



Date: 4/3/2008

## Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:07 AM

ROA Report

Page 1 of 3

Case: 2007-00368-CD

Current Judge: Fredric Joseph Ammerman

HSBC Bank USA, Citigroup Mortgage Loan Trust, Inc., Wells Fargo Bank, NA vs. Doris J. Spencer Estate

## Mortgage Foreclosures

Date		Judge
3/9/2007	New Case Filed.	No Judge
	X X Filing: Civil Action-Mortgage Foreclosure, situated in the Township of Penn. Paid by: Von Rosenstiel, Martha E. PC (attorney for HSBC Bank USA) Receipt number: 1917983 Dated: 03/09/2007 Amount: \$85.00 (Check) 4CC shff.	No Judge
7/6/2007	X X Sheriff Return, March 19, 2007 at 11:05 am Served the within Complaint in Mortgage Foreclosure on Estate of Doris Spencer, deceased. March 19, 2007 at 11:05 am Served the within Complaint in Mortgage Foreclosure on all known & unknown heirs, successors (title or interest from or under Doris J. Spencer, dec.) March 19, 2007 at 11:05 am Served the within Complaint in Mortgage Foreclosure on Estate of Doris Spencer, deceased. [Box 501 Bell Run Road aka 2306 Bell Run Road, Grampian-Vacant] March 19, 2007 at 11:05 am Served the within Complaint in Mortgage Foreclosure on all known & unknown heirs, successors (title or interest from or under Doris J. Spencer, dec.) [Box 501 Bell Run Road aka 2306 Bell Run Road, Grampian-vacant] So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Rosenstiel \$100.00	No Judge
7/27/2007	X X Motion For Service Pursuant to Special Order of Court, filed by s/ Martha E. Von Rosenstiel, P.C., Attorney for Plaintiff. 1CC Atty.	No Judge
7/30/2007	X X Order, this 27th day of July, 2007, Plaintiff's Petition for service of process is Granted, permitting service of the Complaint and all subsequent notices by posting of premises located at Box 501 Bell Run Road, Grampian, PA 16838, and by regular and certified mail to the same address. By The Court, /s/ Fredric J. ammerman, Pres. Judge. 1CC Atty. Von Rosenstiel	Fredric Joseph Ammerman
8/8/2007	X X Filing: Reinstate Complaint in Mortgage Foreclosure Paid by: Von Rosenstiel, Martha E. PC (attorney for HSBC Bank USA) Receipt number: 1920160 Dated: 08/08/2007 Amount: \$7.00 (Check) Filed by s/ Martha E. Von Rosenstiel, Esquire. 2CC & 2 Compl. Reinstated to Sheriff	No Judge
10/2/2007	X X Motion for Service Pursuant to Special Order of Court, filed by Atty. Rosenstiel 1 Cert. to Atty.	No Judge
10/8/2007	X X Order, this 5th day of Oct., 2007, Plaintiff's Petition for service of process is Granted. Plaintiff is permitted to effectuate service of the Complaint and all subsequent notices by posting of premises, and by first class mail and certified mail. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 3CC Atty. VonRosenstiel	Fredric Joseph Ammerman
10/15/2007	X X Filing: Praecipe to Reinstate Complaint in Mortgage Foreclosure Paid by: Von Rosenstiel, Martha E. Receipt number: 1921060 Dated: 10/15/2007 Amount: \$7.00 (Check) 1 Cert. with reinstated complaint to Sheriff.	No Judge
10/23/2007	X X Certification of Service, filed. That service of the Civil Action in Mortgage Foreclosure in the above matter was made upon the defendants, all known and unknown heirs, successors and assigns, representatives, devisees and all persons firms or associates, claiming right, title or interest from or under Doris J. Spencer, decease by certified mail and by regular mail, pursuant to Court Order on October 18, 2007, filed by s/ Martha E. Von Rosenstiel Esq. No CC.	No Judge
12/7/2007	X X Plaintiff's Motion to File Affidavits of Service of Returns, filed by Atty. Rosenstiel no cert. copies.	No Judge

Please make check payable to Clearfield County Prothonotary.

[illegible]

CLEARFIELD COUNTY PROTHONOTARY  
P.O. BOX 549  
CLEARFIELD, PA 16830

Attorney: Jennifer Shaw, Esq.

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

## Mortgage Foreclosures

Date		Judge
12/10/2007	<del>XX</del> Order, this 10th day of Dec., 2007, it is Ordered that the Clfd. Co. Sheriff's Office is ordered to file all affidavits of service returns within 10 days from the date of this Order. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Claeys; 1CC Sheriff (without memo)	Fredric Joseph Ammerman
12/11/2007	<del>XX</del> Sheriff Return, August 13, 2007 at 9:00 am Posted the within Complaint in Mortgage Foreclosure & Order at Box 501 Bell Run Road, Grampian. (Estate of Doris J. Spencer) August 13, 2007 at 9:00 am Posted the within Complaint in Mortgage Foreclosure & Order at Box 501 Bell Run Road, Grampian. (all known & unknown heirs, successors & assigns et al) So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Rosenstiel \$46.64 (1st return)	No Judge
	<del>XX</del> Sheriff Return, October 17, 2007 at 11:24 am Posted the within Complaint in Mortgage Foreclosure & Order at Box 501 Bell Run Road, Grampian. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Rosenstiel \$30.64 (2nd Posting)	No Judge
12/17/2007	<del>XX</del> Certificate of Service, copy of the Court's December 10, 2007 Order granting Plaintiff's Motion to File Affidavits of Service Returns was served by regular first class mail on Dec. 13, 2007, upon: Estate of Doris Spencer, All Known and Unknown Heirs; and Sheriff of Clearfield County. Filed by s/ Keri P. Claeys, Esquire. 1CC to Atty.	No Judge
12/24/2007	<del>XX</del> Filing: Praeipe for Default Judgment Paid by: Von Rosenstiel, Martha E. PC (attorney for HSBC Bank USA) Receipt number: 1921958 Dated: 12/24/2007 Amount: \$20.00 (Check) Judgment entered against the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs in the amount of \$33,764.26 Cert. copy of Praeipe to Atty. and Cert. Copies with notice to all listed.	No Judge
1/7/2008	<del>XX</del> Filing: Writ of Execution / Possession Paid by: Von Rosenstiel, Martha E. PC (attorney for HSBC Bank USA) Receipt number: 1922114 Dated: 01/07/2008 Amount: \$20.00 (Check) Writ of Execution in the amount of \$33,764.26. Filed by s/ Martha E. Von Rosenstiel, Esquire. 1CC & 6 Writs to Sheriff w/prop. description	No Judge
1/28/2008	<del>XX</del> Affidavit of Service of Notices Pursuant to Rule 3129.1, filed. That on January 23, 2008, true and correct copies of the Notice of Sheriff's Sale were served upon recorded lienholders and any known interested parties by regular mail, filed by s/ Martha E. Von Rosenstiel Esq. 1CC to Atty.	No Judge
2/11/2008	<del>XX</del> Motion to Reassess Damages in Mortgage Foreclosure, filed by s/Martha E. Von Rosenstiel, Esq. Three CC Attorney Von Rosenstiel	No Judge
	<del>XX</del> Affidavit of Service filed. Served and made known to All known & unknown Heirs of the Estate of Doris J. Spencer on the 29th day of January 2008 by posting, signed by s/ D.M. Ellis. No CC.	No Judge
	<del>XX</del> Affidavit of Service filed. Served and made known to The Estate of Doris Spencer, dec'd on the 29th day of January 2008 by posting, signed by s/ D.M. Ellis. No CC.	No Judge
2/28/2008	<del>XX</del> Motion to Reassess Damages in Mortgage Foreclosure, filed by s/Martha E. Von Rosenstiel, Esq. Three CC Attorney Von Rosenstiel	No Judge

CRIMINAL TRIAL SCHEDULE

FEBRUARY/MARCH/APRIL, 2008

Honorable Fredric J. Ammerman, Presiding

Friday, February 8, 2008 9:00 A.M.

Shawn McMahon, Esq.

\*ROY I. BUMBARGER No. 07-407-CRA  
Off. Marshall  
Anne McDonough, Esq., Arrest; Criminal  
Mischief, Criminal  
Trespass, Disorderly  
Conduct; Loitering  
And prowling at Night-  
Time; Public Drunk-  
ness

Attorney

Thursday/Friday, February 21/22, 2008 9:00 A.M.

Patrick Lavelle, Esq.

\*MICHAEL D. MYERS No. 07-416-CRA  
Off. Young  
William A. Shaw, Jr., Esq., District  
Stolen Property (2cts);  
Robbery; Robbery; Theft  
Criminal Conspiracy/  
by Unlawful Taking  
Receiving-  
Criminal Conspiracy/  
Theft by Unlawful  
Taking; Criminal Con-  
spiracy/Receiving  
Stolen Property

Attorney

Wednesday, April 2, 2008 9:00 A.M.

Shawn McMahon, Esq.

\*RYANN L. DENOCHICK No. 07-626-CRA  
123 E. Long Avenue  
Off. McLeary  
Leanne Nedza, Esq., Harassment (2cts)  
Simple Assault;  
Aggravated Assault;  
Dubois, PA 15801  
Attorney

\*Confined at Clearfield County Jail or SCI-Houtzdale

Date: 4/3/2008

Clearfield County Court of Common Pleas

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ROA Report

Page 3 of 3

Case: 2007-00368-CD

Current Judge: Fredric Joseph Ammerman

HSBC Bank USA, Citigroup Mortgage Loan Trust, Inc., Wells Fargo Bank, NA vs. Doris J. Spencer Estate

Mortgage Foreclosures

Date		Judge
3/4/2008	<del>XXXX</del> Rule to Show Cause, AND NOW, to wit, this 4th day of March 2008, upon consideration of the foregoing Plaintiff's Petition to Reassess Damages in Mortgage Foreclosure, it is hereby ORDERED that: Argument shall be held on April 7, 2008 in Courtroom 1 @ 9:30 a.m. of the Clearfield County Courthouse. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 3CC Atty Von Rosenstiel.	Fredric Joseph Ammerman

4-3-08 ~~X~~ Cert of Service

4-8-08 ✓ Order, dated 4-7-08 (Plff's Motion to Reassess Damages)

4-16-08 ✓ Amended Motion to Reassess Damages in Mortgage Foreclosure

4-22-08 ✓ Scheduling order, dated 4-18-08

4-29-08 ✓ Cert of Service.

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

DANIEL P. DUFFALO and DEBORAH  
L. DUFFALO,  
Plaintiffs

VS.

JAMES A. JOHNSON and EMILY J.  
JOHNSON,  
Defendants

Type of Case: Civil

No. 06-1707-CD

PREAECIPE FOR WITHDRAWAL  
OF APPEARANCE

Counsel of Record for This Party:

Kim C. Kesner, Esquire  
Supreme Ct. I.D. 28307

BELIN, KUBISTA & RYAN LLP  
15 North Front Street  
P.O. Box 1  
Clearfield, PA 16830  
(814) 765-8972  
(814) 765-9893 - facsimile

FILED

William A. Shaw  
Prothonotary/Clerk of Courts

0/11/2016  
(5)

3 cases to Mr.

MARTHA E. VON ROSENSTIEL, ESQUIRE  
 Martha E. Von Rosenstiel  
 649 SOUTH AVENUE  
 UNIT 7  
 SECANE, PA 19018  
 (610) 328-2887  
 Attorney ID # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN  
 TRUST FOR CITIGROUP MORTGAGE  
 LOAN TRUST, INC., ASSET BACKED  
 PASS-THROUGH CERTIFICATES  
 SERIES 2003-HE3  
 C/O WELLS FARGO BANK, N.A.,  
 3476 Stateview Boulevard  
 Fort Mill, SC 29715  
 Plaintiff

: COURT OF COMMON PLEAS  
 : CLEARFIELD COUNTY

: Case No: 07-368-CD

vs.

ESTATE OF DORIS J. SPENCER,  
 DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 AND

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES AND  
 ALL PERSONS FIRMS OR  
 ASSOCIATIONS, CLAIMING RIGHT,  
 TITLE OR INTEREST FROM OR UNDER  
 DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 Defendants

Oct. 15, 2007 Document  
 Reinstated/Reissued to Sheriff/Attorney  
 for service.

Deputy Prothonotary

FILED 4cc Shff  
 m/13:26/07  
 MAR 09 2007 Atty pd.  
 85.00  
 William A. Shaw  
 Prothonotary/Clerk of Courts

### CIVIL ACTION - MORTGAGE FORECLOSURE

**THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL  
 BE USED FOR THAT PURPOSE**

#### 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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

#### ADVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar 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 a visado que si usted no se defiende, la corte toma ra 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 o otros de rechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO. ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.**

Aug 8, 2007 Document  
 Reinstated/Reissued to Sheriff/Attorney  
 for service.

Deputy Prothonotary

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



**THIS IS AN ATTEMPT TO COLLECT A DEBT  
ANY INFORMATION OBTAINED MAY BE  
USED FOR THAT PURPOSE**

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

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

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

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

Attorney for Plaintiff

**CIVIL ACTION - MORTGAGE FORECLOSURE**

1. Plaintiff is HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3, a bank organized and existing under federal law, with offices for the conduct of business c/o

their servicing agent Wells Fargo Bank, NA at 3476 Stateview Boulevard, Fort Mill, SC 29715.

2. The Estate of Doris J. Spencer, Deceased is the Real Owner, and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Doris J. Spencer, Deceased are or may be the equitable owners and/or heirs at law, of premises Box 501 Bell Run Road, Grampian, PA 16838, hereinafter described, whose last known address is the same as in the caption above.

3. Plaintiff brings this action in mortgage foreclosure against defendants, real owners and equitable owner and/or heirs at law, to foreclose a certain indenture of mortgage made, executed and delivered by Doris J. Spencer to Altegra Credit Company on December 11, 1999, which mortgage was recorded on December 15, 1999 in the Department of Records of Clearfield County as Instrument ID #199920447, secured on premises Box 501 Bell Run Road, Grampian, PA 16838 a true and correct description of which is attached hereto as Exhibit I.

4. The mortgage has since been assigned to the plaintiff herein.

5. Plaintiff alleges each and every term, condition and covenant in the aforesaid mortgage, and hereby incorporates them herein by reference thereto.

6. On or about September 26, 2006 departed this life intestate.

7. Plaintiff avers that no Estate has been raised nor have Administration proceedings been commenced.

8. The aforesaid mortgage is in default in that monthly installments of principal and interest have not been made conformity with the terms of the mortgage, for the month of October 2006 and each month thereafter, up to and including the present time.

9. Under the terms of the aforesaid mortgage, upon default of payments set forth in the mortgage documents, the entire principal balance and all interest due thereon are collectible forthwith.

10. The following is an itemized statement of the amount due plaintiff under the terms of the aforesaid mortgage:

Principal Balance	\$27,978.30
Interest from 09/16/2006 to 03/08/2007	
At \$8.12 per Diem	\$ 1,404.76
Accrued late charges	\$ 53.72
Corporate Advances	\$ 15.00
Attorney's Fee	\$ 1,398.92
Title Information Certificate	\$ 515.00
Photostats and Postage	\$ 50.00
Notarizations	\$ 10.00
TOTAL	\$31,425.70

11. 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 Sheriff's sale, reasonable attorney's fees will be charged based on work actually performed.

12. As there are no successor record owners, notice under Act 6 of 1974 is not required.

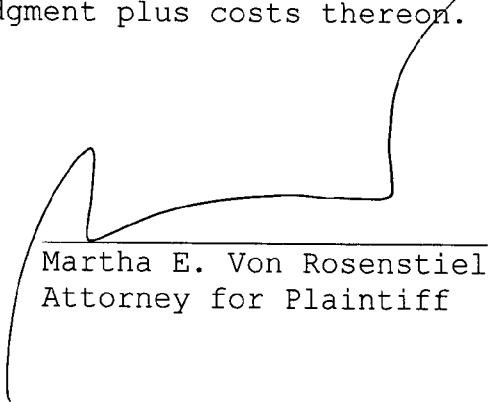
13. As the premises is not owner occupied, Notice under Act 91 of 1983 is not required.

14. Plaintiff has named All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Doris J. Spencer, Deceased, in accordance with Pa. R.C.P 1144(a)(2), and in order to divest any equitable interest they may have in the above described real estate. The named defendants have no individual and personal liability for the mortgage debt.

15. Plaintiff releases, Doris J. Spencer, Deceased, Estate of Doris J. Spencer, Deceased, and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Doris J. Spencer, Deceased from personal liability for the debt secured by this mortgage. This action is

being brought to foreclose any potential interest they may have in the above-described real estate only.

**WHEREFORE**, plaintiff demands an in rem judgment for foreclosure and sale of the mortgaged premises in the amount of for \$31,425.70, plus per diem interest at \$8.12 from March 9, 2007 to the date of judgment plus costs thereon.



