

07-216-CD
Beneficial Cons. Vs David Walk et al

Beneficial Cons. Vs David Walk et al
2007-216-CD

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

BENEFICIAL CONSUMER DISCOUNT COMPANY *
d/b/a BENEFICIAL MORTGAGE COMPANY of *
PENNSYLVANIA, *
Plaintiff *
vs. * NO. 07-216-CD
DAVID ARDELL WALK and ANGELA K. WALK *
MARYANN M. SIMINGTON and ROBIN G. PHILLIPS,*
Defendants *

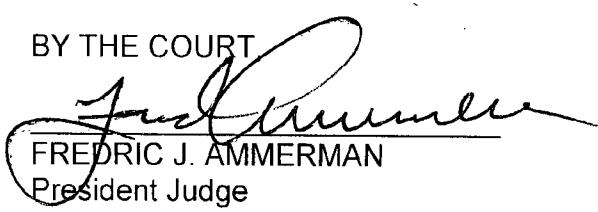
ORDER

NOW, this 17th day of April, 2007, the Plaintiff is granted leave to serve the
Complaint in Mortgage Foreclosure upon the Defendants **MARYANN M. SIMINGTON**
and ROBIN G. PHILLIPS by:

1. Publication one time in The Progress (Clearfield) and the Clearfield
County Legal Journal;
2. By first class mail to 105 Kate Street, Osceola Mills, PA 16666 and
PO Box 101, Howard, PA 16841;
3. By certified mail, return receipt requested to 105 Kate Street, Osceola
Mills, PA 16666 and PO Box 101, Howard, PA 16841;
4. By posting the mortgaged premises known in this herein action as
105 Kate Street, Osceola Mills, PA 16666.

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

BY THE COURT


FREDRIC J. AMMERMAN
President Judge

FILED
04/12/07
APR 17 2007
3CC
Atty McCabe
6K
01241001

William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 17 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4/17/07
 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 Other
 Special Instructions:

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

Attorney for Plaintiff

Beneficial Consumer Discount : Clearfield County
Company d/b/a Beneficial Mortgage : Court of Common Pleas
Company of Pennsylvania :

1

David Ardell Walk :
and :
Angela K. Walk :
and :
Maryann M. Simington :
and :
Robin G. Phillips :
Number 2007-216-CD 2

FILED

MAY 08 2007

m(10:20/u)

William A. Shaw
Prothonotary/Clerk of Courts
2 CENT TO SUFF
ED W/ REINSTATEMENT
CONT'D

PRAECIPE TO REINSTATE COMPLAINT

1. CENT TO ATTS
W/ REINFORCED
CONCRETE

TO THE PROTHONOTARY:

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

F. White

TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

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

BENEFICIAL CONSUMER DISCOUNT COMPANY *
d/b/a BENEFICIAL MORTGAGE COMPANY of *
PENNSYLVANIA, *

Plaintiff *

vs. *

DAVID ARDELL WALK and ANGELA K. WALK *
MARYANN M. SIMINGTON and ROBIN G. PHILLIPS, *
Defendants *

NO. 07-216-CD

ORDER

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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.

APR 17 2007

BY THE COURT,
/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

Attest,

William J. Ammerman
Prothonotary/
Clerk of Courts

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

30448
Attorneys for Plaintiff

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

v.

David Ardell Walk
and
Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866
and
Maryann M. Simington
and
Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Clearfield County
Court of Common Pleas

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

FEB 12 2007

Number

2007-216-CD Attest.

W. L. H.
Prothonotary/
Clerk of Courts

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

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

Attorneys for Plaintiff

Beneficial Consumer Discount
Company d/b/a Beneficial Mortgage
Company of Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

v.

David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866
and
Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866
and
Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666
and
Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Clearfield County
Court of Common Pleas

Number

CIVIL ACTION/MORTGAGE FORECLOSURE

1. Plaintiff is Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania, a corporation duly organized and doing business at the above captioned address.

2. The Defendant is David Ardell Walk, who is one of the mortgagors of the mortgaged property hereinafter described, and his last-known address is 701 Walnut Street, Philipsburg, PA 16866.

3. The Defendant is Angela K. Walk, who is one of the mortgagors of the mortgaged property hereinafter described, and her last-known address is 701 Walnut Street, Philipsburg, PA 16866.

4. The Defendant is Maryann M. Simington, who is one of the real owners of the mortgaged property hereinafter described, and her last-known address is 105 Kate Street, Osceola, PA 16666.

5. The Defendant is Robin G. Phillips, who is one of the real owners of the mortgaged property hereinafter described, and her last-known address is 105 Kate Street, Osceola, PA 16666.

6. On 05/04/1999, mortgagors 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 Mortgage BookInstrument #199907185, Page .

7. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known as 105 Kate Street, Osceola Mills, PA 16666.

8. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/19/2006 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.

9. The following amounts are due on the mortgage:

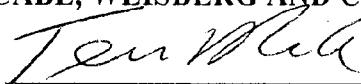
Principal Balance	\$	30,864.81
Interest through 12/21/2006	\$	1,868.52
(Plus \$ 10.73 per diem thereafter)		
Attorney's Fee	\$	1,543.24
Title Search	\$	<u>200.00</u>
 GRAND TOTAL	\$	34,476.51

10. 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.

11. 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 \$34,476.51, together with interest at the rate of \$10.73 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**

EXHIBIT A
(Legal Description)

ALL THAT CERTAIN piece or parcel of land with all improvements thereon, situate in the Borough of Osceola, County of Clearfield and State of Pennsylvania, designated on the general plan of said Osceola Borough as Lots Number 457 and 459 and bounded and described as follows:

BEGINNING at a stake on the Northeast corner of Kate Street and Meadow Alley; THENCE by said alley South 29 degrees and 31 minutes West one hundred and fifty (150) feet to the North side of Montgomery Alley; THENCE thereby South 60 degrees and 29 minutes East one hundred (100) feet to Lot Number 461; THENCE thereby North 29 degrees and 31 minutes East one hundred and fifty (150) feet to the South side of said Kate Street; THENCE thereby North 60 degrees and 29 minutes West one hundred (100) feet to Meadow Alley and place of beginning.

PARCEL NO. 16-013-378-8

BEING the same premises which The Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, by Indenture dated 10-11-06 and recorded 10-12-06 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument Number 200617213, granted and conveyed unto Maryann M. Simington and Robin G. Phillips.

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 THE NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, 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 HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

Exhibit A

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

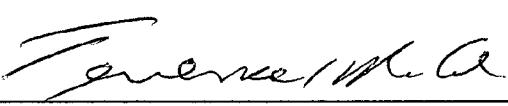
McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorney for Plaintiff

Beneficial Consumer Discount	:	Clearfield County
Company d/b/a Beneficial Mortgage:	:	Court of Common Pleas
Company of Pennsylvania	:	
	:	
v.	:	
	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	Number 2007-216-CD

MOTION COURT COVER SHEET

TYPE OF MOTION BEING FILED: MOTION FOR ALTERNATIVE SERVICE


TERRENCE J. McCABE, ESQUIRE

Attorney for Plaintiff

FILED *acc*
04/17/2007 Atty
APR 16 2007
McCabe
William A. Shaw
Prothonotary/Clerk of Courts
(6K)

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorney for Plaintiff

Beneficial Consumer Discount	:	Clearfield County
Company d/b/a Beneficial Mortgage:	:	Court of Common Pleas
Company of Pennsylvania	:	
	:	
v.	:	
	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	Number 2007-216-CD

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
Defendants, Maryann M. Simington and Robin G. Phillips, by
regular mail and by certified mail, return receipt requested, at
the Defendants' last-known address of P.O. Box 101, Howard, PA
16841 and by posting the mortgaged premises known in this herein
action as 105 Kate Street, Osceola Mills, PA 16666.

BY THE COURT:

J.

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad, Suite 2080
Philadelphia, Pennsylvania 19109
(215) 790-1010

Attorney for Plaintiff

Beneficial Consumer Discount	:	Clearfield County
Company d/b/a Beneficial Mortgage:	:	Court of Common Pleas
Company of Pennsylvania	:	
	:	
v.	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	Number 2007-216-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 Defendants, Maryann M. Simington and Robin G. Phillips, at the Defendants' last-known address of 105 Kate Street, Osceola Mills, PA 16666. However, the Sheriff advised that he was unsuccessful as there was no answer. A copy of the Affidavit of Non Service indicating the same is attached hereto and marked as Exhibit "A."

2. Plaintiff has searched for a forwarding address for Defendants, and the Post Master has not responded to after several written requests. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

3. Plaintiff has checked the Local Telephone Directory for an address for Defendants; there are no listings for the Defendants, Maryann M. Simington and Robin G. Phillips in or around the Osceola Mills area. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

4. Plaintiff has made inquiry with Mark Mandell, 107 Kate Street, 814-339-6616, adult male stated defendants moved around the end of September. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

5. Plaintiff has made inquiry of the local tax bureau and tax office stated the property was sold to Maryann Simington and Robin Phillips, P.O.Box 101, Howard, PA 16841. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

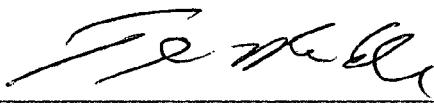
6. Plaintiff has made inquiry with the Social Security Administration and was advised that there are no death records on file for the Defendants. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

7. Plaintiff has investigated the Defendants' Voter Registration Records, Maryann and Robin aren't registered. (See Affidavit of Good Faith Investigation attached hereto and marked Exhibit "B").

8. If service cannot be made on the Defendants, Maryann M. Simington and Robin G. Phillips, 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 Defendants, Maryann M. Simington and Robin G. Phillips, by regular mail; certified mail, return receipt requested; at Defendants' last-known address of P.O. Box 101, Howard, PA 16841 and by posting the mortgaged premises known in this herein action as 105 Kate Street, Osceola Mills, PA 16666.



TERRENCE J. McCABE, ESQUIRE
Attorney for Plaintiff

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

Attorney for Plaintiff

Beneficial Consumer Discount :	Clearfield County
Company d/b/a Beneficial Mortgage:	Court of Common Pleas
Company of Pennsylvania :	
v. :	
David Ardell Walk :	
and :	
Angela K. Walk :	
and :	
Maryann M. Simington :	
and :	
Robin G. Phillips :	Number 2007-216-CD

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:
SS.
COUNTY OF CLEARFIELD :

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 pursuant to the Sheriff of Clearfield County, Defendants Maryann M. Simington and Robin G. Phillips were not served with the Complaint in Mortgage Foreclosure as: (not found after several attempts)

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



TERENCE J. McCABE, ESQUIRE

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 11th DAY

of April 2007.
Chrissandra Shaye Hamilton
NOTARY

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Chrissandra Shaye Hamilton, Notary Public
City of Philadelphia, Phi a. County
My Commission Expires January 4, 2009

EXHIBIT "A"

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

HFC/BFC ET AL

: COURT OF COMMON PLEAS
 : CLEARFIELD COUNTY

VS.

DAVID WALK
 ANGELA WALK
 MARYANN SIMINGTON
 ROBIN G. PHILLIPS

: NO. NOT YET ASSIGNED

LAST KNOWN ADDRESS: 105 Kate Street, Osceola Mill, PA 16666

LOAN NUMBER: 201-0910PA

AFFIDAVIT OF GOOD FAITH EFFORT TO LOCATE DEFENDANT (S)

I hereby certify that on December 22, 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 David and Angela have moved and left no forwarding address. No response from post office after several written requests for Maryann and Robin.

