

07-152-CD
Apex Mort. Vs J. Fullington Jr. al

Apex Mortgage vs Richard Fullington et al
2007-152-CD

RICHARD F. STERN, ESQUIRE (03315)
STEVEN K. EISENBERG, ESQUIRE (75736)
BRADLEY D. SISLEY, ESQUIRE (200040)
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(COUNSEL FOR PLAINTIFF)

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

Apex Mortgage Corp.
185 Commerce Drive
Unit 102
Fort Washington, PA 19034

v.
J. Richard Fullington, Jr. and Loretta P.
Fullington
504 Sabula Outing Club Road
DuBois, PA 15801

Defendant

FILED *acc Shff
M 11:45 am
JAN 31 2007*
PA \$85.00
Atty
WMS

William A. Shaw
Prothonotary/Clerk of Courts
Civil Action Number:

2007-152-CD

COMPLAINT IN
MORTGAGE FORECLOSURE

CIVIL ACTION - MORTGAGE FORECLOSURE

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

NOTICE

You have been sued in Court. If you wish to defend the claims set forth in the following pages, you must take action within twenty (20) days after this Civil Action and notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defense 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 Civil Action or for any other claim or relief requested by the plaintiff. You may lose money or property of other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO A LAWYER AT ONCE. IF YOU DO NOT HAVE A
LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH**

BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP. 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.

Keystone Legal Services
211 1/2 E. Locust Street
Clearfield, PA 16830
(800) 326-9177

NOTICE

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §1692 ET SEQ., YOU MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF YOU DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE YOU WITH WRITTEN VERIFICATION OF THE DEBT, AS WELL AS THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM THE CURRENT CREDITOR. OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. IF YOU DO NOT DISPUTE THE DEBT, IT IS NOT AN ADMISSION OF LIABILITY BY YOU.

IF YOU NOTIFY US IN WRITING WITHIN THE THIRTY (30) DAY PERIOD, WE WILL CEASE COLLECTION OF THIS DEBT, OR ANY DISPUTED PORTION OF IT, UNTIL WE HAVE OBTAINED THE REQUIRED INFORMATION AND MAILED IT TO YOU. ONCE WE HAVE MAILED YOU THE REQUIRED INFORMATION, WE WILL CONTINUE THE COLLECTION OF THIS DEBT.

THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR. THIS ACTION IS AN ATTEMPT TO COLLECT A DEBT, AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

RICHARD F. STERN, ESQUIRE (03315)
STEVEN K. EISENBERG, ESQUIRE (75736)
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Apex Mortgage Corp.
185 Commerce Drive
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Fort Washington, PA 19034

v.
J. Richard Fullington, Jr. and Loretta P.
Fullington
504 Sabula Outing Club Road
DuBois, PA 15801

Civil Action Number:

**COMPLAINT IN
MORTGAGE FORECLOSURE**

Defendant

COMPLAINT

CIVIL ACTION - MORTGAGE FORECLOSURE

1. Plaintiff is Apex Mortgage Corp. (hereinafter referred to as "Apex Mortgage Corp.") with offices located at 185 Commerce Drive Unit 102, Fort Washington, PA 19034.
2. Defendants are J. Richard Fullington, Jr., and Loretta P. Fullington, adult individuals with a last-known address of 504 Sabula Outing Club Road, DuBois, PA 15801.
3. Under date of 11/30/01, defendants executed and delivered to Apex Mortgage Corp, a mortgage upon the premises Route 322 East, Clearfield, PA (the "Property") to secure the payment of the sum of \$300,000.00. The said mortgage is recorded in the Office for the Recording of Deeds in and for Clearfield County on 12/05/2001 at Instrument No. 200119482 and is incorporated herein by reference as though set forth at length herein. A copy of the legal description of the premises is attached hereto and made a part hereof as Exhibit "A".