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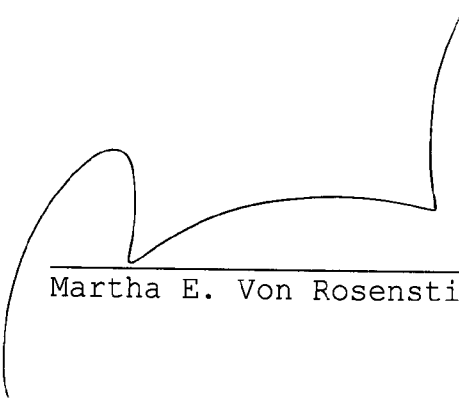
Martha E. Von Rosenstiel  
Attorney for Plaintiff

VERIFICATION

MARTHA E. VON ROSENSTIEL, ESQUIRE, of full age, verifies that she is the attorney for the plaintiff in the foregoing action; that she is authorized to make this verification on behalf of plaintiff; and that the statements made in the foregoing Complaint in Mortgage Foreclosure are true and correct to the best of her knowledge, information and belief.

This verification is being executed by the attorney for plaintiff in accordance with Pa R.C.P. 1024(c) as a signed verification could not be obtained by plaintiff within the time allowed for filing of the pleading.

I understand that false statements herein are made subject to penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.



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Martha E. Von Rosenstiel

## LEGAL DESCRIPTION

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

THE FIRST THEREOF: Beginning at a point on the Bell Run Road leading from Walltown to Bella landing, which point is forty (40) feet South of a spring located on land now or formerly of Frank McBride; thence southward by said road its various courses and distances, two hundred (200) feet to a post on line of land formerly belonging to George Rafferty; thence eastward along said Rafferty line, one hundred eighty (180) feet, more or less, to a post on bank of Bell Run; thence in a northerly direction along Bell Run its various courses and distances to a point, which said point may be located by a line drawn from place of beginning in an easterly direction on a courses parallel to the southerly line of the tract herein being described; thence from the aforesaid point in a westerly direction on a line parallel to the southern boundary of the tract herein being described, seventy-five (75) feet, more or less, to a point and place of beginning. Containing approximately 5/8ths of an acre.

THE SECOND THEREOF: BEGINNING at a point on the Bell Run Road which said point is three hundred thirty-eight (338) feet North of the intersection of the Bell Run Road running from Walltown to Bella Landing and the Penn Township road running from the Bell Run Road to Hepburnia; thence in a northerly direction along the course of Bell Run Road, one hundred seventy (170) feet, more or less, to a point, being the southwesterly corner of the first parcel hereinbefore described; thence along the southern boundary of the first parcel hereinbefore described, one hundred eighty (180) feet, more or less, to Bell Run; thence in a southerly direction along the various courses and distance of Bell Run to a point where Bell Run intersections with a straight line drawn from the point of beginning of this description to the northeastern corner of land of the Grantors as described in the first parcel of a deed to the Grantors dated September 22, 1967, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 533, page 454; thence in a westerly direction two hundred fifty (250) feet, more or less, to the Bell Run Road and place of beginning.

TAX PARCEL NUMBER: 125-E10-25.2



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

DOCKET # 102544  
NO: 07-368-CD  
SERVICE # 1 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and ALL KNOWN AND UNKNOWN HEIRS  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS al

**SHERIFF RETURN**

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NOW, March 19, 2007 AT 11:05 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON  
ESTATE OF DORIS SPENCER, DECEASED DEFENDANT AT 19 WORKERS ROAD, GRAMPIAN, CLEARFIELD  
COUNTY, PENNSYLVANIA, BY HANDING TO WENDY CALDWELL, DAUGHTER A TRUE AND ATTESTED COPY OF  
THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: MORGILLO /

FILED  
9/3.20cm  
JUL 06 2007  
(57)

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 102544  
NO: 07-368-CD  
SERVICE # 2 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and ALL KNOWN AND UNKNOWN HEIRS  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS al

**SHERIFF RETURN**

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NOW, March 19, 2007 AT 11:05 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ALL KNOWN & UNKNOWN HEIRS, SUCCESSORS (Title or Interest from or under DORIS J. SPENCER, DEC.) DEFENDANT AT 19 WORKERS ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WENDY CALDWELL, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: MORGILLO /

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

DOCKET # 102544  
NO: 07-368-CD  
SERVICE # 3 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and ALL KNOWN AND UNKNOWN HEIRS  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS aI

**SHERIFF RETURN**

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NOW, March 19, 2007 AT 11:05 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ESTATE OF DORIS SPENCER, DECEASED DEFENDANT AT 19 WORKERS ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WENDY CALDWELL, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF. BOX 501 BELL RUN ROAD aka 2306 BELL RUN ROAD, GRAMPIAN, PA. "VACANT".

SERVED BY: MORGILLO /

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

DOCKET # 102544  
NO: 07-368-CD  
SERVICE # 4 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and ALL KNOWN AND UNKNOWN HEIRS  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS al

**SHERIFF RETURN**

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NOW, March 19, 2007 AT 11:05 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ALL KNOWN & UNKNOWN HEIRS, SUCCESSORS (Title or Interest from or under DORIS J. SPENCER, DEC.) DEFENDANT AT 19 WORKERS ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WENDY CALDWELL, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF. BOX 501 BELL RUN ROAD aka 2306 BELL RUN ROAD, GRAMPIAN, PA. "VACANT".

SERVED BY: MORGILLO /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102544  
NO: 07-368-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and ALL KNOWN AND UNKNOWN HEIRS  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS al

SHERIFF RETURN

RETURN COSTS

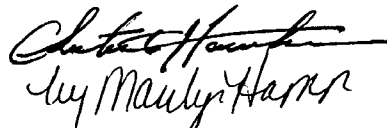
Description	Paid By	CHECK #	AMOUNT
SURCHARGE	ROSENSTIEL	18549	40.00
SHERIFF HAWKINS	ROSENSTIEL	18549	60.00

Sworn to Before Me This

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

\_\_\_\_\_

So Answers,



Chester A. Hawkins  
Sheriff

CR

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :  
AND :

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendants

**ORDER**

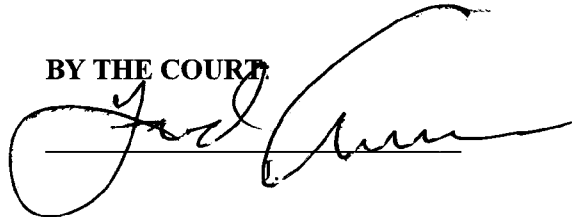
It is ORDERED, on this <sup>27</sup> day of <sup>July</sup> ~~July~~, 200~~5~~<sup>7</sup> that Plaintiff's Petition for service of process on all unknown heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title or interest from or under **Estate of Doris Spencer all Known and Unknown Heirs**, deceased, pursuant to Pa. R.C.P. 430(a) is

~~FILE~~  
**GRANTED**

**DENIED**

Permitting service of the Complaint and all subsequent notices by posting of premises located at Box 501 Bell Run Road, Grampian, PA 16838, and by regular mail and certified mail to the same address.

BY THE COURT



**FILED**

07/30/07  
JUL 30 2007

ICC  
Amy von Rosenstiel  
GR

William A. Shaw  
Prothonotary/Clerk of Courts

#15011CMS-DK

MA

#20511-PN

Martha E. Von Rosenstiel, P.C. Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue  
Suite 6  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :  
AND :  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendants

FILED  
MAY 3 5 01  
JUL 27 2007  
icc  
Atty  
William A. Shaw  
Prothonotary/Clerk of Courts (EK)

### MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire,  
moves this Honorable Court for an Order directing service of the Complaint and all subsequent notices upon  
and **all unknown heirs, successors and assigns, representatives, devisees, and all persons, firms, or  
associations claiming right, title or interest from or under Estate of Doris Spencer all Known and  
Unknown Heirs, deceased**, by regular mail and certified mail, and by posting of the premises and in  
support thereof avers the following:

1. On December 11, 1999, the Estate of Doris Spencer all Known and Unknown Heirs executed  
and delivered a mortgage to Altegra Credit Company, which mortgage is recorded in the Office of the

Recorder of Deeds of Clearfield County in Mortgage Book 199920447, secured on premises Box 501 Bell Run Road, Grampian, PA 16838.

2. The aforesaid mortgage is in default in that monthly installments of principal and interest have not been made in conformity with the terms of the mortgage, for the month of October 16, 2006 and each month thereafter, up to and including the present time.

3. Estate of Doris Spencer all Known and Unknown Heirs departed this life on September 26, 2006 and, upon information and belief, Plaintiff believes and therefore avers that the decedent's surviving heirs are unknown. In addition, other persons, firms, or associations claiming right, title or interest from or under Estate of Doris Spencer all Known and Unknown Heirs, deceased, are unknown.

4. By letter dated February 20, 2007, Plaintiff attempted to contact possible surviving heirs of the decedent to advise them of this foreclosure. To date, no response has been received, a true and correct copy of the letter to the heirs is attached hereto and made a part hereof as Exhibit I.

5. On March 9, 2007, Plaintiff filed a Complaint in Mortgage Foreclosure as captioned above which sets forth that parties that may have an interest in the property are unknown to Plaintiff.

6. In a further attempt to discover the identity of persons, firms or associations who may have an interest in the property, Plaintiff performed a Reasonable Investigation. Attached hereto and made a part hereof, as Exhibit II, is a true and correct copy of the Affidavit of Reasonable Investigation setting forth the specific inquiries made.

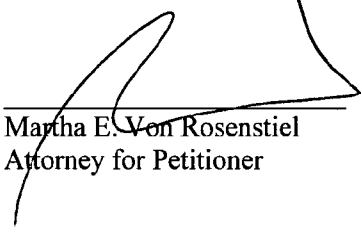
7. Plaintiff hereby releases all above captioned party defendants from personal liability for the debt secured by the mortgage.

8. Inasmuch as Plaintiff has been unable to locate and to determine the identity of possible heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title or interest from or under Estate of Doris Spencer all Known and Unknown Heirs, deceased, and so as to comply with the mandates of due process, Plaintiff respectfully requests leave of Court to serve those persons with the Complaint and all subsequent notices by certified and regular mail, and by posting of the premises.



9. Plaintiff's action in Mortgage Foreclosure is merely seeking an in rem judgment against the property so as to divest any potential claims against the mortgaged premises.

**WHEREFORE**, plaintiff respectfully requests this Honorable Court enter an Order to Pennsylvania Rule of Civil Procedure 430 directing service of the Complaint and all subsequent notices by certified and regular mail and by posting of the premises.



Martha E. Von Rosenstiel  
Attorney for Petitioner

Dated: \_\_\_\_\_

Martha E. Von Rosenstiel, P.C. Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue  
Suite 6  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :

AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendants

### MEMORANDUM OF LAW

This matter comes before the Court upon Plaintiff's Motion for Alternate Service. In this matter, Estate of Doris Spencer all Known and Unknown Heirs departed this life on September 26, 2007 and at that time the heirs of the deceased Estate of Doris Spencer all Known and Unknown Heirs obtained an equitable interest in the property subject to this mortgage foreclosure action. Plaintiff is concerned that any potential heirs receive their constitutionally mandated due process rights to notice and the opportunity to be heard before their substantive rights are affected by this foreclosure action.

Notice, the most basic requirement of due process, must:

"...be reasonably calculated to inform interested parties of the pending action, and the information necessary to provide an opportunity to present objections. The form of the notice required depends on what

is reasonable, considering the interests at stake and the burdens of providing notice." Pennsylvania Coal Mining Association v. Insurance Department, 471 Pa. 437, 452-453, 370 A.2d 685, 692-693 (1977). See also: Mullane v. Central Hanover Bank and Trust Co., 339 U.S. 306, 314-315, 70 S.Ct. 652, 657, 94 L.Ed. 865, 873 (1950); Stateside Machinery Co. v. Alperin, 591 F.2d 234, 241 (3d Cir. 1979); Celane v. Commonwealth, Insurance Commissioner, 51 Pa.Cmwlt. 633, 635, 415 A.2d 130, 132 (1980). Spoturno v. Woods, 8 W.W.Harr., Del., 378, 192 A. 689, 693: [(1937)] "Due process of law means law in accordance with the fundamental principles of justice, and its essence is notice and an opportunity to be heard before judgment."

Pennsylvania Rule of Civil Procedure 430(a) specifically provides:

(a) If service cannot be made under the applicable rule the plaintiff may move the Court for a special order directing the method of service. The Motion shall be accompanied by an Affidavit stating the nature and extent of the investigation that has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

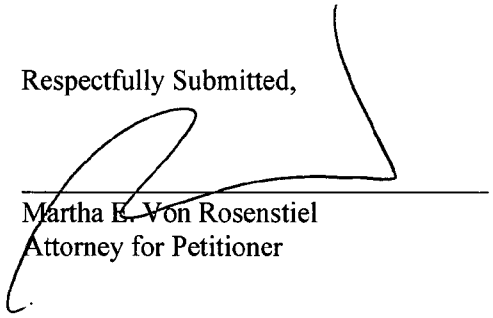
Note: A sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales v. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). Notice of intended adoption mailed to last known address required a "good faith effort" to discover the correct address. Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976)

An illustration of good faith effort to locate the Defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends and employers of the Defendant and (3) examination of local telephone directories, voter registration records, local tax records, and motor vehicle records.

A good faith effort to discover the whereabouts of any potential heirs has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked Exhibit II.

**WHEREFORE**, plaintiff respectfully requests service of the Complaint and all subsequent notices by certified and regular mail, and by posting of the premises.

Respectfully Submitted,



Martha E. Von Rosenstiel  
Attorney for Petitioner

Dated: \_\_\_\_\_

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD

MARTHA E. VON ROSENSTIEL, ESQUIRE, of full age, verifies that she is the attorney for the plaintiff in the foregoing action; that she is fully familiar with the facts in this matter; and that the statements made in the foregoing Motion for Service of the Complaint and all subsequent notices pursuant to Special Order of Court are true and correct to the best of her knowledge, information and belief.

I understand that false statements herein are made subject to penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.



Martha E. Von Rosenstiel

Date: July 26, 2007

Attorney for Plaintiff

Dated: \_\_\_\_\_

**MARTHA E. VON ROSENSTIEL, P.C.**  
**ATTORNEY AT LAW**  
649 SOUTH AVENUE, UNIT 7  
P.O. BOX 307  
SECANE, PA 19050

PHONE (610) 328-2887  
FAX (610) 328-2649

Martha E. Von Rosenstiel, Esquire  
Leslie J. Rase, Esquire  
Keri P. Claeys Esquire

February 20, 2007

TO: Estate of Doris Spencer all Known and Unknown Heirs  
Box 501 Bell Run Road  
Grampian, PA 16838

TO: Estate of Doris Spencer all Known and Unknown Heirs  
2306 Bell Run Road  
Grampian, PA 16838

TO: Brian Michael Spencer  
2306 Bell Run Road  
Grampian, PA 16838

TO: Wendy Caldwell  
19 Workers Road  
Grampian, PA 16838

RE: HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.. v.Estate of Doris Spencer all Known and Unknown Heirs  
Box 501 Bell Run Road, Grampain, PA 16838  
Our file # 20511-BP

Dear Estate of Doris Spencer all Known and Unknown Heirs

Please be advised that this office has been retained by America's Servicing Company who is the holder of the mortgage on the above-captioned property. We are sorry to have learned of the unfortunate passing of Doris J. Spencer on September 26, 2006. As an heir of Doris J. Spencer you may have an ownership interest in the mortgaged premises.

Due to the default on the mortgage, we have been asked to file a mortgage foreclosure action so as to foreclose on the mortgage and proceed to sell the property at sheriff's sale. As an heir, you will be named as a defendant in the mortgage foreclosure action unless you choose to waive any and all interest in the mortgaged premises regarding the mortgage foreclosure action only. This waiver will not affect your interest in the

mortgaged premises should the mortgage default on the said premises is cured in full before the sheriff's sale.

If you are willing to waive your interest in the mortgaged premises and mortgage foreclosure action and do not wish to be named as a defendant in the mortgage foreclosure action, please review, sign, and return the waiver to the undersigned within ten (10) days of the date of this letter. If our office has not received a signed waiver in ten (10) days, you may be named as a defendant in the mortgage foreclosure action.

If you have any questions or concerns please seek legal advice from your attorney. As attorneys for the mortgage company, our office cannot provide you with legal advice.