2. Examination of local telephone directories, 411 assistance and Internet records;
 No listings for the defendants in or around the Osceola Mill area.

3. Neighbor Contacts:

- Mark Mandell, 107 Kate St., (814) 339-6616, adult male stated the defendants moved around the end of September.

4. Tax Information:

- Tax office stated the property was sold to Maryann Simington and Robin Phillips, PO Box 101, Howard, PA 16841

5. Death Records:

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

6. Voter Registration:

Can't confirm record for David and Angela without a DOB. Maryann and Robin aren't registered.

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 23rd 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

EXHIBIT "B"

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

Attorney for Plaintiff

Beneficial Consumer Discount	:	Clearfield County
Company d/b/a Beneficial Mortgage:	:	Court of Common Pleas
Company of Pennsylvania	:	
	:	
v.	:	
	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	Number 2007-216-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.

Terrence J. McCabe
TERRENCE J. McCABE, ESQUIRE

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad, Suite 2080
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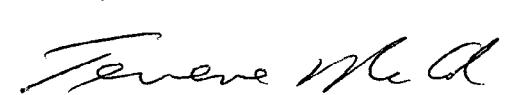
Attorney for Plaintiff

Beneficial Consumer Discount	:	Clearfield County
Company d/b/a Beneficial Mortgage:	:	Court of Common Pleas
Company of Pennsylvania	:	
	:	
v.	:	
	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	Number 2007-216-CD

CERTIFICATION OF SERVICE

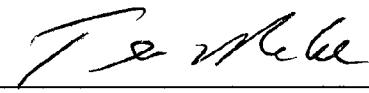
I, Terrence J. McCabe, Esquire, attorney for the Plaintiff, hereby certify that I served a true and correct copy of the foregoing Petition to Allow Service on the Defendants by Regular Mail, Certified Mail, and Posting Pursuant to Pa.R.C.P. 430, by United States Mail, first class, postage prepaid, on the 12th day of April, 2007, upon the following:

Maryann M. Simington 105 Kate Street Osceola Mills, PA 16666 and P.O. Box 101 Howard, PA 16841	Robin G. Phillips 105 Kate Street Osceola Mills, PA 16666 and P.O. Box 101 Howard, PA 16841
---	--


TERRENCE J. McCABE, ESQUIRE

VERIFICATION

The undersigned, TERRENCE J. McCABE, 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.


TERRENCE J. McCABE, ESQUIRE

FILED

APR 16 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

Attorneys for Plaintiff

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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

v.

David Ardell Walk

and

Angela K. Walk

701 Walnut Street

Philipsburg, PA 16866

and

Maryann M. Simington

and

Robin G. Phillips

105 Kate Street

Osceola Mills, PA 16666

MAY 8, 2007 Document
Clearfield County Reinstated/Reissued to Sheriff/Attorney
Court of Common Pleas
for service.

Curly
Deputy Prothonotary

Number *2007-216-CD*

FILED pd \$85.00
M 11:47 AM
FEB 12 2007 4CL Shff
ICC Atty
(S)

William A. Shaw
Prothonotary/Clerk of Courts

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 Meholic
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 Meholic
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

Beneficial Consumer Discount
Company d/b/a Beneficial Mortgage
Company of Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

v.

David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866
and
Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866
and
Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666
and
Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Clearfield County
Court of Common Pleas

Number

CIVIL ACTION/MORTGAGE FORECLOSURE

1. Plaintiff is Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania, a corporation duly organized and doing business at the above captioned address.

2. The Defendant is David Ardell Walk, who is one of the mortgagors of the mortgaged property hereinafter described, and his last-known address is 701 Walnut Street, Philipsburg, PA 16866.

3. The Defendant is Angela K. Walk, who is one of the mortgagors of the mortgaged property hereinafter described, and her last-known address is 701 Walnut Street, Philipsburg, PA 16866.

4. The Defendant is Maryann M. Simington, who is one of the real owners of the mortgaged property hereinafter described, and her last-known address is 105 Kate Street, Osceola, PA 16666.

5. The Defendant is Robin G. Phillips, who is one of the real owners of the mortgaged property hereinafter described, and her last-known address is 105 Kate Street, Osceola, PA 16666.

6. On 05/04/1999, mortgagors 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 Mortgage BookInstrument #199907185, Page .

7. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known as 105 Kate Street, Osceola Mills, PA 16666.

8. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/19/2006 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.

9. The following amounts are due on the mortgage:

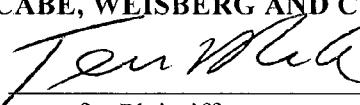
Principal Balance	\$ 30,864.81
Interest through 12/21/2006	\$ 1,868.52
(Plus \$ 10.73 per diem thereafter).	
Attorney's Fee	\$ 1,543.24
Title Search	<u>\$ 200.00</u>
GRAND TOTAL	\$ 34,476.51

10. 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.

11. 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 \$34,476.51, together with interest at the rate of \$10.73 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 PA.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

EXHIBIT A
(Legal Description)

ALL THAT CERTAIN piece or parcel of land with all improvements thereon, situate in the Borough of Osceola, County of Clearfield and State of Pennsylvania, designated on the general plan of said Osceola Borough as Lots Number 457 and 459 and bounded and described as follows:

BEGINNING at a stake on the Northeast corner of Kate Street and Meadow Alley; THENCE by said alley South 29 degrees and 31 minutes West one hundred and fifty (150) feet to the North side of Montgomery Alley; THENCE thereby South 60 degrees and 29 minutes East one hundred (100) feet to Lot Number 461; THENCE thereby North 29 degrees and 31 minutes East one hundred and fifty (150) feet to the South side of said Kate Street; THENCE thereby North 60 degrees and 29 minutes West one hundred (100) feet to Meadow Alley and place of beginning.

PARCEL NO. 16-013-378-8

BEING the same premises which The Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, by Indenture dated 10-11-06 and recorded 10-12-06 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument Number 200617213, granted and conveyed unto Maryann M. Simington and Robin G. Phillips.

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 THE NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, 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 CCAL. THIS NOTICE IS INSERTED HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

Exhibit A

FILED

FEB 12 2007

William A. Shaw
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*†

MONICA G. CHRISTIE +

ANDREW L. MARKOWITZ

FRANK DUBIN

BRENEA L. BROGDON*

BONNIE DAHL*

SCOTT TAGGART*

ANGELA M. MICHAEL

MATTHEW DITRAPANI^

CARLA FARALDO^

SUITE 208C
123 SOUTH BROAD STREET
PHILADELPHIA, PA 19109
(215) 790-1010

FAX (215) 790-1274

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

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

Of Counsel
JOSEPH F. RIGA*
LISA L. WALLACE†

* Licensed in PA & NJ

** Licensed in PA & NY

†+ Licensed in PA & NM

*** Licensed in PA, NJ & NY

† License in NY & CT

^ Licensed in NY

‡ Managing Attorney for NJ

+ Managing Attorney for NY

February 7, 2007

Prothonotary's Office
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

RE: Beneficial v. David Ardell Walk and Angela K. Walk and Maryann M. Simington and
Robin G. Phillips
Premises: 105 Kate Street, Osceola Mills, PA 16666

Dear Sir or Madam:

Enclosed please find an original and five copies of Complaint in Mortgage Foreclosure relative to the above-captioned matter.

Kindly file the original of the Complaint of record with the Court, submit four copy(ies) to the Sheriff's Office with the service form attached and return to my attention the remaining time-stamped copy(ies) in the stamped, self-addressed envelope which is provided.

Also find enclosed checks in the amount of \$85.00 and \$100.00 & \$75.00 which represent payment of your filing and service fee.

Thank you for your cooperation in this matter.

Very truly yours,

Dawn Andracchio
Paralegal

TJM/da
Enclosures

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102443
NO: 07-216-CD
SERVICE # 1 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

vs.

DEFENDANT: DAVID ARDELL WALK and ANGELA K. WALK, and MARY ANN SIMINGTON and ROBIN G. PHILLIPS

SHERIFF RETURN

NOW, February 14, 2007, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DAVID ARDELL WALK.

NOW, February 28, 2007 AT 7:05 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DAVID ARDELL WALK, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

FILED
09/18/2011
MAY 21 2007
WM

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102443
NO: 07-216-CD
SERVICE # 2 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

vs.

DEFENDANT: DAVID ARDELL WALK and ANGELA K. WALK, and MARY ANN SIMINGTON and ROBIN G. PHILLIPS

SHERIFF RETURN

NOW, February 14, 2007, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ANGELA K. WALK.

NOW, February 28, 2007 AT 7:05 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ANGELA K. WALK, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 3 of 4 Services

Sheriff Docket # **102443**

BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL
MORTGAGE

Case # 07-216-CD

vs.

DAVID ARDELL WALK and ANGELA K. WALK, and
MARY ANN SIMINGTON and ROBIN G. PHILLIPS

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW May 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO MARYANN M. SIMINGTON, DEFENDANT. 105 KATE ST., OSCEOLA MILLS, PA. "APPEARS EMPTY".

SERVED BY: /

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 4 of 4 Services

Sheriff Docket # **102443**

BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL
MORTGAGE

Case # 07-216-CD

VS.

DAVID ARDELL WALK and ANGELA K. WALK, and
MARY ANN SIMINGTON and ROBIN G. PHILLIPS

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW May 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN
MORTGAGE FORECLOSURE "NOT FOUND" AS TO ROBIN G. PHILLIPS, DEFENDANT. 105 KATE ST., OSCEOLA
MILLS, PA. "APPEARS EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102443
NO: 07-216-CD
SERVICES 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

vs.

DEFENDANT: DAVID ARDELL WALK and ANGELA K. WALK, and MARY ANN SIMINGTON and ROBIN G. PHILLIPS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MCCABE	91086	40.00
SHERIFF HAWKINS	MCCABE	91086	50.40
CENTRE CO.	MCCABE	91087	75.00

Sworn to Before Me This

So Answers,

Day of 2007


Chester A. Hawkins
Sheriff

1024431

TW

SHERIFF'S OFFICE

CENTRE COUNTY

MCCABE, WEISBERG & CON

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do Not detach any copies.

1. Plaintiff(s) Beneficial Consumer Discount Co.	2. Case Number 07-126-CD
3. Defendant(s) David and Angela K Walk	4. Type of Writ or Complaint: Complaint 101746

SERVE **→** { 5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levyed, Attached or Sold.
David Ardell Walk

AT { 6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)
701 Walnut St., Philipsburg, PA 16866

7. Indicate unusual service: Reg Mail Certified Mail Deputize Post Other

Now, 20 I SHERIFF OF CENTRE COUNTY, PA., do hereby depelize the Sheriff of County to execute this Writ and make return thereof according to law. This depulation being made at the request and risk of the plaintiff.

Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN -- Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator MCCABE, WEISBERG & CONWAY P.C. 123 SOUTH BROAD ST., SUITE 2080	10. Telephone Number (215) 790-1010	11. Date
12. Signature		

PHILADELPHIA, PA 19109

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ of complaint as indicated above. } SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed	15. Expiration/Hearing Date
---	----------------	-----------------------------

TO BE COMPLETED BY SHERIFF

16. Served and made known to Angela Walk, on the 28 day of February, 2007, at 7:05 AM o'clock, m., at 701 Walnut St., Philipsburg, PA 16866, County of Centre

Commonwealth of Pennsylvania, in the manner described below:

Defendant(s) personally served.
 Adult family member with whom said Defendant(s) resides(s). Relationship is wife
 Adult in charge of Defendant's residence.
 Manager/Clerk of place of lodging in which Defendant(s) resides(s).
 Agent or person in charge of Defendant's office or usual place of business.

and officer of said Defendant company.

Other _____

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

Defendant not found because:

Moved Unknown No Answer Vacant Other _____

Remarks:

Advance Costs 75.00	Docket 9.00	Service 15.00	Sur Charge 0.00	Affidavit 3.50	Mileage 47.50	Postage	Misc.	Total Costs 75.00	Costs Due or Refund 0.00
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17. AFFIRMED and subscribed to before me this 5

20 day of March 2007

23 COMMUNIKA BUREAU PENNSYLVANIA

Notary Public
Notarial Seal
Corinne H. Peters, Notary Public
Bellefonte Boro, Centre County
My Commission Expires 10/2008

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF AUTHORIZED AUTHORITY AND TITLE _____

So Answer.

18. Signature of Dep. Sheriff

21. Signature of Sheriff

19. Date

31/1/07

22. Date

SHERIFF OF CENTRE COUNTY

Amount Pd. _____ Page _____

25. Date Received

SHERIFF'S OFFICE

CENTRE COUNTY

MCCABE, WEISBERG & CON

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s) Beneficial Consumer Discount Co.	2. Case Number 07-126-CD
3. Defendant(s) David and Angela K Walk	4. Type of Writ or Complaint: Complaint 101746

SERVE **→** { 5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold.
Angela K Walk

AT { 6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)
701 Walnut St., Philipsburg, PA 16866

7. Indicate unusual service: Reg Mail Certified Mail Deputize Post Other

Now, 20 I, SHERIFF OF CENTRE COUNTY, PA., do hereby depature the Sheriff of County to execute this Writ and make return thereof according to law. This depature being made at the request and risk of the plaintiff. Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator MCCABE, WEISBERG & CONWAY P.C. 123 SOUTH BROAD ST., SUITE 2080	10. Telephone Number (215) 790-1010	11. Date
12. Signature		

PHILADELPHIA, PA 19109

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above. } SIGNATURE of Authorized CCSD Deputy of Clerk and Title 14. Date Filed 15. Expiration/Hearing Date

TO BE COMPLETED BY SHERIFF

16. Served and made known to Angela K Walk, on the 28 day of February, 2007, at 7:05 AM o'clock, m., at 701 Walnut St., Philipsburg, PA 16866, County of Centre

Commonwealth of Pennsylvania, in the manner described below:

- Defendant(s) personally served.
 Adult family member with whom said Defendant(s) resides(s). Relationship is defendant
 Adult in charge of Defendant's residence.
 Manager/Clerk of place of lodging in which Defendant(s) resides(s).
 Agent or person in charge of Defendant's office or usual place of business.

and officer of said Defendant company.

Other _____

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

Defendant not found because:

- Moved Unknown No Answer Vacant Other _____

Remarks:

Advance Costs 75.00	Docket 9.00	Service 15.00	Sur Charge 0.00	Affidavit 3.50	Mileage 47.50	Postage	Misc.	Total Costs 75.00	Costs Due or Refund 0.00
------------------------	----------------	------------------	--------------------	-------------------	------------------	---------	-------	----------------------	-----------------------------

17. AFFIRMED and subscribed to before me this 5

20, day of March 2007

23. *Armen Peters*

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

My Commission Expires 12/15/2008

So Answer.

18. Signature of Dep. Sheriff *Todd M. Peters* 19. Date 3-1-07

21. Signature of Sheriff *Todd M. Peters* 22. Date

SHERIFF OF CENTRE COUNTY

Amount Pd. _____ Page _____

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE pt. 5, 2008	25. Date Received
--	-------------------



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102443

TERM & NO. 07-216-CD

BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE
COMPANY OF PENNSYLVANIA

COMPLAINT IN MORTGAGE FORECLOSURE

vs.

DAVID ARDELL WALK and ANGELA K. WALK, and
MARY ANN SIMINGTON and ROBIN G. PHILLIPS

SERVE BY: 03/13/07

HEARING:

MAKE REFUND PAYABLE TO MCCABE WEISBERG & CONWAY, PC.

SERVE: DAVID ARDELL WALK

ADDRESS: 701 WALNUT ST., PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Depetation being made at the request and risk of the Plaintiff this day, February 14, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS
SHERIFF

**Sheriff's Office
Clearfield County**

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 102443

TERM & NO. 07-216-CD

BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE
COMPANY OF PENNSYLVANIA

COMPLAINT IN MORTGAGE FORECLOSURE

vs.

DAVID ARDELL WALK and ANGELA K. WALK, and
MARY ANN SIMINGTON and ROBIN G. PHILLIPS

SERVE BY: 03/13/07

HEARING:

MAKE REFUND PAYABLE TO MCCABE WEISBERG & CONWAY, PC

SERVE: ANGELA K. WALK

ADDRESS: 701 WALNUT ST., PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Depetation being made at the request and risk of the Plaintiff this day, February 14, 2007.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

v.

David Ardell Walk

and

Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866
and
Maryann M. Simington
and
Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Attorneys for Plaintiff

Clearfield County
Court of Common Pleas

Number

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

2007-216-C0

FEB 12 2007

Attest.

W. L. H.
Prothonotary/
Clerk of Courts

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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McCABE, WEISBERG AND CONWAY, P.C.

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

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

Beneficial Consumer Discount
Company d/b/a Beneficial Mortgage
Company of Pennsylvania
961 Weigel Drive
Elmhurst, IL 60126

v.

David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866
and
Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866
and
Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666
and
Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Clearfield County
Court of Common Pleas

Number

CIVIL ACTION/MORTGAGE FORECLOSURE

1. Plaintiff is Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania, a corporation duly organized and doing business at the above captioned address.

2. The Defendant is David Ardell Walk, who is one of the mortgagors of the mortgaged property hereinafter described, and his last-known address is 701 Walnut Street, Philipsburg, PA 16866.

3. The Defendant is Angela K. Walk, who is one of the mortgagors of the mortgaged property hereinafter described, and her last-known address is 701 Walnut Street, Philipsburg, PA 16866.

4. The Defendant is Maryann M. Simington, who is one of the real owners of the mortgaged property hereinafter described, and her last-known address is 105 Kate Street, Osceola, PA 16666.

5. The Defendant is Robin G. Phillips, who is one of the real owners of the mortgaged property hereinafter described, and her last-known address is 105 Kate Street, Osceola, PA 16666.

6. On 05/04/1999, mortgagors 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 Mortgage BookInstrument #199907185, Page .

7. The premises subject to said mortgage is described in the legal description attached as Exhibit "A" and is known as 105 Kate Street, Osceola Mills, PA 16666.

8. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/19/2006 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.

9. The following amounts are due on the mortgage:

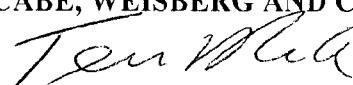
Principal Balance	\$ 30,864.81
Interest through 12/21/2006	\$ 1,868.52
(Plus \$ 10.73 per diem thereafter)	
Attorney's Fee	\$ 1,543.24
Title Search	\$ 200.00
GRAND TOTAL	\$ 34,476.51

10. 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.

11. 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 \$34,476.51, together with interest at the rate of \$10.73 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: Terrence J. McCabe

Attorneys for Plaintiff

TERRENCE J. McCABE, ESQUIRE

MARC S. WEISBERG, ESQUIRE

EDWARD D. CONWAY, ESQUIRE

MARGARET GAIRO, ESQUIRE

EXHIBIT A
(Legal Description)

ALL THAT CERTAIN piece or parcel of land with all improvements thereon, situate in the Borough of Osceola, County of Clearfield and State of Pennsylvania, designated on the general plan of said Osceola Borough as Lots Number 457 and 459 and bounded and described as follows:

BEGINNING at a stake on the Northeast corner of Kate Street and Meadow Alley; THENCE by said alley South 29 degrees and 31 minutes West one hundred and fifty (150) feet to the North side of Montgomery Alley; THENCE thereby South 60 degrees and 29 minutes East one hundred (100) feet to Lot Number 461; THENCE thereby North 29 degrees and 31 minutes East one hundred and fifty (150) feet to the South side of said Kate Street; THENCE thereby North 60 degrees and 29 minutes West one hundred (100) feet to Meadow Alley and place of beginning.

PARCEL NO. 16-013-378-8

BEING the same premises which The Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, by Indenture dated 10-11-06 and recorded 10-12-06 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument Number 200617213, granted and conveyed unto Maryann M. Simington and Robin G. Phillips.

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 THE NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, 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 HEREIN TO COMPLY WITH THE BITUMINOUS MINE SUBSIDENCE AND LAND CONSERVATION ACT OF 1966.

Exhibit A

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
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701 Walnut Street

Philipsburg, PA 16866

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Clearfield County
Court of Common Pleas

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

Number

FEB 12 2007

2007-216-C0

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

CIVIL ACTION/MORTGAGE FORECLOSURE

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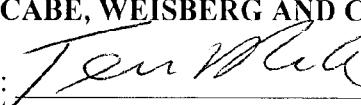
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McCABE, WEISBERG AND CONWAY, P.C.

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

VERIFICATION

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BY: Terrence J McCabe

Attorneys for Plaintiff
TERRENCE J. McCABE, ESQUIRE
MARC S. WEISBERG, ESQUIRE
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Exhibit A

FILED

MAY 21 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102774
NO: 07-216-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER,PRAECIPE

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE
COMPANY d/b/a

vs.

DEFENDANT: DAVID ARDELL WALK, ANGELA K. WALK, MARYANN M. SIMINGTON &
R-----

SHERIFF RETURN

NOW, May 14, 2007 AT 11:15 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE &
ORDER,PRAECIPE AT 105 KATE ST., OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA.
(MARYANN M. SIMINGTON)
SERVED BY: HUNTER / DEHAVEN

FILED
0120761
AUG 07 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102774
NO: 07-216-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER,PRAECIPE

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE
COMPANY d/b/a

vs.

DEFENDANT: DAVID ARDELL WALK, ANGELA K. WALK, MARYANN M. SIMINGTON &
R-----

SHERIFF RETURN

NOW, May 14, 2007 AT 11:15 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE &
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(ROBIN G. PHILLIPS)

SERVED BY: HUNTER / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102774
NO: 07-216-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER, PRAECLP

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE COMPANY d/b/a

vs.