4. Said Defendants are the real owners of premises Route 322 East, Clearfield, PA 16830.
5. In accordance with Act 91 of 1983, as amended, a combined notice providing the information required by §403 of Act No. 6 of 1974, and Act 91, aforesaid, was not required because the property is not the defendants primary address.
6. The said loan is in default as a result of the failure to pay the monthly installments of \$3,667.97 due on November 10, 2006 and on the same day of each month thereafter.
7. The following is due on the loan:

PRINCIPAL BALANCE\$274,094.53

INTEREST accrued thru 01/11/2007 of\$8,140.86
Interest after 01/11/2007 shall accrue at the per diem
rate of \$64.50.)

LATE CHARGES accrued thru 01/11/2007 of\$415.00
Late charges after 01/11/2007 shall accrue at a monthly
rate.)

NSF/BANK FEES\$220.00

FEES BILLED\$220.00

COSTS\$300.00

ATTORNEY'S FEE\$7,000.00

TOTAL\$290,390.39

The attorney 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 Sale, reasonable attorney fees will be charged based on work actually performed.

WHEREFORE, Plaintiff, Apex Mortgage Corp. requests this Court to enter judgment for foreclosure of the mortgaged property for the sum of \$274,094.53 plus interest thereon of \$8,140.86 plus \$64.50 per day from 01/11/2007 until judgment is paid in full, late charges of \$415.00, plus late charges at a monthly rate, NSF/ Bank fees of \$220.00, fees billed of \$220.00, costs of \$300.00, attorney's fees of \$7,000.00 and all other amounts set forth above, less any suspense as set forth above, together with record costs and any other amounts to which Plaintiff is entitled to recover.

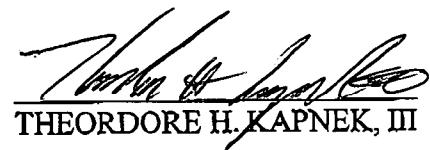
STERN AND EISENBERG LLP

BY:


RICHARD F. STERN, ESQUIRE
Attorney for Plaintiff

VERIFICATION

THEORDORE H. KAPNEK, III, President of Apex Mortgage Corp. and is authorized to sign this Verification on behalf of same, and states that he verifies the foregoing Civil Action Mortgage Foreclosure against J. Robert Fullington, Jr. and Loretta P. Fullinton and avers the statements of fact therein contained are made subject to the penalties of 18 PA C.S. Section 4904 relating to the unsworn falsification to authorities, and that same are true upon the signer's personal knowledge or information and belief.



THEORDORE H. KAPNEK, III

Date: 1/12-07

LEGAL DESCRIPTION

123-L08-000-00090

ALL those two certain pieces or parcels of land situate in the Township of Lawrence, Clearfield County, Pennsylvania, bounded and described as follows:

THE FIRST THEREOF: BEGINNING at an iron pin on the Southern line of the right-of-way of Pennsylvania State Highway Route No. 322, said pin being the northeast corner of a parcel conveyed to Lynn W. Boal and Amelia P. Boal by Raymond L. Curry; thence along the Southern line of State Highway Route No. 322, South sixty-six (66) degrees fifteen (15') minutes East 60 feet to a pin at the Northwest corner of the tract referred to herein as "THE FIRST THEREOF"; thence South twenty-three (23) degrees forty-five (45') minutes West 325 feet, more or less, to the Northern line of a 20 foot street; thence along the Northern line of the said 20 foot street in a Westerly direction 60 feet, more or less, to an iron pin at the Southeast corner of a lot now or formerly of Raymond L. Curry; thence along the Eastern line of the Curry lot and other land of Lynn W. Boal and Amelia P. Boal, North twenty-three (23) degrees forty-five (45') minutes East 357.22 feet to an iron pin on the Southern line of State Highway Route No. 322 and the place of beginning.