Very truly yours,

Martha E. Von Rosenstiel, Esquire

IN THE COUNTY OF \_\_\_\_\_, COMMONWEALTH OF PENNSYLVANIA

RE: ESTATE OF Doris J. Spencer  
Property Address: Box 501 Bell Run Road, Grampian, PA 16838  
Mortgagee's Name, Recording Information: Doris J. Spencer

I, \_\_\_\_\_, hereby waive any and all present and future interest in the property located at Box 501 Bell Run Road, Grampain, PA 16838 (hereinafter "Premises"). I hereby acknowledge that as an heir to Doris J. Spencer I may have an ownership interest in the Premises. I fully understand that by executing this waiver, I am waiving my interest in the Premises with regards to the mortgage foreclosure action being brought by HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.. I also understand that by signing this waiver I will not be named in the mortgage foreclosure action being brought by HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc. against the Premises. I am fully aware that by signing this waiver, it will not affect my interest in the Premises should the mortgage default be cured in full prior to any sheriff's sale.

\_\_\_\_\_  
Name:  
Relationship:



Witness: \_\_\_\_\_  
Name

Date: \_\_\_\_\_



**Culverwood Professional Services**  
**PO Box 962**  
**Kimberton, PA 19442**  
**(610) 933-9289**

---

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO :  
BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, :  
INC. :  
3476 STATEVIEW BOULEVARD :  
FORT MILL, SC 29715 :  
PLAINTIFF :  
:

VS.

ESTATE OF DORIS SPENCER ALL  
KNOWN AND UNKNOWN HEIRS  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838  
DEFENDANTS

---

---

**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

**RE:** ESTATE OF DORIS SPENCER ALL KNOWN AND UNKNOWN HEIRS

**PROPERTY ADDRESS:** 2306 Bell Run Road, Grampian, PA 16838

---

I, Robert H. Johns, have been requested to investigate the whereabouts of the estate of Doris Spencer and all known and unknown heirs defendant(s) in the above captioned mortgage foreclosure action, as plaintiff, holder of a mortgage on the premises located at 2306 bell Run Road, Grampian, PA 16838, has been unable to make personal service of the Foreclosure Complaint upon defendants.

I hereby certify that I have investigated the present whereabouts of the defendant(s) utilizing the following sources of information in accordance with Pa.R.C.P. 430(a):

EXHIBIT B

**POSTAL INQUIRY:**

Inquiry about address information of 2306 Bell Run Road, Grampian, PA 16838 relating to Doris Spencer was made of the United States Postal Service, PA 16838 under the provisions of the Freedom of Information Act, 39 C.F.R. 265.8(d)(6)(u). The response of the Postal Service dated 2/8/07 disclosed that:

- ☐ Mail is delivered to the address given
- ☐ No change of address order on file
- ☐ Not known at address given
- ☐ Moved, left no forwarding address
- ☐ No such address

**[X] Other (specify) Deceased**

A copy of the response to the submitted Address Information Request is attached hereto.

Inquiry about address information of Box 501 Bell Run Road, Grampian, PA 16838. relating to Doris Spencer was also made of the United States Postal Service, PA 16838 under the provisions of the Freedom of Information Act, 39 C.F.R. 265.8(d)(6)(u). The response of the Postal Service dated 2/8/07 disclosed that:

- ☐ Mail is delivered to the address given.
- ☐ No change of address order on file
- ☐ Not known at address given
- ☐ Moved, left no forwarding address
- ☐ No such address

**[X] Other (specify) Deceased**

A copy of the response to the submitted Address Information Request is attached hereto.

**INTERNET PERSON LOCATOR SEARCH:**

On 2/5/07, I performed an Internet Finders Search, utilizing information maintained by

Accurint, a LexisNexis service utilizing technology and proprietary data linking methods, searching and connecting tens of billions of data records on individuals. Included in the databases searched by Accurint are the national white page directories.

That search confirmed the following:

**SEARCH FOR ADDRESS AND TELEPHONE NUMBER OF Doris Spencer :**

As of January 2007 the address of Doris Spencer was shown as 2306 Bell Run Road, Grampian, PA 16838. Service attempted at this address by the Sheriff was unsuccessful.

There is no telephone number listed at the above address

**SEARCH FOR NEIGHBORS OF John Smith:**

Inquiries made regarding John Smith, of relatives, neighbors and friends have disclosed the following results:

Relative # 1. was: Todd Spencer, 2003 Greenville Pike, Grampian, PA 16838

On 2/10/07 I called the listed number of 814-236-2597 and:

☐ It was disconnected.

☐ It was disconnected with a forwarding number of

☐ There was no answer

☒ **The telephone was answered by Mr. Spencer who stated that he is not a relative.**

Neighbor # 2 was: Brian Keith Spencer, 360 W. Hepburnia Road, Grampian, PA 16838

On 2/10/07 I called the listed number of 814-236-1067 and:

☐ It was disconnected.

☐ It was disconnected with a forwarding number of

☐ There was no answer

☒ **The telephone was answered by Brian Spencer who stated that he is not a relative.**

**OBITUARY SEARCH:**

The search performed by Accurint, a LexisNexis service utilizing technology and proprietary data linking methods, searches all information relating to deaths that is available. A record was found by the Accurint search indicating that Doris Spencer, age 74 is deceased having died in Clearfield, PA on 9/26/06.

**FURTHER INFORMATION:**

Further enquiries revealed that the son's name is Brian Michael Spencer who is believed to be living at the property address. There is a daughter, Wendy Caldwell, 19 Workers Road, Grampian, PA 16838, telephone number 814-236-2692. A call to her revealed that there are four children (would not give names) and they are trying to sell the property but the mortgage company will not talk to them. She said that she would be more than willing to talk to anyone about it.

I verify that the statements made in the foregoing affidavit of good faith investigation are true and correct. 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.



By

File # 20511

Robert H. Johns, Paralegal

**CPS**

**Culverwood Professional Services  
PO Box 962  
Kimberton, PA 19442  
(610) 933-9289**

Postmaster  
United States Postal Service  
273 Main Street  
Grampian, PA 16838-9998

Date: 2/5/07

File: 20511/2/6

**ADDRESS INFORMATION REQUEST**

Please furnish the new address, if available, for the following individual or verify whether or not the address given below is one at which mail for this individual is currently being delivered. If the following address is a post office box, please furnish the street address as recorded on the boxholder's application form.

Name: **DORIS SPENCER**

Last known address: **2306 Bell Run Road, Grampian, PA 16838**

The following information is provided in accordance with 39 CFR 265.8 (d)(6)(u). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6 (d)(1) and (2), 39 CFR 265.9 (g)(5)(ii) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester is a process server and paralegal for and on behalf of Martha Von Rosenstiel (Attorneys)
2. Statute or regulation that empowers me to serve process is 231 Pa.Code Rules 400.1
3. The names of all known parties to the litigation: HSBC Bank USA --v- Doris Spencer
4. The Court in which the case has been or will be heard: Court of Common Pleas of Clearfield County
5. The docket or other identifying number if one has been issued: NYK
6. The capacity in which the individual is to be served is as a defendant.

**WARNING**

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE THE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL  
I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT THE ADDRESS PENALTIES INCLUDING A FINE UP TO \$10,000 OR IMPRISONMENT OR TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001) INFORMATION IS REQUIRED AND WILL BE USED SOLELY FOR THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION.

Signature

R.H. Johns

Printed Name

PO Box 962

Address

Kimberton, PA 19442

City, State and ZIP Code

**FOR POST OFFICE USE ONLY**

- ☐ Mail is delivered to address given  
☐ No change of address order on file  
☐ Not known at address given  
☐ Moved, left no forwarding address  
☐ No such address  
☒ Other (Specify)

**NEW ADDRESS OR BOXHOLDER'S STREET ADDRESS**

Deceased

**POST OFFICE STAMP**



**CPS**

**Culverwood Professional Services  
PO Box 962  
Kimberton, PA 19442  
(610) 933-9289**

Date: 2/5/07

File: 20511/2/6

Postmaster  
United States Postal Service  
273 Main Street  
Grampian, PA 16838-9998

**ADDRESS INFORMATION REQUEST**

Please furnish the new address, if available, for the following individual or verify whether or not the address given below is one at which mail for this individual is currently being delivered. If the following address is a post office box, please furnish the street address as recorded on the boxholder's application form.

Name: **DORIS SPENCER**

Last known address: **Box 501 Bell Run Road, Grampian, PA 16838 (Alternative)**

The following information is provided in accordance with 39 CFR 265.8 (d)(6)(u). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6 (d)(1) and (2), 39 CFR 265.9 (g)(5)(ii) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester is a process server and paralegal for and on behalf of Martha Von Rosenstiel (Attorneys)
2. Statute or regulation that empowers me to serve process is 231 Pa.Code Rules 400.1
3. The names of all known parties to the litigation: **HSBC Bank USA -v- Doris Spencer**
4. The Court in which the case has been or will be heard: **Court of Common Pleas of Clearfield County**
5. The docket or other identifying number if one has been issued: **NYK**
6. The capacity in which the individual is to be served is as a defendant.

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Signature

*R.H. Johns*  
R.H. Johns

Printed Name

PO Box 962

Address

Kimberton, PA 19442

City, State and ZIP Code

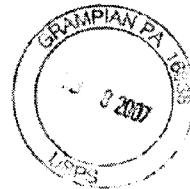
**FOR POST OFFICE USE ONLY**

- ☐ Mail is delivered to address given  
☐ No change of address order on file  
☐ Not known at address given  
☐ Moved, left no forwarding address  
☐ No such address  
☒ Other (Specify)

**NEW ADDRESS OR BOXHOLDER'S STREET ADDRESS**

*Deceased*

**POST OFFICE STAMP**



Important: The Public Records and commercially available data sources used on reports have errors. Data is sometimes entered poorly, processed incorrectly and is generally not free from defect. This system should not be relied upon as definitively accurate. Before relying on any data this system supplies, it should be independently verified. For Secretary of State documents, the following data is for information purposes only and is not an official record. Certified copies may be obtained from that individual state's Department of State.

## Finder Report

Date: 02/05/07

### Subject Information

Name: DORIS J SPENCER **D**  
Date of Birth: 05/28/1932  
Date of Death: 09/26/2006  
(CLEARFIELD, PA)  
Age at Death: 74 (Born 74 years ago)  
SSN: 178-30-xxxx issued in Pennsylvania between 01/01/1954 and 12/31/1957

### AKAs (Names Associated with Subject)

DORIS J SPENCER  
DOB: 05/1932 Age: 74 SSN: 178-30-xxxx  
DORIS SPENCER  
SSN: 178-34-xxxx

### Indicators

Bankruptcy: No  
Property: Yes  
Corporate Affiliations: No

### Address Summary (✓ - Probable Current Address)

2306 BELL RUN RD, GRAMPIAN PA 16838-8514, CLEARFIELD COUNTY (Feb 1995 - Jan 2007)

3860 ZION RD, OLANTA PA 16863-8546, CLEARFIELD COUNTY (Oct 2006)

RR 1 BOX 501, GRAMPIAN PA 16838-9742, CLEARFIELD COUNTY (Mar 1985 - Jan 2006)

PO BOX 501, GRAMPIAN PA 16838, CLEARFIELD COUNTY (Apr 1997 - Oct 2000)

1 RD APT, GRAMPIAN PA 16838, CLEARFIELD COUNTY (Jun 1994)

PO BOX 224, GRAMPIAN PA 16838-0224, CLEARFIELD COUNTY (Mar 1994)

346 GEN DEL ST, GRAMPIAN PA 16838, CLEARFIELD COUNTY (Apr 1984 - Apr 1986)

1 BOX 346A RD, GRAMPIAN PA 16838, CLEARFIELD COUNTY (Nov 1984)

RR 1 BOX 152, GRAMPIAN PA 16838-9801, CLEARFIELD COUNTY

### Phone Summary

Previous Phones:  
238-1461

1st Degree Relatives Phones:  
(814) 236-2597 - SPENCER DUANE  
(814) 236-0619 - SPENCER BODY SHOP  
(814) 236-1067 - SPENCER BRIAN K

2nd Degree Relatives Phones:  
(814) 938-3867 - BISHOP KENNETH  
(814) 762-8019 - SHAFFER H  
(724) 796-1783 - SPENCER CARRIANNE

Neighbor Phones:  
(814) 236-2213 - FREEMAN DONALD E  
(814) 236-2101 - ROWLES CONNIE  
(814) 236-1296 - BROWN TRAVIS  
(814) 236-1290 - ROWLES F R

### Previous Phone Numbers



Phone: 236-1481  
City/State:

Dates: Mar 1994 - Oct 2000  
Type: UNKNOWN

**1<sup>st</sup> Degree Relatives Phones**

TODD R SPENCER - 169-62-xxxx DOB:  
2003 GREENVILLE PIKE, GRAMPIAN PA 16838-7807  
Phone at address: (814) 236-2597 **SPENCER DUANE**

DORIS JEAN SPENCER - 199-38-xxxx DOB:  
134 SPENCER RD, GRAMPIAN PA 16838-8028

DENNIS L SPENCER - 166-40-xxxx DOB:  
134 SPENCER RD, GRAMPIAN PA 16838-8028

BRIAN KEITH SPENCER - 198-52-xxxx DOB:  
360 W HEPBURNIA RD, GRAMPIAN PA 16838-8643  
Phone at address: (814) 236-1067 **SPENCER BRIAN K**

*Not relatives*

**2<sup>nd</sup> Degree Relatives Phones**

BENJAMIN D BISHOP - 172-58-xxxx  
DOB: 07/12/1977  
706 PINE ST, PUNXSUTAWNEY PA 15767-1314  
Phone at address: (814) 938-3867 **BISHOP KENNETH**

DUANE SPENCER - DOB:  
2003 GREENVILLE PIKE, GRAMPIAN PA 16838-7807  
Phone at address: (814) 236-2597 **SPENCER DUANE**

HELENE SHAFFER - 165-54-xxxx DOB:  
313 REED ST APT 17, CLEARFIELD PA 16830-2555  
Phone at address: (814) 762-8019 **SHAFFER H**

CHRISTINE H SPENCER - 186-62-xxxx DOB:  
360 W HEPBURNIA RD, GRAMPIAN PA 16838-8643  
Phone at address: (814) 236-1067 **SPENCER BRIAN K**

CHARLOTTE L SPENCER - 196-52-xxxx  
DOB: 02/1959  
1021 COUNTRY  
HOLLOW RD APT D, IMPERIAL PA 15126-2101  
Phone at address: (724) 795-1793 **SPENCER CARRIANNE**

**Neighbor Phones**

Neighborhood #1:  
2306 BELL RUN RD, GRAMPIAN PA 16838-8514

Neighborhood #2:  
3860 ZION RD, OLANTA PA 16863-8546  
3886 ZION RD, OLANTA PA 16863-8546  
Phone at address: (814) 236-2213 **FREEMAN DONALD E**  
3810 ZION RD, OLANTA PA 16863-8546  
Phone at address: (814) 236-2101 **ROWLES CONNIE**  
3784 ZION RD, OLANTA PA 16863-8545  
Phone at address: (814) 236-1296 **BROWN TRAVIS**  
4031 ZION RD, OLANTA PA 16863-8548  
Phone at address: (814) 236-1290 **ROWLES F R**

Neighborhood #3:  
1 RD APT, GRAMPIAN PA 16838

Neighborhood #4:  
346 GEN DEL ST, GRAMPIAN PA 16838

Neighborhood #6:  
1 BOX 346A RD, GRAMPIAN PA 16838

**Bankruptcy Filings**

[No Data Available]

**Corporate Affiliations**

[No Data Available]

**Possible Associates Phones**

[No Data Available]

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Suite 7  
P.O. Box 307  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

**FILED** *Atty pd.*  
*MTA: 42001* *7.00*  
AUG 08 2007 *2000*

William A. Shaw *2 Compl.*  
Prothonotary/Clerk of Courts  
*Reinstated*  
*to Sheriff*  
*@*

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES SERIES :  
2003-HE3 C/O WELLS FARGO BANK, :  
N.A., SUCCESSOR BY MERGER TO : Case No: 07-368-CD  
WELLS FARGO HOME MORTGAGE, INC. :  
:  
Plaintiff :  
:  
:

vs.

