. WEISBERG, ESQUIRE - ID # 17616**  
**EDWARD D. CONWAY, ESQUIRE - ID # 34687**  
**MARGARET GAIRO, ESQUIRE - ID # 34419**

**Attorneys for Plaintiff**

**123 South Broad Street, Suite 2080**  
**Philadelphia, Pennsylvania 19109**  
**(215) 790-1010**

U.S. Bank National Association  
10790 Rancho Bernardo Road  
San Diego, CA 92127

v.

Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651  
and  
Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Clearfield County  
Court of Common Pleas

2007-39-CD

Number

March 23, 2007 Document  
Reinstated/Reissued to Sheriff/Attorney 248  
for service.

Deputy Prothonotary

**CIVIL ACTION/MORTGAGE FORECLOSURE**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after 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.

Dave Meholick  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA, 16830  
814-765-2641 x 5982

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO.

SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

Dave Meholick  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA, 16830  
814-765-2641 x 5982

**FILED**

JAN 09 2007

ml 11:30/4

William A. Shaw  
Prothonotary/Clerk of Courts

3 cent w Siffr

1 cent to Att

**McCABE, WEISBERG AND CONWAY, P.C.**

**BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
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**Attorneys for Plaintiff**

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Philadelphia, Pennsylvania 19109  
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U.S. Bank National Association  
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v.

Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651  
and  
Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Number

**CIVIL ACTION/MORTGAGE FORECLOSURE**

1. Plaintiff is U.S. Bank National Association, a corporation duly organized and doing business at the above captioned address.
2. The Defendant is Wendy J. Hockenberry, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and her last-known address is 1223 28 Road, Houtzdale, PA 16651.
3. The Defendant is Fred A. Hockenberry, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and his last-known address is 190 Eureka Street, Houtzdale, PA 16651.
4. On 10/06/2004, mortgagor made, executed and delivered a mortgage upon the premises hereinafter described to Mortgage Electronic Registration Systems, Inc., as nominee for EquiFirst

Corporation which mortgage is recorded in the Office of the Recorder of Clearfield County as Instrument Number 200416468.

5. The aforesaid mortgage was thereafter assigned by Mortgage Electronic Registration Systems, Inc., as nominee for EquiFirst Corporation to U.S. Bank National Association, Plaintiff herein, by Assignment of Mortgage which will be duly recorded in the Office of the Recorder of Clearfield County.

6. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known 190 Eureka Street, Houtzdale, PA 16651.

7. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 09/11/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

8. The following amounts are due on the mortgage:

Principal Balance	\$	70,436.70
Interest through 12/20/2006	\$	2,815.41
(Plus \$ 24.56 per diem thereafter)		
Attorney's Fee	\$	3,521.84
Late Charges	\$	120.44
Corporate Advances	\$	7.75
Title Search	\$	<u>200.00</u>
GRAND TOTAL	\$	77,102.14

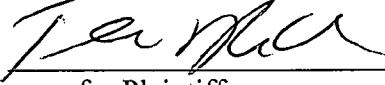
9. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania Law and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged based on work actually performed.

10. Notice of Intention to Foreclose as required by Act 6 of 1974 (41 P.S. §403) and notice required by the Emergency Mortgage Assistance Act of 1983 as amended under 12 PA Code Chapter 13, et

seq., commonly known as the Combined Notice of Delinquency has been sent to Defendants by regular mail with a certificate of mailing and by certified mail, return receipt requested.

WHEREFORE, Plaintiff demands Judgment against the Defendants in the sum of \$77,102.14, together with interest at the rate of \$24.56 per diem and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

**McCABE, WEISBERG AND CONWAY, P.C.**

BY: 

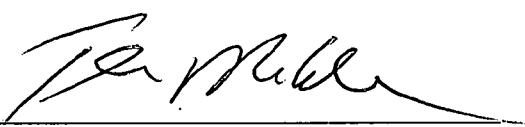
Attorneys for Plaintiff

**TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE**

VERIFICATION

The undersigned, Terrence J. McCabe, Esquire, hereby certifies that he/she is the Attorney for the Plaintiff in the within action, and that he/she is authorized to make this verification and that the foregoing facts based on the information from the Plaintiff, who is not available to sign this, are true and correct to the best of his/her knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsification to authorities.

McCABE, WEISBERG AND CONWAY, P.C.

BY: 

Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE

(Legal Description)

ALL THOSE CERTAIN two (2) lots or pieces of ground situate in the Village of Woodward, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: Being Lot No. 404 and the West half of Lot No. 403 in the Woodward Village:

BEGINNING at a stake on the South (erroneously North in prior deeds) side of Township road, known as PA 153, leading from Houtzdale to Ginter, bearing North 19 degrees, 24 minutes West one hundred and twelve (112) feet from the Southeasterly corner of said road and Hickory Street; THENCE South 45 degrees East, three hundred and twenty-six and eight tenths (326.8) feet to the North side of Whiteside Run; THENCE meandering the same in a Northeasterly direction two hundred (200) feet, more or less, to the middle of Lot No. 403; THENCE thereby North 43 degrees West, three hundred and fifty (350) feet to the South side of said Township road and THENCE thereby South 3 degrees West, sixty-seven and three tenths (67.3) feet and South 19 degrees, 24 minutes, West one hundred and ten and eight-tenths (110.8) feet to the place of beginning.

RESERVING AND EXCEPTING right-of-way of the State highway, Route 153, (erroneously referred as Route 353 in prior deed) passing through said premises.

THE SECOND THEREOF: Being Lot No. 405 of Woodward Village:

BEGINNING at a stake at the North West Corner (erroneously South West in prior deeds) of Lot No. 404 aforesaid; THENCE by said Lot South 45 degrees East, three hundred twenty-six and eight tenths (326.8) feet to a stake on the Westerly bank of Whiteside Run; THENCE meandering the same in a southwesterly direction one hundred (100) feet, more or less, to a stake on the Northerly side of Hickory Street; THENCE thereby North 45 degrees West, two hundred and twenty-eight (228) feet to a stake on the Easterly side of a Township Road leading from Houtzdale to Ginter; and, THENCE thereby North 19 degrees, 24 minutes East, one hundred ten and nine-tenths (110.9) feet to a post and place of beginning.

RESERVING AND EXCEPTING the right-of-way of the State Highway, Route 153 (erroneously referred as Route 353 in prior deed) passing through said premises.

PARCEL NO. 130-M15-524-2.2

BEING the same premises which Cynthia A. Hargas, as Executrix of the Estate of Denzil B. Knight, Deceased, by Indenture dated 10-06-04 and recorded 10-07-04 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument No. 200416467, granted and conveyed unto Wendy J. Hockenberry and Fred A. Hockenberry, Jr., her husband, as tenants by the entireties.

**Exhibit A**

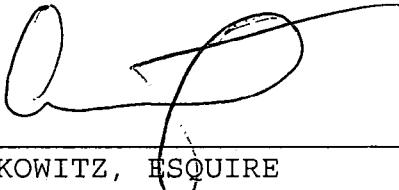
McCABE, WEISBERG AND CONWAY, P.C.  
BY: ANDREW L. MARKOWITZ, ESQUIRE  
Identification Number 28009  
123 South Broad, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorney for Plaintiff

U.S. Bank National Association : Clearfield County  
: Court of Common Pleas  
v. :  
Wendy J. Hockenburry :  
and : Number: 2007-39-CD  
Fred A. Hockenburry :  
:

MOTION COURT COVER SHEET

TYPE OF MOTION BEING FILED: MOTION FOR ALTERNATIVE SERVICE

  
ANDREW L. MARKOWITZ, ESQUIRE  
Attorney for Plaintiff

FILED  
M 11:00 AM 1cc  
FEB 26 2007 Atty Markowitz  
GK  
William A. Shaw  
Prothonotary/Clerk of Courts

MCCABE, WEISBERG AND CONWAY, P.C.  
BY: ANDREW L. MARKOWITZ, ESQUIRE  
Identification Number 28009  
123 South Broad, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorney for Plaintiff

U.S. Bank National Association : Clearfield County  
: Court of Common Pleas  
v. :  
Wendy J. Hockenburry :  
and : Number: 2007-39-CD  
Fred A. Hockenburry :  
\_\_\_\_\_

O R D E R

AND NOW, this day of , 2007,  
the Plaintiff is granted leave to serve the Complaint in Mortgage  
Foreclosure and all other subsequent pleadings that require  
personal service and the Notice of Sheriff's Sale upon the  
Defendant, Fred A. Hockenburry, by regular mail and by certified  
mail, return receipt requested, and by posting at the Defendants'  
last-known address and the mortgaged premises known in this  
herein action as 190 Eureka Street, Houtzdale, PA 16651.

BY THE COURT:

\_\_\_\_\_  
J.

McCABE, WEISBERG AND CONWAY, P.C.  
BY: ANDREW L. MARKOWITZ, ESQUIRE  
Identification Number 28009  
123 South Broad, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorney for Plaintiff

U.S. Bank National Association	:	Clearfield County
	:	Court of Common Pleas
v.	:	
Wendy J. Hockenburry	:	
and	:	
Fred A. Hockenburry	:	Number: 2007-39-CD

PETITION TO ALLOW SERVICE ON THE DEFENDANTS  
BY REGULAR MAIL, CERTIFIED MAIL AND POSTING  
PURSUANT TO PA RULE OF CIVIL PROCEDURE 430

1. Plaintiff attempted to serve a true and correct copy of the Complaint in Mortgage Foreclosure upon the Defendant, Fred A. Hockenburry, at the Defendants' last-known address of 190 Eureka Street, Houtzdale, PA 16651. However, the Sheriff advised that he was unsuccessful as property is vacant. A copy of the Sheriff's Non Service Return indicating the same has been duly filed of record with the court and an AFFIDAVIT OF NO SERVICE is attached hereto and marked as Exhibit "A."

2. Plaintiff has searched for a forwarding address for Defendant, and the Post Master has advised that there is no change of address order on file for the Defendant, Fred A. Hockenburry, from the address of 190 Eureka Street, Houtzdale, PA16651. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

3. Plaintiff has checked the Local Telephone Directory for an address for Defendant; listing for Defendant Fred A. Hockenburry with a number of (814)378-7115 has been disconnected.

(See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

4. Plaintiff has attempted to make inquiry with Thaddeus Wachala of 708 Eureka Street but received no answer after several attempts. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

5. Plaintiff has made inquiry of the local tax bureau and the tax bill is mailed to 190 Eureka Street, Houtzdale, PA 16651. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

6. Plaintiff has made inquiry with the Social Security Administration and was advised that there are no death records on file for the Defendant, Fred A. Hockenburry. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

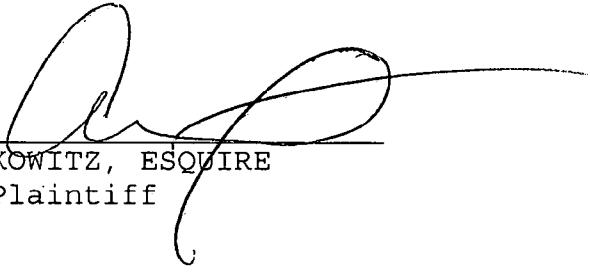
7. Plaintiff has investigated the Defendants' Voter Registration Records, and the Clearfield County Office of Voter Registration has advised that the Defendant, Fred A. Hockenburry is registered to vote at the address of 190 Eureka Street, Houtzdale, PA 16651. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

8. If service cannot be made on the Defendant, Fred A. Hockenburry, the Plaintiff will be prejudiced.

WHEREFORE, Plaintiff prays this Honorable Court grant an Order allowing the Plaintiff to serve the Complaint in Mortgage Foreclosure, and all other subsequent pleadings that require personal service, and the Notice of Sheriff's Sale upon the Defendant, Fred A. Hockenburry, by regular mail; certified mail, return receipt requested; and by posting at Defendants' last-

known address and the mortgaged premises known in this herein  
action as 190 Eureka Street, Houtzdale, PA 16651.

ANDREW L. MARKOWITZ, ESQUIRE  
Attorney for Plaintiff



MCCABE, WEISBERG AND CONWAY, P.C.  
BY: ANDREW L. MARKOWITZ, ESQUIRE  
Identification Number 28009  
123 South Broad, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorney for Plaintiff

U.S. Bank National Association : Clearfield County  
: Court of Common Pleas  
v. :  
Wendy J. Hockenberry :  
and :  
Fred A. Hockenberry : Number: 2007-39-CD

MEMORANDUM OF LAW

If a resident Defendant has obstructed or prevented service of process by concealing his whereabouts or otherwise, the Plaintiff shall have the right of service in such a manner as the Court by special order shall direct service pursuant to P.R.C.P. 430.

WHEREFORE, Plaintiff prays this service be made.

  
ANDREW L. MARKOWITZ, ESQUIRE

MCCABE, WEISBERG AND CONWAY, P.C.  
BY: ANDREW L. MARKOWITZ, ESQUIRE  
Identification Number 28009  
123 South Broad, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

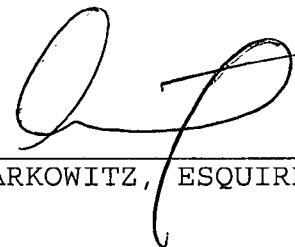
Attorney for Plaintiff

U.S. Bank National Association	:	Clearfield County
	:	Court of Common Pleas
v.	:	
Wendy J. Hockenburry	:	
and	:	
Fred A. Hockenburry	:	Number: 2007-39-CD

CERTIFICATION OF SERVICE

I, Andrew L. Markowitz, Esquire, attorney for the Plaintiff, hereby certify that I served a true and correct copy of the foregoing Petition to Allow Service on the Defendants by Regular Mail, Certified Mail, and Posting Pursuant to Pa.R.C.P. 430, by United States Mail, first class, postage prepaid, on the 22<sup>nd</sup> day of February, 2007, upon the following:

Fred A. Hockenburry  
190 Eureka Street  
Houtzdale, PA 16651



ANDREW L. MARKOWITZ, ESQUIRE

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

SUITE 2080  
FIRST UNION BUILDING  
123 SOUTH BROAD STREET  
PHILADELPHIA, PENNSYLVANIA 19109  
(215) 790-1010

TERRENCE J. McCABE

FAX (215) 790-1274

SUITE 201  
ONE GREENTREE CENTRE  
MARLTON, NJ 08053-1536  
(609) 988-5447  
FAX (609) 988-9207

SUITE ONE B  
1200 BUSTLETON PIKE  
FEASTERVILLE, PA 19047

SUITE 5225  
500 FIFTH AVENUE  
NEW YORK, NY 10110  
(212) 575-1010  
FAX (212) 575-2537

Fred A. Hockenbury  
190 Eureka Street  
Houtzdale, PA 16651

Re: U.S. Bank National Association v. Hockenbury  
Clearfield County; C. C. P.; Number 2007-39- CD

Dear Mr. Hockenbury:

Enclosed please find a true and correct copy of Petition to Allow Service on the Defendants by Regular Mail, Certified Mail, and Posting Pursuant to Pa.R.C.P. 430 relative to the above matter.

Very truly yours,

  
Kasey L. Patton  
Paralegal

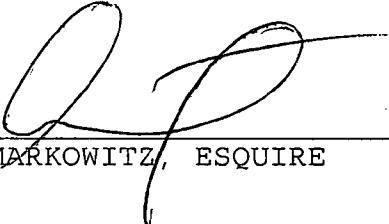
ALM/kpa

Enclosure

*This letter may be an attempt to collect a debt and any information obtained will be used for that purpose.*

VERIFICATION

The undersigned, ANDREW L. MARKOWITZ, ESQUIRE, hereby certifies that he is the attorney for the Plaintiff in the within action and that he is authorized to make this verification and that the foregoing facts are true and correct to the best of his knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsification to authorities.



\_\_\_\_\_  
ANDREW L. MARKOWITZ, ESQUIRE

MCCABE, WEISBERG AND CONWAY, P.C.  
BY: ANDREW L. MARKOWITZ, ESQUIRE  
Identification Number 28009  
123 South Broad Street, Suite 2080  
Philadelphia, PA 19109  
(215) 790-1010

Attorney for Plaintiff

U.S. Bank National Association : Clearfield County  
: Court of Common Pleas  
v. :  
Wendy J. Hockenberry :  
and : Number: 2007-39-CD  
Fred A. Hockenberry :  
:

AFFIDAVIT OF SERVICE

**Exhibit A**

COMMONWEALTH OF PENNSYLVANIA:

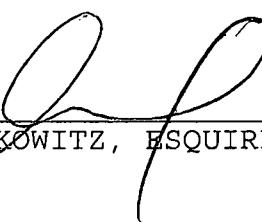
SS.

COUNTY OF CLEARFIELD :

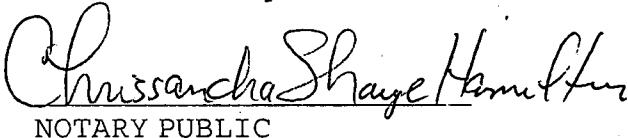
ANDREW L. MARKOWITZ, Esquire, being duly sworn according to law, deposes and says that the following is true and correct to the best of his knowledge and belief:

1. That he is counsel for the above-named Plaintiff;
2. That pursuant to the Sheriff of Clearfield County, the Defendant was not served with the Complaint in Mortgage Foreclosure as: Property is vacant

A Sheriff's Affidavit of no service will be duly filed of record with the court.

  
ANDREW L. MARKOWITZ, ESQUIRE

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 22<sup>nd</sup> DAY  
OF February , 2007.

  
Chrissandra Shaye Hamilton  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

Chrissandra Shaye Hamilton, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires January 4, 2009

# Exhibit B

30441

LARRY DEL VECCHIO  
PROCESS SERVER FOR  
MCCABE, WEISBERG & CONWAY, P.C.  
P.O. BOX 344  
CHALFONT, PA 18914  
(215) 491-4469  
(215) 491-4473 FAX

Chase Manhattan Mortgage

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

VS.