DEFENDANT: DAVID ARDELL WALK, ANGELA K. WALK, MARYANN M. SIMINGTON & ROBIN G. PHILLIPS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MCCABE	95120	20.00
SHERIFF HAWKINS	MCCABE	95120	34.40

Sworn to Before Me This

____ Day of _____ 2007

So Answers,



by *Deputy* *Hawkins*

Chester A. Hawkins
Sheriff

Praecipe for Writ of Execution-MORTGAGE FORECLOSURE

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-CD

FILED

AUG 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

1 Writ to Sheriff
w/b warrants

1 Writ to
Att

To the Prothonotary:
Issue Writ of Execution in the above matter

1. Directed to the Sheriff of Clearfield County, Pennsylvania..
2. Against David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin G. Phillips defendants, and
3. Against _____ Garnishee(s);
4. And index this writ
 - a) Against David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin G. Phillips 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)*

105 KATE STREET, OSCEOLA MILLS, PA 16666

(Specifically described property)

(If space insufficient, attach extra sheets)

5.	Amount Due	\$ 36,998.06
	Interest from 08/14/2007 to	
	DATE OF SALE	\$
	@ \$6.08 per diem	
	Costs	\$
	TOTAL	\$
		Plus Costs

Prothonotary costs \$149.00

DATE: August 10, 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 I. MARKOWITZ, ESQUIRE

NO. 2007-216 CD TERM 2007

NO. _____ TERM 20 _____

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania

vs.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips

Præcipe for Writ of Execution

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

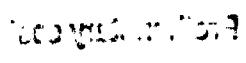
By:


TERRENCE J. McCABE, ESQUIRE - ID # 16396
MARC S. WEISBERG, ESQUIRE - ID # 17616
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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

RECEIVED WRIT THIS DAY

OF A.D.

AT M


Sheriff

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land with all improvements thereon, situate in the Borough of Osceola, County of Clearfield and State of Pennsylvania, designated on the general plan of said Osceola Borough as Lots Number 457 and 459 and bounded and described as follows:

BEGINNING at a stake on the Northeast corner of Kate Street and Meadow Alley; THENCE by said alley South Twenty-nine (29) degrees and Thirty-one (31) minutes West One Hundred and Fifty (150) feet to the North side of Montgomery Alley; THENCE thereby South Sixty (60) degrees and Twenty-nine (29) minutes East One Hundred (100) feet to Lot Number 461; THENCE thereby North Twenty-nine (29) degrees and Thirty-one (31) minutes East One Hundred and Fifty (150) feet to the South side of said Kate Street; THENCE thereby North Sixty (60) degrees and Twenty-nine (29) minutes West One Hundred (100) feet to Meadow Alley and place of BEGINNING.

HAVING ERECTED THEREON a dwelling house.

BEING KNOWN AS 105 Kate Street, Osceola Mills, PA 16666.

BEING TAX PARCEL NO. 16-013-378-8.

EXCEPTING AND RESERVING, however, unto the party of the first part or their predecessors all the mineral and other reservations and mining rights and privileges as so reserved in the conveyance of the Kittanning Coal Company of the aforesaid premises.

BEING THE SAME PREMISES which The Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, by Deed dated October 11, 2006 and recorded October 12, 2006 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument Number 200617213, granted and conveyed unto Maryann M. Simington and Robin G. Phillips.

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).

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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 # 28909

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

Attorneys for Plaintiff

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-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: 105 Kate Street, Osceola Mills, PA 16666, 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
David Ardell Walk	701 Walnut Street Philipsburg, PA 16866
Angela K. Walk	701 Walnut Street Philipsburg, PA 16866
Maryann M. Simington	105 Kate Street Osceola Mills, PA 16666
Maryann M. Simington	P.O. Box 101 Howard, PA 16841
Robin G. Phillips	105 Kate Street Osceola Mills, PA 16666
Robin G. Phillips	P.O. Box 101 Howard, PA 16841

2. Name and address of Defendants in the judgment:

Name	Address
David Ardell Walk	701 Walnut Street Philipsburg, PA 16866
Angela K. Walk	701 Walnut Street Philipsburg, PA 16866
Maryann M. Simington	105 Kate Street Osceola Mills, PA 16666
Maryann M. Simington	P.O. Box 101 Howard, PA 16841
Robin G. Phillips	105 Kate Street Osceola Mills, PA 16666
Robin G. Phillips	P.O. Box 101 Howard, PA 16841

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
Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA	
Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA	P.O. Box 8621 Elmhurst, IL 60126
Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA	5701 East Hillsborough Avenue Tampa, FL 33610

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	105 Kate Street Osceola Mills, PA 16666
Commonwealth of PA Department of Public Welfare	P.O. Box 2675 Harrisburg, PA 17105
Commonwealth of Pennsylvania Inheritance Tax Office	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 th & Grant Streets Pittsburgh, PA 15219
Internal Revenue Service Federated Investors Tower	13 th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222
Commonwealth of PA, Dept. of Revenue, Bureau of Compliance	Dept. 281230 Harrisburg, PA 17128-0948

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: August 10, 2007

McCABE, WEISBERG, AND CONWAY, P.C.

BY: Attorneys for Plaintiff
ANDREW L. MARKOWITZ, ESQUIRE

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land with all improvements thereon, situate in the Borough of Osceola, County of Clearfield and State of Pennsylvania, designated on the general plan of said Osceola Borough as Lots Number 457 and 459 and bounded and described as follows:

BEGINNING at a stake on the Northeast corner of Kate Street and Meadow Alley; THENCE by said alley South Twenty-nine (29) degrees and Thirty-one (31) minutes West One Hundred and Fifty (150) feet to the North side of Montgomery Alley; THENCE thereby South Sixty (60) degrees and Twenty-nine (29) minutes East One Hundred (100) feet to Lot Number 461; THENCE thereby North Twenty-nine (29) degrees and Thirty-one (31) minutes East One Hundred and Fifty (150) feet to the South side of said Kate Street; THENCE thereby North Sixty (60) degrees and Twenty-nine (29) minutes West One Hundred (100) feet to Meadow Alley and place of BEGINNING.

HAVING ERECTED THEREON a dwelling house.

BEING KNOWN AS 105 Kate Street, Osceola Mills, PA 16666.

BEING TAX PARCEL NO. 16-013-378-8.

EXCEPTING AND RESERVING, however, unto the party of the first part or their predecessors all the mineral and other reservations and mining rights and privileges as so reserved in the conveyance of the Kittanning Coal Company of the aforesaid premises.

BEING THE SAME PREMISES which The Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, by Deed dated October 11, 2006 and recorded October 12, 2006 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument Number 200617213, granted and conveyed unto Maryann M. Simington and Robin G. Phillips.

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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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-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
- 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.

McCABE, WEISBERG & CONWAY, PC

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

Fritho-Nataly/Cibert/Courses
William A. Shear

AUG 13 2007

FILED

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

Beneficial Consumer Discount Company, d/b/a
Beneficial Mortgage Company of Pennsylvania.

Vs.

NO.: 2007-00216-CD

David Ardell Walk,
Angela K. Walk,
Maryann M. Simington, and
Robin G. Phillips,

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) 105 Kate Street, Osceola Mills, PA 16666, (See Attached Legal Description)

AMOUNT DUE/PRINCIPAL: \$36.998.06
INTEREST FROM: 08/14/2007 to Date of Sale @ \$6.08
per diem
ATTY'S COMM: \$
DATE: 8/13/2007

PROTH. COSTS PAID: \$149.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

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

Requesting Party: Andrew L. Markowitz, Esq.
123 Broad Street, Suite 2020
Philadelphia, PA 19109
215-790-1010

Sheriff

LEGAL DESCRIPTION

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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 ^{ICC}
01924-001 Aug
AUG 07 2007 Markowitz

Beneficial Consumer Discount
Company d/b/a Beneficial Mortgage
Company of Pennsylvania

Clearfield County
Court of Common Pleas

William A. Shaw ^{ICC Sheriff}
Prothonotary/Clerk of Courts
(without memo)

v.
David Ardell Walk

and

Angela K. Walk

and

Maryann M. Simington

and

Robin G. Phillips

NO. 2007-216-CD

ORDER

AND NOW, this 6 day of August, 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 May 14, 2007 as directed by the prior Order of this Court granting plaintiff's motion for alternate service on defendants Maryann M. Simington and Robin G. Phillips. *File within 5 days* ^{FJA}

J.

John C. Conway

FILED

AUG 07 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/7/07

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 *cc*
MHD:STB/Atty
JUL 31 2007 Markowitz
6P

William A. Shaw
Prothonotary/Clerk of Courts

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania	:	Clearfield County Court of Common Pleas
v.	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	NO. 2007-216-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, BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA, 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 February 12, 2007, plaintiff commenced this action in mortgage foreclosure against defendants DAVID ARDELL WALK, ANGELA K. WALK, MARYANN M. SIMINGTON AND and ROBIN G. PHILLIPS, mortgagors and last owners of record of the subject property located at 105 Kate Street, Osceola Mills, PA 16666.

2. Subsequently, on February 28, 2007, personal service of plaintiff's Complaint was made on defendants David Ardell Walk and Angela K Walk at 105 Kate Street, Osceola Mills,

PA 16666 but plaintiff was unable to complete service on defendants Maryann M. Simington and Robin G. Phillips at such location.

3. On April 16, 2007, plaintiff filed a motion for leave to make service on defendants Maryann M. Simington and Robin G. Phillips by alternate means and, on April 17, 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 defendants by publication and by mail and further requested the Office of the Sheriff to complete service on such defendants by posting the subject property 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 May 14, 2007.

6. Notwithstanding such service, the Sheriff's office has failed to file with the Office of the Prothonotary a return of service for service on defendants Maryann M. Simington and Robin G. Phillips by such posting and counsel for plaintiff was further advised by telephone inquiry to the Office of the Prothonotary on July 20, 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 May 14, 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 service on defendants Maryann M. Simington and Robin G. Phillips by posting of the property completed on May 14, 2007 in accordance with the prior Order of this Court granting plaintiff's motion for alternate service.

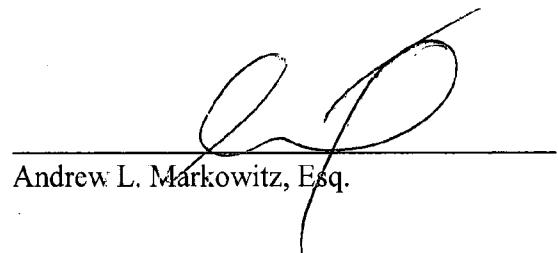


ANDREW L. MARKOWITZ, ESQUIRE
Attorneys for Plaintiff

Dated: July 30, 2007

VERIFICATION

The undersigned, Andrew L. Markowitz, Esquire, does hereby certify that he is counsel for BENEFICIAL CONSUMER DISCOUNT COMPANY d/b/a BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA, Plaintiff in the above matter; and that he is authorized to make this verification on its behalf and that the forgoing facts as set forth in the foregoing Motion 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 P.A.C.S. §4904 relating to unsworn falsification to authorities.


Andrew L. Markowitz, Esq.



Dated: July 30, 2007

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

**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):

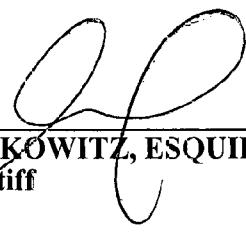
The return of service or of no service shall be filed with the prothonotary.

In this instance, the sheriff's office completed service on defendants Maryann M. Simington and Robin G. Phillips by posting the subject property on May 14, 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 May 14, 2007 as directed by the prior Order of this Court granting plaintiff's motion for alternate service on defendants Maryann M. Simington and Robin G. Phillips.