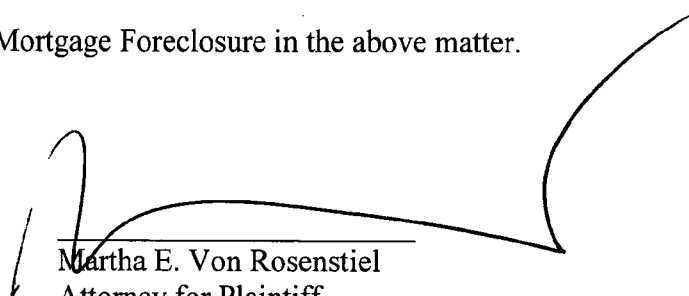
ESTATE OF DORIS SPENCER ALL  
KNOWN AND UNKNOWN HEIRS

Defendant(s)

**PRAECIPE TO REINSTATE COMPLAINT IN MORTGAGE FORECLOSURE**

To the Prothonotary:

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

  
\_\_\_\_\_  
Martha E. Von Rosenstiel  
Attorney for Plaintiff

DATED: August 7, 2007

MARTHA E. VON ROSENSTIEL, ESQUIRE  
 Martha E. Von Rosenstiel  
 649 SOUTH AVENUE  
 UNIT 7  
 SECANE, PA 19018  
 (610) 328-2887  
 Attorney ID # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
 TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
 LOAN TRUST, INC., ASSET BACKED :  
 PASS-THROUGH CERTIFICATES :  
 SERIES 2003-HE3 :  
 C/O WELLS FARGO BANK, N.A., : Case No:  
 3476 Stateview Boulevard :  
 Fort Mill, SC 29715 :  
 Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER,  
 DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 AND

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES AND  
 ALL PERSONS FIRMS OR  
 ASSOCIATIONS, CLAIMING RIGHT,  
 TITLE OR INTEREST FROM OR UNDER  
 DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 Defendants

**CIVIL ACTION - MORTGAGE FORECLOSURE**

**THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL  
 BE USED FOR THAT PURPOSE**

**NOTICE**

**ADVISO**

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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar 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 a visado que si usted no se defiende, la corte toma ra 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 o otros de rechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO. ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.**

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

**THIS IS AN ATTEMPT TO COLLECT A DEBT  
ANY INFORMATION OBTAINED MAY BE  
USED FOR THAT PURPOSE**

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

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

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

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

Attorney for Plaintiff

VS.

**CIVIL ACTION - MORTGAGE FORECLOSURE**

1. Plaintiff is HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3, a bank organized and existing under federal law, with offices for the conduct of business c/o

their servicing agent Wells Fargo Bank, NA at 3476 Stateview Boulevard, Fort Mill, SC 29715.

2. The Estate of Doris J. Spencer, Deceased is the Real Owner, and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Doris J. Spencer, Deceased are or may be the equitable owners and/or heirs at law, of premises Box 501 Bell Run Road, Grampian, PA 16838, hereinafter described, whose last known address is the same as in the caption above.

3. Plaintiff brings this action in mortgage foreclosure against defendants, real owners and equitable owner and/or heirs at law, to foreclose a certain indenture of mortgage made, executed and delivered by Doris J. Spencer to Altegra Credit Company on December 11, 1999, which mortgage was recorded on December 15, 1999 in the Department of Records of Clearfield County as Instrument ID #199920447, secured on premises Box 501 Bell Run Road, Grampian, PA 16838 a true and correct description of which is attached hereto as Exhibit I.

4. The mortgage has since been assigned to the plaintiff herein.

5. Plaintiff alleges each and every term, condition and covenant in the aforesaid mortgage, and hereby incorporates them herein by reference thereto.

6. On or about September 26, 2006 departed this life intestate.

7. Plaintiff avers that no Estate has been raised nor have Administration proceedings been commenced.

8. The aforesaid mortgage is in default in that monthly installments of principal and interest have not been made conformity with the terms of the mortgage, for the month of October 2006 and each month thereafter, up to and including the present time.

9. Under the terms of the aforesaid mortgage, upon default of payments set forth in the mortgage documents, the entire principal balance and all interest due thereon are collectible forthwith.

10. The following is an itemized statement of the amount due plaintiff under the terms of the aforesaid mortgage:

Principal Balance	\$27,978.30
Interest from 09/16/2006 to 03/08/2007	
At \$8.12 per Diem	\$ 1,404.76
Accrued late charges	\$ 53.72
Corporate Advances	\$ 15.00
Attorney's Fee	\$ 1,398.92
Title Information Certificate	\$ 515.00
Photostats and Postage	\$ 50.00
Notarizations	\$ 10.00
TOTAL	\$31,425.70

11. 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 Sheriff's sale, reasonable attorney's fees will be charged based on work actually performed.

12. As there are no successor record owners, notice under Act 6 of 1974 is not required.

13. As the premises is not owner occupied, Notice under Act 91 of 1983 is not required.

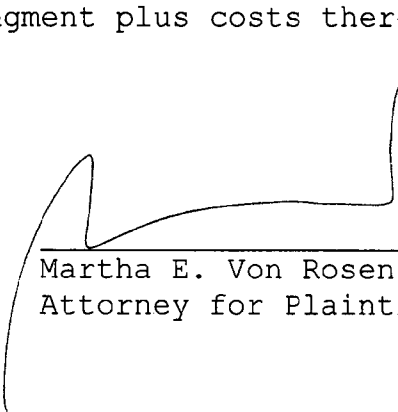
14. Plaintiff has named All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Doris J. Spencer, Deceased, in accordance with Pa. R.C.P 1144(a)(2), and in order to divest any equitable interest they may have in the above described real estate. The named defendants have no individual and personal liability for the mortgage debt.

15. Plaintiff releases, Doris J. Spencer, Deceased, Estate of Doris J. Spencer, Deceased, and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Doris J. Spencer, Deceased from personal liability for the debt secured by this mortgage. This action is



being brought to foreclose any potential interest they may have in the above-described real estate only.

**WHEREFORE**, plaintiff demands an in rem judgment for foreclosure and sale of the mortgaged premises in the amount of for \$31,425.70, plus per diem interest at \$8.12 from March 9, 2007 to the date of judgment plus costs thereon.



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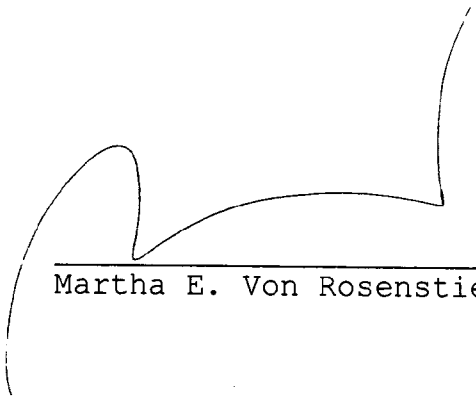
Martha E. Von Rosenstiel  
Attorney for Plaintiff

VERIFICATION

MARTHA E. VON ROSENSTIEL, ESQUIRE, of full age, verifies that she is the attorney for the plaintiff in the foregoing action; that she is authorized to make this verification on behalf of plaintiff; and that the statements made in the foregoing Complaint in Mortgage Foreclosure are true and correct to the best of her knowledge, information and belief.

This verification is being executed by the attorney for plaintiff in accordance with Pa R.C.P. 1024(c) as a signed verification could not be obtained by plaintiff within the time allowed for filing of the pleading.

I understand that false statements herein are made subject to penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.



---

Martha E. Von Rosenstiel

## LEGAL DESCRIPTION

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

THE FIRST THEREOF: Beginning at a point on the Bell Run Road leading from Walltown to Bella landing, which point is forty (40) feet South of a spring located on land now or formerly of Frank McBride; thence southward by said road its various courses and distances, two hundred (200) feet to a post on line of land formerly belonging to George Rafferty; thence eastward along said Rafferty line, one hundred eighty (180) feet, more or less, to a post on bank of Bell Run; thence in a northerly direction along Bell Run its various courses and distances to a point, which said point may be located by a line drawn from place of beginning in an easterly direction on a courses parallel to the southerly line of the tract herein being described; thence from the aforesaid point in a westerly direction on a line parallel to the southern boundary of the tract herein being described, seventy-five (75) feet, more or less, to a point and place of beginning. Containing approximately 5/8ths of an acre.

THE SECOND THEREOF: BEGINNING at a point on the Bell Run Road which said point is three hundred thirty-eight (338) feet North of the intersection of the Bell Run Road running from Walltown to Bella Landing and the Penn Township road running from the Bell Run Road to Hepburnia; thence in a northerly direction along the course of Bell Run Road, one hundred seventy (170) feet, more or less, to a point, being the southwesterly corner of the first parcel hereinbefore described; thence along the southern boundary of the first parcel hereinbefore described, one hundred eighty (180) feet, more or less, to Bell Run; thence in a southerly direction along the various courses and distance of Bell Run to a point where Bell Run intersections with a straight line drawn from the point of beginning of this description to the northeastern corner of land of the Grantors as described in the first parcel of a deed to the Grantors dated September 22, 1967, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 533, page 454; thence in a westerly direction two hundred fifty (250) feet, more or less, to the Bell Run Road and place of beginning.

TAX PARCEL NUMBER: 125-E10-25.2

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :

AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendants

### ORDER

It is ORDERED, on this    day of    , 2005 that Plaintiff's Petition for service of process on all unknown heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title or interest from or under **All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Estate of Doris Spencer, Deceased**, pursuant to Pa. R.C.P. 430(a) is

**GRANTED**

**DENIED**

Permitting service of the Complaint and all subsequent notices by posting of premises located at Box 501 Bell Run Road, Grampian, PA 16838, and by regular mail and certified mail to the same address, and to the last known address, 2306 Bell Run Road, Grampain, PA 16838.

**BY THE COURT:**

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

LA

#20511-PN

Martha E. Von Rosenstiel, P.C. Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue  
Suite 6  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :  
AND :  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendants

FILED

OCT 02 2007

m/12:45/2  
William A. Shaw  
Prothonotary/Clerk of Courts

1 CENT TO ~~SPENCER~~  
ATTY

### MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire, moves this Honorable Court for an Order directing service of the Complaint and all subsequent notices upon **All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Estate of Doris Spencer, Deceased**, by regular mail and certified mail, and by posting of the premise, and regular and certified mail to the last known address and in support thereof avers the following:

1. On December 11, 1999, the deceased, Doris J. Spencer executed and delivered a mortgage to Altegra Credit Company, which mortgage is recorded on December 15, 1999, in the Office of the Recorder

of Deeds of Clearfield County in Instrument I.D. # 199920447, secured on premises Box 501 Bell Run Road, Grampian, PA 16838.

2. The aforesaid mortgage is in default in that monthly installments of principal and interest have not been made in conformity with the terms of the mortgage, for the month of October 2006 and each month thereafter, up to and including the present time.

3. Doris J. Spencer departed this life on September 26, 2006 and, upon information and belief, Plaintiff believes and therefore avers that the decedent's surviving heirs are unknown. In addition, other persons, firms, or associations claiming right, title or interest from or under the Estate of Doris J. Spencer, deceased, are unknown.

4. By letter dated February 20, 2007, Plaintiff attempted to contact possible surviving heirs of the decedent to advise them of this foreclosure. A copy of this letter is attached hereto as Exhibit I.

5. On March 9, 2007, Plaintiff filed a Complaint in Mortgage Foreclosure as captioned above which sets forth that parties that may have an interest in the property are unknown to Plaintiff.

6. On March 19, 2007, the following heirs of Doris J. Spencer signed a waiver of interest in this foreclosure action, Wendy L. Caldwell, Brian M. Spencer, Debra A. McDonald, James W. Wisor. A copy of the waiver, is attached hereto as Exhibit II.

7. The above-mentioned waiver releases Wendy C. Caldwell, Brian M. Spencer, Debra A. McDonald, and James W. Wisor from liability in this action and they were not named as defendants for this reason.

8. In a further attempt to discover the identity of persons, firms or associations who may have an interest in the property, Plaintiff performed a Reasonable Investigation. Attached hereto and made a part hereof, as Exhibit III, is a true and correct copy of the Affidavit of Reasonable Investigation setting forth the specific inquiries made.

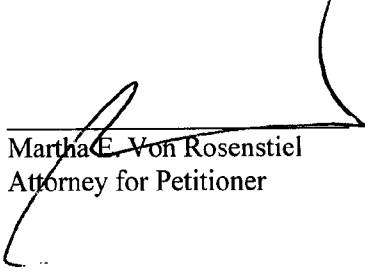
9. Plaintiff hereby releases all above captioned party defendants from personal liability for the debt secured by the mortgage.

10. Inasmuch as Plaintiff has been unable to locate and to determine the identity of possible heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title

or interest from or under Estate of Doris J. Spencer, deceased, and so as to comply with the mandates of due process, Plaintiff respectfully requests leave of Court to serve those persons with the Complaint and all subsequent notices by certified and regular mail, and by posting of the premises.

11. Plaintiff's action in Mortgage Foreclosure is merely seeking an in rem judgment against the property so as to divest any potential claims against the mortgaged premises.

**WHEREFORE**, plaintiff respectfully requests this Honorable Court enter an Order to Pennsylvania Rule of Civil Procedure 430 directing service of the Complaint and all subsequent notices by certified and regular mail and by posting of the premises, and sending regular and certified mail to the last known address.



Martha E. Von Rosenstiel  
Attorney for Petitioner

Dated: \_\_\_\_\_

Martha E. Von Rosenstiel, P.C. Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue  
Suite 6  
Secane, PA 19018  
610 328-2887  
Attorney I.D. # 52634

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :  
AND :  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendants

### MEMORANDUM OF LAW

This matter comes before the Court upon Plaintiff's Motion for Alternate Service. In this matter, Doris J. Spencer departed this life on September 26, 2007 and at that time the heirs of the deceased Doris J. Spencer obtained an equitable interest in the property subject to this mortgage foreclosure action. Plaintiff is concerned that any potential heirs receive their constitutionally mandated due process rights to notice and the opportunity to be heard before their substantive rights are affected by this foreclosure action.

Notice, the most basic requirement of due process, must:

"...be reasonably calculated to inform interested parties of the pending action, and the information necessary to provide an opportunity to present objections. The form of the notice required depends on what is reasonable, considering the interests at stake and the burdens of providing notice." Pennsylvania Coal Mining Association v. Insurance Department, 471 Pa. 437, 452-453, 370 A.2d 685, 692-693 (1977). See



also: Mullane v. Central Hanover Bank and Trust Co., 339 U.S. 306, 314-315, 70 S.Ct. 652, 657, 94 L.Ed. 865, 873 (1950); Stateside Machinery Co. v. Alperin, 591 F.2d 234, 241 (3d Cir. 1979); Celane v. Commonwealth, Insurance Commissioner, 51 Pa.Cmwlth. 633, 635, 415 A.2d 130, 132 (1980). Spoturno v. Woods, 8 W.W.Harr., Del., 378, 192 A. 689, 693: [(1937)] "Due process of law means law in accordance with the fundamental principles of justice, and its essence is notice and an opportunity to be heard before judgment."

Pennsylvania Rule of Civil Procedure 430(a) specifically provides:

(a) If service cannot be made under the applicable rule the plaintiff may move the Court for a special order directing the method of service. The Motion shall be accompanied by an Affidavit stating the nature and extent of the investigation that has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

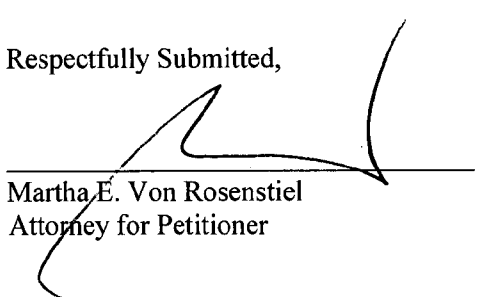
Note: A sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales v. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). Notice of intended adoption mailed to last known address required a "good faith effort" to discover the correct address. Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976)

An illustration of good faith effort to locate the Defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends and employers of the Defendant and (3) examination of local telephone directories, voter registration records, local tax records, and motor vehicle records.

A good faith effort to discover the whereabouts of any potential heirs has been made as evidenced by the attached Affidavit of Reasonable Investigation marked Exhibit III.

**WHEREFORE**, plaintiff respectfully requests service of the Complaint and all subsequent notices by certified and regular mail, and by posting of the premises, and certified and regular mail to the last known address of 2306 Bell Run Road, Grampain, PA 16838.

Respectfully Submitted,



Martha E. Von Rosenstiel  
Attorney for Petitioner

Dated: \_\_\_\_\_

VERIFICATION

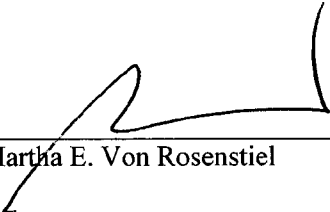
COMMONWEALTH OF PENNSYLVANIA:

SS

COUNTY OF CLEARFIELD

MARTHA E. VON ROSENSTIEL, ESQUIRE, of full age, verifies that she is the attorney for the plaintiff in the foregoing action; that she is fully familiar with the facts in this matter; and that the statements made in the foregoing Motion for Service of the Complaint and all subsequent notices pursuant to Special Order of Court are true and correct to the best of her knowledge, information and belief.

I understand that false statements herein are made subject to penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.



