

07-95-CD
Wells Fargo vs Eric Simons et al

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2007-95-CD

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 147278

ATTORNEY FOR PLAINTIFF

WELLS FARGO BANK, N.A.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff

v.

ERIC W. SIMONS
A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMONS
A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY
19 CLEARLAKE DRIVE
CENTRALIA, IL 62801-3720

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

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

1. Plaintiff is

WELLS FARGO BANK, N.A.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

ERIC W. SIMONS
A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMONS
A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY
19 CLEARLAKE DRIVE
CENTRALIA, IL 62801-3720

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

3. On 09/10/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200414899.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 10/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$335,058.81
Interest	14,326.73
09/01/2006 through 01/17/2007	
(Per Diem \$103.07)	
Attorney's Fees	1,250.00
Cumulative Late Charges	463.44
09/10/2004 to 01/17/2007	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 351,648.98
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 351,648.98

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

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

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

10. This action does not come under Act 91 of 1983 because the mortgage premises is not the principal residence of Defendant(s).

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 351,648.98, together with interest from 01/17/2007 at the rate of \$103.07 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:

/s/ Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot of ground situated in Clearfield Borough, Clearfield County, Pennsylvania and known in the Plan of Reed's Addition as Lots #8 and #9 in Block 'F', bounded and described as follows:

BEGINNING at a post corner of Lot #10 on the east side of South Second Street; thence along South Second Street South 35 minutes and 30 seconds, west 132 feet to post corner on Elizabeth Street; thence South 54 minutes 30 seconds east 200 feet along Elizabeth Street to an alley; thence North 35 minutes 30 seconds east 132 feet along said alley to post corner of Lot #10; thence North 54 minutes 30 seconds west along Lot #10 to South Second Street and place of beginning.

HAVING ERECTED THEREON a two and a half story brick house, garage, shed and underground pool known and numbered as 808 Old Towns Road, Clearfield, Pennsylvania, 16830.

Being identified as Tax Map No. 4.2-K08-236-00011.

BEING the same premises as were conveyed unto Eric W. Simons and Jeanne M. Simons, husband and wife, by deed of James P. Davidson and Darlene F. Davidson, husband and wife, dated September 9, 2004, and recorded at Clearfield County Instrument Number 2004 14898.

PROPERTY BEING: 808 SOUTH 2ND STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for PLAINTIFF in this matter, that Plaintiff is outside the jurisdiction of the court and or the Verification could not be obtained within the time allowed for the filing on the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c) and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of his knowledge, information and belief.

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

fs/hallin

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 1-16-07

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
FAX: 215-563-5534
Email: complaints@fedphe.com

*Representing Lenders in
Pennsylvania and New Jersey*

January 17, 2007

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

Re: WELLS FARGO BANK, N.A. vs. ERIC W. SIMONS

ACTION IN MORTGAGE FORECLOSURE

Dear Sir/Madam:

Enclosed are an original and 2 copies of a Civil Action in Mortgage Foreclosure relative to the above captioned matter for filing with your office. A check for filing has been attached in the amount of \$85.00. The sheriff's office advised our office on 01/17/07 that sheriff's costs total \$100.00 for this file. If there is a concern regarding the costs, please contact Brandi Porter at PH&S; please do not return the complaint to our office.

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

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

Thank you for your cooperation.

Very truly yours,


PHELAN HALLINAN & SCHMIEG, LLP
COMPLAINT DEPARTMENT

File #: 147278

AFFIDAVIT OF SERVICE – CLEARFIELD COUNTY (JMR)

WELLS FARGO BANK, N.A.

Plaintiff

Vs.

ERIC W. SIMONS A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMMONS A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY

Defendants

SERVE AT: 19 CLEARLAKE DRIVE
CENTRALIA, IL 62801

FILED
M 10:30 AM NOCC
MAR 14 2007
JM

William A. Shaw
Prothonotary/Clerk of Courts

TYPE OF ACTION
XX Mortgage Foreclosure

XX Civil Action
NO. 07-95-CD
File Number147278

SERVED

Served and made known to ERIC W. SIMONS A/K/A ERIC WILLIAM SIMONS Defendant on the 20th day of Feb., 2007 at 5:30 o'clock, P. M., at 19 Clearlake Centralia IL 62801 in the manner described below:

Defendant personally served.