WENDY J. HOCKENBURY  
FRED A. HOCKENBURY

NO. NOT YET ASSIGNED

LAST KNOWN ADDRESS: 190 Eureka Street, Houtzdale, PA 16651

LOAN NUMBER: 116-3411PA

**AFFIDAVIT OF GOOD FAITH EFFORT TO LOCATE DEFENDANT (S)**

I hereby certify that on December 21, 2006, a good faith effort was made to discover the correct address of said defendant (s), by:

**1. Inquiry of Postal authority;**

Postal authority states Wendy filed a change of address to 1223 28 Rd., Houtzdale, PA 16651. Fred has no change of address

**2. Examination of local telephone directories, 411 assistance and Internet records;**

Fred A. Hockenbury, 190 Eureka St., (814) 378-7115, disconnected

**3. Neighbor Contacts:**

- Thaddeus Wachala, 708 Eureka St., (814) 378-5707, no answer, several attempts

**4. Tax Information:**

- Tax office has mailing address same as property, 190 Eureka St.

**5. Death Records:**

- Social Security has no death records for the defendants under their SSN's

**6. Voter Registration:**

Both registered at property, 190 Eureka St.

I certify that this information is true and correct to the best of my knowledge, information and belief.

NOTARY PUBLIC:

Sworn to and described  
before me this 2nd day

BY:

  
Larry Del Vecchio, Process Server

of January 2007.

Donna E. Stranix

**NOTARIAL SEAL**

Donna E. Stranix, Notary Public  
Warwick Twp., Bucks County  
My Commission Expires April 27, 2008

**LARRY DEL VECCHIO  
PROCESS SERVER FOR  
MCCABE, WEISBERG & CONWAY, P.C.**

P.O. BOX 344  
CHALFONT, PA. 18914

(215) 491-4469  
FAX (215) 491-4473

December 21, 2006

**Postmaster**

**Houtzdale, PA 16651**

**REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS**

Please furnish the new address or the name and street address ( if a boxholder) for the following:

Name: Wendy J Hockenberry  
Address: 190 Eureka Street  
Houtzdale, PA 16651

The following information is provided in accordance with 39 CFR265.6(d) (4) (ii). There is no fee for providing boxholder information. The fee providing change of address information is waived in accordance with 39 CFR 265.6 (d) (1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester: Process Server
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting Pro Se- except a corporation acting Pro Se must cite statute: Process Server for McCabe, Weisberg & Conway, P.C. (Rule 400.1.b)
3. The names of all known parties to this litigation:  
Chase Manhattan Mortgage et al vs Wendy J and Fred A Hockenberry
4. The court in which the case has been or will be heard:  
Clearfield County, PA, Court of Common Pleas
5. The docket or other identifying number if one has been assigned:  
Not yet assigned
6. The capacity in which this individual is to be served:  
Defendant(s)

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000.00 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT THE ADDRESS INFORMATION IS NEEDED AND WILL BE USED SOLELY FOR SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION.

  
LARRY DEL VECCHIO  
For McCabe, Weisberg & Conway, P.C.

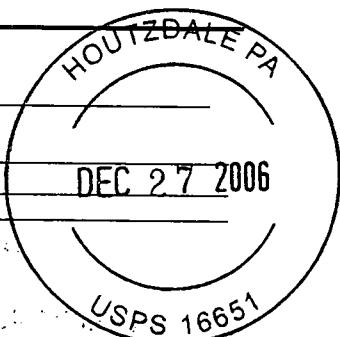
P.O. Box 344  
Chalfont, PA. 18914

FOR THE POST OFFICE USE ONLY  
NO CHANGE OF ADDRESS ORDER ON FILE

NEW ADDRESS OR BOXHOLDER'S NAME AND PHYSICAL STREET ADDRESS:

1223 28 RD  
HOUTZDALE PA 16651

POST MARK



**LARRY DEL VECCHIO  
PROCESS SERVER FOR  
MCCABE, WEISBERG & CONWAY, P.C.**

P.O. BOX 344  
CHALFONTE, PA. 18914

(215) 491-4469  
FAX (215) 491-4473

December 21, 2006

## Postmaster

Houtzdale, PA 16651

**REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS**

**Please furnish the new address or the name and street address ( if a boxholder) for the following:**

Name: Fred A Hockenberry

Address: 190 Eureka Street

Houtzdale, PA 16651

The following information is provided in accordance with 39 CFR265.6(d) (4) (ii). There is no fee for providing boxholder information. The fee providing change of address information is waived in accordance with 39 CFR 265.6 (d) (1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester: Process Server
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting Pro Se- except a corporation acting Pro Se must cite statute: Process Server for McCabe, Weisberg & Conway, P.C. (Rule 400.1.b))
3. The names of all known parties to this litigation:  
Chase Manhattan Mortgage et al vs Wendy J and Fred A Hockenbury
4. The court in which the case has been or will be heard:  
Clearfield County, PA, Court of Common Pleas
5. The docket or other identifying number if one has been assigned:  
Not yet assigned
6. The capacity in which this individual is to be served:

**Defendant(s)**

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000.00 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT THE ADDRESS INFORMATION IS NEEDED AND WILL BE USED SOLELY FOR SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION.

---

**LARRY DEL VECCHIO**  
For McCabe, Weisberg & Conway, P.C.

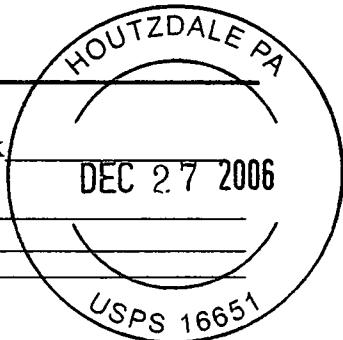
P.O. Box 344  
Chalfont, PA. 18914

**FOR THE POST OFFICE USE ONLY**  
**NO CHANGE OF ADDRESS ORDER ON FILE**

**POST MARK**

DEC 27 2006

USPS 16651



**Borrower Information**

O/D

12/21

<b>Borrower</b>
First Name: WENDY
Middle Name: J
Last Name: HOCKENBURY
Home Phone: (814) 378-7115
Cell Phone:
Work Phone:
Work Phone Extension:
Mailing Address 1: 190 EUREKA STREET
Mailing Address 2:
City: HOUTZDALE
State: PENNSYLVANIA
Zip: 16651
Country:
SSN: 200-66-6299
Email Address:
Military: No
Deceased: No

<b>Co-Borrower</b>
First Name: FRED
Middle Name: A
Last Name: HOCKENBURY
Home Phone:
Cell Phone:
Work Phone:
Work Phone Extension:
Mailing Address 1:
Mailing Address 2:
City:
State:
Zip:
Country:
SSN: 191-54-9017
Email Address:
Military: No
Deceased: No

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

U.S. BANK NATIONAL ASSOCIATION  
Plaintiff

vs.

NO. 07-39-CD

WENDY J. HOCKENBURY and  
FRED A. HOCKENBURY,

Defendants

ORDER

NOW, this 6<sup>th</sup> day of March, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendants **Wendy J. Hockenbury and Fred A. Hockenbury** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 190 Eureka Street, Houtzdale, Pa 16651;
3. By certified mail, return receipt requested, to 190 Eureka Street, Houtzdale, Pa 16651; and
4. By posting the mortgaged premises known in this herein action as 190 Eureka Street, Houtzdale, Pa 16651.

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.

FILED  
09:00 AM  
MAR 09 2007  
Atty Markowitz  
3cc  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

**FILED**

**MAR 09 2007**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 29/07

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:

MCCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE  
Identification Number 16496  
123 S. Broad Street, Suite 2080  
Philadelphia, PA 19109  
(215) 790-1010

Attorney for Plaintiff

U.S. Bank National Association	:	Clearfield County
	:	Court of Common Pleas
	:	
v.	:	
Wendy J. Hockenburry	:	
and	:	
Fred A. Hockenburry	:	Number 2007-39-CD
	:	

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Complaint in Mortgage Foreclosure in  
the above-captioned matter.

  
TERRENCE J. McCABE, ESQUIRE  
Attorney for Plaintiff

pd \$7.00 Atty  
**FILED** *1 Reinstated to Shff  
m/3/15um 2 Reinstated to Atty  
MAR 23 2007*  


William A. Shaw  
Prothonotary/Clerk of Courts

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

U.S. BANK NATIONAL ASSOCIATION  
Plaintiff

vs.

WENDY J. HOCKENBURY and  
FRED A. HOCKENBURY,

Defendants

\*  
\*  
\*  
\*  
\*  
\*  
\*

NO. 07-39-CD

ORDER

NOW, this 6<sup>th</sup> day of March, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendants **Wendy J. Hockenbury and Fred A. Hockenbury** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 190 Eureka Street, Houtzdale, Pa 16651;
3. By certified mail, return receipt requested, to 190 Eureka Street, Houtzdale, Pa 16651; and
4. By posting the mortgaged premises known in this herein action as 190 Eureka Street, Houtzdale, Pa 16651.

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.

MAR 09 2007

BY THE COURT,  
**/S/ Fredric J Ammerman**

---

**FREDRIC J. AMMERMAN**  
President Judge

Attest.

*William A. Ammerman*  
Prothonotary/  
Clerk of Courts

## McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
 MARC S. WEISBERG, ESQUIRE - ID # 17616  
 EDWARD D. CONWAY, ESQUIRE - ID # 34687  
 MARGARET GAIRO, ESQUIRE - ID # 34419

123 South Broad Street, Suite 2080  
 Philadelphia, Pennsylvania 19109  
 (215) 790-1010

U.S. Bank National Association  
 10790 Rancho Bernardo Road  
 San Diego, CA 92127

v.

Wendy J. Hockenberry  
 1223 28 Road  
 Houtzdale, PA 16651  
 and  
 Fred A. Hockenberry  
 190 Eureka Street  
 Houtzdale, PA 16651

Attorneys for Plaintiff

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

JAN 09 2007

Attest.

*William L. Bales*  
 Prothonotary/  
 Clerk of Courts

Clearfield County  
 Court of Common Pleas

Number

2007-39-C0

CIVIL ACTION/MORTGAGE FORECLOSURE

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after 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.

Dave Meholick  
 Court Administrator  
 Clearfield County Courthouse  
 230 East Market Street  
 Clearfield, PA, 16830  
 814-765-2641 x 5982

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO.

SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

Dave Meholick  
 Court Administrator  
 Clearfield County Courthouse  
 230 East Market Street  
 Clearfield, PA, 16830  
 814-765-2641 x 5982

**McCABE, WEISBERG AND CONWAY, P.C.**

BY: **TERRENCE J. McCABE, ESQUIRE - ID # 16496**  
**MARC S. WEISBERG, ESQUIRE - ID # 17616**  
**EDWARD D. CONWAY, ESQUIRE - ID # 34687**  
**MARGARET GAIRO, ESQUIRE - ID # 34419**

**Attorneys for Plaintiff**

**123 South Broad Street, Suite 2080**

**Philadelphia, Pennsylvania 19109**

**(215) 790-1010**

U.S. Bank National Association  
10790 Rancho Bernardo Road  
San Diego, CA 92127

Clearfield County  
Court of Common Pleas

v.

Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651  
and  
Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Number

**CIVIL ACTION/MORTGAGE FORECLOSURE**

1. Plaintiff is U.S. Bank National Association, a corporation duly organized and doing business at the above captioned address.
2. The Defendant is Wendy J. Hockenberry, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and her last-known address is 1223 28 Road, Houtzdale, PA 16651.
3. The Defendant is Fred A. Hockenberry, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and his last-known address is 190 Eureka Street, Houtzdale, PA 16651.
4. On 10/06/2004, mortgagor made, executed and delivered a mortgage upon the premises hereinafter described to Mortgage Electronic Registration Systems, Inc., as nominee for EquiFirst

Corporation which mortgage is recorded in the Office of the Recorder of Clearfield County as Instrument Number 200416468.

5. The aforesaid mortgage was thereafter assigned by Mortgage Electronic Registration Systems, Inc., as nominee for EquiFirst Corporation to U.S. Bank National Association, Plaintiff herein, by Assignment of Mortgage which will be duly recorded in the Office of the Recorder of Clearfield County.

6. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known 190 Eureka Street, Houtzdale, PA 16651.

7. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 09/11/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

8. The following amounts are due on the mortgage:

Principal Balance	\$	70,436.70
Interest through 12/20/2006	\$	2,815.41
(Plus \$ 24.56 per diem thereafter)		
Attorney's Fee	\$	3,521.84
Late Charges	\$	120.44
Corporate Advances	\$	7.75
Title Search	\$	<u>200.00</u>
GRAND TOTAL	\$	77,102.14

9. 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 based on work actually performed.

10. Notice of Intention to Foreclose as required by Act 6 of 1974 (41 P.S. §403) and notice required by the Emergency Mortgage Assistance Act of 1983 as amended under 12 PA Code Chapter 13, et

seq., commonly known as the Combined Notice of Delinquency has been sent to Defendants by regular mail with a certificate of mailing and by certified mail, return receipt requested.

WHEREFORE, Plaintiff demands Judgment against the Defendants in the sum of \$77,102.14, together with interest at the rate of \$24.56 per diem and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

McCABE, WEISBERG AND CONWAY, P.C.

BY: 

Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE

MARC S. WEISBERG, ESQUIRE

EDWARD D. CONWAY, ESQUIRE

MARGARET GAIRO, ESQUIRE

**VERIFICATION**

The undersigned, Terrence J. McCabe, Esquire, hereby certifies that he/she is the Attorney for the Plaintiff in the within action, and that he/she is authorized to make this verification and that the foregoing facts based on the information from the Plaintiff, who is not available to sign this, are true and correct to the best of his/her knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsification to authorities.

**McCABE, WEISBERG AND CONWAY, P.C.**

BY: 

Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE

(Legal Description)

ALL THOSE CERTAIN two (2) lots or pieces of ground situate in the Village of Woodward, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: Being Lot No. 404 and the West half of Lot No. 403 in the Woodward Village:

BEGINNING at a stake on the South (erroneously North in prior deeds) side of Township road, known as PA 153, leading from Houtzdale to Ginter, bearing North 19 degrees, 24 minutes West one hundred and twelve (112) feet from the Southeasterly corner of said road and Hickory Street; THENCE South 45 degrees East, three hundred and twenty-six and eight tenths (326.8) feet to the North side of Whiteside Run; THENCE meandering the same in a Northeasterly direction two hundred (200) feet, more or less, to the middle of Lot No. 403; THENCE thereby North 43 degrees West, three hundred and fifty (350) feet to the South side of said Township road and THENCE thereby South 3 degrees West, sixty-seven and three tenths (67.3) feet and South 19 degrees, 24 minutes, West one hundred and ten and eight-tenths (110.8) feet to the place of beginning.

RESERVING AND EXCEPTING right-of-way of the State highway, Route 153, (erroneously referred as Route 353 in prior deed) passing through said premises.

THE SECOND THEREOF: Being Lot No. 405 of Woodward Village:

BEGINNING at a stake at the North West Corner (erroneously South West in prior deeds) of Lot No. 404 aforesaid; THENCE by said Lot South 45 degrees East, three hundred twenty-six and eight tenths (326.8) feet to a stake on the Westerly bank of Whiteside Run; THENCE meandering the same in a southwesterly direction one hundred (100) feet, more or less, to a stake on the Northerly side of Hickory Street; THENCE thereby North 45 degrees West, two hundred and twenty-eight (228) feet to a stake on the Easterly side of a Township Road leading from Houtzdale to Ginter; and, THENCE thereby North 19 degrees, 24 minutes East, one hundred ten and nine-tenths (110.9) feet to a post and place of beginning.

RESERVING AND EXCEPTING the right-of-way of the State Highway, Route 153 (erroneously referred as Route 353 in prior deed) passing through said premises.

PARCEL NO. 130-M15-524-2.2

BEING the same premises which Cynthia A. Hargas, as Executrix of the Estate of Denzil B. Knight, Deceased, by Indenture dated 10-06-04 and recorded 10-07-04 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument No. 200416467, granted and conveyed unto Wendy J. Hockenberry and Fred A. Hockenberry, Jr., her husband, as tenants by the entireties.

**Exhibit A**

Date: 1/9/2007  
Time: 12:09 PM

Clearfield County Court of Common Pleas  
Receipt

NO. 1917115  
Page 1 of 1

Received of: McCabe, Weisberg & Conway \$ 85.00

Eighty-Five and 00/100 Dollars

Case: 2007-00039-CD	Plaintiff: U.S. National Association vs.	Amount
Civil Complaint		85.00
Total:		85.00

Check: 89681

Payment Method: Check

Amount Tendered:

85.00

William A. Shaw, Prothonotary/Clerk of Cou

Change Returned:

0.00

By: \_\_\_\_\_

Clerk: BILL SHAW

Deputy Clerk

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

TERRENCE J. McCABE

SUITE 2080  
FIRST UNION BUILDING  
123 SOUTH BROAD STREET  
PHILADELPHIA, PENNSYLVANIA 19109  
(215) 790-1010  
FAX (215) 790-1274  
FAX (215) 790-1274

TERRENCE J. McCABE

SUITE 600  
216 HADDON AVENUE  
WESTMONT, NJ 08108  
(609) 858-7080  
FAX (609) 858-7020

SUITE 5205  
52 VANDERBILT AVENUE  
NEW YORK, NY 10010  
(212) 695-0010  
FAX (212) 933-0986

Prothonotary's Office  
Clerfield County Courthouse  
1 North Street  
Clearfield, PA 16830

Re: U.S. Bank National Association v. Hockenburry  
Clearfield County; C. C. P.; Number 2007-39-CD

Dear Sir or Madam:

Enclosed please find an original and three copies of the Praecipe to Reinstate the Complaint in Mortgage Foreclosure, as well as a letter to the Sheriff with service instructions relative to the above-captioned matter.

Kindly file the original Praecipe of record with the Court, submit one copy to the Sheriff's Office, and return to my attention the remaining time-stamped copy in the stamped, self-addressed envelope which is provided.

Thank you for your cooperation in this matter.

Very truly yours,

*Kasey L. Patton*  
KASEY L. PATTON  
Paralegal

TJM/kp  
Enclosures

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 3 Services

Sheriff Docket # **102326**

U.S. BANK NATIONAL ASSOCIATION

Case # **07-39-CD**

VS.

WENDY J. HOCKENBURY and FRED A. HOCKENBURY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW April 23, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO WENDY J. HOCKENBURY, DEFENDANT. 190 EUREKA ST., HOUTZDALE, PA. "EMPTY".