---

Martha E. Von Rosenstiel

Date: September 25, 2007

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP  
MORTGAGE LOAN TRUST, INC., ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2003-HE3  
3476 Stateview Boulevard  
Fort Mill, SC 29715

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED

2306 Bell Run Road

Grampian, PA 16838

AND

ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND  
ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS  
FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER DORIS J. SPENCER, DECEASED

2306 Bell Run Road

Grampian, PA 16838

Defendants

CERTIFICATE OF SERVICE

Martha E. Von Rosenstiel, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of a true and correct time stamped copy of the Motion Cover Sheet, including the Motion Court control number and response date in the above matter was made upon the following by regular first class mail, postage prepaid, deposited with the United States Postal Service 10/1/07:

Estate of Doris J. Spencer, Deceased  
And all Known and Unknown Heirs,  
Successors, And Assigns, Representatives, Devisees,  
And All Persons, Firms or Associations, Claiming Right,  
Title or Interest From or Under Doris J. Spencer, Deceased.  
2306 Bell Run Road  
Grampian, PA 16838

Estate of Doris J. Spencer, Deceased  
And all Known and Unknown Heirs,  
Successors, And Assigns, Representatives, Devisees,  
And All Persons, Firms or Associations, Claiming Right,  
Title or Interest From or Under Doris J. Spencer, Deceased  
P.O. Box 501  
Bell Run Road  
Grampain, PA 16838

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

Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff

Dated: 10/1/07

**MARTHA E. VON ROSENSTIEL, P.C.**  
**ATTORNEY AT LAW**  
649 SOUTH AVENUE, UNIT 7  
P.O. BOX 307  
SECANE, PA 19050

PHONE (610) 328-2887  
FAX (610) 328-2649

Martha E. Von Rosenstiel, Esquire  
Leslie J. Rase, Esquire  
Keri P. Claeys Esquire

February 20, 2007

TO: Estate of Doris Spencer all Known and Unknown Heirs  
Box 501 Bell Run Road  
Grampian, PA 16838

TO: Estate of Doris Spencer all Known and Unknown Heirs  
2306 Bell Run Road  
Grampian, PA 16838

TO: Brian Michael Spencer  
2306 Bell Run Road  
Grampian, PA 16838

TO: Wendy Caldwell  
19 Workers Road  
Grampian, PA 16838

RE: HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.. v.Estate of Doris Spencer all Known and Unknown Heirs  
Box 501 Bell Run Road, Grampain, PA 16838  
Our file # 20511-BP

Dear Estate of Doris Spencer all Known and Unknown Heirs

Please be advised that this office has been retained by America's Servicing Company who is the holder of the mortgage on the above-captioned property. We are sorry to have learned of the unfortunate passing of Doris J. Spencer on September 26, 2006. As an heir of Doris J. Spencer you may have an ownership interest in the mortgaged premises.

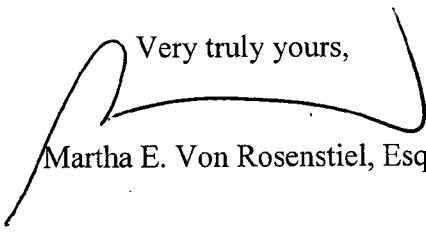
Due to the default on the mortgage, we have been asked to file a mortgage foreclosure action so as to foreclose on the mortgage and proceed to sell the property at sheriff's sale. As an heir, you will be named as a defendant in the mortgage foreclosure action unless you choose to waive any and all interest in the mortgaged premises regarding the mortgage foreclosure action only. This waiver will not affect your interest in the

mortgaged premises should the mortgage default on the said premises is cured in full before the sheriff's sale.

If you are willing to waive your interest in the mortgaged premises and mortgage foreclosure action and do not wish to be named as a defendant in the mortgage foreclosure action, please review, sign, and return the waiver to the undersigned within ten (10) days of the date of this letter. If our office has not received a signed waiver in ten (10) days, you may be named as a defendant in the mortgage foreclosure action.

If you have any questions or concerns please seek legal advice from your attorney. As attorneys for the mortgage company, our office cannot provide you with legal advice.

Very truly yours,



Martha E. Von Rosenstiel, Esquire

IN THE COUNTY OF \_\_\_\_\_, COMMONWEALTH OF PENNSYLVANIA

RE: ESTATE OF Doris J. Spencer

Property Address: Box 501 Bell Run Road, Grampian, PA 16838

Mortgagee's Name, Recording Information: Doris J. Spencer

I, \_\_\_\_\_, hereby waive any and all present and future interest in the property located at Box 501 Bell Run Road, Grampain, PA 16838 (hereinafter "Premises"). I hereby acknowledge that as an heir to Doris J. Spencer I may have an ownership interest in the Premises. I fully understand that by executing this waiver, I am waiving my interest in the Premises with regards to the mortgage foreclosure action being brought by HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.. I also understand that by signing this waiver I will not be named in the mortgage foreclosure action being brought by HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc. against the Premises. I am fully aware that by signing this waiver, it will not affect my interest in the Premises should the mortgage default be cured in full prior to any sheriff's sale.

\_\_\_\_\_  
Name:

Relationship:

Witness:

\_\_\_\_\_  
Name

Date:

\_\_\_\_\_

(814) 765-5595  
FAX (814) 765-6662

PETER F. SMITH  
ATTORNEY  
30 SOUTH SECOND STREET  
P.O. BOX 130  
CLEARFIELD, PENNSYLVANIA 16830

20511 MLC  
letter w/ waiver  
from OPLO  
E-mail  
pfsatty@uplink.net

March 19, 2007

Martha E. Von Rosenstiel, P.C.  
Attorney at Law  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19050

RE: HSBC Bank vs. Estate of Doris Spencer

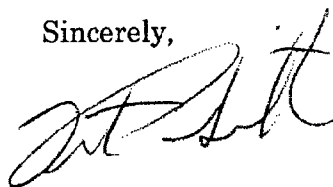
Dear Ms. Von Rosenstiel:

I enclose a signed Waiver in the above matter. As you will see all the heirs of Ms. Spencer have signed it.

I took the liberty of modifying it for the protection of my clients.

I do not represent them in the foreclosure action, and I do not represent their mother's estate.

Sincerely,



Peter F. Smith

PFS/jac  
Enclosure

cc: Wendy L. Caldwell  
Debra A. McDonald  
Brian M. Spencer  
James W. Wisor

EXHIBIT





20511

IN THE COUNTY OF CLEARFIELD, COMMONWEALTH OF PENNSYLVANIA

RE: ESTATE OF Doris J. Spencer  
Property Address: Box 501 Bell Run Road, Grampian, PA 16838  
Mortgagee's Name, Recording Information: Doris J. Spencer

We, being all the heirs at law of Doris J. Spencer, who died September 26, 2006, to wit:

**Wendy L. Caldwell** - 19 Workers Road, Grampian, PA 16838, **Brian M. Spencer** -

2306 Bell Run Road, Grampian, PA 16838, **Debra A. McDonald** - 3860 Zion Road, Olanta, PA 16863 and **James W. Wisor** - 279 Carbide Road, Curwensville, PA 16833, hereby waive any and all present and future interest in the property located at Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Premises"). I hereby acknowledge that as an heir to Doris J. Spencer, I may have an ownership interest in the Premises. I fully understand that by executing this waiver, I am waiving my interest in the Premises with regards to the mortgage foreclosure action being brought by HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. I also understand that by signing this waiver I will not be named in the mortgage foreclosure action being brought by HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Thorough Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A. successor by merger to Wells Fargo Home Mortgage, Inc. against the Premises. I am fully aware that by signing this waiver, it will not affect my interest in the Premises should the mortgage default be cured in full prior to any sheriff's sale.

This is an attempted to collect a debt. Any information obtained will be used for the purpose.

By accepting this waiver, HSBC Bank agrees and acknowledges that the signatories do not have any prior personal liability for and are not now undertaking any personal liability whatsoever for the mortgage or underlying debt owed by the decedent to HSBC Bank or for the real estate subject to its mortgage.

Wendy L. Caldwell  
Name: Wendy L. Caldwell  
Relationship: Daughter

Brian M. Spencer  
Name: Brian M. Spencer  
Relationship: Son

Debra A. McDonald  
Name: Debra A. McDonald  
Relationship: Daughter

James W. Wisor  
Name: James W. Wisor  
Relationship: Son

Witness: [Signature]  
Name  
Date: 3/19/07

This is an attempted to collect a debt. Any information obtained will be used for the purpose.



Culverwood Professional Services  
PO Box 962  
Kimberton, PA 19442  
(610) 933-9289

---

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO :  
BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, :  
INC. :  
3476 STATEVIEW BOULEVARD :  
FORT MILL, SC 29715 :  
PLAINTIFF :  
:

VS.

ESTATE OF DORIS SPENCER ALL  
KNOWN AND UNKNOWN HEIRS  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838  
DEFENDANTS

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**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

**RE: ESTATE OF DORIS SPENCER ALL KNOWN AND UNKNOWN HEIRS**

**PROPERTY ADDRESS: 2306 Bell Run Road, Grampian, PA 16838**

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I, Robert H. Johns, have been requested to investigate the whereabouts of the estate of Doris Spencer and all known and unknown heirs defendant(s) in the above captioned mortgage foreclosure action, as plaintiff, holder of a mortgage on the premises located at 2306 bell Run Road, Grampian, PA 16838, has been unable to make personal service of the Foreclosure Complaint upon defendants.

I hereby certify that I have investigated the present whereabouts of the defendant(s) utilizing the following sources of information in accordance with Pa.R.C.P. 430(a):

EXHIBIT

**POSTAL INQUIRY:**

Inquiry about address information of 2306 Bell Run Road, Grampian, PA 16838 relating to Doris Spencer was made of the United States Postal Service, PA 16838 under the provisions of the Freedom of Information Act, 39 C.F.R. 265.8(d)(6)(u). The response of the Postal Service dated 2/8/07 disclosed that:

☐ Mail is delivered to the address given

☐ No change of address order on file

☐ Not known at address given

☐ Moved, left no forwarding address

☐ No such address

☒ **Other (specify) Deceased**

A copy of the response to the submitted Address Information Request is attached hereto.

Inquiry about address information of Box 501 Bell Run Road, Grampian, PA 16838. relating to Doris Spencer was also made of the United States Postal Service, PA 16838 under the provisions of the Freedom of Information Act, 39 C.F.R. 265.8(d)(6)(u). The response of the Postal Service dated 2/8/07 disclosed that:

☐ Mail is delivered to the address given.

☐ No change of address order on file

☐ Not known at address given

☐ Moved, left no forwarding address

☐ No such address

☒ **Other (specify) Deceased**

A copy of the response to the submitted Address Information Request is attached hereto.

**INTERNET PERSON LOCATOR SEARCH:**

On 2/5/07, I performed an Internet Finders Search, utilizing information maintained by

Accurint, a LexisNexis service utilizing technology and proprietary data linking methods, searching and connecting tens of billions of data records on individuals. Included in the databases searched by Accurint are the national white page directories.

That search confirmed the following:

**SEARCH FOR ADDRESS AND TELEPHONE NUMBER OF Doris Spencer :**

As of January 2007 the address of Doris Spencer was shown as 2306 Bell Run Road, Grampian, PA 16838. Service attempted at this address by the Sheriff was unsuccessful.

There is no telephone number listed at the above address

**SEARCH FOR NEIGHBORS OF John Smith:**

Inquiries made regarding John Smith, of relatives, neighbors and friends have disclosed the following results:

Relative # 1. was: Todd Spencer, 2003 Greenville Pike, Grampian, PA 16838

On 2/10/07 I called the listed number of 814-236-2597 and:

☐ It was disconnected.

☐ It was disconnected with a forwarding number of

☐ There was no answer

☒ **The telephone was answered by Mr. Spencer who stated that he is not a relative.**

Neighbor # 2 was: Brian Keith Spencer, 360 W. Hepburnia Road, Grampian, PA 16838

On 2/10/07 I called the listed number of 814-236-1067 and:

☐ It was disconnected.

☐ It was disconnected with a forwarding number of

☐ There was no answer

☒ **The telephone was answered by Brian Spencer who stated that he is not a relative.**

**OBITUARY SEARCH:**

The search performed by Accurint, a LexisNexis service utilizing technology and proprietary data linking methods, searches all information relating to deaths that is available. A record was found by the Accurint search indicating that Doris Spencer, age 74 is deceased having died in Clearfield, PA on 9/26/06.

**FURTHER INFORMATION:**

Further enquiries revealed that the son's name is Brian Michael Spencer who is believed to be living at the property address. There is a daughter, Wendy Caldwell, 19 Workers Road, Grampian, PA 16838, telephone number 814-236-2692. A call to her revealed that there are four children (would not give names) and they are trying to sell the property but the mortgage company will not talk to them. She said that she would be more than willing to talk to anyone about it.

I verify that the statements made in the foregoing affidavit of good faith investigation are true and correct. 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.

By



File # 20511

Robert H. Johns, Paralegal

CA

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :  
AND :  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendants

**FILED** 300A4y  
012:31/01 VonKoserstiel  
OCT 08 2007 6K  
William A. Shaw  
Prothonotary/Clerk of Courts

### ORDER

It is ORDERED, on this 5<sup>th</sup> day of October, 2007 that Plaintiff's Petition for service of process on all unknown heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title or interest from or under All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Estate of Doris Spencer, Deceased, pursuant to Pa. R.C.P. 430(a) is hereby GRANTED.

Plaintiff is permitted to effectuate service of the Complaint and all subsequent notices by posting of premises located at Box 501 Bell Run Road, Grampian, PA 16838, by first class mail and certified return receipt mail to the same address, and to the last known address, 2306 Bell Run Road, Grampian, PA 16838.

BY THE COURT:

J.

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Suite 7  
P.O. Box 307  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES SERIES :  
2003-HE3 C/O WELLS FARGO BANK, :  
N.A., SUCCESSOR BY MERGER TO : Case No: 07-368-CD  
WELLS FARGO HOME MORTGAGE, INC. :

Plaintiff

vs.

ESTATE OF DORIS SPENCER ALL  
KNOWN AND UNKNOWN HEIRS

Defendant(s)

**FILED**

OCT 15 2007

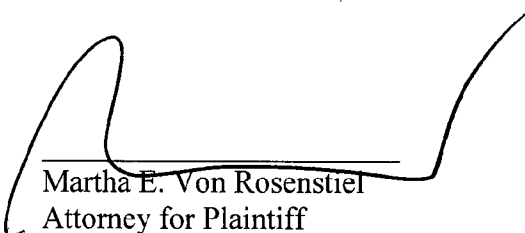
William A. Shaw  
Prothonotary/Clerk of Courts

I CERT W/ REINSTATED  
COMPLAINT TO  
SHR

**PRAECIPE TO REINSTATE COMPLAINT IN MORTGAGE FORECLOSURE**

To the Prothonotary:

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

  
Martha E. Von Rosenstiel  
Attorney for Plaintiff

DATED: October 12, 2007



MARTHA E. VON ROSENSTIEL, ESQUIRE  
 Martha E. Von Rosenstiel  
 649 SOUTH AVENUE  
 UNIT 7  
 SECANE, PA 19018  
 (610) 328-2887  
 Attorney ID # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN  
 TRUST FOR CITIGROUP MORTGAGE  
 LOAN TRUST, INC., ASSET BACKED  
 PASS-THROUGH CERTIFICATES  
 SERIES 2003-HE3  
 C/O WELLS FARGO BANK, N.A.,  
 3476 Stateview Boulevard  
 Fort Mill, SC 29715  
 Plaintiff

: COURT OF COMMON PLEAS  
 : CLEARFIELD COUNTY

: Case No: 07-368-CD

vs.

ESTATE OF DORIS J. SPENCER,  
 DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 AND

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES AND  
 ALL PERSONS FIRMS OR  
 ASSOCIATIONS, CLAIMING RIGHT,  
 TITLE OR INTEREST FROM OR UNDER  
 DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 Defendants

**FILED**  
 MAR 9 2007  
 William A. Shaw  
 Prothonotary/Clerk of Courts

**CIVIL ACTION - MORTGAGE FORECLOSURE**

**THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL  
 BE USED FOR THAT PURPOSE**

**NOTICE**

**ADVISO**

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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar 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 a visado que si usted no se defiende, la corte toma ra 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 o otros de rechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO. ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.**

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

MAR 14 2007

**THIS IS AN ATTEMPT TO COLLECT A DEBT  
ANY INFORMATION OBTAINED MAY BE  
USED FOR THAT PURPOSE**

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

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

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

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

Attorney for Plaintiff

VS.

CIVIL ACTION - MORTGAGE FORECLOSURE

1. Plaintiff is HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3, a bank organized and existing under federal law, with offices for the conduct of business c/o

their servicing agent Wells Fargo Bank, NA at 3476 Stateview Boulevard, Fort Mill, SC 29715.

2. The Estate of Doris J. Spencer, Deceased is the Real Owner, and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Doris J. Spencer, Deceased are or may be the equitable owners and/or heirs at law, of premises Box 501 Bell Run Road, Grampian, PA 16838, hereinafter described, whose last known address is the same as in the caption above.