THE SECOND THEREOF: BEGINNING at an iron pin on the Southern right-of-way of Pennsylvania State Highway Route No. 322 which is the Northeast corner of the parcel, herein described; thence South twenty-three (23) degrees forty-five (45') minutes West 200 feet to an iron pin; thence along line of land now or formerly of Raymond L. Curry and his wife, North sixty-six (66) degrees fifteen (15') minutes West 100 feet, by a line parallel with the Southern right-of-way line of Pennsylvania State Highway Route No. 322 to an iron pin; thence continuing along line of lands now or formerly of Raymond L. Curry and wife, North twenty-three (23) degrees forty-five (45') minutes East 200 feet to an iron pin on the Southern right-of-way line of Pennsylvania State Highway Route 322, thence along Southern right-of-way line of U.S. Route 322, South sixty-six (66) degrees fifteen (15') minutes East 100 feet to an iron pin and place of beginning.

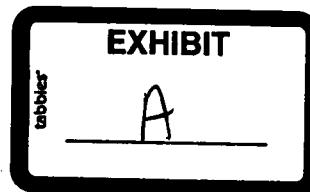
EXCEPTING AND RESERVING from the above described premises all the oil and gas in and under the said premises in accordance with the tenor of exceptions and reservations contained in prior deeds in the chain of title.

Under and subject to the conditions and restrictions in deeds of Kurbo Enterprises, Inc., to prior holders in the chain of title.

RECORD OWNER:

BEING the same premises which Fullington GMC Sales, Inc., a Pennsylvania Corporation, by Deed dated May 30, 2001, and recorded June 25, 2001, as Instrument No. 200109623, granted and conveyed unto J. Richard Fullington, Jr. and Loretta P. Fullington, husband and wife, in fee.

BEING the same premises which Lynn W. Boal and Amelia P. Boal, husband and wife, by Deed dated January 17, 2000, and recorded January 18, 2000, as Instrument No. 200000826, granted and conveyed unto J. Richard Fullington, Jr. and Loretta P. Fullington, husband and wife, and Fullington GMC Sales, Inc., in fee.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102394
NO: 07-152-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: APEX MORTGAGE CORP.

VS.

DEFENDANT: J. RICHARD FULLINGTON JR. and LORETTA P. FULLINGTON

SHERIFF RETURN

NOW, February 21, 2007 AT 1:08 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON J. RICHARD FULLINGTON JR. DEFENDANT AT Meeting Place: S.2nd & Market St., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO J. RICHARD FULLINGTON JR., DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

FILED
9/11:50 AM
MAY 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

1
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102394
NO: 07-152-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: APEX MORTGAGE CORP.

vs.

DEFENDANT: J. RICHARD FULLINGTON JR. and LORETTA P. FULLINGTON

SHERIFF RETURN

NOW, February 27, 2007 AT 10:30 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LORETTA P. FULLINGTON DEFENDANT AT LAW OFFICE, 207 E. MARKET ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CHRIS PENTZ, ATTORNEY FOR DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102394
NO: 07-152-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: APEX MORTGAGE CORP.

vs.

DEFENDANT: J. RICHARD FULLINGTON JR. and LORETTA P. FULLINGTON

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	STERN	5636	20.00
SHERIFF HAWKINS	STERN	5636	46.82

Sworn to Before Me This

So Answers,

____ Day of _____ 2007

Chester A. Hawkins
by Micky Hemr

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS CLEARFIELD COUNTY
CIVIL ACTION - LAW

KEVIN P. DISKIN, ESQUIRE
STERN AND EISENBERG LLP
The Pavilion
261 Old York Road, Suite 410
Jenkintown, PA 19046
(215) 572-8111
I.D. #86727

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Civil Action Number: 2007-152-CD

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DuBois, PA 15801

ORDER TO SETTLE, DISCONTINUE AND END WITHOUT PREJUDICE

To the Prothonotary:

Kindly mark the above captioned matter as settled, discontinued and ended, without
prejudice, upon payment of your costs only.

BY: 
STERN AND EISENBERG LLP
KEVIN P. DISKIN,
Attorney for Plaintiff

3/19/2010

S
FILED NO
MARCH 14, 2010
MAR 24 2010
JRW
William A. Shaw
Prothonotary/Clerk of Courts