SERVED BY: /

**FILED**  
07/00 LM  
APR 25 2007  
5

William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 2 of 3 Services

Sheriff Docket #

**102326**

**U.S. BANK NATIONAL ASSOCIATION**

Case # 07-39-CD

vs.

**WENDY J. HOCKENBURY and FRED A. HOCKENBURY**

**TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE**

**SHERIFF RETURNS**

NOW April 23, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO FRED A. HOCKENBURY, DEFENDANT. 190 EUREKA ST., HOUTZDALE, PA. "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102326  
NO: 07-39-CD  
SERVICE # 3 OF 3  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION  
vs.  
DEFENDANT: WENDY J. HOCKENBERRY and FRED A. HOCKENBERRY

**SHERIFF RETURN**

---

NOW, January 16, 2007 AT 10:43 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WENDY J. HOCKENBERRY DEFENDANT AT 1223 28 ROAD, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WENDY J. HOCKENBERRY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102326  
NO: 07-39-CD  
SERVICES 3  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION  
VS.  
DEFENDANT: WENDY J. HOCKENBURY and FRED A. HOCKENBURY

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MCCABE	89681	30.00
SHERIFF HAWKINS	MCCABE	89681	62.92

Sworn to Before Me This

So Answers,

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

  
Chester A. Hawkins  
Sheriff

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419

123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

U.S. Bank National Association  
10790 Rancho Bernardo Road  
San Diego, CA 92127

v.

Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651  
and  
Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Clearfield County  
Court of Common Pleas

JAN 09 2007

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

Number

2007-39-CD

### CIVIL ACTION/MORTGAGE FORECLOSURE

#### **NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after 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.

Dave Meholick  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA, 16830  
814-765-2641 x 5982

#### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMATION ACERCA DE EMPLEAR A UN ABOGADO.

SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMATION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.

Dave Meholick  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA, 16830  
814-765-2641 x 5982

**McCABE, WEISBERG AND CONWAY, P.C.**

BY: **TERRENCE J. McCABE, ESQUIRE - ID # 16496**  
**MARC S. WEISBERG, ESQUIRE - ID # 17616**  
**EDWARD D. CONWAY, ESQUIRE - ID # 34687**  
**MARGARET GAIRO, ESQUIRE - ID # 34419**

**Attorneys for Plaintiff**

**123 South Broad Street, Suite 2080**  
**Philadelphia, Pennsylvania 19109**  
**(215) 790-1010**

U.S. Bank National Association  
10790 Rancho Bernardo Road  
San Diego, CA 92127

Clearfield County  
Court of Common Pleas

v.

Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651  
and  
Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Number

**CIVIL ACTION/MORTGAGE FORECLOSURE**

1. Plaintiff is U.S. Bank National Association, a corporation duly organized and doing business at the above captioned address.

2. The Defendant is Wendy J. Hockenberry, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and her last-known address is 1223 28 Road, Houtzdale, PA 16651.

3. The Defendant is Fred A. Hockenberry, who is one of the mortgagors and real owners of the mortgaged property hereinafter described, and his last-known address is 190 Eureka Street, Houtzdale, PA 16651.

4. On 10/06/2004, mortgagor made, executed and delivered a mortgage upon the premises hereinafter described to Mortgage Electronic Registration Systems, Inc., as nominee for EquiFirst

Corporation which mortgage is recorded in the Office of the Recorder of Clearfield County as Instrument Number 200416468.

5. The aforesaid mortgage was thereafter assigned by Mortgage Electronic Registration Systems, Inc., as nominee for EquiFirst Corporation to U.S. Bank National Association, Plaintiff herein, by Assignment of Mortgage which will be duly recorded in the Office of the Recorder of Clearfield County.

6. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known 190 Eureka Street, Houtzdale, PA 16651.

7. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 09/11/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

8. The following amounts are due on the mortgage:

Principal Balance	\$	70,436.70
Interest through 12/20/2006	\$	2,815.41
(Plus \$ 24.56 per diem thereafter)		
Attorney's Fee	\$	3,521.84
Late Charges	\$	120.44
Corporate Advances	\$	7.75
Title Search	\$	<u>200.00</u>
GRAND TOTAL	\$	77,102.14

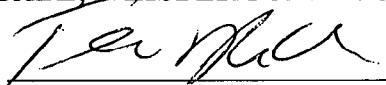
9. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania Law and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged based on work actually performed.

10. Notice of Intention to Foreclose as required by Act 6 of 1974 (41 P.S. §403) and notice required by the Emergency Mortgage Assistance Act of 1983 as amended under 12 PA Code Chapter 13, et

seq., commonly known as the Combined Notice of Delinquency has been sent to Defendants by regular mail with a certificate of mailing and by certified mail, return receipt requested.

WHEREFORE, Plaintiff demands Judgment against the Defendants in the sum of \$77,102.14, together with interest at the rate of \$24.56 per diem and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

**McCABE, WEISBERG AND CONWAY, P.C.**

BY: 

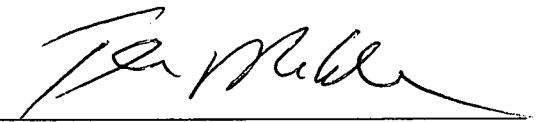
Attorneys for Plaintiff

**TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE**

**VERIFICATION**

The undersigned, Terrence J. McCabe, Esquire, hereby certifies that he/she is the Attorney for the Plaintiff in the within action, and that he/she is authorized to make this verification and that the foregoing facts based on the information from the Plaintiff, who is not available to sign this, are true and correct to the best of his/her knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 P.A.C.S. §4904 relating to unsworn falsification to authorities.

**McCABE, WEISBERG AND CONWAY, P.C.**

BY: 

Attorneys for Plaintiff  
**TERRENCE J. McCABE, ESQUIRE**  
**MARC S. WEISBERG, ESQUIRE**  
**EDWARD D. CONWAY, ESQUIRE**  
**MARGARET GAIRO, ESQUIRE**

(Legal Description)

ALL THOSE CERTAIN two (2) lots or pieces of ground situate in the Village of Woodward, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: Being Lot No. 404 and the West half of Lot No. 403 in the Woodward Village:

BEGINNING at a stake on the South (erroneously North in prior deeds) side of Township road, known as PA 153, leading from Houtzdale to Ginter, bearing North 19 degrees, 24 minutes West one hundred and twelve (112) feet from the Southeasterly corner of said road and Hickory Street; THENCE South 45 degrees East, three hundred and twenty-six and eight tenths (326.8) feet to the North side of Whiteside Run; THENCE meandering the same in a Northeasterly direction two hundred (200) feet, more or less, to the middle of Lot No. 403; THENCE thereby North 43 degrees West, three hundred and fifty (350) feet to the South side of said Township road and THENCE thereby South 3 degrees West, sixty-seven and three tenths (67.3) feet and South 19 degrees, 24 minutes, West one hundred and ten and eight-tenths (110.8) feet to the place of beginning.

RESERVING AND EXCEPTING right-of-way of the State highway, Route 153, (erroneously referred as Route 353 in prior deed) passing through said premises.

THE SECOND THEREOF: Being Lot No. 405 of Woodward Village:

BEGINNING at a stake at the North West Corner (erroneously South West in prior deeds) of Lot No. 404 aforesaid; THENCE by said Lot South 45 degrees East, three hundred twenty-six and eight tenths (326.8) feet to a stake on the Westerly bank of Whiteside Run; THENCE meandering the same in a southwesterly direction one hundred (100) feet, more or less, to a stake on the Northerly side of Hickory Street; THENCE thereby North 45 degrees West, two hundred and twenty-eight (228) feet to a stake on the Easterly side of a Township Road leading from Houtzdale to Ginter; and, THENCE thereby North 19 degrees, 24 minutes East, one hundred ten and nine-tenths (110.9) feet to a post and place of beginning.

RESERVING AND EXCEPTING the right-of-way of the State Highway, Route 153 (erroneously referred as Route 353 in prior deed) passing through said premises.

PARCEL NO. 130-M15-524-2.2

BEING the same premises which Cynthia A. Hargas, as Executrix of the Estate of Denzil B. Knight, Deceased, by Indenture dated 10-06-04 and recorded 10-07-04 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument No. 200416467, granted and conveyed unto Wendy J. Hockenberry and Fred A. Hockenberry, Jr., her husband, as tenants by the entireties.

**Exhibit A**

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419

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and  
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190 Eureka Street  
Houtzdale, PA 16651

Clearfield County  
Court of Common Pleas

Attorneys for Plaintiff

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

JAN 09 2007

Attest.

*William J. Hockenberry*  
Prothonotary/  
Clerk of Courts

Number 2007-39-C0

### CIVIL ACTION/MORTGAGE FORECLOSURE

#### **NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after 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.

Dave Meholick  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA, 16830  
814-765-2641 x 5982

#### **AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMACION ACERCA DE EMPLEAR A UN ABOGADO.

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Attorneys for Plaintiff

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Attest.

*William L. H.*  
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6. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known 190 Eureka Street, Houtzdale, PA 16651.

7. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 09/11/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

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Principal Balance	\$	70,436.70
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(Plus \$ 24.56 per diem thereafter)		
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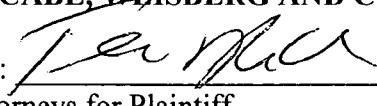
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BY: 

Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE

MARC S. WEISBERG, ESQUIRE

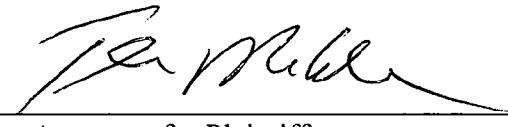
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MARGARET GAIRO, ESQUIRE

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**McCABE, WEISBERG AND CONWAY, P.C.**

BY: 

Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE

(Legal Description)

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PARCEL NO. 130-M15-524-2.2

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**Exhibit A**

MCCABE, WEISBERG AND CONWAY, P.C.  
BY: ANDREW L. MARKOWITZ, ESQUIRE- ID# 28009  
Attorney for Plaintiff  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

---

U.S. Bank National Association : Clearfield County  
: Court of Common Pleas  
v. :  
Wendy J. Hockenberry :  
and : Number: 2007-39-CD  
Fred A. Hockenberry :  
:

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:  
SS.  
COUNTY OF CLEARFIELD:

FILED NO CC  
MAY 24 2007  
William A. Shaw  
Prothonotary/Clerk of Courts  


Andrew L. Markowitz, Esquire, being duly sworn according to law, deposes and says that the following is true and correct to the best of his knowledge and belief:

1. That he is counsel for the above-named Plaintiff;
2. That on March 27, 2007, per the attached Court Order, Plaintiff served a true and correct copy of the Complaint in Mortgage Foreclosure upon the Defendants, Fred A. Hockenberry and Wendy J. Hockenberry, by regular mail and certified mail, return receipt requested; addressed to their last-known address of 190 Eureka Street, Houtzdale, PA 16651. True and correct copies of the letters and certified receipts, are attached hereto, made a part hereof, and marked as Exhibit "A."
3. That on April 13, 2007, per the attached Court Order, Plaintiff served a true and correct copy of the Complaint in

Mortgage Foreclosure upon the Defendants, Fred A. Hockenburry and Wendy J. Hockenburry, by posting the same at the mortgaged premises of 190 Eureka Street, Houtzdale, PA 16651. True and correct copies of the Sheriff's Returns of Service have been duly filed of record with the court.

4. That on March 30, 2007, in accordance with the attached Court Order, Plaintiff served a true and correct copy of the Notice of the filing of the Complaint in Mortgage Foreclosure upon the Defendants, Fred A. Hockenburry and Wendy J. Hockenburry, through publication in the Clearfield County Legal Journal. True and correct copy of the Proof of Publication indicating the same are attached hereto, made a part hereof, and marked Exhibit "B."

5. That on April 27, 2007, in accordance with the attached Court Order, Plaintiff served a true and correct copy of the Notice of the filing of the Complaint in Mortgage Foreclosure upon the Defendants, Fred A. Hockenburry and Wendy J. Hockenburry, through publication in The Progress. A true and correct copy of the Proof of Publication indicating the same is attached hereto, made a part hereof, and marked Exhibit "C."



ANDREW L. MARKOWITZ, ESQUIRE  
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 21<sup>st</sup> DAY  
OF May, 2007.



Chrissandra Shaye Hamilton  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

Chrissandra Shaye Hamilton, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires January 4, 2009

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

U.S. BANK NATIONAL ASSOCIATION  
Plaintiff

vs.

NO. 07-39-CD

WENDY J. HOCKENBERRY and  
FRED A. HOCKENBERRY,

## Defendants

## **ORDER**

NOW, this 6<sup>th</sup> day of March, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendants **Wendy J. Hockenberry** and **Fred A. Hockenberry** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 190 Eureka Street, Houtzdale, Pa 16651;
3. By certified mail, return receipt requested, to 190 Eureka Street, Houtzdale, Pa 16651; and
4. By posting the mortgaged premises known in this herein action as 190 Eureka Street, Houtzdale, Pa 16651.

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

MAR 09 2007

Attest.

William L. Lewis  
Prothonotary/  
Clerk of Courts

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

TERRENCE J. McCABE\*\*\*  
MARC S. WEISBERG\*\*  
EDWARD D. CONWAY  
MARGARET GAIRO  
RITA C. BUSCHER\*†  
FRANK DUBIN  
MONICA G. CHRISTIE +†  
BRENDA L. BROGDON\*  
BETH L. THOMAS  
SEAN GARRETT\*+  
JULIE M. FIORELLO^  
SVEN E. PFAHLERT\*  
STEVEN J. NIERENBERG  
JOSEPH VACCARO\*

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FAX (215) 790-1274

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216 HADDON AVENUE  
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(856) 858-7080  
FAX (856) 858-7020

SUITE 205  
53 WEST 36<sup>TH</sup> STREET  
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(917) 351-1188  
FAX (917) 351-0363

Affiliated with:  
WHITTLESEY McDOWELL & RIGA P.C.  
Joseph F. Riga\*  
Of Counsel

- \* Licensed in PA & NJ
- \*\* Licensed in PA & NY
- \*+ Licensed in PA & NM
- \*\*\* Licensed in PA, NJ & NY
- † Licensed in NY & CT
- ^ Licensed in NY
- ‡ Managing Attorney for NJ
- + Managing Attorney for NY

March 27, 2007

Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Re: U.S. Bank National Association v. Hockenberry  
Clearfield County; C. C. P.; Number 07-39-CD

*Exhibit A*

Dear Mr. Hockenberry:

Enclosed please find a true and correct copy of Complaint in Mortgage Foreclosure, the original of which has been filed against you in regard to the above-captioned matter.

Very truly yours,

*Kasey L. Patton*  
Kasey L. Patton  
Paralegal

TJM/kp  
Enclosures

**SENT VIA REGULAR MAIL AND  
CERTIFIED MAIL NUMBER 7006 2760 0002 1279 6465  
RETURN RECEIPT REQUESTED**

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

TERRENCE J. McCABE\*\*\*  
MARC S. WEISBERG\*\*  
EDWARD D. CONWAY  
MARGARET GAIRO  
RITA C. BUSCHER\*†  
FRANK DUBIN  
MONICA G. CHRISTIE ††  
BRENDA L. BROGDON\*  
BETH L. THOMAS  
SEAN GARRETT\*‡  
JULIE M. FIORELLO^  
SVEN E. PFAHLERT\*  
STEVEN J. NIERENBERG  
JOSEPH VACCARO\*

SUITE 2080  
123 SOUTH BROAD STREET  
PHILADELPHIA, PA 19109  
(215) 790-1010  
FAX (215) 790-1274

SUITE 600  
216 HADDON AVENUE  
WESTMONT, NJ 08108  
(856) 858-7080  
FAX (856) 858-7020

SUITE 205  
53 WEST 36<sup>TH</sup> STREET  
NEW YORK, NY 10018  
(917) 351-1188  
FAX (917) 351-0363

Affiliated with:  
WHITTLESEY McDOWELL & RIGA P.C.  
Joseph F. Riga\*  
Of Counsel

• Licensed in PA & NJ  
•• Licensed in PA & NY  
•+ Licensed in PA & NM  
••• Licensed in PA, NJ & NY  
† Licensed in NY & CT  
^ Licensed in NY  
‡ Managing Attorney for NJ  
+ Managing Attorney for NY

March 27, 2007

Wendy J. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Re: U.S. Bank National Association v. Hockenberry  
Clearfield County; C. C. P.; Number 07-39-CD

Exhibit A

Dear Ms. Hockenberry:

Enclosed please find a true and correct copy of Complaint in Mortgage Foreclosure, the original of which has been filed against you in regard to the above-captioned matter.

Very truly yours,

*Kasey L. Patton*  
Kasey L. Patton  
Paralegal

TJM/kp  
Enclosures

**SENT VIA REGULAR MAIL AND  
CERTIFIED MAIL NUMBER 7006 2760 0002 1279 6496  
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U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

1279 6496  
 2760 0002  
 (KPD)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

PA 17910 APR 27 2006

7006 2760 Sent to: **Wendy J. Hockenberry**  
 Street, Apt. No.:  
 or PO Box No.: **190 EUREKA STREET**  
 City, State, ZIP+4: **HOUTZDALE, PA 16051**

PS Form 3800, August 2006 See Reverse for Instructions

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)®

**OFFICIAL USE**

1279 6465  
 2760 0002  
 (KPD)

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

PA 17910 APR 27 2006

7006 2760 Sent to: **FRED A. Hockenberry**  
 Street, Apt. No.:  
 or PO Box No.: **190 EUREKA STREET**  
 City, State, ZIP+4: **HOUTZDALE, PA 16051**

PS Form 3800, August 2006 See Reverse for Instructions

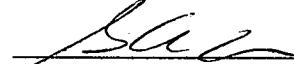
30441

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
:   
COUNTY OF CLEARFIELD :  
:

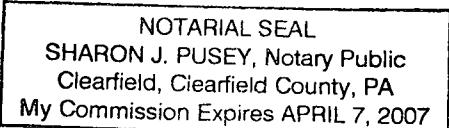
# Exhibit B

On this 30th 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 30, 2007, Vol. 19 No. 13. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

  
\_\_\_\_\_  
Gary A. Knaresboro, Esquire  
Editor

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

Sharon J. Pusey  
Notary Public  
My Commission Expires



Terrance J. McCabe  
123 S Broad St Suite 2080  
Philadelphia PA 19109

Paul Daniel Schwiderske, Executor,  
Estate of Robert Schwiderske, late of  
Morrisdale, Clearfield County.