3. Plaintiff brings this action in mortgage foreclosure against defendants, real owners and equitable owner and/or heirs at law, to foreclose a certain indenture of mortgage made, executed and delivered by Doris J. Spencer to Altegra Credit Company on December 11, 1999, which mortgage was recorded on December 15, 1999 in the Department of Records of Clearfield County as Instrument ID #199920447, secured on premises Box 501 Bell Run Road, Grampian, PA 16838 a true and correct description of which is attached hereto as Exhibit I.

4. The mortgage has since been assigned to the plaintiff herein.

5. Plaintiff alleges each and every term, condition and covenant in the aforesaid mortgage, and hereby incorporates them herein by reference thereto.

6. On or about September 26, 2006 departed this life intestate.

7. Plaintiff avers that no Estate has been raised nor have Administration proceedings been commenced.

8. The aforesaid mortgage is in default in that monthly installments of principal and interest have not been made conformity with the terms of the mortgage, for the month of October 2006 and each month thereafter, up to and including the present time.

9. Under the terms of the aforesaid mortgage, upon default of payments set forth in the mortgage documents, the entire principal balance and all interest due thereon are collectible forthwith.

10. The following is an itemized statement of the amount due plaintiff under the terms of the aforesaid mortgage:

Principal Balance	\$27,978.30
Interest from 09/16/2006 to 03/08/2007	
At \$8.12 per Diem	\$ 1,404.76
Accrued late charges	\$ 53.72
Corporate Advances	\$ 15.00
Attorney's Fee	\$ 1,398.92
Title Information Certificate	\$ 515.00
Photostats and Postage	\$ 50.00
Notarizations	\$ 10.00
 TOTAL	 \$31,425.70

11. 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 Sheriff's sale, reasonable attorney's fees will be charged based on work actually performed.

12. As there are no successor record owners, notice under Act 6 of 1974 is not required.

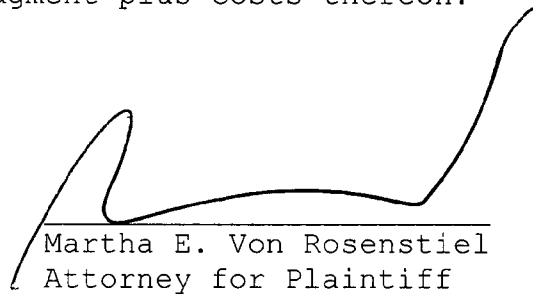
13. As the premises is not owner occupied, Notice under Act 91 of 1983 is not required.

14. Plaintiff has named All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Doris J. Spencer, Deceased, in accordance with Pa. R.C.P 1144(a)(2), and in order to divest any equitable interest they may have in the above described real estate. The named defendants have no individual and personal liability for the mortgage debt.

15. Plaintiff releases, Doris J. Spencer, Deceased, Estate of Doris J. Spencer, Deceased, and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest from or under Doris J. Spencer, Deceased from personal liability for the debt secured by this mortgage. This action is

being brought to foreclose any potential interest they may have in the above-described real estate only.

**WHEREFORE**, plaintiff demands an in rem judgment for foreclosure and sale of the mortgaged premises in the amount of for \$31,425.70, plus per diem interest at \$8.12 from March 9, 2007 to the date of judgment plus costs thereon.



Martha E. Von Rosenstiel  
Attorney for Plaintiff

## LEGAL DESCRIPTION

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

THE FIRST THEREOF: Beginning at a point on the Bell Run Road leading from Walltown to Bella landing, which point is forty (40) feet South of a spring located on land now or formerly of Frank McBride; thence southward by said road its various courses and distances, two hundred (200) feet to a post on line of land formerly belonging to George Rafferty; thence eastward along said Rafferty line, one hundred eighty (180) feet, more or less, to a post on bank of Bell Run; thence in a northerly direction along Bell Run its various courses and distances to a point, which said point may be located by a line drawn from place of beginning in an easterly direction on a courses parallel to the southerly line of the tract herein being described; thence from the aforesaid point in a westerly direction on a line parallel to the southern boundary of the tract herein being described, seventy-five (75) feet, more or less, to a point and place of beginning. Containing approximately 5/8ths of an acre.

THE SECOND THEREOF: BEGINNING at a point on the Bell Run Road which said point is three hundred thirty-eight (338) feet North of the intersection of the Bell Run Road running from Walltown to Bella Landing and the Penn Township road running from the Bell Run Road to Hepburnia; thence in a northerly direction along the course of Bell Run Road, one hundred seventy (170) feet, more or less, to a point, being the southwesterly corner of the first parcel hereinbefore described; thence along the southern boundary of the first parcel hereinbefore described, one hundred eighty (180) feet, more or less, to Bell Run; thence in a southerly direction along the various courses and distance of Bell Run to a point where Bell Run intersections with a straight line drawn from the point of beginning of this description to the northeastern corner of land of the Grantors as described in the first parcel of a deed to the Grantors dated September 22, 1967, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 533, page 454; thence in a westerly direction two hundred fifty (250) feet, more or less, to the Bell Run Road and place of beginning.

TAX PARCEL NUMBER: 125-E10-25.2



Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 6  
Secane, PA 19018  
610 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN  
TRUST FOR CITIGROUP MORTGAGE  
LOAN TRUST, INC., ASSET BACKED  
PASS-THROUGH CERTIFICATES SERIES  
2003-HE3 C/O WELLS FARGO BANK,  
N.A., SUCCESSOR BY MERGER TO  
WELLS FARGO HOME MORTGAGE, INC. :

: COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY

: Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND  
ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendant(s)

FILED  
M 110:0584  
OCT 23 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

### CERTIFICATION OF SERVICE

Martha E. Von Rosenstiel, Esquire, hereby certifies that she is the attorney for the plaintiff herein and that service of the Civil Action in Mortgage Foreclosure in the above matter was made upon on the defendants, ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DORIS J. SPENCER, DECEASED by certified mail and by regular mail, pursuant to Court Order on October 18, 2007.

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

---

Martha E. Von Rosenstiel  
Attorney for Plaintiff

DATED: October 18, 2007

#20511-ORS-PN

COMP

HSBC BANK USA, AS TRUSTEE IN TRUST  
FOR CITIGROUP MORTGAGE LOAN TRUST,  
INC., ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2003-HE3  
3476 Stateview Boulevard  
Fort Mill, SC 29715

COURT OF COMMON PLEAS  
CLEARFIELD COUNTY

Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendants

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

OCT 08 2007

Attest.

*William B. [Signature]*  
Prothonotary/  
Clerk of Courts

### ORDER

It is ORDERED, on this 5<sup>th</sup> day of October, 2007 that Plaintiff's Petition for service of process on all unknown heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title or interest from or under All Known and Unknown Heirs. Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Estate of Doris Spencer, Deceased, pursuant to Pa. R.C.P. 430(a) is hereby GRANTED.

Plaintiff is permitted to effectuate service of the Complaint and all subsequent notices by posting of premises located at Box 501 Bell Run Road, Grampian, PA 16838, by first class mail and certified return receipt mail to the same address, and to the last known address, 2306 Bell Run Road, Grampian, PA 16838.

BY THE COURT:

/S/ Fredric J Ammerman

J.

7006 0810 0000 9809 2347

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

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

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

**OFFICIAL USE**  
 PRIMOS SECANE PA  
 OCT 18 2007  
 Postmark Here  
 19018-9998

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES,  
 ALL PERSONS FIRMS OR ASSOCIATIONS,  
 CLAIMING RIGHT, TITLE OR INTEREST  
 FROM OR UNDER DORIS J. SPENCER, DECEASED.

Sent To  
 Street, Apt. No. or PO Box No. 2306 Bell Run Road  
 City, State, ZIP+4 Grampian, PA 16838

PS Form 3800, June 2002 See Reverse for Instructions

4552 6086 0000 0180 9002

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

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

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

**OFFICIAL USE**  
 PRIMOS SECANE PA  
 OCT 18 2007  
 Postmark Here  
 19018-9998

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES,  
 ALL PERSONS FIRMS OR ASSOCIATIONS,  
 CLAIMING RIGHT, TITLE OR INTEREST  
 FROM OR UNDER DORIS J. SPENCER, DECEASED.

Sent To  
 Street, Apt. No. or PO Box No. Box 501 Bell Run Road  
 City, State, ZIP+4 Grampian, PA 16838

PS Form 3800, June 2002 See Reverse for Instructions

**U.S. POSTAL SERVICE**  
**CERTIFICATE OF MAILING**  
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL DOES NOT  
 PROVIDE FOR INSURANCE—POSTMASTER

Received From  
 MARTHA VON ROSENSTIEL, P.C.  
 649 SOUTH AVENUE  
 UNIT 7  
 SECANE, PA 19018

One piece of ordinary mail addressed to:  
 ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES,  
 ALL PERSONS FIRMS OR ASSOCIATIONS,  
 CLAIMING RIGHT, TITLE OR INTEREST  
 FROM OR UNDER DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838

02 1P  
 000264019  
 MAILED FROM ZIP CODE 19018

PS Form 3817 Mar 1989

Affix fee here in stamps  
 Or meter postage and  
 Postmark, acquire of  
 Postmaster for current  
 fees \$001.050  
 OCT 18 2007  
 MAILED FROM ZIP CODE 19018



**U.S. POSTAL SERVICE**  
**CERTIFICATE OF MAILING**  
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL DOES NOT  
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 CLAIMING RIGHT, TITLE OR INTEREST  
 FROM OR UNDER DORIS J. SPENCER, DECEASED  
 Box 501 Bell Run Road  
 Grampian, PA 16838

02 1P  
 000264019  
 MAILED FROM ZIP CODE 19018

PS Form 3817, Mar. 1989

Affix fee here in stamps  
 Or meter postage and  
 Postmark, acquire of  
 Postmaster for current  
 fees \$001.050  
 OCT 18 2007  
 MAILED FROM ZIP CODE 19018



20511  
 CFC CS

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

HSBC Bank USA, as Trustee in trust for : Court Of Common Pleas  
Citigroup Mortgage Loan Trust, Inc., Asset : Clearfield County  
Backed Pass-Through Certificates Series 2003-:  
HE3 c/o Wells Fargo Bank, N.A., successor by:  
merger to Wells Fargo Home Mortgage, Inc. : Case No: 07-368-CD  
Plaintiff :

vs.

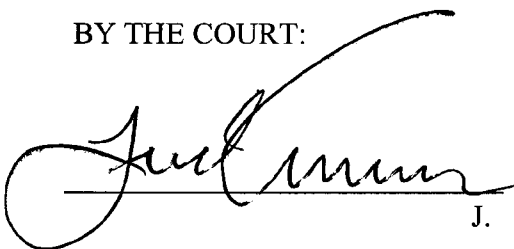
Estate of Doris Spencer all Known and  
Unknown Heirs Defendant

**ORDER**

AND NOW, this 10 day of Dec, 2007, upon consideration of Plaintiff's Motion to File Affidavits of Service Returns, and any response thereto (if any), it is hereby:

ORDERED AND DECREED that the Clearfield County Sheriff's Office is hereby ordered to file all affidavits of service returns in the above-captioned matter within ten (10) days from the date of this Order.

BY THE COURT:

  
J.

FILED 1cc Atty Claeys  
014:0061  
DEC 10 2007 1cc Sheriff  
William A. Shaw (without memo)  
Prothonotary/Clerk of Courts  
(6K)

Martha E. Von Rosenstiel, P.C.  
Keri P. Claeys, Esquire  
649 South Avenue, Unit #7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887

Attorney for Plaintiff

Attorney I.D. #91298

HSBC Bank USA, as Trustee in trust for : Court Of Common Pleas

Citigroup Mortgage Loan Trust, Inc., Asset : Clearfield County

Backed Pass-Through Certificates Series 2003-:

HE3 c/o Wells Fargo Bank, N.A., successor by:

merger to Wells Fargo Home Mortgage, Inc. :

Plaintiff : Case No: 07-368-CD

vs.

Estate of Doris Spencer all Known and :  
Unknown Heirs Defendant

DEC 07 2007  
m/11:50/W  
William A. Shaw  
Notary/Clerk of Courts  
No C/L copy

**PLAINTIFF'S MOTION TO FILE AFFIDAVITS OF SERVICE RETURNS**

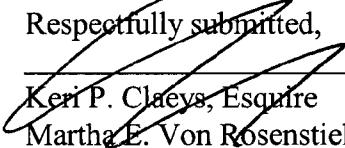
Plaintiff, HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc, by and through its attorneys, Martha E. Von Rosenstiel, P.C., hereby requests that Your Honorable Court enter an Order requiring the Clearfield County Sheriff's Office to file all affidavits of service returns and, in support thereof, avers the following:

1. Doris J. Spencer, executed and delivered a mortgage to Altegra Credit Company, which mortgage is recorded in the Office of the Recorder of Deeds of Clearfield County at Instrument No. 199920447, secured on premises Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Subject Premises").
2. On or about September 26, 2006, Doris Spencer departed this life intestate.

3. For failure to make monthly mortgage payments due October 16, 2006 and each month thereafter, the Plaintiff commenced this action by filing a Complaint in Mortgage Foreclosure on or about March 9, 2007.
4. The Plaintiff filed a Motion for Special Service, which was granted on October 5, 2007.
5. The Complaint in Mortgage Foreclosure was served via posting the Subject Premises and by first class and certified mail to the Subject Premises and 2306 Bell Run Road, Grampian, PA 16838.
6. As to date, the Sheriff of Clearfield County has not filed its service returns for the above-captioned matter.
7. The Plaintiff cannot proceed with filing its praecipe for default judgment without the Sheriff's Office filing the affidavits of service returns with the Court.
8. The Plaintiff is being unduly prejudice by not being able to file its praecipe for default judgment and subsequently its writ of execution.
9. The Plaintiff is seeking an Order from the Court requiring the Sheriff of Clearfield County to file all affidavits of service returns to date with the Court within ten (10) days.

WHEREFORE, Plaintiff respectfully requests that Your Honorable Court enter an Order requiring the Sheriff of Clearfield County to file all affidavits of service returns in the above-captioned matter within ten (10) days.

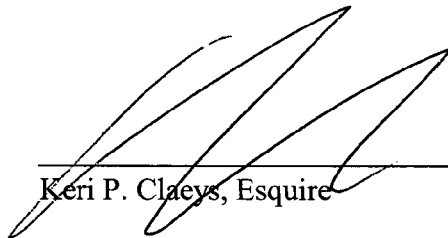
Respectfully submitted,

  
Keri P. Claeys, Esquire  
Martha E. Von Rosenstiel, P.C.  
649 South Avenue, Unit #7  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. #91298

Date: December 4, 2007

**VERIFICATION**

Keri P. Claeys, Esquire, hereby states that she is the attorney for the Plaintiff and that is authorized to take this Verification and that the averments in the foregoing Motion to File Affidavits of Service Returns are true and correct to the best of her knowledge. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Keri P. Claeys, Esquire

Date: December 4, 2007



Martha E. Von Rosenstiel, P.C.  
Keri P. Claeys, Esquire  
649 South Avenue, Unit #7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887

Attorney for Plaintiff

Attorney I.D. #91298  
HSBC Bank USA, as Trustee in trust for : Court Of Common Pleas  
Citigroup Mortgage Loan Trust, Inc., Asset : Clearfield County  
Backed Pass-Through Certificates Series 2003-:  
HE3 c/o Wells Fargo Bank, N.A., successor by:  
merger to Wells Fargo Home Mortgage, Inc. :  
Plaintiff : Case No: 07-368-CD

vs.

Estate of Doris Spencer all Known and  
Unknown Heirs Defendant

### **CERTIFICATION OF SERVICE**

Keri P. Claeys, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of the Motion to File Affidavits of Service Returns and proposed order in the above matter was made upon the following:

Estate of Doris Spencer  
All Known and Unknown Heirs  
Box 501 Bell Run Road  
Grampian, PA 16838

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

by regular first class mail, postage prepaid, deposited with the United States Postal Service on December 5, 2007.