Adult family member with whom Defendant(s) reside(s).

Relationship is _____.

Adult in charge of Defendant's residence who refused to give name/relationship.

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

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

_____ and officer of said defendant company.

Other: _____.

I, MARK A. CLAYBURN, A Private Process Server and competent adult, being duly sworn according to law, depose and state that I personally handed to ERIC SIMONS

a true and correct copy of the Law Complaint in Mortgage Foreclosure & Notice issued in the captioned case on the date and at the address indicated above.

Description: Age 49 Height 6' Weight 180 Race White Sex Male Other Glasses

Sworn to and subscribed

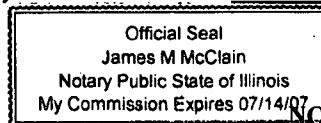
Before me this 21 day

Of FEB, 2007.

Notary:



Served By: Mark A. Clayburn



NOT SERVED

On the _____ day of _____, 20____, at _____ o'clock

____. M., Defendant NOT FOUND because:

____ Moved _____ Unknown _____ No Answer _____ Vacant

Other: _____

Sworn to and subscribed

Before me the _____ day

Of _____, 20____.

Notary:

Not Served By: _____

Phelan Hallinan & Schmieg, LLP

Attorneys For Plaintiff

Francis S. Hallinan, Esquire – I.D.#62695

Suite 1400- One Penn Center Plaza at Suburban Station

Philadelphia, PA 19103-1799

(215)563-7000

AFFIDAVIT OF SERVICE - CLEARFIELD COUNTY(JMR)

FILED
M 10:32 AM
MAR 14 2007
NO cc
JM

WELLS FARGO BANK, N.A.

Plaintiff

Vs.

ERIC W. SIMONS A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMMONS A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY
Defendants

TYPE OF ACTION
XX Mortgage Foreclosure

William A. Shaw
Prothonotary/Clerk of Courts

SERVE AT: 19 CLEARLAKE DRIVE
CENTRALIA, IL 62801

SERVED

Served and made known to JEANNE M. SIMMONS A/K/A JEANNE M. CHAPMAN A/K/A JEANNE M. SHEESLEY, Defendant on the 20th day of Feb., 2006 at 5:32 o'clock, P. M., at 19 Clear lake Centralia IL 62801, City in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s). ERIC SIMONS
Relationship is Husband.
 Adult in charge of Defendant's residence who refused to give name/relationship.
 Manager/Clerk of place of lodging in which Defendant(s) reside(s)
 Agent or person in charge of Defendant's office or usual place of business.
 and officer of said defendant company.
 Other: _____.

I, MARK A. CLAYBURN, A Private Process Server and competent adult, being duly sworn according to law, depose and state that I personally handed to ERIC SIMONS a true and correct copy of the Law Complaint in Mortgage Foreclosure + Notice issued in the captioned case on the date and at the address indicated above.

Description: Age 49 Height 6' Weight 80 Race White Sex Male Other Glasses

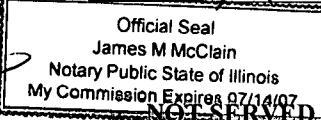
Sworn to and subscribed

Before me this 21 day

Of Feb, 2007.

Notary:

Served By: Mark A. Clayburn



On the _____ day of _____, 20____, at _____ o'clock

____.M., Defendant NOT FOUND because:

_____ Moved _____ Unknown _____ No Answer _____ Vacant

Other: _____

Sworn to and subscribed

Before me the _____ day

Of _____, 20____.

Notary:

Not Served By: _____

Phelan Hallinan & Schmieg, LLP

Attorneys For Plaintiff

Francis S. Hallinan, Esquire - I.D.#62695

Suite 1400- One Penn Center Plaza at Suburban Station

Philadelphia, PA 19103-1799

(215)563-7000

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **102357**

WELLS FARGO BANK, N.A.