First & Partial Account, Thomas Charles  
McGill, Executor, Estate of Lois B. McGill,  
late of Coalport, Clearfield County.

Loretta Evansky, Executrix, Estate of  
Michael J. Evansky, late of Ramey,  
Clearfield County.

Thomas Robert Royer, Executor, Estate  
of Ida Lee Royer, late of Clearfield,  
Clearfield County.

Jean Irene Wilkinson, Administratrix,  
Estate of Donald E. Wilkinson, late of Bigler,  
Clearfield County.

Garry L. Harman, Executor, Estate of  
Sarah E. Harman, late of Curwensville,  
Clearfield County.

Lisa M. Kosut & Sandra K. Michaels,  
Co-Executrices, Edith M. Nearhood, late of  
Kylertown, Clearfield County.

CNB Bank, Executor, Estate of Lorraine  
F. Sawyer, late of New Millport, Clearfield  
County.

Fourth & Final Account, First Com-  
monwealth Bank-Trust Division & Brenda L.  
Orsich, Co-Guardians Estate of Jennifer L.  
Weaver, a minor.

First & Partial Account, S & T Bank,  
Trustee of Josephine C. Carlson, T/U/W,  
FBO William A. Kail, late of Sandy  
Township, Clearfield County.

First & Partial Account, S & T Bank,  
Trustee of Josephine C. Carlson, T/U/W,  
FBO Robert E. Kail, late of Sandy Township,  
Clearfield County.

Bradley S. Cowie, Executor, Estate of  
Phyllis J. Cowie, late of Sandy Township,  
Clearfield County.

George P. Elias, Adminsitrator C.T.A.,  
Estate of Ann B. Garvin a/k/a Ann Garvin  
a/k/a Anne Garvin, late of DuBois, Clearfield  
County.

First & Partial Account, S & T Bank  
Trustee, Donald Orris, T/U/W, FBO Matthew  
Orris, late of DuBois, Clearfield County.

KAREN L. STARCK, REG. OF WILLS &  
CLERK OF ORPHANS' COURT, P. O. Bo:  
361, Clearfield, PA 16830.

ADV: March 23, 2007 & March 30, 2007

# Exhibit B

CLEARFIELD COUNTY  
COURT OF  
COMMON PLEAS  
NUMBER 2007-39-CD  
McCABE, WEISBERG  
AND CONWAY, PC.  
BY: TERRENCE J. McCABE,  
ESQUIRE  
Identification Number 16496  
123 South  
Broad Street,  
Suite 2080  
Philadelphia,  
Pennsylvania 19109  
(215) 790-1010  
Attorney for Plaintiff  
U.S. Bank  
National Association  
v.  
Wendy J. Hockenberry  
and Fred A. Hockenberry

TO: Wendy and  
Fred Hockenberry

TYPE OF ACTION:

CIVIL ACTION/COMPLAINT

INMORTGAGE FORECLOSURE

PREMISES SUBJECT

TO FORECLOSURE:

190 Eureka Street,

Houtzdale, PA 16651

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.

Lawyers Reference Service  
Keystone Legal Services  
211½ East Locust Street  
Clearfield, PA 16830  
814-765-9646

4:27:1d

30441 Kasey  
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

: SS:

COUNTY OF CLEARFIELD :

On this 16th day of May, A.D. 20 07, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of April 27, 2007. And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

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

Cheryl J. Robison

Notary Public

Clearfield, Pa.

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102614  
NO: 07-39-CD  
SERVICE # 1 OF 1  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION

vs.

DEFENDANT: WENDY J. HOCKENBURY and FRED A. HOCKENBURY

**SHERIFF RETURN**

---

NOW, April 13, 2007 AT 1:40 PM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT 190 EUREKA ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA. (FRED A. HOCKENBURY)

SERVED BY: DAVIS / MORGILLO

**FILED**  
07/10/2007  
JUL 10 2007  
*WAS*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102614  
NO: 07-39-CD  
SERVICES 1  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION  
vs.  
DEFENDANT: WENDY J. HOCKENBURY and FRED A. HOCKENBURY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MCCABE	93300	10.00
SHERIFF HAWKINS	MCCABE	93299	26.46

Sworn to Before Me This

So Answers,

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

  
Chester A. Hawkins  
Sheriff

McCABE, WEISBERG, CONWAY, P.C.  
BY: Andrew L. Markowitz, Esquire  
Identification Number 28009  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorney for Plaintiff

U.S. BANK NATIONAL ASSOCIATION

COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY

v.

WENDY J. HOCKENBURY -and-  
FRED A. HOCKENBURY

NO. 2007-39 CD

ORDER

AND NOW, this 9 day of July, 2007, upon due consideration of Plaintiff's Motion For an Order Directing Sheriff's Office to File Return of Service pursuant to Rule 405 (a) Pa. R. C. P., and any response thereto, it is hereby ORDERED and DECREED that Plaintiff's Motion is hereby GRANTED and the Sheriff of Clearfield County, his officers, deputies and agents, be and are hereby directed to proceed forthwith with the filing with the Office of the Prothonotary a return of service setting forth the posting of the subject property completed on April 13, 2007 as directed by the prior Order of this Court granting plaintiff's motion for alternate service on defendant Fred A. Hockenbury.



FILED *acc/sy*  
01/11/2007  
JUL 10 2007  
Copy to Sheriff

William A. Shaw  
Prothonotary/Clerk of Courts

6K

**FILED**

**JUL 10 2007**

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

DATE: 7/10/07

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:

McCABE, WEISBERG, CONWAY, P.C.  
BY: Andrew L. Markowitz, Esquire  
Identification Number 28009  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorney for Plaintiff

FILED NO CC  
M 11/07/07  
JUL 05 2007

SECRET  
William A. Shaw  
Prothonotary/Clerk of Courts

U.S. BANK NATIONAL ASSOCIATION

COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY

v.

WENDY J. HOCKENBURY -and-  
FRED A. HOCKENBURY

NO. 2007-39 CD

MOTION PURSUANT TO RULE 405(a) Pa. R. C. P.  
FOR AN ORDER DIRECTING SHERIFF'S OFFICE  
TO FILE A RETURN OF SERVICE

Plaintiff, U.S. BANK NATIONAL ASSOCIATION, by and through its attorneys, hereby moves, pursuant to Rule 405 (a) of the Pennsylvania Rules of Civil Procedure, for an Order directing the Office of the Sheriff of Clearfield County, its officers, deputies and agents, to complete and file with the Prothonotary of Clearfield County a return of service in this matter, and in support thereof avers as follows:

1. On January 9, 2007, plaintiff commenced this action in mortgage foreclosure against defendants WENDY J. HOCKENBURY and FRED A. HOCKENBURY, mortgagors and last owners of record of the subject property located at 190 Eureka Street, Houtzdale, PA 16651.

2. Subsequently, on January 16, 2007, personal service of plaintiff's Complaint was made on defendant Wendy J. Hockenbury at 1223 28 Road, Houtzdale, PA 16651 but plaintiff was unable to complete service on defendant Fred A. Hockenbury by ordinary means.

3. On February 26, 2007, plaintiff filed a petition for leave to make service on defendant Fred A. Hockenberry by alternate means and, on March 6, 2007, this Court, by the Honorable Fredric J. Ammerman, granted such petition and entered an Order granting plaintiff leave to complete such service by publication, mail and posting.

4. Pursuant to such Order of Court, plaintiff thereafter completed service on such defendant by publication and by mail and further requested the Office of the Sheriff to complete service on such defendant by posting in accordance with such Order of Court.

5. Counsel for plaintiff was subsequently advised by the Sheriff's office by telephone that such requested posting of the property had been completed on April 13, 2007.

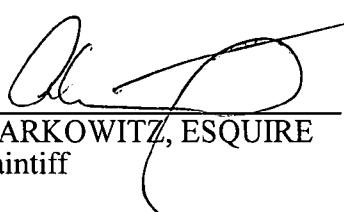
6. Notwithstanding such service, the Sheriff's office has failed to file with the Office of the Prothonotary a return of service for such posting and counsel for plaintiff was further advised by telephone inquiry to the Office of the Prothonotary on July 2, 2007 that still no return of service for such posting has been filed as of such date.

7. The Office of the Prothonotary has further advised plaintiff's counsel that the Prothonotary will not enter any default judgment in favor of plaintiff in this matter in the absence of such return of service being filed with the Prothonotary by the Sheriff's office.

8. The failure of the Sheriff's office to complete and file a return of service with the Prothonotary's office for such posting has precluded plaintiff from proceeding any further in this matter to enforce its rights under the subject mortgage.

9. Accordingly, plaintiff hereby requests the Court to enter an Order directing the Office of the Sheriff, its officers, deputies and agents, to complete and file with the Prothonotary a return of service for such posting of the property on April 13, 2007 to enable plaintiff to proceed with further proceedings in this matter.

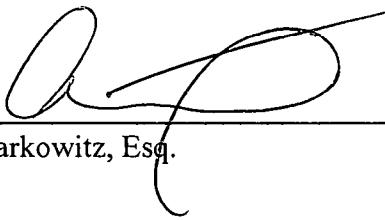
WHEREFORE, Plaintiff requests this Honorable Court to grant Plaintiff's Motion For An Order Directing Sheriff's Office to File a Return of Service and to enter an Order directing the Office of the Sheriff to file with the Prothonotary forthwith a return of service for the posting of the property completed on April 13, 2007 in accordance with the prior Order of this Court granting plaintiff's motion for alternate service.



ANDREW L. MARKOWITZ, ESQUIRE  
Attorneys for Plaintiff

**VERIFICATION**

The undersigned, Andrew L. Markowitz, Esquire, does hereby certify that he is counsel for plaintiff U.S. BANK NATIONAL ASSOCIATION in the above matter; and that he is authorized to make this verification on its behalf and that the foregoing facts as set forth in the foregoing Motion Pursuant to Rule 405 (a) Pa. R. C. P. For An Order Directing Sheriff's Office to File a Return of Service are true and correct to the best of his knowledge, information and belief, and further states that false statements herein are made subject to the penalties of 18 PA.C.S. §4904 relating to unsworn falsification to authorities.



\_\_\_\_\_  
Andrew L. Markowitz, Esq.

Dated: July 3, 2007

**McCABE, WEISBERG, CONWAY, P.C.**  
**BY: Andrew L. Markowitz, Esquire**  
**Identification Number 28009**  
**123 South Broad Street, Suite 2080**  
**Philadelphia, Pennsylvania 19109**  
**(215) 790-1010**

**Attorney for Plaintiff**

---

**U.S. BANK NATIONAL ASSOCIATION**

**COURT OF COMMON PLEAS**  
**OF CLEARFIELD COUNTY**

**v.**

**WENDY J. HOCKENBURY -and-**  
**FRED A. HOCKENBURY**

**NO. 2007-39 CD**

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S  
MOTION FOR AN ORDER DIRECTING SHERIFF TO  
FILE A RETURN OF SERVICE**

Pursuant to Rule 405 (a) of the Pennsylvania Rules of Civil Procedure,

When service of original process has been made the sheriff ...  
shall make a return of service forthwith.

And, as this Rule further provides in paragraph (e):

The return of service or of no service shall be filed with the  
prothonotary.

In this instance, the sheriff's office completed service on defendant Fred A. Hockenbury by posting the subject property on April 13, 2007 as directed by the prior Order of this Court granting plaintiff's motion for alternate service. Notwithstanding that such service has been

completed, however, the sheriff's office has failed to file with the Prothonotary the necessary return of service as required by Rule 405 Pa. R. C. P. and as a result plaintiff is unable to proceed with the filing of a judgment by default against defendants herein.

It is submitted therefore that plaintiff's Motion For An Order Directing Sheriff's Office to File Return of Service in this matter should be granted and the Sheriff's office should be directed to file with the Prothonotary's office forthwith a return of service setting forth the posting of the subject property completed on April 13, 2007 as directed by the prior Order of this Court granting plaintiff's motion for alternate service on defendant Fred A. Hockenburry.

An appropriate form of Order is attached hereto.

ANDREW L. MARKOWITZ, ESQUIRE  
Attorneys for Plaintiff



**McCABE, WEISBERG, CONWAY, P.C.**  
**BY: Andrew L. Markowitz, Esquire**  
**Identification Number 28009**  
**123 South Broad Street, Suite 2080**  
**Philadelphia, Pennsylvania 19109**  
**(215) 790-1010**

**Attorney for Plaintiff**

**U.S. BANK NATIONAL ASSOCIATION**

**COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY**

**v.**

**WENDY J. HOCKENBURY -and-**  
**FRED A. HOCKENBURY**

**NO. 2007-39 CD**

**CERTIFICATE OF SERVICE**

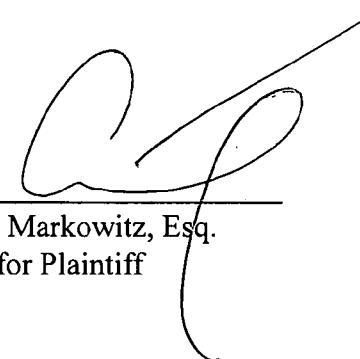
I, Andrew L. Markowitz, Esquire, Attorney for Plaintiff, hereby certifies that a true and correct copy of the foregoing Motion For an Order Directing Sheriff's Office to File a Return of Service was served on the following persons on the 3<sup>rd</sup> day of July, 2007 by depositing same in the United States mail, first-class, postage pre-paid, addressed as follows:

Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651

Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Office of the Sheriff  
Clearfield County Courthouse  
One North Second Street  
Clearfield, PA 16830

**DATE: July 3, 2007**

  
Andrew L. Markowitz, Esq.  
Attorneys for Plaintiff

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

FILED

JUL 24 2007  
N.Y. 2:15 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

U.S. Bank National Association  
Plaintiff

v.  
Wendy J. Hockenberry and Fred A. Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Number 2007-39-CD

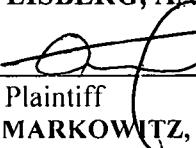
ASSESSMENT OF DAMAGES AND ENTRY OF JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment by default in favor of Plaintiff and against Defendants, Wendy J. Hockenberry and Fred A. Hockenberry in the above-captioned matter for failure to answer Complaint as required by Pennsylvania Rules of Civil Procedure and assess damages as follows:

Principal	\$ 77,102.14
Interest 12/21/2006 to 07/24/2007 @ \$24.56 per diem	\$ 5,059.36
Costs	\$
Total	\$ 82,161.50 (plus costs and interest)

McCABE, WEISBERG, AND CONWAY, P.C.

BY:   
Attorneys for Plaintiff  
ANDREW L. MARKOWITZ, ESQUIRE

AND NOW, this 24<sup>th</sup> day of July, 2007, Judgment is entered in favor of Plaintiff, U.S.

Bank National Association, and against Defendants, Wendy J. Hockenberry and Fred A. Hockenberry and damages are assessed in the amount of \$82,161.50, plus interest and costs.

BY THE PROTHONOTARY:



OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Clearfield County Courthouse  
Clearfield, PA 16830

William A. Shaw  
Prothonotary

To: Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651

U.S. Bank National Association  
Plaintiff  
v.  
Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

No. 2007-39-CD

NOTICE

Pursuant to Rule 236, you are hereby notified that a JUDGMENT has been entered in the  
above proceeding as indicated below.

  
William A. Shaw  
Prothonotary 7-24-07

Judgment by Default  
 Money Judgment  
 Judgment in Replevin  
 Judgment for Possession

If you have any questions concerning this Judgment, please call McCabe, Weisberg and Conway,  
P.C. at (215) 790-1010.

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Clearfield County Courthouse  
Clearfield, PA 16830

William A. Shaw  
Prothonotary

To: Wendy J. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

U.S. Bank National Association  
Plaintiff  
v.  
Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

No. 2007-39-CD

**NOTICE**

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William A. Shaw 7-24-07  
Prothonotary

Judgment by Default  
 Money Judgment  
 Judgment in Replevin  
 Judgment for Possession

If you have any questions concerning this Judgment, please call McCabe, Weisberg and Conway,  
P.C. at (215) 790-1010.

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Clearfield County Courthouse  
Clearfield, PA 16830

**William A. Shaw**  
**Prothonotary**

To: Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

U.S. Bank National Association  
Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

No. 2007-39-CD

**NOTICE**

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William A. Shaw  
Prothonotary 7-24-07

- Judgment by Default
- Money Judgment
- Judgment in Replevin
- Judgment for Possession

If you have any questions concerning this Judgment, please call McCabe, Weisberg and Conway,  
P.C. at (215) 790-1010.

**McCABE, WEISBERG AND CONWAY, P.C.**  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009

Attorneys for Plaintiff

123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

U.S. Bank National Association  
Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Number 2007-39-CD

**AFFIDAVIT OF NON-MILITARY SERVICE**

COMMONWEALTH OF PENNSYLVANIA:  
SS.  
COUNTY OF PHILADELPHIA

The undersigned, being duly sworn according to law, deposes and says that the Defendants, Wendy J. Hockenberry and Fred A. Hockenberry, 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; and that the Defendants, Wendy J. Hockenberry and Fred A. Hockenberry, are over eighteen (18) years of age, and their last known addresses are as follows:

Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651

Wendy J. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

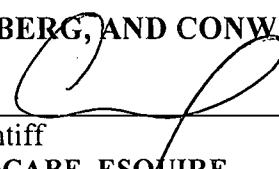
SWORN TO AND SUBSCRIBED

BEFORE ME THIS 23<sup>rd</sup> DAY

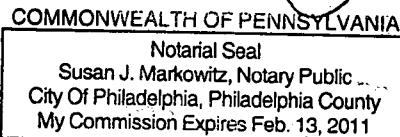
OF JULY 2007.