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

Beneficial Consumer Discount	:	Clearfield County
Company d/b/a Beneficial Mortgage	:	Court of Common Pleas
Company of Pennsylvania	:	
v.	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	NO. 2007-216-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 the Sheriff's Office to File a Return of Service was served on the following persons on the 31st day of July, 2007 by depositing same in the United States mail, first-class, postage pre-paid, addressed as follows:

David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866

Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666

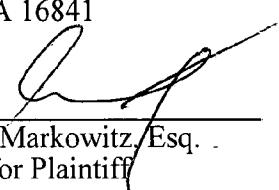
Maryann M. Simington
P. O. Box 101
Howard, PA 16841

Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866

Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Robin G. Phillips
P. O. Box 101
Howard, PA 16841

DATE: July 31, 2007


Andrew L. Markowitz, Esq.
Attorneys for Plaintiff

FILED

JUL 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

McCABE, WEISBERG AND CONWAY, P.C.

BY: **TERRENCE J. McCABE, ESQUIRE - ID # 16496** **Attorneys for Plaintiff**
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**

Beneficial Consumer Discount Company d/b/a Beneficial
Mortgage Company of Pennsylvania
Plaintiff

v.
David Ardell Walk and Angela K. Walk and Maryann M.
Simington and Robin G. Phillips
Defendants

FILED

AUG 13 2007

11:50 a

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE TO DEFENDANT

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Number 2007-216-CD

ASSESSMENT OF DAMAGES AND ENTRY OF JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment by default in favor of Plaintiff and against Defendants, David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin G. Phillips in the above-captioned matter for failure to answer Complaint as required by Pennsylvania Rules of Civil Procedure and assess damages as follows:

Principal	\$ 34,476.51
Interest 12/22/2006 to 08/13/2007 @ \$10.73 per diem	\$ 2,521.55
Costs	\$
Total	\$ 36,998.06 (plus costs and interest)

DATE: August 9, 2007

McCABE, WEISBERG, AND CONWAY, P.C.

BY:

Attorneys for Plaintiff

ANDREW L. MARKOWITZ, ESQUIRE

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania, and against Defendants, David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin G. Phillips and damages are assessed in the amount of \$36,998.06, 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: **David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866**

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No. 2007-216-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**

- 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: Angela K. Walk
 701 Walnut Street
 Philippsburg, PA 16866

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No. 2007-216-CD

NOTICE

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William A. Shaw
Prothonotary

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- Money Judgment
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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: Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No. 2007-216-CD

NOTICE

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William A. Shaw
Prothonotary

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

**William A. Shaw
Prothonotary**

To: Maryann M. Simington
P.O. Box 101
Howard, PA 16841

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No. 2007-216-CD

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

**William A. Shaw
Prothonotary**

To: **Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666**

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No. 2007-216-CD

NOTICE

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**William A. Shaw
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**OFFICE OF THE PROTHONOTARY
COURT OF COMMON PLEAS
Clearfield County Courthouse
Clearfield, PA 16830**

**William A. Shaw
Prothonotary**

To: Robin G. Phillips
P.O. Box 101
Osceola Mills, PA 16841

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No. 2007-216-CD

NOTICE

Pursuant to Rule 236, you are hereby notified that a JUDGMENT has been entered in
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- Judgment in Replevin
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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 # 19286
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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.
David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-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, David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin G. Phillips, 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, David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin J. Phillips, are over eighteen (18) years of age, and reside as follows:

David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866

Maryann M. Simington
P.O. Box 101
Howard, PA 16841

Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866

Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666

Robin G. Phillips
P.O. Box 101
Howard, PA 16841

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 10th DAY
OF AUGUST, 2007.

NOTARY PUBLIC

McCABE, WEISBERG, AND CONWAY, P.C.

BY: _____
Attorneys for Plaintiff
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

Department of Defense Manpower Data Center

JUN-21-2007 08:21:22



Military Status Report
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
WALK	David		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

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: XKUXRBVLPK

Department of Defense Manpower Data Center

JUN-21-2007 08:22:25



Military Status Report
Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
WALK	Angela		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

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

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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: XDSDYOSDOG

Department of Defense Manpower Data Center

JUN-21-2007 08:26:50



Military Status Report
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
SIMINGTON	Maryann		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. **HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.**

Mary M. Snavely-Dixon

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.

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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>

Report ID: WIXOQQTBFC

Department of Defense Manpower Data Center

JUN-21-2007 08:38:59



Military Status Report
 Pursuant to the Servicemembers Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
PHILLIPS	Robin G		BASED ON THE NAME AND DATE OF BIRTH THAT YOU PROVIDED, THERE ARE MULTIPLE ACTIVE DUTY RECORDS. AS SUCH, THE DMDC CANNOT DEFINITIVELY IDENTIFY THE INDIVIDUAL AND IS UNABLE TO RELEASE ANY INFORMATION. WE STRONGLY RECOMMEND THAT IN THIS CASE YOU CALL THE MILITARY SERVICE FOR ADDITIONAL VERIFICATION. A LINK FOR MILITARY SERVICE SCRA POINTS-OF-CONTACT IS PROVIDED BELOW.	

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. **HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.**

Mary M. Snavely-Dixon

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.

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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>

Report ID: TSSCYKDMTB

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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-CD

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

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:

David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866

Maryann M. Simington
P.O. Box 101
Howard, PA 16841

Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866

Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666

Robin G. Phillips
P.O. Box 101
Howard, PA 16841

SWORN TO AND SUBSCRIBED

BEFORE ME THIS 10th DAY

OF AUGUST , 2007.

[Signature]
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
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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of
Pennsylvania

Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-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 10th DAY

OF AUGUST, 2007.

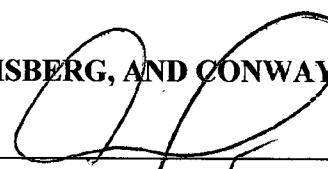
Susan J. Markowitz
NOTARY PUBLIC

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: 

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

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

William A. Shaw
Prothonotary

June 21, 2007

To: David Ardell Walk
701 Walnut Street
Philipsburg, PA 16866

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
vs.
David Ardell Walk
and
Angela K. Walk
and
Maryann M. Simington
and
Robin G. Phillips

Clearfield County
Court of Common Pleas

Number 2007-216-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.

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

NOTIFICACION IMPORTANTE

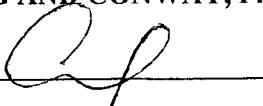
USTED SE ENCUENTRA EN ESTADO DE REBELDIA POR NO HABER PRESENTADO UNA COMPARCENCIA ESCRITA, YA SEA PERSONALMENTE O POR ABOGADO Y POR NO HABER RADICADO POR ESCRITO CON ESTE TRIBUNAL SUS DEFENSAS U OBJECCIONES A LOS RECLAMOS FORMULADOS EN CONTRA SUYO. AL NO TOMAR LA ACCION DEBIDA DENTRO DE DIEZ (10) DIAS 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.

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

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 MARKOWITZ, ESQUIRE

TJM/hm

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

William A. Shaw
Prothonotary

June 21, 2007

To: Angela K. Walk
701 Walnut Street
Philipsburg, PA 16866

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
vs.

David Ardell Walk
and
Angela K. Walk
and
Maryann M. Simington
and
Robin G. Phillips

Clearfield County
Court of Common Pleas

Number 2007-216-CD

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NOTICE OF PRAECIPE TO ENTER JUDGMENT BY DEFAULT**

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NOTIFICACION IMPORTANTE

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

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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 MARKOWITZ, ESQUIRE

TJM/hm

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

William A. Shaw
Prothonotary

June 21, 2007

To: Maryann M. Simington
P.O. Box 101
Howard, PA 16841

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
vs.
David Ardell Walk
and
Angela K. Walk
and
Maryann M. Simington
and
Robin G. Phillips

Clearfield County
Court of Common Pleas

Number 2007-216-CD

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

IMPORTANT NOTICE

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McCABE, WEISBERG AND CONWAY, P.C.

BY: _____

Attorneys for Plaintiff
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MARGARET GAIRO, ESQUIRE
ANDREW MARKOWITZ, ESQUIRE

TJM/hm

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Clearfield County Courthouse, Clearfield, PA 16830

William A. Shaw
Prothonotary

June 21, 2007

To: Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666

Beneficial Consumer Discount Company d/b/a
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vs.
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BY: _____

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

BY: _____

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

TJM/hm

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.

DATE: August 10, 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

William A Shaw
Prothonotary/Clerk of Courts

AUG 13 2007

FILED

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

Attorney for Plaintiff

Beneficial Consumer Discount	:	Clearfield County
Company d/b/a Beneficial	:	Court of Common Pleas
Mortgage Company of	:	
Pennsylvania	:	
v.	:	
David Ardell Walk	:	
and	:	
Angela K. Walk	:	
and	:	
Maryann M. Simington	:	
and	:	
Robin G. Phillips	:	Number 2007-216-CD

FILED

AUG 13 2007

W/11451

William A. Shaw

Prothonotary/Clerk of Courts

100% to M

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:
SS.
COUNTY OF CLEARFIELD

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 May 9, 2007, per the attached Court Order, Plaintiff served a true and correct copy of the Complaint in Mortgage Foreclosure upon the Defendants, Maryann M. Simington and Robin G. Phillips, by regular mail, certificate of mailing and certified mail, return receipt requested, addressed to their last-known addresses of 105 Kate Street, Osceola Mills, PA 16666 and P.O. Box 101, Howard, PA 16841. True and correct copies of the letters, certificates of mailing and certified receipts are attached hereto, made a part hereof, and marked as Exhibit "A."
3. That on May 14, 2007, in accordance with the attached

• Court Order, Plaintiff served a true and correct copy of the Complaint in Mortgage Foreclosure upon the Defendants, Maryann M. Simington and Robin G. Phillips, by posting the same at the mortgage premises of 105 Kate Street, Osceola Mills, PA 16656. The Affidavit of Service indicating the same to be filed by Sheriff's Office.

4. That on May, 25, 2007, in accordance with the attached Court Orders, Plaintiff served a true and correct copy of the Notice of the filing of the Complaint in Mortgage Foreclosure upon the Defendants, Maryann M. Simington and Robin G. Phillips, through publication in the Clearfield County Legal Journal. A true and correct copy of the Proof of Publication indicating the same are attached hereto, made a part hereof, and marked Exhibit "B."

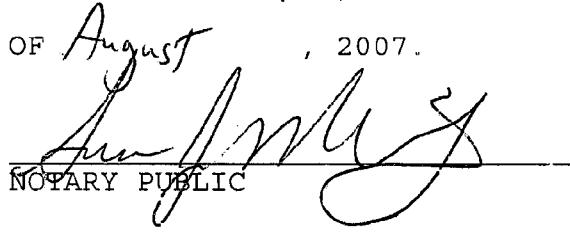
5. That on May 18, 2007, in accordance with the attached Court Orders, Plaintiff served a true and correct copy of the Notice of the filing of the Complaint in Mortgage Foreclosure upon the Defendants, Maryann M. Simington and Robin G. Phillips, through publication in The Progress. A true and correct copy of the Proof of Publication indicating the same is attached hereto, made a part hereof, and marked Exhibit "C."