Case # **07-95-CD**

vs.

ERIC W. SIMONS aka ERIC WILLIAM SIMONS and JEANNE M. SIMONS aka
JEANNE M. CHAPMAN aka JEANNE M. SHEESLEY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 24, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN
MORTGAGE FORECLOSURE "NOT FOUND" AS TO ERIC W. SIMONS AKA ERIC WILLIAM SIMONS, DEFENDANT.
808 SOUTH 2nd ST., CLEARFIELD, PA. "APPEARS EMPTY".

SERVED BY: /

FILED
99:00 AM
APR 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket #

102357

WELLS FARGO BANK, N.A.

Case # 07-95-CD

VS.

ERIC W. SIMONS aka ERIC WILLIAM SIMONS and JEANNE M. SIMONS aka
JEANNE M. CHAPMAN aka JEANNE M. SHEESLEY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 24, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN
MORTGAGE FORECLOSURE "NOT FOUND" AS TO JEANNE M. SIMONS AKA JEANNE M. CHAPMAN AKA JEANNE
M. SHEESLEY, DEFENDANT. 808 SOUTH 2nd ST., CLEARFIELD, PA. "APPEARS EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102357
NO: 07-95-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WELLS FARGO BANK, N.A.

vs.

DEFENDANT: ERIC W. SIMONS aka ERIC WILLIAM SIMONS and JEANNE M. SIMONS aka
JEANNE M. CHAPMAN aka JEANNE M. SHEESLEY

SHERIFF RETURN

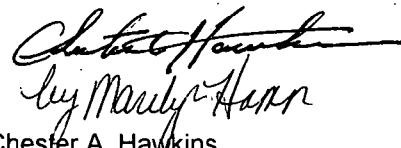
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	566957	20.00
SHERIFF HAWKINS	PHELAN	566957	21.00

Sworn to Before Me This

____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 147278

WELLS FARGO BANK, N.A.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff

v.

ERIC W. SIMONS
A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMONS
A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY
19 CLEARLAKE DRIVE
CENTRALIA, IL 62801-3720

Defendants

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

JAN 19 2007

Attest.

W. L. H.
Prothonotary/
Clerk of Courts

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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Clearfield County Courthouse
2nd and Market Streets
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814-765-2641 x 5982

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

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1. Plaintiff is

WELLS FARGO BANK, N.A.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

ERIC W. SIMONS
A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMONS
A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY
19 CLEARLAKE DRIVE
CENTRALIA, IL 62801-3720

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Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 351,648.98

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

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

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

10. This action does not come under Act 91 of 1983 because the mortgage premises is not the principal residence of Defendant(s).

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 351,648.98, together with interest from 01/17/2007 at the rate of \$103.07 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: /s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

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BEGINNING at a post corner of Lot #10 on the east side of South Second Street; thence along South Second Street South 35 minutes and 30 seconds, west 132 feet to post corner on Elizabeth Street; thence South 54 minutes 30 seconds east 200 feet along Elizabeth Street to an alley; thence North 35 minutes 30 seconds east 132 feet along said alley to post corner of Lot #10; thence North 54 minutes 30 seconds west along Lot #10 to South Second Street and place of beginning.

HAVING ERECTED THEREON a two and a half story brick house, garage, shed and underground pool known and numbered as 808 Old Towns Road, Clearfield, Pennsylvania, 16830.

Being identified as Tax Map No. 4.2-K08-236-00011.

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PROPERTY BEING: 808 SOUTH 2ND STREET

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FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for PLAINTIFF in this matter, that Plaintiff is outside the jurisdiction of the court and or the Verification could not be obtained within the time allowed for the filing on the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c) and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of his knowledge, information and belief.

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francis s. hallinan

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 1-16-07

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LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 147278

ATTORNEY FOR PLAINTIFF

WELLS FARGO BANK, N.A.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff

v.

ERIC W. SIMONS
A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMONS
A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY
19 CLEARLAKE DRIVE
CENTRALIA, IL 62801-3720

Defendants

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO. 07-95-CD
CLEARFIELD COUNTY

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

JAN 19 2007

Attest.