NOTARY PUBLIC

**McCABE, WEISBERG, AND CONWAY, P.C.**

BY:   
Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
FRANK DUBIN, ESQUIRE  
BONNIE DAHL, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE



Member, Pennsylvania Association of Notaries

Department of Defense Manpower Data Center

MAY-16-2007 08:12:20



Military Status Report  
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
HOCKENBURY	Wendy		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

Mary M. Snavely-Dixon, Director  
Department of Defense - Manpower Data Center  
1600 Wilson Blvd., Suite 400  
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Servicemembers Civil Relief Act [50 USCS Appx. #167;#167; 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's active duty status by contacting that person's Military Service via the "defenselink.mil" URL provided below. If you have evidence the person is on active-duty and you fail to obtain this additional Military Service verification, provisions of the SCRA may be invoked against you.

If you obtain further information about the person ( e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects current active duty status only. For historical information, please contact the Military Service SCRA points-of-contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>

WARNING: This certificate was provided based on a name and Social Security number (SSN) provided

by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.

*Report ID: CCZDSRQMHM*

Department of Defense Manpower Data Center

MAY-16-2007 08:13:25



## Military Status Report

Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
HOCKENBERRY	Fred A		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.	

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Military.

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*Report ID:CCZNXXEAFV*

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
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BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009

123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

U.S. Bank National Association  
Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Number 2007-39-CD

**AFFIDAVIT OF LAST-KNOWN MAILING ADDRESS OF DEFENDANTS**

I, Andrew L. Markowitz, Esquire, attorney for the Plaintiff in the within matter, being  
duly sworn according to law, hereby depose and say that the last-known mailing addresses of the  
Defendants are:

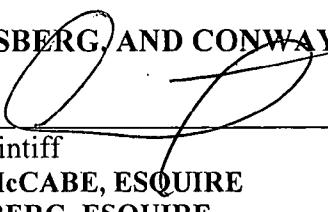
Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651

Wendy J. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 23<sup>RD</sup> DAY  
OF JULY, 2007.  
NOTARY PUBLIC

McCABE, WEISBERG, AND CONWAY, P.C.

BY: 

Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
FRANK DUBIN, ESQUIRE  
BONNIE DAHL, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE

COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Susan J. Markowitz, Notary Public  
City Of Philadelphia, Philadelphia County  
My Commission Expires Feb. 13, 2011  
Member, Pennsylvania Association of Notaries

**McCABE, WEISBERG AND CONWAY, P.C.**  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
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FRANK DUBIN, ESQUIRE - ID # 19280  
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ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009

Attorneys for Plaintiff

123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

U.S. Bank National Association  
Plaintiff

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

Number 2007-39-CD

### CERTIFICATION

Andrew L. Markowitz, Esquire, attorney for Plaintiff, being duly sworn according to law, deposes and says that he deposited in the United States Mail a letter notifying the Defendants that judgment would be entered against them within ten (10) days from the date of said letter in accordance with Rule 237.5 of the Pennsylvania Rules of Civil Procedure. A copy of said letter is attached hereto and marked as Exhibit "A".

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 23<sup>RD</sup> DAY

OF JULY 2007.

NOTARY PUBLIC

**McCABE, WEISBERG, AND CONWAY, P.C.**

BY: \_\_\_\_\_

Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
FRANK DUBIN, ESQUIRE  
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COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Susan J. Markowitz, Notary Public  
City Of Philadelphia, Philadelphia County  
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Member, Pennsylvania Association of Notaries

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Clearfield County Courthouse, Clearfield, PA 16830

William A. Shaw  
Prothonotary

May 18, 2007

To: Wendy J. Hockenberry  
1223 28 Road  
Houtzdale, PA 16651

U.S. Bank National Association  
vs.  
Wendy J. Hockenberry  
and  
Fred A. Hockenberry

Clearfield County  
Court of Common Pleas  
Number 2007-39-CD

**NOTICE, RULE 237.5  
NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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

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Dave Meholick  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA, 16830  
814-765-2641 x 5982

**NOTIFICACION IMPORTANTE**

USTED SE ENCUENTRA EN ESTADO DE REBELDIA POR NO HABER PRESENTADO UNA COMPARCENCIA ESCRITA, YA SEA PERSONALMENTE O POR ABOGADO Y POR NO HABER RADICADO POR ESCRITO CON ESTE TRIBUNAL SUS DEFENSAS U OBJECCIONES A LOS RECLAMOS FORMULADOS EN CONTRA SUYO. AL NO TOMAR LA ACCION DEBIDA DENTRO DE DIEZ (10) DIAS DE LA FECHA DE ESTA NOTIFICACION, EL TRIBUNAL PODRA, SIN NECESIDAD DE COMPARCER USTED EN CORTE U OIR PREUBA ALGUNA, DICTAR SENTENCIA EN SU CONTRA Y USTED PODRIA PERDER BIENES U OTROS DERECHOS IMPORTANTES.

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**McCABE, WEISBERG AND CONWAY, P.C.**

BY: \_\_\_\_\_

Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE

OFFICE OF THE PROTHONOTARY

COURT OF COMMON PLEAS

Clearfield County Courthouse, Clearfield, PA 16830

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May 18, 2007

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190 Eureka Street  
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**McCABE, WEISBERG AND CONWAY, P.C.**

BY: \_\_\_\_\_

Atorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE

OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Clearfield County Courthouse, Clearfield, PA 16830

William A. Shaw  
Prothonotary

May 18, 2007

To: Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

U.S. Bank National Association  
vs.  
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and  
Fred A. Hockenberry

Clearfield County  
Court of Common Pleas  
Number 2007-39-CD

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**McCABE, WEISBERG AND CONWAY, P.C.**

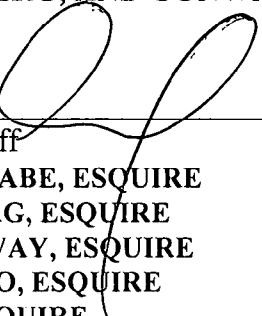
BY: \_\_\_\_\_

Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE

**VERIFICATION**

The undersigned, ANDREW L. MARKOWITZ, ESQUIRE, hereby certifies that he is the attorney for the Plaintiff in the within action and that he is authorized to make this verification and that the foregoing facts are true and correct to the best of his knowledge, information and belief and further states that false statements herein are made subject to the penalties of 18 P.A.C.S. Section 4909 relating to unsworn falsification to authorities.

**McCABE, WEISBERG, AND CONWAY, P.C.**

BY:   
Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
FRANK DUBIN, ESQUIRE  
BONNIE DAHL, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE

# Praeclipe for Writ of Execution-MORTGAGE FORECLOSURE

U.S. Bank National Association

Plaintiff

v.

Wendy J. Hockenberry and Fred A. Hockenberry

Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Number 2007-39-CD

FILED

JUL 24 2007

AM 3:00 PM

William A. Shaw  
Prothonotary/Clerk of Courts

1 man to attorney  
6 weeks to file

## PRAECLYPE FOR WRIT OF EXECUTION

To the Prothonotary:

Issue Writ of Execution in the above matter

1. Directed to the Sheriff of Clearfield County, Pennsylvania..
2. Against Wendy J. Hockenberry and Fred A. Hockenberry defendants, and
3. Against \_\_\_\_\_ Garnishee(s);
4. And index this writ
  - a) Against Wendy J. Hockenberry and Fred A. Hockenberry and Wendy J. Hockenberry defendants
  - b) Against \_\_\_\_\_ Garnishee(s)

As a lis pendens against the real property of the defendants in the name of Garnishee(s) as follows:  
(Specifically described property)\*

190 EUREKA STREET, WOODWARD TOWNSHIP, HOUTZDALE, PA 16651

(Specifically described property)

(If space insufficient, attach extra sheets)

Amount Due	\$ 82,161.50
Interest from 07/25/2007 to	
DATE OF SALE	\$
@ \$13.51 per diem	
Costs	\$
Total	\$
	Plus Costs

PROTHONOTARY COSTS \$132.00

Andrew L. Markowitz, Esquire  
McCabe, Weisberg and Conway, P.C.  
Attorneys for Plaintiff(s)

NO. TERM

NO. 2007-39-CD TERM

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

## U.S. Bank National Association

vs

Wendy J. Hockenberry and Fred A. Hockenberry

## Praeipe for Writ of Execution

Attorneys for Plaintiff  
McCABE, WEISBERG AND CONWAY, P.C.

By: \_\_\_\_\_  
TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
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BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009.  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

RECEIVED WRIT THIS DAY

OF A.D.

ATM

---

**Sheriff**

**(MORTGAGE FORECLOSURE)**

EXECUTION DEBT \$81,080.86

## PROTHONOTARY

**USE ATTORNEY**

**USE PLAINTIFF**

ATTORNEY'S COMM.

## SATISFACTION

**SHERIFF**

## LEGAL DESCRIPTION

ALL THOSE CERTAIN Two (2) lots or pieces of ground situate in the Village of Woodward, Clearfield County, Pennsylvania, bounded and described as follows:

**THE FIRST THEREOF:** Being Lot No. 404 and the West half of Lot No. 403 in the Woodward Village:

BEGINNING at a stake on the South (erroneously North in prior deeds) side of Township road, known as PA 153, leading from Houtzdale to Ginter, bearing North 19 degrees, 24 minutes West One Hundred and Twelve (112) feet from the Southeasterly corner of said road and Hickory Street; thence South 45 degrees East, Three Hundred and Twenty-six and Eight-tenths (326.8) feet to the North side of Whiteside Run; thence meandering the same in a Northeasterly direction Two Hundred (200) feet, more or less, to the middle of Lot No. 403; thence thereby North 43 degrees West, three hundred and fifty (350) feet to the South side of said Township road and thence thereby South 3 degrees West, Sixty-seven and Three-tenths (67.3) feet and South 19 degrees, 24 minutes, West One Hundred and Ten and Eight-tenths (110.8) feet to the place of BEGINNING.

RESERVING AND EXCEPTING right-of-way of the State highway, Route 153, (erroneously referred as Route 353 in prior deed) passing through said premises.

**THE SECOND THEREOF:** Being Lot No. 405 of Woodward Village:

BEGINNING at a stake at the North West Corner (erroneously South West in prior deeds) of Lot No. 404 aforesaid; thence by said Lot South 45 degrees East, Three Hundred Twenty-six and Eight-tenths (326.8) feet to a stake on the Westerly bank of Whiteside Run; thence meandering the same in a southwesterly direction One Hundred (100) feet, more or less, to a stake on the Northerly side of Hickory Street; thence thereby North 45 degrees West, Two Hundred and Twenty-eight (228) feet to a stake on the Easterly side of a Township Road leading from Houtzdale to Ginter; and, thence thereby North 19 degrees, 24 minutes East, One Hundred Ten and Nine-tenths (110.9) feet to a post and place of BEGINNING.

RESERVING AND EXCEPTING the right-of-way of the State Highway, Route 153 (erroneously referred as Route 353 in prior deed) passing through said premises.

BEING TAX PARCEL NO. 130-M15-524-2.2.

BEING THE SAME PREMISES which Cynthia A. Hargas, as Executrix of the Estate of Denzil B. Knight, Deceased, by Deed dated October 6, 2004 and recorded October 7, 2004 in the Office of the Recorder of Deeds in and for Clearfield County in Instrument No. 200416467, granted and conveyed unto Wendy J. Hockenberry and Fred A. Hockenberry, Jr., her husband, as tenants by the entireties.

NOTICE - THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR

OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THAT CONNECTION DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L., 984 as amended, and is not intended as notice of unrecorded instruments, if any.)

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT TO PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HERETO TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION - LAW**

U.S. Bank National Association,

Vs.

NO.: 2007-00039-CD

Wendy J. Hockenberry, and  
Fred A. Hockenberry,

**TO THE SHERIFF OF CLEARFIELD COUNTY:**

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

(1) See Attached Legal Description/190 Eureka St., Woodward Twp., Houtzdale, PA 16651

AMOUNT DUE/PRINCIPAL: \$82,161.50  
INTEREST FROM: 7/25/07 to Date of Sale @\$13.51  
per diem  
ATTY'S COMM: \$  
DATE: 7/24/2007

PROTH. COSTS PAID: \$132.00  
SHERIFF: \$  
OTHER COSTS: \$

Received this writ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. \_\_\_\_\_  
At \_\_\_\_\_ A.M./P.M.

\_\_\_\_\_  
Sheriff

---

William A. Shaw  
Prothonotary/Clerk Civil Division

Requesting Party: Andrew L. Markowitz, Esq.  
123 South Broad Street, Suite 2080  
Philadelphia, PA 19109  
215-790-1010

## LEGAL DESCRIPTION

ALL THOSE CERTAIN Two (2) lots or pieces of ground situate in the Village of Woodward, Clearfield County, Pennsylvania, bounded and described as follows:

**THE FIRST THEREOF:** Being Lot No. 404 and the West half of Lot No. 403 in the Woodward Village:

BEGINNING at a stake on the South (erroneously North in prior deeds) side of Township road, known as PA 153, leading from Houtzdale to Ginter, bearing North 19 degrees, 24 minutes West One Hundred and Twelve (112) feet from the Southeasterly corner of said road and Hickory Street; thence South 45 degrees East, Three Hundred and Twenty-six and Eight-tenths (326.8) feet to the North side of Whiteside Run; thence meandering the same in a Northeasterly direction Two Hundred (200) feet, more or less, to the middle of Lot No. 403; thence thereby North 43 degrees West, three hundred and fifty (350) feet to the South side of said Township road and thence thereby South 3 degrees West, Sixty-seven and Three-tenths (67.3) feet and South 19 degrees, 24 minutes, West One Hundred and Ten and Eight-tenths (110.8) feet to the place of BEGINNING.

RESERVING AND EXCEPTING right-of-way of the State highway, Route 153, (erroneously referred as Route 353 in prior deed) passing through said premises.

**THE SECOND THEREOF:** Being Lot No. 405 of Woodward Village:

BEGINNING at a stake at the North West Corner (erroneously South West in prior deeds) of Lot No. 404 aforesaid; thence by said Lot South 45 degrees East, Three Hundred Twenty-six and Eight-tenths (326.8) feet to a stake on the Westerly bank of Whiteside Run; thence meandering the same in a southwesterly direction One Hundred (100) feet, more or less, to a stake on the Northerly side of Hickory Street; thence thereby North 45 degrees West, Two Hundred and Twenty-eight (228) feet to a stake on the Easterly side of a Township Road leading from Houtzdale to Ginter; and, thence thereby North 19 degrees, 24 minutes East, One Hundred Ten and Nine-tenths (110.9) feet to a post and place of BEGINNING.

RESERVING AND EXCEPTING the right-of-way of the State Highway, Route 153 (erroneously referred as Route 353 in prior deed) passing through said premises.

BEING TAX PARCEL NO. 130-M15-524-2.2.

BEING THE SAME PREMISES which Cynthia A. Hargas, as Executrix of the Estate of Denzil B. Knight, Deceased, by Deed dated October 6, 2004 and recorded October 7, 2004 in the Office of the Recorder of Deeds in and for Clearfield County in Instrument No. 200416467, granted and conveyed unto Wendy J. Hockenberry and Fred A. Hockenberry, Jr., her husband, as tenants by the entireties.

NOTICE - THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR

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NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT TO PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HERETO TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

U.S. Bank National Association  
Plaintiff  
v.  
Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Number 2007-39-CD

**AFFIDAVIT PURSUANT TO RULE 3129**

I, Andrew L. Markowitz, Esquire, attorney for Plaintiff in the above action, set forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at: 190 Eureka Street, Woodward Township, Houtzdale, PA 16651, a copy of the description of said property is attached hereto and marked Exhibit "A".

1. Name and address of Owners or Reputed Owners:

Name	Address
Wendy J. Hockenberry	1223 28 Road Houtzdale, PA 16651
Wendy J. Hockenberry	190 Eureka Street Houtzdale, PA 16651
Fred A. Hockenberry	190 Eureka Street Houtzdale, PA 16651

2. Name and address of Defendants in the judgment:

Name	Address
Wendy J. Hockenberry	1223 28 Road Houtzdale, PA 16651

Wendy J. Hockenberry 190 Eureka Street  
Houtzdale, PA 16651

Fred A. Hockenberry      190 Eureka Street  
Houtzdale, PA 16651

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

Name \_\_\_\_\_ Address \_\_\_\_\_

None other.

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

Name \_\_\_\_\_ Address \_\_\_\_\_

Key Bank 8757 Red Oak Blvd., Suite 120  
Charlotte, NC 28217

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

Name \_\_\_\_\_ Address \_\_\_\_\_

None.

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

Name \_\_\_\_\_ Address \_\_\_\_\_

None.

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

Name \_\_\_\_\_ Address \_\_\_\_\_

Tenant/Occupants 190 Eureka Street  
Houtzdale, PA 16651

Commonwealth of PA  
Department of Public Welfare

Commonwealth of Pennsylvania      1400 Spring Garden Street  
Inheritance Tax Office      Philadelphia, PA 19130

Commonwealth of Pennsylvania Bureau of Individual Tax Inheritance Tax Division	6th Floor, Strawberry Square Department #280601 Harrisburg, PA 17128
Department of Public Welfare TPL Casualty Unit Estate Recovery Program	Willow Oak Building P.O. Box 8486 Harrisburg, PA 17105-8486
Rick Redden - Director Clearfield County Domestic Relations Office	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
United States of America c/o Attorney for the Western District of PA	633 U.S. Post Office and Courthouse 7 <sup>th</sup> & Grant Streets Pittsburgh, PA 15219
Internal Revenue Service	Federated Investors Tower 13 <sup>th</sup> Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222
Commonwealth of Pennsylvania, Dept. of Revenue, Bureau of Compliance, Clearance Support	Dept. 281230 Harrisburg, PA 17128, ATTN: Sheriff Sales

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

DATE: July 23, 2007

**McCABE, WEISBERG, AND CONWAY, P.C.**

BY: \_\_\_\_\_

Attorneys for Plaintiff  
**TERRENCE J. McCABE, ESQUIRE**  
**MARC S. WEISBERG, ESQUIRE**  
**EDWARD D. CONWAY, ESQUIRE**  
**MARGARET GAIRO, ESQUIRE**  
**FRANK DUBIN, ESQUIRE**  
**BONNIE DAHL, ESQUIRE**  
**ANDREW L. MARKOWITZ, ESQUIRE**

## LEGAL DESCRIPTION

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**THE FIRST THEREOF:** Being Lot No. 404 and the West half of Lot No. 403 in the Woodward Village:

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NOTICE - THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR

McCABE, WEISBERG AND CONWAY, P.C.

BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009

123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

U.S. Bank National Association

Plaintiff

v.

Wendy J. Hockenberry and Fred A. Hockenberry  
and Wendy J. Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

No. 2007-39-CD

CERTIFICATE

Andrew L. Markowitz, Esquire hereby states that he is the attorney for the Plaintiff in the above-captioned matter and that the property is not subject to the provisions of Act 91 because it is:

( ) An FHA insured 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. §4904 relating to unsworn falsification to authorities.

BY: 

Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
FRANK DUBIN, ESQUIRE  
BONNIE DAHL, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

FILED  
M 11:25 PM  
AUG 30 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

U.S. Bank National Association  
Plaintiff  
  
v.  
  
Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Number 2007-39-CD

**AFFIDAVIT OF SERVICE**

I, the undersigned, attorney for the Plaintiff in the within matter, hereby certify that on the 22nd day of August, 2007, a true and correct copy of the Notice of Sheriff's Sale of Real Property was served on all pertinent lienholder(s) as set forth in the Affidavit Pursuant to 3129 which is attached hereto as Exhibit "A."

Copies of the letter and certificates of mailing are also attached hereto, made a part hereof and marked as Exhibit "B."

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 22ND DAY  
OF AUGUST, 2007.

McCABE, WEISBERG, AND CONWAY, P.C.

BY: *Marc S. Weisberg*  
Attorneys for Plaintiff  
TERRENCE J. McCABE, ESQUIRE  
MARC S. WEISBERG, ESQUIRE  
EDWARD D. CONWAY, ESQUIRE  
MARGARET GAIRO, ESQUIRE  
FRANK DUBIN, ESQUIRE  
BONNIE DAHL, ESQUIRE  
ANDREW L. MARKOWITZ, ESQUIRE

*Susan J. Markowitz*  
NOTARY PUBLIC  
  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Susan J. Markowitz, Notary Public  
City Of Philadelphia, Philadelphia County  
My Commission Expires Feb. 13, 2011  
Member, Pennsylvania Association of Notaries

**McCABE, WEISBERG AND CONWAY, P.C.**  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009

Attorneys for Plaintiff

123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

U.S. Bank National Association

Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry and Wendy J. Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Number 2007-39-CD

**AFFIDAVIT PURSUANT TO RULE 3129**

I, Andrew L. Markowitz, Esquire, attorney for Plaintiff in the above action, set forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: 190 Eureka Street, Woodward Township, Houtzdale, PA 16651, a copy of the description of said property is attached hereto and marked Exhibit "A".

1. Name and address of Owners or Reputed Owners:

Name	Address
Wendy J. Hockenberry	1223 28 Road Houtzdale, PA 16651
Wendy J. Hockenberry	190 Eureka Street Houtzdale, PA 16651
Fred A. Hockenberry	190 Eureka Street Houtzdale, PA 16651

2. Name and address of Defendants in the judgment:

Name	Address
Wendy J. Hockenberry	1223 28 Road Houtzdale, PA 16651

**EXHIBIT A**

Wendy J. Hockenberry

190 Eureka Street  
Houtzdale, PA 16651

Fred A. Hockenberry

190 Eureka Street  
Houtzdale, PA 16651

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

Name

Address

None other.

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

Name

Address

Key Bank

8757 Red Oak Blvd., Suite 120  
Charlotte, NC 28217

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

Name

Address

None.

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

Name

Address

None.

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

Name

Address

Tenant/Occupants

190 Eureka Street  
Houtzdale, PA 16651

Commonwealth of PA  
Department of Public Welfare

P.O. Box 2675  
Harrisburg, PA 17105

Commonwealth of Pennsylvania  
Inheritance Tax Office

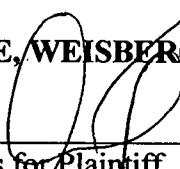
EXHIBIT A  
1400 Spring Garden Street  
Philadelphia, PA 19130

Commonwealth of Pennsylvania Bureau of Individual Tax Inheritance Tax Division	6th Floor, Strawberry Square Department #280601 Harrisburg, PA 17128
Department of Public Welfare TPL Casualty Unit Estate Recovery Program	Willow Oak Building P.O. Box 8486 Harrisburg, PA 17105-8486
Rick Redden - Director Clearfield County Domestic Relations Office	Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830
United States of America c/o Attorney for the Western District of PA	633 U.S. Post Office and Courthouse 7 <sup>th</sup> & Grant Streets Pittsburgh, PA 15219
Internal Revenue Service	Federated Investors Tower 13 <sup>th</sup> Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222
Commonwealth of Pennsylvania, Dept. of Revenue, Bureau of Compliance, Clearance Support	Dept. 281230 Harrisburg, PA 17128, ATTN: Sheriff Sales

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

DATE: May 30, 2007

McCABE, WEISBERG, AND CONWAY, P.C.

BY: 

Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE

MARC S. WEISBERG, ESQUIRE

EDWARD D. CONWAY, ESQUIRE

MARGARET GAIRO, ESQUIRE

FRANK DUBIN, ESQUIRE

BONNIE DAHL, ESQUIRE

ANDREW L. MARKOWITZ, ESQUIRE

**EXHIBIT A**

**McCABE, WEISBERG AND CONWAY, P.C.**  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
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FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009

**123 South Broad Street, Suite 2080**  
**Philadelphia, Pennsylvania 19109**  
**(215) 790-1010**

**Attorneys for Plaintiff**

U.S. Bank National Association  
Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

**COURT OF COMMON PLEAS**  
**CLEARFIELD COUNTY**

Number 2007-39-CD

DATE: August 22, 2007

TO: ALL PARTIES IN INTEREST AND CLAIMANTS

**NOTICE OF SHERIFF'S SALE OF REAL PROPERTY**

OWNERS: Wendy J. Hockenberry and Fred A. Hockenberry

PROPERTY: 190 Eureka Street, Woodward Township, Houtzdale, PA 16651

IMPROVEMENTS: Residential Dwelling

The above-captioned property is scheduled to be sold at the Sheriff's Sale on **FRIDAY, OCTOBER 5, 2007, AT 10:00 A.M., Eastern Time**, in the Sheriff's Office of the Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830. Our records indicate that you may hold a mortgage or judgments and liens on, and/or other interests in the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

A schedule of distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days after the filing of the schedule.

**EXHIBIT B**

Name and Address of Sender,  
McCabe, Weisberg and Conway, P.C.  
123 S. Broad St., Suite 2080  
Philadelphia, PA 19109  
**ATTN: Andrea Coleman-**3044

# EXHIBIT B

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID #17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

U.S. Bank National Association

Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

No. 2007-39-CD

FILED  
M 11/25/2007  
SEP 18 2007  
WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

### AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :  
SS :  
COUNTY OF PHILADELPHIA :

I, Terrence J. McCabe, Esquire, attorney for Plaintiff in the within matter, being duly sworn according to law, deposes and says that a true and correct copy of the Notice of Sheriff's Sale was served upon the Defendants, Wendy J. Hockenberry and Fred A. Hockenberry, by regular mail, certificate of mailing, and certified mail, return receipt requested, dated August 29, 2007 and addressed to 190 Eureka Street, Houtzdale, PA 16651. The regular mail was never returned, and the certified mail was signed for by Wendy Hockenberry on September 6, 2007. A true and correct copy of the letters, certificate of mailing, certified receipt numbers 7006-0810-0000-1544-9803 and 7006-0810-0000-1544-9810 and signed green cards are attached hereto, made part hereof, and marked as Exhibit "A".

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 13<sup>th</sup> DAY  
OF September , 2007.

Chrissandra Shayne Hamilton  
NOTARY PUBLIC

Marge Gairo  
MARGARET GAIRO, ESQUIRE

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL  
Chrissandra Shayne Hamilton, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires January 4, 2009

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

TERRENCE J. McCABE\*\*\*  
MARC S. WEISBERG\*\*  
EDWARD D. CONWAY  
MARGARET GAIRO  
LISA L. WALLACE†  
BRENDA L. BROGDON\*  
MICHELLE M. MONTE ^  
MONICA G. CHRISTIE +  
FRANK DUBIN  
ANDREW L. MARKOWITZ  
ROBERT W. CUSICK \*  
BONNIE DAHL\*  
ANGELA M. MICHAEL»  
SCOTT TAGGART\*  
DEBORAH K. CURRAN±  
LAURA H.G. O'SULLIVAN±  
STEPHANIE H. HURLEY±

SUITE 2080  
123 SOUTH BROAD STREET  
PHILADELPHIA, PA 19109  
(215) 790-1010  
FAX (215) 790-1274

SUITE 600  
216 HADDON AVENUE  
WESTMONT, NJ 08108  
(856) 858-7080  
FAX (856) 858-7020

SUITE 205  
53 WEST 36<sup>TH</sup> STREET  
NEW YORK, NY 10018  
(917) 351-1188  
FAX (917) 351-0363

SUITE 302  
8101 SANDY SPRING ROAD  
LAUREL, MD 20707  
(301) 490-1196  
FAX (301) 490-1568

SUITE 206W  
6800 JERICHO TURNPIKE  
SYOSSET, NY 11791  
(917) 351-1188  
FAX (917) 351-0363

Of Counsel  
PITNICK & MARGOLIN, LLP^ - NY  
DEBORAH K. CURRAN + - MD & DC  
LAURA H.G. O'SULLIVAN± - MD & DC  
STEPHANIE H. HURLEY± - MD  
JOSEPH F. RIGA\* - PA & NJ

\* Licensed in PA & NJ  
\*\* Licensed in PA & NY  
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^ Licensed in NJ  
» Licensed in PA & WA  
\*\*\* Licensed in PA, NJ & NY  
†† Licensed in NY & CT  
‡ Licensed in MD & DC  
+ Licensed in MD  
\* Managing Attorney for NY  
± Managing Attorney for MD

August 29, 2007

Wendy J. Hockenburry  
190 Eureka Street  
Houtzdale, PA 16651

Re: U.S. Bank National Association  
vs.  
Wendy J. Hockenburry and Fred A. Hockenburry  
CCP, Clearfield County, No. 2007-39-CD  
Premises: 190 Eureka Street, Woodward Township, Houtzdale, PA, 16651

Dear Wendy J. Hockenburry:

Enclosed is a Notice of Sheriff's Sale relative to the above-captioned matter.

Very truly yours,

Katelan Steele, Legal Assistant  
Terrence J. McCabe, Esquire  
McCabe, Weisberg and Conway, P.C.

TJM/ks  
Enclosure

SENT VIA REGULAR MAIL AND  
CERTIFIED MAIL NUMBER 7006-0810-0000-1544-9810  
RETURN RECEIPT REQUESTED

Exhibit A

*This is a communication from a debt collector.  
This letter may be an attempt to collect a debt and any information obtained will be used for that purpose.*

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

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August 29, 2007

\* Licensed in PA & NJ  
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++ Licensed in MD  
\* Managing Attorney for NY  
+ Managing Attorney for MD

Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Re: U.S. Bank National Association  
vs.  
Wendy J. Hockenberry and Fred A. Hockenberry  
CCP, Clearfield County, No. 2007-39-CD  
Premises: 190 Eureka Street, Woodward Township, Houtzdale, PA, 16651

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**Terrence J. McCabe, Esquire**  
McCabe, Weisberg and Conway, P.C.

TJM/ks  
Enclosure

SENT VIA REGULAR MAIL AND  
CERTIFIED MAIL NUMBER 7006-0810-0000-1544-9803  
RETURN RECEIPT REQUESTED

EX-1000-A

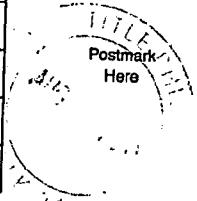
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7006 0810 0000 0000 1544 9803

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		\$

Sent To  
Street, Apt. No.  
or PO Box No.  
City, State, ZIP+4

Wendy Hockenberry  
190 Eureka St.  
Holtzdale, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions

7006 0810 0000 1544 9803

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

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City, State, ZIP+4

Fred Hockenberry  
190 Eureka St.  
Holtzdale, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions

Name and Address of Sender  
 McCabe, Weisberg and Conway, P.C.  
 123 S. Broad St., Suite 2080  
 Philadelphia, PA 19109  
**Attn: Kateлан Steele**

Line	Article Number	Check type of mail or service:					Postmark and Date of Receipt
		<input type="checkbox"/> Certified	<input type="checkbox"/> Recorded Delivery (International)	<input type="checkbox"/> COD	<input type="checkbox"/> Registered	<input type="checkbox"/> Delivery Confirmation	
1	U.S. Bank National Association vs. Wendy J. Hockenberry and Fred A. Hockenberry	Fred A. Hockenberry 190 Eureka Street Houtzdale, PA 16651					
2		Wendy J. Hockenberry 190 Eureka Street Houtzdale, PA 16651					
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of receiving employee)	ation	ation	ng	ation
2				Con	firm	dli	Deli
				Han	ted	urn	Rec
				tric	ted	urn	ceipt
					Ret		

**Affix Stamp Here  
(if issued as a  
certificate of mailing,  
or for additional  
copies of this bill)**

**UNITED STATES POSTAL SERVICE**  
PAINE BOWES  
020465270  
MURKIN, PA 16651  
AUG 29 2007  
POSTMASTER FROM ZIP CODE 19109  
Domestic Mail Manual, §901, and §911 for limitations of coverage on insured and COD mail. See International Mail Manual for limitations of coverage on International mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.

**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:**

Wendy Hockenbuny  
190 Eureka St.  
Houtzdale, PA  
16651

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

7006 0810 0000 1544 9810

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

**X** Wendy Hockenbuny

Agent  
 Addressee

**B. Received by (Printed Name)**

Wendy Hockenbuny

**C. Date of Delivery**  
9 6 07

**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No

HO  
AUG  
CSA

**3. Service Type**

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

**4. Restricted Delivery? (Extra Fee)**

Yes

**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:**

Fred Hockenbuny  
190 Eureka St.  
Houtzdale, PA  
16651

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

7006 0810 0000 1544 9803

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

**X** Wendy Hockenbuny

Agent  
 Addressee

**B. Received by (Printed Name)**

Wendy Hockenbuny

**C. Date of Delivery**  
9 6 07

**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No

HO  
CSA

**3. Service Type**

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

**4. Restricted Delivery? (Extra Fee)**

Yes

McCABE, WEISBERG AND CONWAY, P.C.  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

FILED NO CC  
MTO:5881  
NOV 02 2007  
1PM

William A. Shaw  
Prothonotary/Clerk of Courts

U.S. Bank National Association

Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry  
Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

No. 2007-39-CD

### AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:  
SS.

COUNTY OF WARREN

Terrence J. McCabe, Esquire, being duly sworn according to law, deposes and says that the following is true and correct to the best of his knowledge and belief:

1. That he is counsel for the above-named Plaintiff;
2. That on August 29, 2007, per the attached Court Order, Plaintiff served a true and correct copy of the Notice of Sheriff's Sale of Real Property upon the Defendants, Wendy J. Hockenberry and Fred A. Hockenberry, by regular mail and certified mail, return receipt requested, addressed to 190 Eureka Street, Houtzdale, PA 16651. True and correct copies of the letters, certified return receipts, and certificates of mailing are attached hereto, made a part hereof, and marked as

Exhibit "A".

3. That on August 14, 2007, in accordance with the attached Court Order, per Plaintiff's conversation with the Clearfield County Sheriff's Office, Plaintiff served a true and correct copy of the Notice of Sheriff's Sale of Real Property upon the Defendants, Wendy J. Hockenburry and Fred A. Hockenburry, by posting the same at the mortgaged premises known as 190 Eureka Street, Houtzdale, PA 16651.

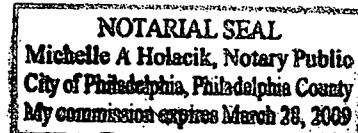
4. That, in accordance with the attached Court Order, Notice of Sale was published one time in The Progress (Clearfield) and the Clearfield County Legal Journal Pursuant to Pa.R.C.P. 3129(d). True and correct copies of proof of publication indicating the same are attached hereto, made a part hereof, and marked as Exhibit "B".



TERRENCE J. McCABE, ESQUIRE

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS 31<sup>st</sup> DAY  
OF October, 2007.

Michelle A. Holcik  
NOTARY PUBLIC



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

U.S. BANK NATIONAL ASSOCIATION  
Plaintiff

vs.

\*  
\*  
\*  
\*  
\* NO. 07-39-CD

WENDY J. HOCKENBURY and  
FRED A. HOCKENBURY,

Defendants

\*  
\*  
\*  
\*

ORDER

NOW, this 6<sup>th</sup> day of March, 2007, the Plaintiff is granted leave to serve the  
Complaint in Mortgage Foreclosure upon the Defendants **Wendy J. Hockenbury** and  
**Fred A. Hockenbury** by:

3

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 190 Eureka Street, Houtzdale, Pa 16651;
3. By certified mail, return receipt requested, to 190 Eureka Street,  
Houtzdale, Pa 16651; and
4. By posting the mortgaged premises known in this herein action as  
190 Eureka Street, Houtzdale, Pa 16651.

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 correct copy of the original  
statement of the above date.

12/10/2007

BY THE COURT,  
**/S/ Fredric J Ammerman**

**FREDRIC J. AMMERMAN**  
President Judge

Attest:

Mike Ammerman

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

TERRENCE J. McCABE\*\*\*  
MARC S. WEISBERG\*\*  
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August 29, 2007

- Licensed in PA & NJ
- \*\* Licensed in PA & NY
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Fred A. Hockenberry  
190 Eureka Street  
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vs.

Wendy J. Hockenberry and Fred A. Hockenberry  
CCP, Clearfield County, No. 2007-39-CD  
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Very truly yours,

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Terrence J. McCabe, Esquire  
McCabe, Weisberg and Conway, P.C.