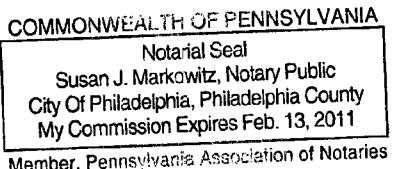


TERRENCE J. McCABE, ESQUIRE

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 10th DAY

OF August, 2007.


NOTARY PUBLIC



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

BENEFICIAL CONSUMER DISCOUNT COMPANY
d/b/a BENEFICIAL MORTGAGE COMPANY of
PENNSYLVANIA,

Plaintiff

vs.

DAVID ARDELL WALK and ANGELA K. WALK
MARYANN M. SIMINGTON and ROBIN G. PHILLIPS,*
Defendants

*

*

*

*

*

*

NO. 07-216-CD

ORDER

NOW, this 17th day of April, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendants **MARYANN M. SIMINGTON** and **ROBIN G. PHILLIPS** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 105 Kate Street, Osceola Mills, PA 16666 and PO Box 101, Howard, PA 16841;
3. By certified mail, return receipt requested to 105 Kate Street, Osceola Mills, PA 16666 and PO Box 101, Howard, PA 16841;
4. By posting the mortgaged premises known in this herein action as 105 Kate Street, Osceola Mills, PA 16666.

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

BY THE COURT,

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

/S/ Fredric J Ammerman
FREDRIC J. AMMERMAN
President Judge

APR 17 2007

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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

TERRENCE J. McCABE***
MARC S. WEISBERG**
EDWARD D. CONWAY
MARGARET GAIRO
MONICA G. C
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LISA L. WALLACE+†
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BONNIE DAHL*
ROBERT W. CUSICK *
SCOTT TAGGART*
ANGELA M. MICHAEL»
MATTHEW DITRAPANI^
WILLIAM FOLEY^

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 36TH STREET
NEW YORK, NY 10018
(917) 351-1188
FAX (917) 351-0363

Of Counsel
JOSEPH F. RIGA*

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

May 9, 2007

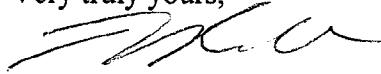
Maryann M. Simington
105 Kate Street
Osceola Mills, PA 16666

Re: Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania
v. David Ardell Walk, Angela K. Walk, Maryann M. Simington and Robin G. Phillips
Clearfield County; Court of Common Pleas; Number 07-216-CD

Dear Mrs. Simington:

Enclosed please find a true and correct copy of Complaint in Mortgage Foreclosure, along with a copy of the signed Order dated April 17, 2007, the original of which has been filed against you in regard to the above-captioned matter.

Very truly yours,



TERRENCE J. McCABE

TJM/hm
Enclosures

**SENT VIA REGULAR MAIL AND
CERTIFIED MAIL NUMBER 7006 2760 0001 3520 6164
RETURN RECEIPT REQUESTED**

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

EXHIBIT "A"

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

TERRENCE J. McCABE***
MARC S. WEISBERG**
EDWARD D. CONWAY
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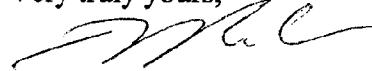
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ROBERT W. CUSICK *
SCOTT TAGGART*
ANGELA M. MICHAEL»
MATTHEW DITRAPANI^
WILLIAM FOLEY^

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 36TH STREET
NEW YORK, NY 10018
(917) 351-1188
FAX (917) 351-0363

Of Counsel
JOSEPH F. RIGA*

* Licensed in PA & NJ
** Licensed in PA & NY
† Licensed in PA & NM
» Licensed in PA & WA
*** Licensed in PA, NJ & NY
† Licensed in NY & CT
^ Licensed in NY
↓ Managing Attorney for NJ
+ Managing Attorney for NY

May 9, 2007

Robin G. Phillips
105 Kate Street
Osceola Mills, PA 16666

Re: Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania
v. David Ardell Walk, Angela K. Walk, Maryann M. Simington and Robin G. Phillips
Clearfield County; Court of Common Pleas; Number 07-216-CD

Dear Mrs. Phillips:

Enclosed please find a true and correct copy of Complaint in Mortgage Foreclosure, along with a copy of the signed Order dated April 17, 2007, the original of which has been filed against you in regard to the above-captioned matter.

Very truly yours,



TERRENCE J. McCABE

TJM/hm
Enclosures

**SENT VIA REGULAR MAIL AND
CERTIFIED MAIL NUMBER 7006 2760 0001 3520 6188
RETURN RECEIPT REQUESTED**

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.

TERRENCE J. McCABE***
MARC S. WEISBERG**
EDWARD D. CONWAY
MARGARET GAIRO
MONICA G. CHRISTIE +
LISA L. WALLACE+†
ANDREW L. MARKOWITZ
FRANK DUBIN
BRENDA L. BROGDON*
BONNIE DAHL*
ROBERT W. CUSICK *
SCOTT TAGGART*
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**+ Licensed in PA & NM
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*** Licensed in PA, NJ & NY
† Licensed in NY & CT
^ Licensed in NY
+ Managing Attorney for NJ
+ Managing Attorney for NY

May 9, 2007

Robin G. Phillips
P.O. Box 101
Howard, PA 16841

Re: Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania
v. David Ardell Walk, Angela K. Walk, Maryann M. Simington and Robin G. Phillips
Clearfield County; Court of Common Pleas; Number 07-216-CD

Dear Mrs. Phillips:

Enclosed please find a true and correct copy of Complaint in Mortgage Foreclosure, along with a copy of the signed Order dated April 17, 2007, the original of which has been filed against you in regard to the above-captioned matter.

Very truly yours,



TERRENCE J. McCABE

TJM/hm
Enclosures

**SENT VIA REGULAR MAIL AND
CERTIFIED MAIL NUMBER 7006 2760 0001 3520 6126
RETURN RECEIPT REQUESTED**

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

CLEARFIELD COUNTY
COURT OF COMMON PLEAS
Number 07-216-CD

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :
:

On this 25th day of May AD 2007, before me, the subscriber in and for said County and State, personally appeared Gary Knaresboro editor of the Clearfield County Legal Journal of the City of Clearfield, Clearfield County, and that the annexed is a true copy of the notice of advertisement published in said publication in the regular issues of May 25, 2007, Vol. 19 No. 21. And that all of the allegations of the notice are true in accordance with the time, place, and character of the publication are true.



Gary A. Knaresboro
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

Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania v. David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin G. Phillips.

TO: Maryann M. Simington and Robin G. Phillips.

TYPE OF ACTION: CIVIL ACTION/
COMPLAINT IN MORTGAGE FORECLOSURE PREMISES SUBJECT TO
FORECLOSURE: 105 Kate Street, Osceola Mills, PA 16666.

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.

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: TERENCE J. McCABE, ESQUIRE, Identification Number 16496, 123 South Broad Street, Suite 2080, Philadelphia, Pennsylvania 19109, (215) 790-1010, Attorney for Plaintiff.

EXHIBIT "B"

CLEARFIELD COUNTY
COURT OF
COMMON PLEAS
NUMBER 07-216-CD
McCABE, WEISBERG
AND CONWAY, P.C.
BY: TERENCE J. McCABE,
ESQUIRE
Identification Number 16496
123 South Broad Street,
Suite 2080
Philadelphia, Pennsylvania
19109

(215) 790-1010
Attorney for Plaintiff
Beneficial Consumer
Discount Company d/b/a
Beneficial Mortgage
Company of Pennsylvania
v.

David Ardell Walk
and Angela K. Walk
and Maryann M. Simington
and Robin G. Phillips
TO: Maryann M. Simington and
Robin G. Phillips

TYPE OF ACTION:
CIVIL ACTION/COMPLAINT
IN MORTGAGE FORECLOSURE
PREMISES SUBJECT TO FORE-
CLOSURE:
105 Kate Street, Osceola Mills,
PA 16666

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.

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

5:18-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 29th day of May, 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 May 18, 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

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

My Commission Expires
October 31, 2007

EXHIBIT "C"

Prothonotary/Clerk of Courts
William A. Shaw

AUG 13 2007

FILED

11481
11481

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

FILED NO
M 10:56 AM CC
SEP 20 2007
LAW

William A. Shaw
Prothonotary/Clerk of Courts

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-CD

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

AFFIDAVIT OF SERVICE

I the undersigned, attorney for the Plaintiff in the within matter, hereby certify that on the 13th day of September, 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 THE 13TH DAY

OF SEPTEMBER, 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

McCABE, WEISBERG, AND CONWAY, P.C.

BY: *Chrissandra Shaye Hamilton*
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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-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: 105 Kate Street, Osceola Mills, PA 16666, 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
David Ardell Walk	701 Walnut Street Philipsburg, PA 16866
Angela K. Walk	701 Walnut Street Philipsburg, PA 16866
Maryann M. Simington	105 Kate Street Osceola Mills, PA 16666
Maryann M. Simington	P.O. Box 101 Howard, PA 16841
Robin G. Phillips	105 Kate Street Osceola Mills, PA 16666
Robin G. Phillips	P.O. Box 101 Howard, PA 16841

EXHIBIT A

2. Name and address of Defendants in the judgment:

Name	Address
David Ardell Walk	701 Walnut Street Philipsburg, PA 16866
Angela K. Walk	701 Walnut Street Philipsburg, PA 16866
Maryann M. Simington	105 Kate Street Osceola Mills, PA 16666
Maryann M. Simington	P.O. Box 101 Howard, PA 16841
Robin G. Phillips	105 Kate Street Osceola Mills, PA 16666
Robin G. Phillips	P.O. Box 101 Howard, PA 16841

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
Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA	
Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA	P.O. Box 8621 Elmhurst, IL 60126
Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA	5701 East Hillsborough Avenue Tampa, FL 33610

EXHIBIT A

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 105 Kate Street
Osceola Mills, PA 16666

Commonwealth of PA Department of Public Welfare P.O. Box 2675 Harrisburg, PA 17105

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

Commonwealth of Pennsylvania 6th Floor, Strawberry Square
Bureau of Individual Tax Department #280601
Inheritance Tax Division Harrisburg, PA 17128

Department of Public Welfare **Willow Oak Building**
TPL Casualty Unit Estate **P.O. Box 8486**
Recovery Program **Harrisburg, PA 17105-8486**

Internal Revenue Service
Federated Investors Tower
13th Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222

Commonwealth of PA, Dept. of
Revenue, Bureau of Compliance Dept. 281230
Harrisburg, PA 17128-0948

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: August 10, 2007

McCABE, WEISBERG, AND CONWAY, P.C.