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

  
Keri P. Claeys, Esquire  
Attorney for Plaintiff

Dated: December 4, 2007

1st  
Return

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103082  
NO: 07-368-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and AL KNOWN & UNKNOWN HEIRS etal

SHERIFF RETURN

---

NOW, August 13, 2007 AT 9:00 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT BOX 501 BELL RUN ROAD, GRAMPAN, CLEARFIELD COUNTY, PENNSYLVANIA. (ESTATE OF DORIS J. SPENCER, DECEASED)  
SERVED BY: DAVIS /

FILED  
013:3234  
DEC 11 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 103082  
NO: 07-368-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and AL KNOWN & UNKNOWN HEIRS etal

**SHERIFF RETURN**

---

NOW, August 13, 2007 AT 9:00 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT BOX 501 BELL RUN ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA. (ALL KNOWN & UNKNOWN HEIRS, SUCCESSORS & ASSIGNS, et al)  
SERVED BY: DAVIS /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103082  
NO: 07-368-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED and AL KNOWN & UNKNOWN HEIRS etal

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	ROSENSTIEL	22461	20.00
SHERIFF HAWKINS	ROSENSTIEL	22461	26.64

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

2nd  
posting

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103307  
NO: 07-368-CD  
SERVICE # 1 OF 1  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, Deceased and ALL KNOWN AND UNKNOWN HEIRS et al

SHERIFF RETURN

---

NOW, October 17, 2007 AT 11:24 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT BOX 501 BELL RUN ROAD, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: DAVIS / MORGILLO

FILED

DEC 11 2007

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103307  
NO: 07-368-CD  
SERVICES 1  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: HSBC BANK USA, As Trustee

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, Deceased and ALL KNOWN AND UNKNOWN HEIRS et al

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	ROSENSTIEL	23914	10.00
SHERIFF HAWKINS	ROSENSTIEL	23914	20.64

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff



Martha E. Von Rosenstiel, P.C.  
Keri P. Claeys, Esquire  
649 South Avenue, Unit #7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887

Attorney for Plaintiff

Attorney I.D. #91298

HSBC Bank USA, as Trustee in trust for : Court Of Common Pleas  
Citigroup Mortgage Loan Trust, Inc., Asset : Clearfield County  
Backed Pass-Through Certificates Series 2003-:  
HE3 c/o Wells Fargo Bank, N.A., successor by:  
merger to Wells Fargo Home Mortgage, Inc. :  
Plaintiff : Case No: 07-368-CD

vs.

Estate of Doris Spencer all Known and :  
Unknown Heirs Defendant

FILED  
DEC 17 2007  
m/2:10/07 (6K)  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 cert to App

### CERTIFICATION OF SERVICE

Keri P. Claeys, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of the Court's December 10, 2007 Order granting Plaintiff's Motion to File Affidavits of Service Returns in the above matter was made upon the following:

Estate of Doris Spencer  
All Known and Unknown Heirs  
Box 501 Bell Run Road  
Grampian, PA 16838

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

by regular first class mail, postage prepaid, deposited with the United States Postal Service on December 13, 2007.

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

  
Keri P. Claeys, Esquire  
Attorney for Plaintiff

Dated: December 13, 2007

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR  
 CITIGROUP MORTGAGE LOAN TRUST, INC.,  
 ASSET BACKED PASS-THROUGH CERTIFICATES  
 SERIES 2003-HE3 C/O WELLS FARGO BANK,  
 N.A., SUCCESSOR BY MERGER TO WELLS  
 FARGO HOME MORTGAGE, INC.  
 3476 Stateview Boulevard  
 Fort Mill, SC 29715

Plaintiff

V.

NO. 07-368-CD

ESTATE OF DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838

AND

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES AND ALL  
 PERSONS, FIRMS OR ASSOCIATIONS, CLAIMING  
 RIGHT, TITLE OR INTEREST FROM OR UNDER  
 DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838

Defendant(s)

**FILED**

DEC 24 2007

William A. Shaw  
 Prothonotary/Clerk of Courts  
 cert copy of Praeipe  
 to party  
 cert copy w/notice  
 to listed parties

**PRAECIPE FOR DEFAULT JUDGMENT**

To the Prothonotary:

(XX) Enter judgment in favor of Plaintiff and against: Estate of Doris Spencer all Known and Unknown Heirs for want of an answer.

(X) Assess Damages as Follows

Debt

\$ 31,425.70

Interest from 3/9/07 to 12/21/07

At \$8.12 per diem

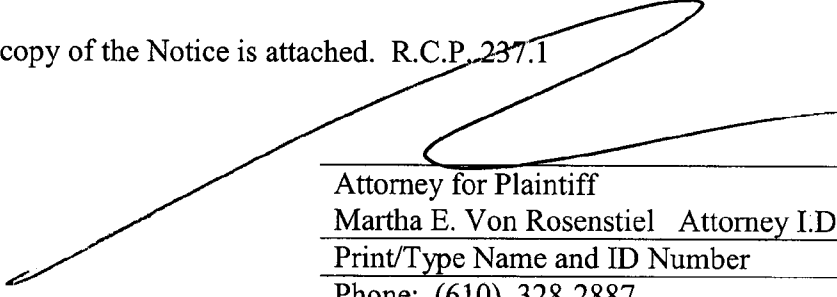
\$ 2,338.56

Total

\$ 33,764.26

I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM CERTAIN FROM THE COMPLAINT. I certify that written notice of the intention to file this Praeipe was mailed or delivered to the party against whom judgment is to be entered and to his attorney of record, if any, after the default occurred and at least (10) days prior to the date of the filing

of this Praecipe. A copy of the Notice is attached. R.C.P. 237.1



---

Attorney for Plaintiff

Martha E. Von Rosenstiel Attorney I.D. #52634

---

Print/Type Name and ID Number

---

Phone: (610) 328-2887

---

This      day of                      , 2007 judgment is entered in favor of the Plaintiff and against Defendant(s), Estate of Doris Spencer all Known and Unknown Heirs by default for want of an answer and damages assessed at the sum of \$33,764.26 as per the above certification.

---

Prothonotary, Clearfield County

Martha E. Von Rosenstiel, P.C. Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue, P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D.# 52634

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O :  
WELLS FARGO BANK, N.A., SUCCESSOR BY:  
MERGER TO WELLS FARGO HOME : Case No: 07-368-CD  
MORTGAGE, INC. :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendant

TO: ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

Box 501 Bell Run Road  
Grampian, PA 16838

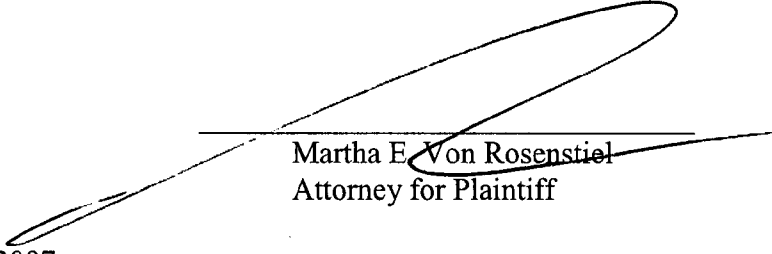
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CLEARFIELD COUNTY  
PENNSYLVANIA BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG PA 17108  
800-692-7375

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
CLEARFIELD, PA 16830



Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: November 8, 2007

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES SERIES :  
2003-HE3 C/O WELLS FARGO BANK, :  
N.A., SUCCESSOR BY MERGER TO : Case No: 07-368-CD  
WELLS FARGO HOME MORTGAGE, INC. :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND  
ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendant

---

TO: ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

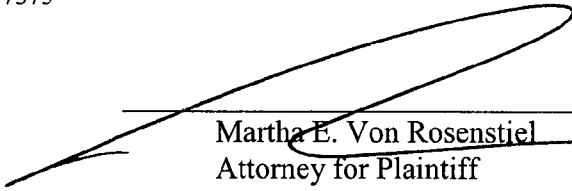
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800-692-7375

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
CLEARFIELD, PA 16830



Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: November 8, 2007

Martha E. Von Rosenstiel, P.C. Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue, P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D.# 52634

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O :  
WELLS FARGO BANK, N.A., SUCCESSOR BY:  
MERGER TO WELLS FARGO HOME : Case No: 07-368-CD  
MORTGAGE, INC. :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendant

---

TO:

Estate of Doris Spencer all Known and Unknown  
Heirs  
Box 501 Bell Run Road  
Grampian, PA 16838

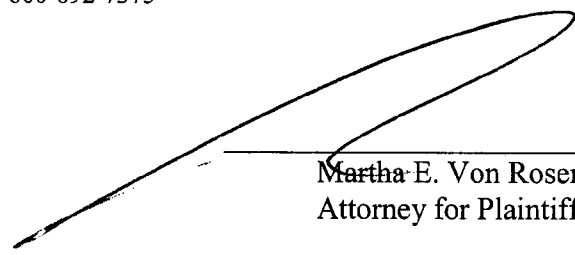
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800-692-7375

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
CLEARFIELD, PA 16830



---

Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: November 8, 2007

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES SERIES :  
2003-HE3 C/O WELLS FARGO BANK, :  
N.A., SUCCESSOR BY MERGER TO : Case No: 07-368-CD  
WELLS FARGO HOME MORTGAGE, INC. :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND  
ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendant

---

TO:

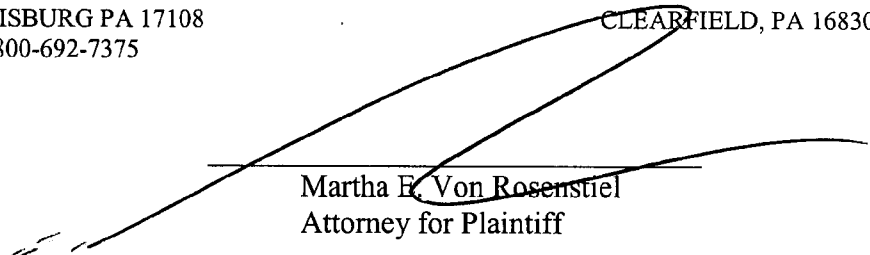
Estate of Doris Spencer all Known and Unknown  
Heirs  
2306 Bell Run Road  
Grampian, PA 16838

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DAVID S. MEHOLICK  
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CLEARFIELD COUNTY COURT HOUSE  
CLEARFIELD, PA 16830



Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: November 8, 2007

Martha E. Von Rosenstiel, P.C. Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue, P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D.# 52634

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
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INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O :  
WELLS FARGO BANK, N.A., SUCCESSOR BY:  
MERGER TO WELLS FARGO HOME : Case No: 07-368-CD  
MORTGAGE, INC. :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendant

---

TO:

Estate of Doris Spencer all Known and Unknown  
Heirs  
19 Workers Road  
Grampian, PA 16838

### IMPORTANT NOTICE

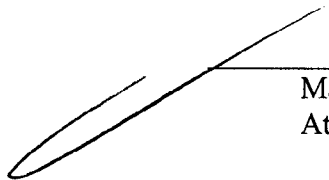
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PENNSYLVANIA BAR ASSOCIATION  
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HARRISBURG PA 17108  
800-692-7375

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
CLEARFIELD, PA 16830



---

Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: November 8, 2007

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES SERIES :  
2003-HE3 C/O WELLS FARGO BANK, :  
N.A., SUCCESSOR BY MERGER TO : Case No: 07-368-CD  
WELLS FARGO HOME MORTGAGE, INC. :  
3476 Stateview Boulevard :  
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Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER,  
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2306 Bell Run Road  
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AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND  
ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendant

TO: ALL KNOWN AND UNKNOWN HEIRS,  
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FROM OR UNDER DORIS J. SPENCER,  
DECEASED

19 Workers Road  
Grampian, PA 16838

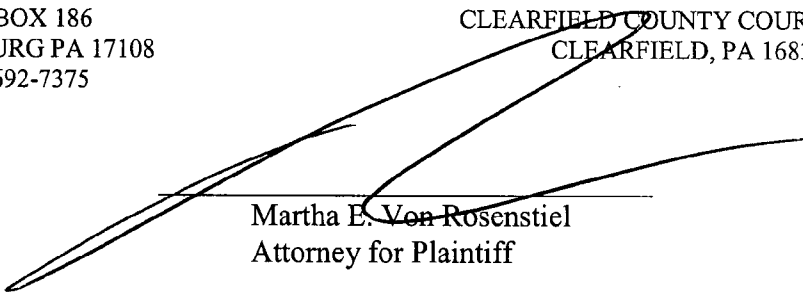
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PENNSYLVANIA BAR ASSOCIATION  
P.O. BOX 186  
HARRISBURG PA 17108  
800-692-7375

DAVID S. MEHOLICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY COURT HOUSE  
CLEARFIELD, PA 16830



Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: November 8, 2007

Martha E. Von Rosenstiel, P.C.      Attorney for Plaintiff  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 6  
Secane, PA 19018  
610-328-2887  
Attorney I.D.# 52634

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. : No: 07-368-CD  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS  
CLAIMING RIGHT, TITLE OR INTEREST FROM  
OR UNDER DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendant(S)

---

**NON MILITARY AFFIDAVIT**

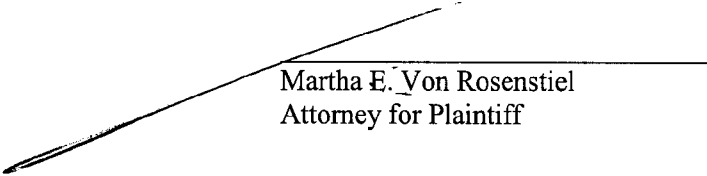
Martha E. Von Rosenstiel, Esquire hereby certifies that:

1. I am the attorney for the plaintiff herein.
2. The individual involved in this action is the owner of the premises described in the mortgage underlying this action.
3. The procedures of the Law Office of Martha E. Von Rosenstiel, P.C. are designed to discover facts concerning the military status of the mortgagor(s) and/or real owner(s).
4. Said procedures were followed in connection with the instant foreclosure proceeding.
5. Inquiry made with the Department of Defense, has confirmed that the defendant(s) is/are not in the military.



6. On information and belief, named mortgagor(s) and real owner(s) is/are not incompetent nor a service member in military service as defined by the Servicemembers Civil Relief Act, 50 U.S.C. Appx. Section 501 et seq.

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



---

Martha E. Von Rosenstiel  
Attorney for Plaintiff

December 21, 2007



OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Court House, 230 East Market Street, Clearfield, PA 16830

William A. Shaw, Sr., Prothonotary

All Known and Unknown Heirs, Successors  
And Assigns, Representatives, Devisees and All  
Persons, Firms or Associations Claiming Right,  
Title or Interest From or Under Doris J. Spencer, Deceased  
2306 Bell Run Road  
Grampian, PA 16838

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
PLAINTIFF

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPAIN, PA 16838  
AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838  
DEFENDANT(S)

**Notice**

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below in the amount of \$33,764.26 on December 21, 2007.

William A. Shaw, Sr.  
*Prothonotary*

☒

Judgment by Default

☐

Money Judgment

☐

Judgment in Replevin

☐

Judgment for Possession

☐

Judgment on Award of Arbitration

☐

Judgment on Court Findings

**If you have any questions concerning this notice, please call: Attorney Martha E. Von Rosenstiel, Esquire at this telephone number: 610-328-2887.**



OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS

Court House, 230 East Market Street, Clearfield, PA 16830

William A. Shaw, Sr., Prothonotary

Estate of Doris Spencer, All Known  
And Unknown Heirs  
Box 501 Bell Run Road  
Grampian, PA 16838

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
PLAINTIFF

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPAIN, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
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William A. Shaw, Sr.  
*Prothonotary*

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

☐

Judgment on Award of Arbitration

☐

Judgment on Court Findings

**If you have any questions concerning this notice, please call:** Attorney Martha E. Von Rosenstiel, Esquire at this telephone number: 610-328-2887



OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Court House, 230 East Market Street, Clearfield, PA 16830

William A. Shaw, Sr., Prothonotary

Estate of Doris Spencer, All Known  
And Unknown Heirs  
2306 Bell Run Road  
Grampian, PA 16838

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
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ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
PLAINTIFF

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPAIN, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
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RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838  
DEFENDANT(S)

**Notice**

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below in the amount of \$33,764.26 on December 21, 2007.