William L. Haas
Prothonotary/
Clerk of Courts

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

WELLS FARGO BANK, N.A.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

ERIC W. SIMONS
A/K/A ERIC WILLIAM SIMONS
JEANNE M. SIMONS
A/K/A JEANNE M. CHAPMAN
A/K/A JEANNE M. SHEESLEY
19 CLEARLAKE DRIVE
CENTRALIA, IL 62801-3720

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

3. On 09/10/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200414899.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 10/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$335,058.81
Interest	14,326.73
09/01/2006 through 01/17/2007 (Per Diem \$103.07)	
Attorney's Fees	1,250.00
Cumulative Late Charges 09/10/2004 to 01/17/2007	463.44
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 351,648.98
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
TOTAL	\$ 351,648.98

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

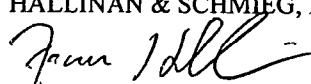
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth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

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

10. This action does not come under Act 91 of 1983 because the mortgage premises is not the principal residence of Defendant(s).

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 351,648.98, together with interest from 01/17/2007 at the rate of \$103.07 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP


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

LEGAL DESCRIPTION

ALL that certain lot of ground situated in Clearfield Borough, Clearfield County, Pennsylvania and known in the Plan of Reed's Addition as Lots #8 and #9 in Block 'F', bounded and described as follows:

BEGINNING at a post corner of Lot #10 on the east side of South Second Street; thence along South Second Street South 35 minutes and 30 seconds, west 132 feet to post corner on Elizabeth Street; thence South 54 minutes 30 seconds east 200 feet along Elizabeth Street to an alley; thence North 35 minutes 30 seconds east 132 feet along said alley to post corner of Lot #10; thence North 54 minutes 30 seconds west along Lot #10 to South Second Street and place of beginning.

HAVING ERECTED THEREON a two and a half story brick house, garage, shed and underground pool known and numbered as 808 Old Towns Road, Clearfield, Pennsylvania, 16830.

Being identified as Tax Map No. 4.2-K08-236-00011.

BEING the same premises as were conveyed unto Eric W. Simons and Jeanne M. Simons, husband and wife, by deed of James P. Davidson and Darlene F. Davidson, husband and wife, dated September 9, 2004, and recorded at Clearfield County Instrument Number 2004 14898.

PROPERTY BEING: 808 SOUTH 2ND STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for PLAINTIFF in this matter, that Plaintiff is outside the jurisdiction of the court and or the Verification could not be obtained within the time allowed for the filing on the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 (c) and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of his knowledge, information and belief.

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

francis s. hallinan

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 1-16-07

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

Wells Fargo Bank, N.A.

ATTORNEY FOR PLAINTIFF

Plaintiff

: Court of Common Pleas

vs.

: Civil Division

Eric W. Simons, a/k/a Eric William Simons
Jeanne M. Simons, a/k/a Jeanne M. Chapman,
a/k/a Jeanne M. Sheesley

: Clearfield County

Defendant(s)

: No. 07-95-CD

PRAECIPE

TO THE PROTHONOTARY:

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

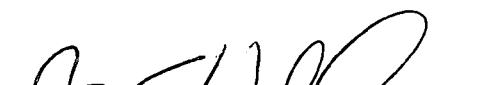
Please mark the above referenced case Settled, Discontinued and Ended.

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

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

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

Date: 10/31/07



Francis S. Hallinan, Esquire
Attorney for Plaintiff

PHS # 147278

FILED 1cc + 1 Cert
M 1:40pm of disc issued
NOV - 5 2007 to ATT Hallinan

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Wells Fargo Bank N.A.

Vs.

No. 2007-00095-CD

**Eric W. Simons aka Eric William
Simons and Jeanne M. Simons aka
Jeanne M. Chapman aka Jeanne M.
Sheesley**

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on November 5, 2007, marked:

Discontinued and Ended without prejudice

Record costs in the sum of \$85.00 have been paid in full by Francis S. Hallinan Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 5th day of November A.D. 2007.



William A. Shaw, Prothonotary