Atorneys for Plaintiff

ANDREW L. MARKOWITZ, ESQUIRE

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

Attorneys for Plaintiff

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

Beneficial Consumer Discount Company d/b/a
Beneficial Mortgage Company of Pennsylvania
Plaintiff

v.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Number 2007-216-CD

David Ardell Walk and Angela K. Walk and
Maryann M. Simington and Robin G. Phillips
Defendants

DATE: September 13, 2007

TO: ALL PARTIES IN INTEREST AND CLAIMANTS

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

OWNERS: David Ardell Walk and Angela K. Walk and Maryann M. Simington and Robin G. Phillips

PROPERTY: 105 Kate Street, Osceola Mills, PA 16666

IMPROVEMENTS: Dwelling House

The above-captioned property is scheduled to be sold at the Sheriff's Sale on **November 2, 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 Convey, P.C.
 123 S. Broad St., Suite 2080
 Philadelphia, PA 19109
 ATTN: Liz Campoli-30448

Line	Article Number	Recipient Name, Street and PO Address	Postage	Fee	Handling Charge
1	HSBC V. WALK-30448	Tenant/Occupants 105 Kate Street Osceola Mills, PA 16666			
2		Commonwealth of PA Department of Public Welfare P.O. Box 2675 Harrisburg, PA 17105			
3		Commonwealth of Pennsylvania Inheritance Tax Office 1400 Spring Garden Street Philadelphia, PA 19130			
4		Commonwealth of Pennsylvania Bureau of Individual Tax Inheritance Tax Division 6th Floor, Strawberry Square Department #280601 Harrisburg, PA 17128			
5		Department of Public Welfare TPL Casualty Unit Estate Recovery Program Willow Oak Building P.O. Box 8486 Harrisburg, PA 17105-8486			
6		Rick Redden - Director Clearfield County Domestic Relations Office Clearfield County Courthouse 230 East Market Street Clearfield, PA 16830			
7		United States of America c/o Attorney for the Western District of PA 633 U.S. Post Office and Courthouse 7th & Grant Streets Pittsburgh, PA 15219			
8		Internal Revenue Service Federated Investors Tower 15th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222			

Check type of mail or service:
 Certified Registered delivery (International)
 COD Return Receipt for Merchandise
 Delivery Confirmation Signature Confirmation
 Insured

Affix Stamp Here
 (Furnished as a
certificate of mailing,
or for additional
copies of this mail)
 Postmark and
 Date of Receipt



02 1A
0004605770
\$ 03.850
MAILED FROM ZIP CODE 19109
EXHIBIT

9	HSBC V. WALK-30448	Commonwealth of PA, Dept. of Revenue, Bureau of Compliance Dept. 281230 Harrisburg, PA 17128-0948										
10		Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA P.O. Box 8621 Elmhurst, IL 60126										
11		Beneficial Consumer Discount Company, d/b/a Beneficial Mortgage Company of PA 5701 East Hillsborough Avenue Tampa, FL 33610										

Total Number of Pieces Listed by Sender 11	Total Number of Pieces Received at Post Office
--	---

PS Form 3877, February, 2005

Complete by Typewriter, Ink, or Ball Point Pen

EXHIBIT

BD

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20647
NO: 07-216-CD

PLAINTIFF: BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

vs.

DEFENDANT: DAVID ARDELL WALK AND ANGELA K. WALK AND MARYANN M. SIMINGTON AND ROBIN G. PHILLIPS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 8/13/2007

LEVY TAKEN 9/4/2007 @ 9:40 AM

POSTED 9/4/2007 @ 9:35 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/11/2008

DATE DEED FILED

PROPERTY ADDRESS 105 KATE STREET OSCEOLA MILLS , PA 16666

SERVICES

SEE ATTACHED SHEET(S) OF SERVICES

SHERIFF HAWKINS \$247.16

SURCHARGE \$80.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of 2007

Chester A. Hawkins
I, Cynthia Bitter-Ayehard
Chester A. Hawkins
Sheriff

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

VS DAVID ARDELL WALK AND ANGELA K. WALK AND MARYANN M. SIMINGTON AND ROBIN G. PHILLIPS

1 9/20/2007 @ 6:15 AM SERVED DAVID ARDELL WALK

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

DEPUTIZED CENTRE COUNTY TO SERVE DAVID ARDELL WALK, DEFENDANT, AT HIS RESIDENCE 701 WALNUT STREET, PHILIPSBURG, PENNSYLVANIA BY HANDING TO LEANNA COLEMAN, DAUGHTER/ADULT AT RESIDENCE.

2 9/20/2007 @ 6:15 AM SERVED ANGELA K. WALK

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

DEPUTIZED CENTRE COUNTY TO SERVE ANGELA K. WALK, DEFENDANT, AT HER RESIDENCE 701 WALNUT STREET, PHILIPSBURG, PENNSYLVANIA BY HANDING TO LEANNA COLEMAN, DAUGHTER/ADULT AT RESIDENCE.

3 9/13/2007 @ SERVED ROBIN G. PHILLIPS

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

SERVED ROBIN G. PHILLIPS, DEFENDANT BY REG & CERT MAIL PER COURT ORDER TO 105 KATE STREET, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA. CERT #70060810000145073275. SIGNED FOR BY ROBIN G.

4 9/17/2007 @ SERVED ROBIN G. PHILLIPS

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

SERVED ROBIN G. PHILLIPS DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO P. O. BOX 101, HOWARD, PA 16841. CERT #70060810000145073282. SIGNED FOR BY ROBIN PHILLIP.

5 9/12/2007 @ SERVED MARYANN M. SIMINGTON

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

SERVED MARYANN M. SIMINGTON, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 105 KATE STREET, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA CERT #70060810000145073299. CERT RETURERND

6 9/12/2007 @ SERVED MARYANN M. SIMINGTON

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

SERVED MARYANN M. SIMINGTON, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO P. O. BOX 101, HOWARD, PA CERT #70060810000145073305. CERT & REG MAIL RETURNED UNCLAIMED 9/17/074

@ SERVED

NOW, OCTOBER 12, 2007 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR NOVEMBER 1, 2007. THE SALE IS STAYED DUE TO BENEFICIAL'S DEFICIENT EQUITY

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

Beneficial Consumer Discount Company, d/b/a
Beneficial Mortgage Company of Pennsylvania,

Vs.

NO.: 2007-00216-CD

David Ardell Walk,
Angela K. Walk,
Maryann M. Simington, and
Robin G. Phillips,

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) 105 Kate Street, Osceola Mills, PA 16666. (See Attached Legal Description)

AMOUNT DUE/PRINCIPAL: \$36,998.06
INTEREST FROM: 08/14/2007 to Date of Sale @ \$6.08
per diem
ATTY'S COMM: \$
DATE: 8/13/2007

PROTH. COSTS PAID: \$149.00
SHERIFF: \$

OTHER COSTS: \$



William A. Shaw

Prothonotary/Clerk Civil Division

Received this writ this 13th day
of August A.D. 2007
At 3:00 A.M./P.M.

Requesting Party: Andrew L. Markowitz, Esq.
123 Broad Street, Suite 2020
Philadelphia, PA 19109
215-790-1010

Chesler G. Hawkins
Sheriff Ivy Cynthia Butler Aghenay

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land with all improvements thereon, situate in the Borough of Osceola, County of Clearfield and State of Pennsylvania, designated on the general plan of said Osceola Borough as Lots Number 457 and 459 and bounded and described as follows:

BEGINNING at a stake on the Northeast corner of Kate Street and Meadow Alley; THENCE by said alley South Twenty-nine (29) degrees and Thirty-one (31) minutes West One Hundred and Fifty (150) feet to the North side of Montgomery Alley; THENCE thereby South Sixty (60) degrees and Twenty-nine (29) minutes East One Hundred (100) feet to Lot Number 461; THENCE thereby North Twenty-nine (29) degrees and Thirty-one (31) minutes East One Hundred and Fifty (150) feet to the South side of said Kate Street; THENCE thereby North Sixty (60) degrees and Twenty-nine (29) minutes West One Hundred (100) feet to Meadow Alley and place of BEGINNING.

HAVING ERECTED THEREON a dwelling house.

BEING KNOWN AS 105 Kate Street, Osceola Mills, PA 16666.

BEING TAX PARCEL NO. 16-013-378-8.

EXCEPTING AND RESERVING, however, unto the party of the first part or their predecessors all the mineral and other reservations and mining rights and privileges as so reserved in the conveyance of the Kittanning Coal Company of the aforesaid premises.

BEING THE SAME PREMISES which The Tax Claim Bureau of Clearfield County, Pennsylvania, Trustee, under the provisions of the Act of July 7, 1947, P.L. 1368, and amendments thereto, by Deed dated October 11, 2006 and recorded October 12, 2006 in the Office of the Recorder of Deeds in and for the County of Clearfield in Instrument Number 200617213, granted and conveyed unto Maryann M. Simington and Robin G. Phillips.

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 THE NOTICE AND THE ACCEPTANCE AND RECORDING OF THIS DEED, 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 HEREIN 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

Beneficial Consumer Discount Company, d/b/a
Beneficial Mortgage Company of Pennsylvania,

Vs.

NO.: 2007-00216-CD

David Ardell Walk,
Angela K. Walk,
Maryann M. Simington, and
Robin G. Phillips.

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) 105 Kate Street, Osceola Mills, PA 16666, (See Attached Legal Description)

AMOUNT DUE/PRINCIPAL: \$36,998.06
INTEREST FROM: 08/14/2007 to Date of Sale @ \$6.08
per diem
ATTY'S COMM: \$
DATE: 8/13/2007

PROTH. COSTS PAID: \$149.00
SHERIFF: \$

OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 13th day
of August A.D. 2007
At 3:00 A.M./P.M.

Requesting Party: Andrew L. Markowitz, Esq.
123 Broad Street, Suite 2020
Philadelphia, PA 19109
215-790-1010

Chester A. Hawkens
Sheriff by Cynthia Butler Aughenbaugh

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME DAVID ARDELL WALK NO. 07-216-CD

NOW, February 09, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of David Ardell Walk And Angela K. Walk And Maryann M. Simington And Robin G. Phillips to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	
LEVY	15.00
MILEAGE	19.40
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	28.76
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	45.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	9.00
COPIES	15.00
	5.00
BILLING/PHONE/FAX	
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$247.16

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	36,998.06
INTEREST @ 6.0800	0.00
FROM TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	80.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$37,078.06

COSTS:

ADVERTISING	195.46
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	247.16
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	149.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$591.62

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

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 20647

TERM & NO. 07-216-CD

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

VS.

DAVID ARDELL WALK AND ANGELA K. WALK AND MARYANN M. SIMINGTON AND ROBIN G. PHILLIPS

DOCUMENTS TO BE SERVED:
NOTICE OF SALE
WRIT OF EXECUTION
COPY OF LEVY
ORPER

SERVE BY: OCT. 2, 2007

**MAKE REFUND PAYABLE TO
RETURN TO BE SENT TO THIS OFFICE**

SERVE: DAVID ARDELL WALK

ADDRESS: 701 WALNUT STREET
PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Monday, September 10, 2007.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 20647

TERM & NO. 07-216-CD

BENEFICIAL CONSUMER DISCOUNT COMPANY D/B/A BENEFICIAL MORTGAGE COMPANY OF PENNSYLVANIA

VS.

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DOCUMENTS TO BE SERVED:
NOTICE OF SALE
WRIT OF EXECUTION
COPY OF LEVY
CRW/2R

SERVE BY: OCT. 2, 2007

**MAKE REFUND PAYABLE TO
RETURN TO BE SENT TO THIS OFFICE**

SERVE: ANGELA K. WALK

ADDRESS: 701 WALNUT STREET
PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Monday, September 10, 2007.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

SHERIFF'S OFFICE

CENTRE COUNTY

MCCABE, WEISBERG & CON

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

10

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s) Beneficial Consumer Discount Company	2. Case Number 07-216-CD
3. Defendant(s) David and Angela Walk et al	4. Type of Writ or Complaint: Service of out of c 103403

SERVE → AT	5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. David Ardel Walk
	6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) 701 Walnut Street, Philipsburg, PA 16866

7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other

Now, 20 I SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This depose being made at the request and risk of the plaintiff.

Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator MCCABE, WEISBERG & CONWAY P.C. 123 SOUTH BROAD ST., SUITE 2080	10. Telephone Number (215) 790-1010	11. Date
	12. Signature	

PHILADELPHIA, PA 19109

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed	15. Expiration/Hearing Date
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TO BE COMPLETED BY SHERIFF

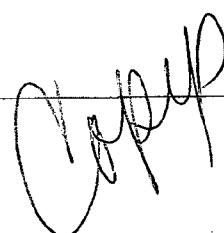
16. Served and made known to Leanna Coleman, on the 20 day of September, 2007, at 6:15 PM o'clock, m., at 701 Walnut Street, Philipsburg, PA 16866, County of Centre
--

Commonwealth of Pennsylvania, in the manner described below:

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) resides(s). Relationship is daughter
- Adult in charge of Defendant's residence.
- Manager/Clerk of place of lodging in which Defendant(s) resides(s).
- Agent or person in charge of Defendant's office or usual place of business.

and officer of said Defendant company.

Other



On the day of , 20 , at o'clock, M.

Defendant not found because:

- Moved Unknown No Answer Vacant Other

Remarks:

Advance Costs 75.00	Docket 9.00	Service 9.00	Sur Charge 10.00	Affidavit 2.50	Mileage 24.00	Postage	Misc.	Total Costs 54.50	Costs Due or Refund (20.50)
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17. AFFIRMED and subscribed to before me this	So Answer.
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20. day of	20	18. Signature of Dep. Sheriff	19. Date
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23. Notary Public	21. Signature of Sheriff	22. Date
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SHERIFF OF CENTRE COUNTY

Amount Pd. Page

My Commission Expires	25. Date Received
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24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE.

SHERIFF'S OFFICE

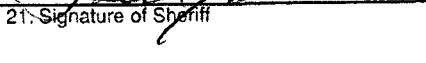
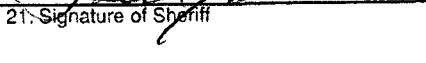
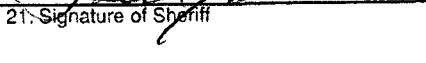
CENTRE COUNTY

MCCABE, WEISBERG & CON

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

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

BENEFICIAL CONSUMER DISCOUNT COMPANY *
d/b/a BENEFICIAL MORTGAGE COMPANY of *
PENNSYLVANIA, *
Plaintiff *
vs. * NO. 07-216-CD
DAVID ARDELL WALK and ANGELA K. WALK *
MARYANN M. SIMINGTON and ROBIN G. PHILLIPS,*
Defendants

O R D E R

NOW, this 17th day of April, 2007, the Plaintiff is granted leave to serve the
Complaint in Mortgage Foreclosure upon the Defendants **MARYANN M. SIMINGTON**
and ROBIN G. PHILLIPS by:

1. Publication one time in The Progress (Clearfield) and the Clearfield
County Legal Journal;
2. By first class mail to 105 Kate Street, Osceola Mills, PA 16666 and
PO Box 101, Howard, PA 16841;
3. By certified mail, return receipt requested to 105 Kate Street, Osceola
Mills, PA 16666 and PO Box 101, Howard, PA 16841;
4. By posting the mortgaged premises known in this herein action as
105 Kate Street, Osceola Mills, PA 16666.

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.

APR 17 2007

BY THE COURT,
/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

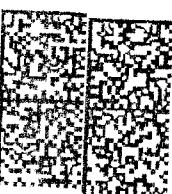


CHESTER A. HAWKINS

SHERIFF

COURTHOUSE

1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830



Hasler

016H16505405
\$00.580
09/12/2007
Mailed From 16830
US POSTAGE

MARYANN M. SIMINGTON
P.O. BOX 101
HOWARD, PA 16841

NIXIE

165 SE 1 25 09/14/07

RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

BC: 16830247201

*1943-08970-12-39

1683024701-01533032472



CHESTER A. HAWKINS

SHERIFF

COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
GLENDALE, CALIFORNIA



0810 0001 4507 3305

Hasler
\$ 05.380
09/12/2007

Mailed From 16830
US POSTAGE

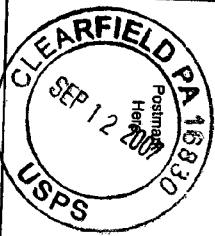
SECTION RECEIPT

REQUESTED

MARYANN M. SIMINGTON

UNABLE TO FORWARD

卷之二



7006 0810 0001 4507 3305

1000 Postage & Fees

Street, Apt No: MARYANN M. SMIMINGTON
or PO Box No: P. O. BOX 101
City, State, Zip+4 HOWARD, PA 16841

PS Form 3800, June 2002

See Reverse for Instructions

**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:

MARYANN M. SIMMINGTON
P.O. BOX 101
HOWARD, PA 16841

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

Certified Mail
 Registered
 Insured Mail
 C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes

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

7006 0810 0001 4507 3305

Domestic Return Receipt

102595-02-M-1540

PS Form 3811, February 2004

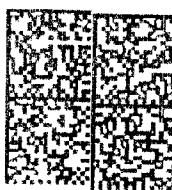


CHESTER A. HAWKINS

SHERIFF

COURTHOUSE

1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830



Hasler

016H16505405
\$00.580
09/12/2007

Mailed From 16830
US POSTAGE

9/24/07

MARYANN M. SIMINGTON
105 KATE STREET
OSCEOLA, IA 50265

NIXIE

165 DE 1 00 09/22/07

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 16830247204 *1643-05960-12-39

16830247117 - 09 08 02003472



CHESTER A. HAWKINS

SHERIFF

1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830
COURTHOUSE

7006 0810 0001 4507 3299 C9

Hasler

016H16505405
\$05.380
09/12/2007
Mailed From 16830
US POSTAGE

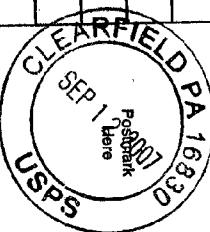
MARYANN M SIMINGTON
105 KATE STREET
OSCEOLA MILLS, PA 16666

RECEIVED
RECEIPT
REQUESSED

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2006 0810 0001 4507 3299

Street, Apt. No.,
or PO Box No.
CITY, STATE, ZIP#4
MARTIN M. JENKINS, JR.
105 KATE STREET
CSCE01A MILIS PA 16666

MARYANN M. SIMINGTON
105 KATE STREET

PS Form 3800, June 2002

See Reverse for Instructions

CERTIFIED MAIL

ENTITLED TO RETURN ADDRESS
PRINTED NAME

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:

MARYANN M. SUMMINGTON
105 KATE STREET
OSCEOLA MILLS, PA 16666

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent Addressee
- B. Received by (Printed Name) C. Date of Delivery
- D. Is delivery address different from item 1? Yes No
If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label) 7006 0810 0001 4507 3299
PS Form 3811, February 2004 Domestic Return Receipt
102595-02-M-1540

LAW OFFICES

McCABE, WEISBERG & CONWAY, P.C.

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MARK S. WEISBERG²
PAUL A. CONWAY³
JENNIFER GABRO
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ROBERT W. CHICK⁹
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SCOTT FAGGATE¹²
CAPRILE N. Currant¹³
LAURA E.G. O'SULLIVAN¹⁴
STEPHANIE THURSTON¹⁵
JASON BROOKS¹⁶

SUITE 208G
125 SOUTH BROAD STREET
PHILADELPHIA, PA. 19109
(215) 790-1010
FAX (215) 790-1274

514-111-3339
111 ELMWOOD AVENUE
WINTON, NEW JERSEY
07492-3339
FAX (866) 838-3629

514-111-3341
115 BROAD STREET
NEW YORK, NY 10006
(212) 661-3341
FAX (914) 661-3341
Also servicing Connecticut

514-111-3342
361 S. 13TH STREET, SUITE 100
LAUREL, MD 20708
(301) 696-1100
FAX (301) 696-1106
Also servicing The District of Columbia
and Virginia

514-111-3343
111 ELMWOOD AVENUE
WINTON, NEW JERSEY
07492-3343
LAUREL, MD 20708
(301) 696-1100
FAX (301) 696-1106
Also servicing The District of Columbia
and Virginia

October 12, 2007

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

Re: Beneficial Consumer Discount Company d/b/a Beneficial Mortgage Company of Pennsylvania
vs.
David Ardell Walk and Angela K. Walk and Maryana M. Simington and Robin G. Phillips
Clearfield County, Court of Common Pleas; No. 2007-216-CI
Premises: 105 Kate Street, Oscella Mills, PA. 16666

Dear Sheriff:

As you know, the above-captioned matter is currently scheduled for the November 1, 2007 Sheriff's Sale. I am requesting at this time that you stay this sale. Please be advised that my client has received no money. The sale is stayed as a result of Beneficial's deficient equity position.

As acknowledgement of this stay, 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,


Denise Williams
Legal Assistant

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

Constance Schaefer 10-12-07
SIGNATURE 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.*

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:

ROBIN G. PHILLIPS
P.O. BOX 1311
HOWARD, PA 16841

2. Article Number:

1111
(Transfer from service label)

3. Service Type

- | | |
|--|--|
| <input checked="" type="checkbox"/> Certified Mail | <input type="checkbox"/> Express Mail |
| <input type="checkbox"/> Registered | <input checked="" type="checkbox"/> Return Receipt for Merchandise |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> C.O.D. |

4. Restricted Delivery? (Extra Fee)

- Yes
 No

D. Is delivery address different from item 1? If YES, enter delivery address below:

ROBIN G. PHILLIPS
P.O. BOX 1311
HOWARD, PA 16841
9-17-07

PS Form 3811, February 2004

Domestic Return Receipt

102595-024-1540

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

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

OFFICIAL USE

Postage	\$
---------	----

Certified Fee

Return Receipt Fee
(Endorsement Required)

Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

5.38



Send To

ROBIN G. PHILLIPS
P.O. BOX 101
HOWARD, PA 16841

Street, Apt. No.,

or P.O. Box No.

City, State, Zip

PS Form 3800, June 2002
See Reverse for Instructions

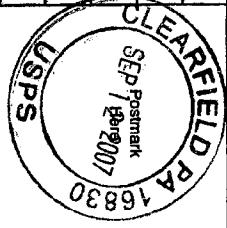
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

3275
 For delivery information visit our website at www.usps.com

OFFICIAL USE

4507 3275 0001 0001 0001 0001 0810

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 3.38



Sent To

Street, Apt. No.,
or P.O. Box No.,
City, State, ZIP+4

ROBIN G. PHILLIPS
105 KATE STREET
OSCEOLA MILLS, PA 16666

PS Form 3800, June 2002

See Reverse for Instructions

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:

ROBIN G. PHILLIPS
105 KATE STREET
OSCEOLA MILLS, PA 16666

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Robin G. Phillips

Agent

Addressee

B. Received by/Printed Name

Robin G. Phillips

C. Date of Delivery

9-13-07

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

PO Box 104

3. Service Type

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

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(Transfer from service label) 7006 0810 0001 4507 3275

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

FILED

FEB 11 2000

William A. Shaw
Prothonotary/Clerk of Courts