TJM/ks  
Enclosure

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CERTIFIED MAIL NUMBER 7006-0810-0000-1544-9803  
RETURN RECEIPT REQUESTED

Exhibit A

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	
\$	

Postmark  
Here

7006 0810 0000 1544 9810

Sent To  
 Street, Apt. No.  
 or PO Box No. 190 Eureka St.  
 City, State, ZIP+4 Houtzdale, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions

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

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<b>OFFICIAL USE</b>	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	
\$	

Postmark  
Here

7006 0810 0000 1544 9805

Sent To  
 Street, Apt. No.  
 or PO Box No. 190 Eureka St.  
 City, State, ZIP+4 Houtzdale, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions

Exhibit A

MUR

McCabe, Weisberg and Conway, P.C.  
 123 S Broad St, Suite 2080  
 Philadelphia, PA 19109  
**Attn: Katelan Steele**

Line	Article Number	Addressee Name, Street and PO Address	Postage	Fee	Handling Charge	Accts if R
1	U.S. Bank National Association vs. Wendy J. Hockenberry and Fred A. Hockenberry	Fred A. Hockenberry 190 Eureka Street Houtzdale, PA 16651				
2		Wendy J. Hockenberry 190 Eureka Street Houtzdale, PA 16651				
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
Total Number of Pieces Listed by Sender 2		Postmaster, Per ( <i>Name of receiving employee</i> )				

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 \$100 per piece, subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$100, but optional Express Mail Service merchandise is available for up to \$5,000 to some, but not all, countries. The maximum indemnity payable is \$5,000 for registered mail. See *Domestic Mail Manual*, §900, §913, and §912 for limitations of coverage on insured and COD mail. See *International Mail Manual* for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.



CIVIL ACTION LAW  
COURT OF  
COMMON PLEAS  
CLEARFIELD COUNTY  
Number 2007-39-CD

U.S. Bank  
National Association  
v.  
Wendy J. Hockenberry and  
Fred A. Hockenberry  
NOTICE OF SHERIFF'S  
SALE OF  
REAL PROPERTY

TO:  
Fred Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651  
Wendy J. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651  
Your house (real estate) at 190  
Eureka Street, Woodward Township,  
Houtzdale, PA 16651 is  
scheduled to be sold at Sheriff's  
Sale on DECEMBER 7, 2007, at  
10:00 a.m., Eastern Time, in the  
Sheriff's Office of the Clearfield  
County Courthouse, 1 North Second  
Street, Clearfield, Pennsylvania  
16830 to enforce the courts  
judgment of \$81,080.86 obtained  
by U.S. Bank National Association  
against you.

NOTICE OF  
OWNER'S RIGHTS  
YOU MAY BE ABLE  
TO PREVENT THIS  
SHERIFF'S SALE

To prevent this Sheriff's Sale you  
must take immediate action:

1. The sale will be canceled if you  
pay to U.S. Bank National Association  
the back payments, late  
charges, costs, and reasonable  
attorney's fees due. To find out  
how much you must pay, you may  
call McCabe, Weisberg and Con-  
way, P.C. at (215) 790-1010.

2. You may be able to stop the  
sale by filing a petition asking the  
Court to strike or open the judg-  
ment, if the judgment was im-  
properly entered. You may also ask the  
Court to postpone the sale for good  
cause.

3. You may also be able to stop  
the sale through other legal pro-  
ceedings.

You may need an attorney to as-  
sert your rights. The sooner you  
contact one, the more chance you  
will have of stopping the sale. (See  
the following notice on how to ob-  
tain an attorney.)

YOU MAY STILL BE  
ABLE TO SAVE  
YOUR PROPERTY AND  
YOU HAVE OTHER  
RIGHTS EVEN IF THE  
SHERIFF'S SALE DOES  
NOT TAKE PLACE

1. If the Sheriff's Sale is not  
stopped, your property will be sold  
to the highest bidder. You may find  
out the price bid by calling McCabe,  
Weisberg and Conway, P.C. at  
(215) 790-1010.

2. You may be able to petition the  
Court to set aside the sale if the bid  
price was grossly inadequate com-  
pared to the value of your property.

3. The sale will go through only if  
the buyer pays the Sheriff the full  
amount due on the sale. To find out  
if this has happened, you may call  
McCabe, Weisberg and Conway,  
P.C. at (215) 790-1010.

4. If the amount due from the  
buyer is not paid to the Sheriff, you  
will remain the owner of the proper-  
ty as if the sale never happened.

5. You have a right to remain in the  
property until the full amount due is  
paid to the Sheriff and the Sheriff  
gives a deed to the buyer. At that  
time, the buyer may bring legal pro-  
ceedings to evict you.

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 22nd day of October, 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 September 7, 2007

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

*Margaret E. Krebs*

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

*Cheryl J. Robison*  
Notary Public

My Commission Expires  
October 31, 2007

COMMONWEALTH OF PENNSYLVANIA  
Clearfield, Pa.

Notarial Seal

Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

**Exhibit B**

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

On this 14th day of September 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 September 14, 2007, Vol. 19, No. 37. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire

Editor

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

Sharon J. Pusey  
Notary Public

My Commission Expires

<b>NOTARIAL SEAL</b>
SHARON J. PUSEY, Notary Public
Houtzdale, Clearfield County, PA
My Commission Expires, April 7, 2011

McCabe Weisberg Conway P.C.  
Suite 2080 123 S Broad St  
Philadelphia PA 19109

Exhibit B

BEING the same property acquired by the mortgagor herein by deed from Joseph W. Hart, Jr., et ux, to be recorded contemporaneously with this mortgage.

BEING KNOWN AS: 2905 Cambria Street, a/k/a RR 1 Box 72, Fallentimber, PA 16639.

PROPERTY ID NO: 118-I17-616-00003

TITLE TO SAID PREMISES IS VESTED IN ARTHUR F. WALTERS BY DEED FROM JOSEPH W. HART, JR. AND CAROL L. HART, HUSBAND AND WIFE DATED 2/15/02 RECORDED 2/20/02 IN INSTRUMENT NO. 200202718.

MARK J. UDREN ATTORNEY FOR PLAINTIFF MARK J. UDREN & ASSOCIATES WOODCREST CORPORATE CENTER, 111 WOODCREST ROAD, SUITE 200, CHERRY HILL, NJ 08003-3620 856-669-5400.

William J. Mansfield, Inc., Legal Advertising Agency, The Woods, Suite 1209, 998 Old Eagle School Rd, Wayne, PA 19087-1805.

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY  
CIVIL ACTION LAW  
Number 2007-39-CD**

U.S. Bank National Association v. Wendy J. Hockenberry and Fred A. Hockenberry

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

TO: Fred Hockenberry, 190 Eureka Street Houtzdale, PA 16651

Wendy J. Hockenberry, 190 Eureka Street Houtzdale, PA 16651

Your house (real estate) at 190 Eureka Street, Woodward Township, Houtzdale, PA 16651 is scheduled to be sold at Sheriff's Sale on DECEMBER 7, 2007 at 10:00 a.m., Eastern Time, in the Sheriff's Office of the Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830 to enforce the court judgment of \$81,080.86 obtained by U.S. Bank National Association against you.

**NOTICE OF OWNER'S RIGHTS YOU  
MAY BE ABLE TO PREVENT THIS  
SHERIFF'S SALE**

To prevent this Sheriff's Sale you must take immediate action:

1. The sale will be canceled if you pay to U.S. Bank National Association the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE  
YOUR PROPERTY**

**AND, YOU HAVE OTHER RIGHTS  
EVEN IF THE SHERIFF'S SALE DOES  
TAKE PLACE**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

**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 PER-  
SONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE, Dave  
Meholick Court Administrator, Clearfield  
County Courthouse, 230 East Market Street,  
Clearfield, PA 16830, 814-765-2641 x 5982.

ASSOCIATION DE LICENCIADOS,  
Dave Meholick Court Administrator,  
Clearfield County Courthouse, 230 East  
Market Street, Clearfield, PA 16830, 814-  
765-2641x5982.

McCabe, Weisberg, Conway, P.C.,  
Suite 2080, 123 South Broad Street,  
Philadelphia, PA 19109.

**Exhibit B**

FILED  
M 11/07/07 NOV 09 2007  
NOV 09 2007

William A. Shaw  
Prothonotary/Clerk of Courts

**McCABE, WEISBERG AND CONWAY, P.C.**  
BY: TERRENCE J. McCABE, ESQUIRE - ID # 16496  
MARC S. WEISBERG, ESQUIRE - ID # 17616  
EDWARD D. CONWAY, ESQUIRE - ID # 34687  
MARGARET GAIRO, ESQUIRE - ID # 34419  
FRANK DUBIN, ESQUIRE - ID # 19280  
BONNIE DAHL, ESQUIRE - ID # 79294  
ANDREW L. MARKOWITZ, ESQUIRE - ID # 28009  
123 South Broad Street, Suite 2080  
Philadelphia, Pennsylvania 19109  
(215) 790-1010

Attorneys for Plaintiff

U.S. Bank National Association

Plaintiff

v.

Wendy J. Hockenberry and Fred A.  
Hockenberry

Defendants

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

No. 2007-39-CD

**AMENDED AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA:

SS.

COUNTY OF PHILADELPHIA

Terrence J. McCabe, Esquire, being duly sworn according to law, deposes and says that the following is true and correct to the best of his knowledge and belief:

1. That he is counsel for the above-named Plaintiff;
2. That on August 29, 2007, per the attached Court Order, Plaintiff served a true and

correct copy of the Notice of Sheriff's Sale of Real Property upon the Defendants, Wendy J. Hockenburry and Fred A. Hockenburry, by regular mail and certified mail, return receipt requested, addressed to 190 Eureka Street, Houtzdale, PA 16651. True and correct copies of the letters, certified return receipts, and certificates of mailing are attached hereto, made a part hereof, and marked as Exhibit "A".

3. That on August 14, 2007, in accordance with the attached Court Order, per Plaintiff's conversation with the Clearfield County Sheriff's Office, Plaintiff served a true and correct copy of the Notice of Sheriff's Sale of Real Property upon the Defendants, Wendy J. Hockenburry and Fred A. Hockenburry, by posting the same at the mortgaged premises known as 190 Eureka Street, Houtzdale, PA 16651.

4. That, in accordance with the attached Court Order, Notice of Sale was published one time in The Progress (Clearfield) and the Clearfield County Legal Journal Pursuant to Pa.R.C.P. 3129(d). True and correct copies of proof of publication indicating the same are attached hereto, made a part hereof, and marked as Exhibit "B".



TERRENCE J. McCABE, ESQUIRE

SWORN TO AND SUBSCRIBED  
BEFORE ME THIS <sup>7<sup>th</sup></sup> DAY  
OF NOVEMBER, 2007.



Chrissandra Shaye Hamilton  
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL

Chrissandra Shaye Hamilton, Notary Public  
City of Philadelphia, Phila. County  
My Commission Expires January 4, 2009

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

U.S. BANK NATIONAL ASSOCIATION  
Plaintiff

vs.

NO. 07-39-CD

WENDY J. HOCKENBERRY and  
FRED A. HOCKENBERRY,

Defendants

ORDER

NOW, this 6<sup>th</sup> day of March, 2007, the Plaintiff is granted leave to serve 1  
Complaint in Mortgage Foreclosure upon the Defendants **Wendy J. Hockenbu**  
**Fred A. Hockenberry** by:

3

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 190 Eureka Street, Houtzdale, Pa 16651;
3. By certified mail, return receipt requested, to 190 Eureka Street  
Houtzdale, Pa 16651; and
4. By posting the mortgaged premises known in this herein action  
190 Eureka Street, Houtzdale, Pa 16651.

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

I hereby certify this to be a true  
and correct copy of the original  
stated in the month of March,

2007

BY THE COURT,  
**/S/ Fredric J Ammerman**

---

**FREDRIC J. AMMERMAN**  
President Judge

Attest.

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

TERRENCE J. McCABE\*\*\*  
MARC S. WEISBERG\*\*  
EDWARD D. CONWAY  
MARGARET GAIRO  
LISA L. WALLACE+†  
BRENDA L. BROGDON\*  
MICHELLE M. MONTE ^  
MONICA G. CHRISTIE +  
FRANK DUBIN  
ANDREW L. MARKOWITZ  
ROBERT W. CUSICK \*  
BONNIE DAHL\*  
ANGELA M. MICHAEL»  
SCOTT TAGGART\*  
DEBORAH K. CURRAN±  
LAURA H.G. O'SULLIVAN±  
STEPHANIE H. HURLEY++

SUITE 2080  
123 SOUTH BROAD STREET  
PHILADELPHIA, PA 19109  
(215) 790-1010  
FAX (215) 790-1274

SUITE 600  
216 HADDON AVENUE  
WESTMONT, NJ 08108  
(856) 858-7080  
FAX (856) 858-7020

SUITE 205  
53 WEST 36<sup>TH</sup> STREET  
NEW YORK, NY 10018  
(917) 351-1188  
FAX (917) 351-0363

SUITE 302  
8101 SANDY SPRING ROAD  
LAUREL, MD 20707  
(301) 490-1196  
FAX (301) 490-1568

SUITE 206W  
6800 JERICHO TURNPIKE  
SYOSSET, NY 11791  
(917) 351-1188  
FAX (917) 351-0363

Of Counsel  
PITNICK & MARGOLIN, LLP^ - NY  
DEBORAH K. CURRAN + - MD & DC  
LAURA H.G. O'SULLIVAN± - MD & I  
STEPHANIE H. HURLEY++ - MD  
JOSEPH F. RIGA\* - PA & NJ

August 29, 2007

\* Licensed in PA & NJ  
\*\* Licensed in PA & NY  
† Licensed in NY  
+ Licensed in NJ  
+ Licensed in PA & WA  
^ Licensed in PA, NJ & NY  
++ Licensed in NY & CT  
± Licensed in MD & DC  
++ Licensed in MD  
» Managing Attorney for NY  
+ Managing Attorney for MD

Fred A. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651

Re: U.S. Bank National Association  
vs.

Wendy J. Hockenberry and Fred A. Hockenberry  
CCP, Clearfield County, No. 2007-39-CD  
Premises: 190 Eureka Street, Woodward Township, Houtzdale, PA, 16651

Dear Fred A. Hockenberry:

Enclosed is a Notice of Sheriff's Sale relative to the above-captioned matter.

Very truly yours,

Katelan Steele, Legal Assistant  
Terrence J. McCabe, Esquire  
McCabe, Weisberg and Conway, P.C.

TJM/ks  
Enclosure

SENT VIA REGULAR MAIL AND  
CERTIFIED MAIL NUMBER 7006-0810-0000-1544-9803  
RETURN RECEIPT REQUESTED

Exhibit A

LAW OFFICES  
**McCABE, WEISBERG & CONWAY, P.C.**

TERRENCE J. McCABE\*\*\*  
MARC S. WEISBERG\*\*  
EDWARD D. CONWAY  
MARGARET GAIRO  
LISA L. WALLACE†  
BRENDA L. BROGDON\*  
MICHELLE M. MONTE ~  
MONICA G. CHRISTIE +  
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*Of Counsel*  
PITNICK & MARGOLIN, LLP^ - N  
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STEPHANIE H. HURLEY++ - MD  
JOSEPH F. RIGA\* - PA & NJ

- Licensed in PA & NJ
- Licensed in PA & NY
- ^ Licensed in NY
- ~ Licensed in NJ
- ± Licensed in PA & WA
- \*\*\* Licensed in PA, NJ & NY
- † Licensed in NY & CT
- \* Licensed in MD & DC
- ++ Licensed in MD
- + Managing Attorney for NY
- ± Managing Attorney for MD

August 29, 2007

Wendy J. Hockenburry  
190 Eureka Street  
Houtzdale, PA 16651

Re: U.S. Bank National Association  
vs.  
Wendy J. Hockenburry and Fred A. Hockenburry  
CCP, Clearfield County, No. 2007-39-CD  
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Very truly yours,

Katelan Steele, Legal Assistant  
Terrence J. McCabe, Esquire  
McCabe, Weisberg and Conway, P.C.

TJM/ks  
Enclosure

SENT VIA REGULAR MAIL AND  
CERTIFIED MAIL NUMBER 7006-0810-0000-1544-9800  
RETURN RECEIPT REQUESTED

**Exhibit A**

7006 0810 0000 1544 9810

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

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To  
Street, Apt. No.  
or PO Box No.  
City, State, ZIP/4

Wendy Hockenbuny  
190 Eureka St.  
Mountdale, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions

7006 0810 0000 1544 9803

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

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Sent To  
Street, Apt. No.  
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City, State, ZIP/4

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190 Eureka St.  
Mountdale, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions

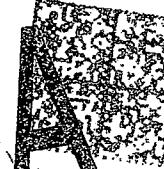
Exhibit A

MUR

Philadelphia, PA 19109  
Attn: Katelyn Steele

Line	Article Number	Date of Receipt			
		Address/Name, Street and PO Address	Postage	Fee	Handling Charge if R
1	U.S. Bank National Association vs. Wendy J. Hockenberry and Fred A. Hockenberry	Fred A. Hockenberry 190 Eureka Street Houtzdale, PA 16651			
2		Wendy J. Hockenberry 190 Eureka Street Houtzdale, PA 16651			
3					
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13					
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office			
Postmaster, Per (Name of receiving employee)		<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of non-negotiable documents under Express Mail document reconstruction insurance is \$100 per piece subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500 but optional Express Mail Service merchandise is available for up to \$5,000 to some, but not all countries. The maximum indemnity payable is \$25,000 for registered mail. See <i>Domestic Mail Manual</i> R900, S911, and S921 for limitations of coverage on insured and COD mail. See <i>International Mail Manual</i> for limitations of coverage on international mail. Special handling charges apply only to Standard Mail (A) and Standard Mail (B) parcels.</p>			

**EXHIBIT A**

  
 02 14  
 600 6005776  
 ALG 29 2007  
 FROM ZIP CODE 19109

**\$02.160**

CIVIL ACTION LAW  
COURT OF  
COMMON PLEAS  
CLEARFIELD COUNTY  
Number 2007-39-CD

U.S. Bank  
National Association  
v.  
Wendy J. Hockenberry and  
Fred A. Hockenberry  
NOTICE OF SHERIFF'S  
SALE OF  
REAL PROPERTY

TO:  
Fred Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651  
Wendy J. Hockenberry  
190 Eureka Street  
Houtzdale, PA 16651  
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OWNER'S RIGHTS  
YOU MAY BE ABLE  
TO PREVENT THIS  
SHERIFF'S SALE

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YOU HAVE OTHER  
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SHERIFF'S SALE DOES  
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PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
COUNTY OF CLEARFIELD : SS:

On this 22nd day of October, 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 September 7, 2007

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

Margaret E. Krebs

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

Cheryl J. Robison COMMONWEALTH OF PENNSYLVANIA  
Notary Public

Clearfield, Pa.

My Commission Expires  
October 31, 2007

Notarial Seal  
Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County  
My Commission Expires Oct. 31, 2007

Member, Pennsylvania Association Of Notaries

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule, unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

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YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO 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.

LAWSUIT REFERRAL SERVICE

Dave Menolick

Court Administrator

Clearfield County Courthouse

230 East Market Street

Clearfield, PA 16830

814-765-2641, Ext. 5982

ASSOCIATION DE

LICENCIED ADOS

Dave Menolick

Court Administrator

Clearfield County Courthouse

230 East Market Street

Clearfield, PA 16830

814-765-2641, Ext. 5982

Exhibit B

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

COUNTY OF CLEARFIELD : :

On this 14th day of September 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 September 14, 2007, Vol. 19, No. 37. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire  
Editor

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

Sharon J. Pusey  
Notary Public

My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Houtzdale, Clearfield County, PA
My Commission Expires, April 7, 2011

McCabe Weisberg Conway P.C.  
Suite 2080 123 S Broad St  
Philadelphia PA 19109

Exhibit B

BEING the same property acquired by the mortgagor herein by deed from Joseph W. Hart, Jr., et ux., to be recorded contemporaneously with this mortgage.

BEING KNOWN AS: 2905 Cambria Street, a/k/a RR 1 Box 72, Fallentimber, PA 16639.

PROPERTY ID NO: 118-I17-616-00003  
TITLE TO SAID PREMISES IS  
VESTED IN ARTHUR F. WALTERS BY  
DEED FROM JOSEPH W. HART, JR. AND  
CAROL L. HART, HUSBAND AND WIFE  
DATED 2/15/02 RECORDED 2/20/02 IN  
INSTRUMENT NO. 200202718.

MARK J. UDREN ATTORNEY FOR  
PLAINTIFF MARK J. UDREN &  
ASSOCIATES WOODCREST CORPOR-  
ATE CENTER, 111 WOODCREST ROAD,  
SUITE 200, CHERRY HILL, NJ 08003-3620  
856-669-5400.

William J. Mansfield, Inc., Legal  
Advertising Agency, The Woods, Suite  
1209, 998 Old Eagle School Rd, Wayne, PA  
19087-1805.

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY  
CIVIL ACTION LAW  
Number 2007-39-CD

U.S. Bank National Association v.  
Wendy J. Hockenberry and Fred A.  
Hockenberry

NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY

TO: Fred Hockenberry, 190 Eureka  
Street Houtzdale, PA 16651

Wendy J. Hockenberry, 190 Eureka  
Street Houtzdale, PA 16651

Your house (real estate) at 190 Eureka Street, Woodward Township, Houtzdale, PA 16651 is scheduled to be sold at Sheriffs Sale on DECEMBER 7, 2007 at 10:00 a.m., Eastern Time, in the Sheriffs Office of the Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830 to enforce the court judgment of \$81,080.86 obtained by U.S. Bank National Association against you.

NOTICE OF OWNER'S RIGHTS YOU  
MAY BE ABLE TO PREVENT THIS  
SHERIFF'S SALE

To prevent this Sheriffs Sale you must take immediate action:

1. The sale will be canceled if you pay to U.S. Bank National Association the back payments, late charges, costs, and reasonable attorney's fees due. To find out how much you must pay, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See the following notice on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE  
YOUR PROPERTY

AND YOU HAVE OTHER RIGHTS  
EVEN IF THE SHERIFF'S SALE DOES  
TAKE PLACE

1. If the Sheriffs Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.

3. The sale will go through only if the buyer pays the Sheriff the full amount due on the sale. To find out if this has happened, you may call McCabe, Weisberg and Conway, P.C. at (215) 790-1010.

4. If the amount due from the buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.

5. You have a right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your real estate. A schedule of distribution of the money bid for your real estate will be filed by the Sheriff within thirty (30) days of the sale. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed schedule of distribution is wrong) are filed with the Sheriff within ten (10) days after the posting of the schedule of distribution.

7. You may also have other rights and defenses, or ways of getting your real estate back, if you act immediately after the sale.

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 PER-  
SONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE, Dave  
Meholick Court Administrator, Clearfield  
County Courthouse, 230 East Market Street,  
Clearfield, PA 16830, 814-765-2641 x 5982.

ASSOCIATION DE LICENCIADOS,  
Dave Meholick Court Administrator,  
Clearfield County Courthouse, 230 East  
Market Street, Clearfield, PA 16830, 814-  
765-2641x5982.

McCabe, Weisberg, Conway, P.C.,  
Suite 2080, 123 South Broad Street:  
Philadelphia, PA 19109.

Exhibit B

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20628  
NO: 07-39-CD

PLAINTIFF: U. S. BANK NATIONAL ASSOCIATION

vs.

DEFENDANT: WENDY J. HOCKENBURY AND FRED A. HOCKENBURY

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 7/25/2007

LEVY TAKEN 8/14/2007 @ 10:37 AM

POSTED 8/14/2007 @ 10:37 AM

SALE HELD 12/7/2007

SOLD TO U. S. BANK NATIONAL ASSOCIATION

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 1/10/2008

DATE DEED FILED 1/10/2008

PROPERTY ADDRESS 190 EUREKA STREET HOUTZDALE, PA 16651

FILED  
01/12/2008  
JAN 10 2008  
W.A.S.

William A. Shaw  
Prothonotary/Clerk of Courts

SERVICES

8/18/2007 @ SERVED WENDY J. HOCKENBURY

SERVED WENDY J. HOCKENBURY, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 190 EUREKA STREET, HOUTZDALE, PENNSYLVANIA, CERT #70060810000145073169. SIGNED FOR BY WENDY J. HOCKENBURY.

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

8/18/2007 @ SERVED FRED A. HOCKENBURY

SERVED FRED A. HOCKENBURY, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 190 EUREKA STREET, HOUTZDALE, PENNSYLVANIA, CERT #70060810000145073176. SIGNED FOR BY WENDY S. HOCKENBURY, CO-DEFENDANT.

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

@ SERVED FRED A. HOCKENBURY

DEPUTIES NOT ABLE TO SERVE FRED A. HOCKENBURY, DEFENDANT, AT 190 EUREKA STREET, HOUTZDALE, PENNSYLVANIA, HOUSE IS EMPTY.

@ SERVED WENDY J. HOCKENBURY

DEPUTIES NOT ABLE TO SERVE WENDY J. HOCKENBURY, DEFENDANT, AT 190 EUREKA STREET, HOUTZDALE, PENNSYLVANIA, HOUSE IS EMPTY.

@ SERVED

EMBER 5, 2007 RECEIVED A FAX LETTER TO CONTINUE THE SHERIFF SALE SCHEDULED FOR OCTOBER 5, 2007 TO  
EMBER 7, 2007.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20628  
NO: 07-39-CD

PLAINTIFF: U. S. BANK NATIONAL ASSOCIATION

VS.

DEFENDANT: WENDY J. HOCKENBURY AND FRED A. HOCKENBURY

Execution REAL ESTATE

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$273.99

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2006

So Answers,

  
  
Chester A. Hawkins  
Sheriff

WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION - LAW

U.S. Bank National Association,

Vs.

NO.: 2007-00039-CD

Wendy J. Hockenberry, and  
Fred A. Hockenberry,

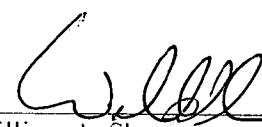
TO THE SHERIFF OF CLEARFIELD COUNTY:

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

(1) See Attached Legal Description/190 Eureka St., Woodward Twp., Houtzdale, PA 16651

AMOUNT DUE/PRINCIPAL: \$82,161.50  
INTEREST FROM: 7/25/07 to Date of Sale @\$13.51  
per diem  
ATTY'S COMM: \$  
DATE: 7/24/2007

PROTH. COSTS PAID: \$132.00  
SHERIFF: \$  
OTHER COSTS: \$

  
\_\_\_\_\_  
William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this 25<sup>th</sup> day  
of July A.D. 2007  
At 3:00 A.M./P.M.

Requesting Party: Andrew L. Markowitz, Esq.  
123 South Broad Street, Suite 2080  
Philadelphia, PA 19109  
215-790-1010

Chesler A. Hockenberry  
Sheriff by Cynthia Butler Deppenbach

## LEGAL DESCRIPTION

ALL THOSE CERTAIN Two (2) lots or pieces of ground situate in the Village of Woodward, Clearfield County, Pennsylvania, bounded and described as follows:

**THE FIRST THEREOF:** Being Lot No. 404 and the West half of Lot No. 403 in the Woodward Village:

BEGINNING at a stake on the South (erroneously North in prior deeds) side of Township road, known as PA 153, leading from Houtzdale to Ginter, bearing North 19 degrees, 24 minutes West One Hundred and Twelve (112) feet from the Southeasterly corner of said road and Hickory Street; thence South 45 degrees East, Three Hundred and Twenty-six and Eight-tenths (326.8) feet to the North side of Whiteside Run; thence meandering the same in a Northeasterly direction Two Hundred (200) feet, more or less, to the middle of Lot No. 403; thence thereby North 43 degrees West, three hundred and fifty (350) feet to the South side of said Township road and thence thereby South 3 degrees West, Sixty-seven and Three-tenths (67.3) feet and South 19 degrees, 24 minutes, West One Hundred and Ten and Eight-tenths (110.8) feet to the place of BEGINNING.

RESERVING AND EXCEPTING right-of-way of the State highway, Route 153, (erroneously referred as Route 353 in prior deed) passing through said premises.

**THE SECOND THEREOF:** Being Lot No. 405 of Woodward Village:

BEGINNING at a stake at the North West Corner (erroneously South West in prior deeds) of Lot No. 404 aforesaid; thence by said Lot South 45 degrees East, Three Hundred Twenty-six and Eight-tenths (326.8) feet to a stake on the Westerly bank of Whiteside Run; thence meandering the same in a southwesterly direction One Hundred (100) feet, more or less, to a stake on the Northerly side of Hickory Street; thence thereby North 45 degrees West, Two Hundred and Twenty-eight (228) feet to a stake on the Easterly side of a Township Road leading from Houtzdale to Ginter; and, thence thereby North 19 degrees, 24 minutes East, One Hundred Ten and Nine-tenths (110.9) feet to a post and place of BEGINNING.

RESERVING AND EXCEPTING the right-of-way of the State Highway, Route 153 (erroneously referred as Route 353 in prior deed) passing through said premises.

BEING TAX PARCEL NO. 130-M15-524-2.2.

BEING THE SAME PREMISES which Cynthia A. Hargas, as Executrix of the Estate of Denzil B. Knight, Deceased, by Deed dated October 6, 2004 and recorded October 7, 2004 in the Office of the Recorder of Deeds in and for Clearfield County in Instrument No. 200416467, granted and conveyed unto Wendy J. Hockenberry and Fred A. Hockenberry, Jr., her husband, as tenants by the entireties.

NOTICE - THIS DOCUMENT DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR

OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND IN THAT CONNECTION DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L., 984 as amended, and is not intended as notice of unrecorded instruments, if any.)

NOTICE THE UNDERSIGNED, AS EVIDENCED BY THE SIGNATURE(S) TO THIS NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED (IS, ARE) FULLY COGNIZANT OF THE FACT THAT THE UNDERSIGNED MAY NOT BE OBTAINING THE RIGHT TO PROTECTION AGAINST SUBSIDENCE, AS TO THE PROPERTY HEREIN CONVEYED, RESULTING FROM COAL MINING OPERATIONS AND THAT THE PURCHASED PROPERTY, HEREIN CONVEYED, MAY BE PROTECTED FROM DAMAGE DUE TO MINE SUBSIDENCE BY A PRIVATE CONTRACT WITH THE OWNERS OF THE ECONOMIC INTEREST IN THE COAL. THIS NOTICE IS INSERTED HERETO TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME WENDY J. HOCKENBURY

NO. 07-39-CD

NOW, January 10, 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 December 07, 2007, I exposed the within described real estate of Wendy J. Hockenberry And Fred A. Hockenberry to public venue or outcry at which time and place I sold the same to U. S. BANK NATIONAL ASSOCIATION he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	17.46
LEVY	15.00
MILEAGE	17.46
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	18.07
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	10.00
CONTINUED SALES	20.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$273.99</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	30.50
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$30.50</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	82,161.50
INTEREST @ 13.5100 %	1,823.85
FROM 07/25/2007 TO 12/07/2007	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
SATISFACTION FEE	40.00
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$84,025.35</b>

**COSTS:**

ADVERTISING	673.54
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	30.50
SHERIFF COSTS	273.99
LEGAL JOURNAL COSTS	190.00
PROTHONOTARY	132.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,445.03</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

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

U.S. BANK NATIONAL ASSOCIATION  
Plaintiff

vs.

NO. 07-39-CD

WENDY J. HOCKENBURY and  
FRED A. HOCKENBURY,

Defendants

O R D E R

NOW, this 6<sup>th</sup> day of March, 2007, the Plaintiff is granted leave to serve the  
Complaint in Mortgage Foreclosure upon the Defendants **Wendy J. Hockenbury and**  
**Fred A. Hockenbury** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 190 Eureka Street, Houtzdale, Pa 16651;
3. By certified mail, return receipt requested, to 190 Eureka Street,  
Houtzdale, Pa 16651; and
4. By posting the mortgaged premises known in this herein action as  
190 Eureka Street, Houtzdale, Pa 16651.

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 correct copy of the original  
document filed in this case.

MAR 09 2007

BY THE COURT,  
**/S/ Fredric J Ammerman**

---

**FREDRIC J. AMMERMAN**  
President Judge

Attest,

Clearfield  
County  
Court of Common  
Pleas

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

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

1. Article Addressed to:  
WENDY J. HOCKENBERRY  
190 EUREKA STREET  
HOUTZDALE, PA 16651

2. Article Number  
(Transfer from service label)

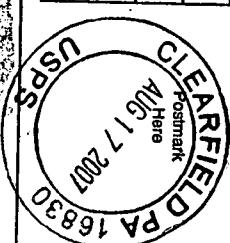
3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  COD  
 Restricted Delivery? (Extra Fee)  Yes  
 If YES, enter delivery address below:  
 No

PS Form 3811, February 2004  
Domestic Return Receipt  
102595-02-M-1540

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$ 58
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.38



Sent To  
Street, Apt. No.,  
or P.O. Box No.  
City, State, ZIP+4  
WENDY J. HOCKENBERRY  
190 EUREKA STREET  
HOUTZDALE, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions.



## LAW OFFICES

## McCABE, WEISBERG &amp; CONWAY, P.C.

TERRENCE J. McCABE\*\*  
 MARC S. WEISBERG\*\*  
 EDWARD D. CONWAY  
 MARGARET GAIRO  
 LISA L. WALLACE†  
 BRENDA L. BROGDON\*  
 MICHELLE M. MONTE \*\*  
 MONICA G. CHRISTIE+  
 FRANK DUBIN  
 ANDREW L. MARKOWITZ  
 ROBERT W. CUSICK\*  
 BONNIE DAHL\*  
 ANGELA M. MICHAEL\*  
 SCOTT TAGGART\*  
 DEBORAH K. CURRAN+  
 LAURA H.G. O'SULLIVAN\*\*  
 STEPHANIE H. HURLEY\*\*

SUITE 2080  
 123 SOUTH BROAD STREET  
 PHILADELPHIA, PA 19109  
 (215) 790-1010  
 FAX (215) 790-1274

SUITE 600  
 216 HADDON AVENUE  
 WESTMONT, NJ 08108  
 (856) 858-7080  
 FAX (856) 858-7020

SUITE 401  
 145 HUGUENOT STREET  
 NEW ROCHELLE, NY 10501  
 (914) 636-8900  
 FAX (914) 636-8901  
 ALSO SERVICING CONNECTICUT

SUITE 302  
 8101 SANDY SPRING ROAD  
 LAUREL, MD 20707  
 (301) 490-1196  
 FAX (301) 490-1568  
 ALSO SERVICING THE DISTRICT OF COLUMBIA

\* Licensed in PA & NJ  
 \*\* Licensed in PA & NY  
 † Licensed in NY  
 + Licensed in NJ  
 \* Licensed in PA & WA  
 \*\* Licensed in VA, NJ & NY  
 † Licensed in NY & CT  
 \* Licensed in MD & DC  
 \*\* Licensed in MD  
 \* Managing Attorney for NY  
 + Managing Attorney for MD

September 5, 2007

SUITE 206W  
 6800 JERICHO TURNPIKE  
 SYOSSET, NY 11791  
 (917) 351-1188  
 FAX (917) 351-0363

*Of Counsel*  
 PITNICK & MARGOLIN, LLP\* - NY  
 DEBORAH K. CURRAN+ - MD & DC  
 LAURA H.G. O'SULLIVAN\* - MD & DC  
 STEPHANIE H. HURLEY\*\* - MD  
 JOSEPH F. RIGA\* - PA & NJ

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

Re: U.S. Bank National Association vs. Wendy J. Hockenbury and Fred A. Hockenbury  
 Clearfield County, Court of Common Pleas; No. 2007-39-CD  
 Premises: 190 Eureka Street, Woodward Township, Houtzdale, PA, 16651

Dear Sheriff:

As you know, the above-captioned matter is currently scheduled for the October 5, 2007, Sheriff's Sale. I am requesting at this time that you postpone this matter to the December 7, 2007 Sheriff's Sale.

As acknowledgement of this postponement, I would appreciate your signing or time-stamping a copy of this letter; and faxing the same to my attention. Thank you for your cooperation.

Very truly yours,

Liz DeSimone  
 Legal Assistant

/d

SENT VIA FACSIMILE TRANSMITTAL-NUMBER 814-765-5915  
 SHERIFF'S OFFICE-RECEIVED BY:

Candy Auerbach  
 SIGNATURE

9-10-01  
 DATE

*This is a communication from a debt collector.  
 This letter may be an attempt to collect a debt and any information obtained will be used for that purpose.*