William A. Shaw, Sr.  
*Prothonotary*

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

☐

Judgment on Award of Arbitration

☐

Judgment on Court Findings

**If you have any questions concerning this notice, please call:** Attorney Martha E. Von Rosenstiel, Esquire at this telephone number: 610-328-2887



OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Court House, 230 East Market Street, Clearfield, PA 16830

William A. Shaw, Sr., Prothonotary

Estate of Doris Spencer, All Known  
And Unknown Heirs  
19 Workers Road  
Grampian, PA 16838

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
PLAINTIFF

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPAIN, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838  
DEFENDANT(S)

**Notice**

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William A. Shaw, Sr.  
*Prothonotary*

☒

Judgment by Default

☐

Money Judgment

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Judgment in Replevin



- ☐ Judgment for Possession
- ☐ Judgment on Award of Arbitration
- ☐ Judgment on Court Findings

**If you have any questions concerning this notice, please call: Attorney Martha E. Von Rosenstiel, Esquire at this telephone number: 610-328-2887**



OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Court House, 230 East Market Street, Clearfield, PA 16830

William A. Shaw, Sr., Prothonotary

All Known and Unknown Heirs, Successors  
And Assigns, Representatives, Devisees and All  
Persons, Firms or Associations Claiming Right,  
Title or Interest From or Under Doris J. Spencer, Deceased  
19 Wrokers Road  
Grampian, PA 16838

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
PLAINTIFF

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPAIN, PA 16838  
AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838  
DEFENDANT(S)

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William A. Shaw, Sr.  
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☐

Judgment for Possession

☐

Judgment on Award of Arbitration

☐

Judgment on Court Findings

**If you have any questions concerning this notice, please call: Attorney Martha E. Von Rosenstiel, Esquire at this telephone number: 610-328-2887.**



OFFICE OF THE PROTHONOTARY  
COURT OF COMMON PLEAS  
Court House, 230 East Market Street, Clearfield, PA 16830

William A. Shaw, Sr., Prothonotary

All Known and Unknown Heirs, Successors  
And Assigns, Representatives, Devisees and  
All Persons, Firms or Associations Claiming  
Right, Title or Interest From or Under Doris  
J. Spencer, Deceased  
Box 501 Bell Run Road  
Grampian, PA 16838

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 :  
PLAINTIFF

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
GRAMPAIN, PA 16838  
AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 BELL RUN ROAD  
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William A. Shaw, Sr.  
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Judgment by Default

☐

Money Judgment

- ☐ Judgment in Replevin
- ☐ Judgment for Possession
- ☐ Judgment on Award of Arbitration
- ☐ Judgment on Court Findings

**If you have any questions concerning this notice, please call: Attorney Martha E. Von Rosenstiel, Esquire at this telephone number: 610-328-2887.**

# Commonwealth of Pennsylvania

COUNTY OF CLEARFIELD

HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP  
MORTGAGE LOAN TRUST, INC., ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2003-HE3 C/O WELLS  
FARGO BANK, N.A., SUCCESSOR BY MERGER TO WELLS  
FARGO HOME MORTGAGE, INC.

COURT OF COMMON PLEAS

v.

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND  
ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER DORIS J. SPENCER,  
DECEASED

DOCKET NO. 07-368-CD  
ATTORNEY I.D. #52634

## Praecipe for Writ of Execution

TO THE PROTHONOTARY:

Issue Writ of Execution in the above matter:

AMOUNT DUE  
INTEREST from 12/25/2007 to Sale Date  
At \$5.55 per diem  
TOTAL\*  
\*Plus costs to be endorsed

\$ 33,764.26

\$  
\$

Prothonotary costs

139.00

Martha E. Von Rosenstiel  
Attorney for Plaintiff  
649 South Avenue, Unit #7  
Secane, PA 19018  
(610) 328-2887

PREM: Box 501 Bell Run Road, Grampian, PA 16838

FILED

JAN 07 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Att'y pd 20.00

ICC & Le wnts

to Sheriff w/prop.

Description

(6K)

COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY  
NO. 07-368-CD

**FILED**

JAN 07 2008

William A. Shaw  
Prothonotary/Clerk of Courts

HSBC BANK USA, AS TRUSTEE IN TRUST FOR  
CITIGROUP MORTGAGE LOAN TRUST, INC.,  
ASSET BACKED PASS-THROUGH CERTIFICATES  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A.,  
SUCCESSOR BY MERGER TO WELLS FARGO  
HOME MORTGAGE, INC.

v.

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS, CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED

**Praecipe for Writ of Execution**  
(Mortgage Foreclosure)

AMOUNT DUE	\$	33,764.26	
INTEREST from			
12/25/2007 to Sale Date			
At \$5.55 per diem	\$		
TOTAL*	\$		
*Plus costs to be endorsed			
		139.00	Prothonotary costs

Martha E. Von Rosenstiel  
Attorney for Plaintiff  
649 South Avenue, Unit #7  
Secane, PA 19018  
(610) 328-2887

# Commonwealth Of Pennsylvania

## COUNTY OF CLEARFIELD

COPY

HSBC BANK USA, AS TRUSTEE IN TRUST  
FOR CITIGROUP MORTGAGE LOAN  
TRUST, INC., ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2003-  
HE3 C/O WELLS FARGO BANK, N.A.,  
SUCCESSOR BY MERGER TO WELLS  
FARGO HOME MORTGAGE, INC.  
3476 Stateview Boulevard  
Fort Mill, SC 29715

COURT OF COMMON PLEAS  
DOCKET NO. 07-368-CD  
ATTORNEY I.D. #52634

v

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

## Writ Of Execution

(Mortgage Foreclosure)

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: Box 501 Bell Run Road Grampian PA 16838 (see attached Exhibit I)

AMOUNT DUE	\$	33,764.26
INTEREST FROM	12/25/2007 to Sale Date	
	at \$5.55 per diem	\$

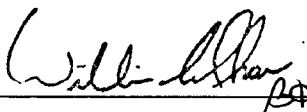
TOTAL\* \$

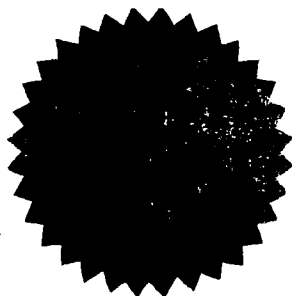
\*Plus costs to be endorsed

Prothonotary costs 139.00

William A. Shaw, Sr., Prothonotary

By:

  
Deputy 11/7/08





COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY

NO. 07-368-CD

HSBC BANK USA, AS TRUSTEE IN TRUST  
FOR CITIGROUP MORTGAGE LOAN TRUST,  
INC., ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2003-HE3 C/O  
WELLS FARGO BANK, N.A., SUCCESSOR BY  
MERGER TO WELLS FARGO HOME  
MORTGAGE, INC.

v.

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

**Writ of Execution**

(Mortgage Foreclosure)

COSTS

Amount due \$33,764.26

Interest from 12/25/2007 to Sale

Date at \$5.55 per diem \$

Attorney

Atty,'s Comm

Copies

Prothy Prothonotary costs 139.00

Sat

Sheriff's Costs

Foreclosure Costs

TOTAL

Martha E. Von Rosenstiel

Attorney for Plaintiff

649 South Avenue, Unit #7, Secane, PA 19018

(610) 328-2887

Martha E. Von Rosenstiel, P.C.  
 Martha E. Von Rosenstiel, Esquire  
 649 South Avenue, Unit 6  
 Secane, PA 19018  
 610-328-2887  
 Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR	:	COURT OF COMMON PLEAS
CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET	:	CLEARFIELD COUNTY
BACKED PASS-THROUGH CERTIFICATES SERIES 2003-	:	
HE3 C/O WELLS FARGO BANK, N.A., SUCCESSOR BY	:	
MERGER TO WELLS FARGO HOME MORTGAGE, INC.	:	
Plaintiff	:	NO: 07-368-CD
VS.	:	
ESTATE OF DORIS J. SPENCER, DECEASED	:	
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS	:	
AND ASSIGNS, REPRESENTATIVES, DEVISEES AND	:	
ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING	:	
RIGHT, TITLE OR INTEREST FROM OR UNDER DORIS	:	
J. SPENCER, DECEASED	:	
Defendant(s)	:	

### **LEGAL DESCRIPTION**

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

THE FIRST THEREOF: Beginning at a point on the Bell Run Road leading from Walltown to Bella landing, which point is forty (40) feet South of a spring located on land now or formerly of Frank McBride; thence southward by said road its various courses and distances, two hundred (200) feet to a post on line of land formerly belonging to George Rafferty; thence eastward along said Rafferty line, one hundred eighty (180) feet, more or less, to a post on bank of Bell Run; thence in a northerly direction along Bell Run its various courses and distances to a point, which said point may be located by a line drawn from place of beginning in an easterly direction on a courses parallel to the southerly line of the tract herein being described; thence from the aforesaid point in a westerly direction on a line parallel to the southern boundary of the tract herein being described, seventy-five (75) feet, more or less, to a point and place of beginning. Containing approximately 5/8ths of an acre.

THE SECOND THEREOF: BEGINNING at a point on the Bell Run Road which said point is three hundred thirty-eight (338) feet North of the intersection of the Bell Run Road running from Walltown to Bella Landing and the Penn Township road running from the Bell Run Road to Hepburnia; thence in a northerly direction along the course of Bell Run Road, one hundred seventy (170) feet, more or less, to a point, being the southwesterly corner of the first parcel hereinbefore described; thence along the southern boundary of the first parcel hereinbefore described, one hundred eighty (180) feet, more or less, to Bell Run; thence in a southerly direction along the various courses and distance of Bell Run to a point where Bell Run intersections with a straight line drawn from the point of beginning of this description to the northeastern corner of land of the Grantors as described in the first parcel of a deed to the Grantors dated September 22, 1967, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 533, page 454; thence in a westerly direction two hundred fifty (250) feet, more or less, to the Bell Run Road and place of beginning.

TAX PARCEL NUMBER: 125-E10-25.2

IMPROVEMENTS: Residential dwelling

TITLE TO SAID PREMISES IS VESTED IN Doris J. Spencer by Deed from Dean W. Spencer and Doris J. Spencer, his wife, dated 2/27/1995 and recorded 3/3/1995 in Deed Book Volume 1662, Page 91.

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 6  
Secane, PA 19018  
610-228-2887  
Attorney I.D.# 52634

#20511CAM - DK  
Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD  
Plaintiff :  
:

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES,  
DEVISEES AND ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
Defendant(s)

#### **AFFIDAVIT OF NOTICE PURSUANT TO RULE 3129.1**

**MARTHA E. VON ROSENSTIEL, ESQUIRE**, attorney for the Plaintiff in the above action, sets forth as of the date the Praeipce for the Writ of Execution was filed the following information concerning the real property located at Box 501 Bell Run Road, Grampian, PA 16838:

1. Name and address of owners(s) or reputed owner(s)

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES,  
DEVISEES AND ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

2. Name and address of defendant(s) in the judgment:

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES,  
DEVISEES AND ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER DORIS J. SPENCER, DECEASED

2306 Bell Run Road  
Grampian, PA 16838

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

Peter F. Smith, Esquire  
30 South Second Street  
P.O. Box 130  
Clearfield, PA 16830

Wendy L. Caldwell  
19 Workers Road  
Grampian, PA 16838

Brian Spencer  
2306 Bell Run Road  
Grampian, PA 16838

Debra A. McDonald  
3860 Zion Road  
Olanta, PA 16863

James W. Wisor  
279 Carbide Road  
Curwensville, PA 16833

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

Clearfield County Tax Claim  
230 East Market Street  
Clearfield, PA 16830

Clearfield County Register Wills  
County Courthouse  
Clearfield, PA 16830

Attorney General of U.S.  
C/o Assistant Atty. General  
Tax Division  
U.S. Department of Justice  
Post Office Box 227  
Washington, DC 20044

PA. Department of Revenue  
Inheritance Tax Bureau  
Strawberry Square, 11th Floor  
Harrisburg, PA 17128

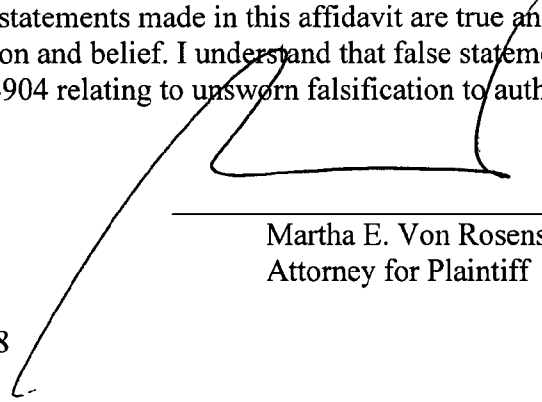
Bureau of Compliance  
Clearance Support Section  
Attn: Sheriff's Sale  
Dept. 281230  
Harrisburg, PA 17129

Family Court/Domestic Relations  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

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

Occupant  
Box 501 Bell Run Road  
Grampian, PA 16838

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.



---

Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: January 04, 2008

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 6  
Secane, PA 19018  
610-328-2887  
Attorney I.D.# 52634

#20511CAM - DK  
Attorney for Plaintiff

4

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET : CLEARFIELD COUNTY  
BACKED PASS-THROUGH CERTIFICATES SERIES 2003-:  
HE3 C/O WELLS FARGO BANK, N.A., SUCCESSOR BY :  
MERGER TO WELLS FARGO HOME MORTGAGE, INC. :  
Plaintiff : NO: 07-368-CD

VS.

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS  
AND ASSIGNS, REPRESENTATIVES, DEVISEES AND  
ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER DORIS  
J. SPENCER, DECEASED

Defendant(s)

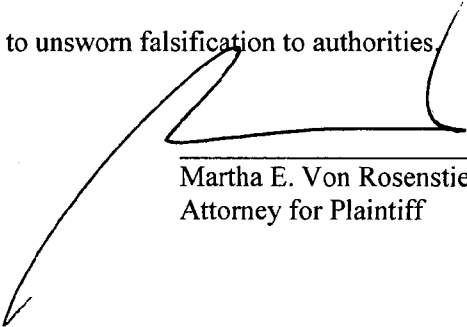
FILED

JAN 28 2008  
M/12:30/W  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 cert to  
ATTN

**AFFIDAVIT OF SERVICE OF NOTICES PURSUANT TO RULE 3129.1**

MARTHA E. VON ROSENSTIEL, ESQUIRE, attorney for the Plaintiff in the above action,  
hereby verifies that on January 23, 2008, true and correct copies of the Notice of Sheriff's Sale  
were served upon recorded lienholders and any known interested parties by regular first class mail,  
postage prepaid with Certificate of Mailing evidencing said service attached hereto as Exhibit I. On  
January 23, 2008, true and correct copies of the Notice of Sheriff's Sale were sent to the Estate of  
Doris Spencer and All Known and Unknown Heirs pursuant to court order dated October 5, 2007  
evidencing said service attached hereto as Exhibit II.

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.

  
\_\_\_\_\_  
Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: January 04, 2008

#20511-ORS-PN

COMP

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :  
AND :

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendants

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

OCT 08 2007

Attest.

*William A. Allen*  
Prothonotary/  
Clerk of Courts

### ORDER

It is ORDERED, on this 5<sup>th</sup> day of October, 2007 that Plaintiff's Petition for service of process on all unknown heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title or interest from or under All Known and Unknown Heirs. Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Estate of Doris Spencer, Deceased, pursuant to Pa. R.C.P. 430(a) is hereby GRANTED.

Plaintiff is permitted to effectuate service of the Complaint and all subsequent notices by posting of premises located at Box 501 Bell Run Road, Grampian, PA 16838, by first class mail and certified return receipt mail to the same address, and to the last known address, 2306 Bell Run Road, Grampian, PA 16838.

BY THE COURT:

/S/ Fredric J Ammerman

J.

7006 0810 0000 9808 9996

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

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 PRIMOS SECANE PA  
 JAN 23 2008  
 8666-81061 5d5n

**ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, REPRESENTATIVES, DEVISEES, ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER**  
**DORIS J. SPENCER, DECEASED**

Sent To  
 Street, Apt. No., or PO Box No.  
 2306 Bell Run Road  
 Grampian, PA. 16838  
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

7006 0810 0000 9808 9989

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

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

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Certified Fee	
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Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Postmark Here  
 PRIMOS SECANE PA  
 JAN 23 2008  
 8666-81061 5d5n

**ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS, ASSIGNS, REPRESENTATIVES, DEVISEES, ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER**  
**DORIS J. SPENCER, DECEASED**

Sent To  
 Street, Apt. No., or PO Box No.  
 Box 501 Bell Run Road  
 Grampian, PA. 16838  
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

7006 0810 0000 9808 9965

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Postage	\$
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Postmark Here  
 PRIMOS SECANE PA  
 JAN 23 2008  
 8666-81061 5d5n

**ESTATE OF DORIS J. SPENCER, DECEASED**

Sent To  
 Street, Apt. No., or PO Box No.  
 2306 Bell Run Road  
 Grampian, PA. 16838  
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

7006 0810 0000 9808 9972

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
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Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	

Postmark Here  
 PRIMOS SECANE PA  
 JAN 23 2008  
 8666-81061 5d5n

**ESTATE OF DORIS J. SPENCER, DECEASED**

Sent To  
 Street, Apt. No., or PO Box No.  
 Box 501 Bell Run Road  
 Grampian, PA. 16838  
 City, State, ZIP+4

PS Form 3800, June 2002 See Reverse for Instructions

U.S. POSTAL SERVICE  
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER

Received From:

MARTHA VON ROSEN  
 649 SOUTH AVE  
 UNIT 7  
 SECANE, PA 19018

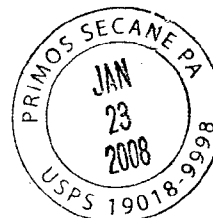
One piece of ordinary mail addressed to:

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS, ASSIGNS, REPRESENTATIVES,  
 DEVISEES, ALL PERSONS FIRMS OR  
 ASSOCIATIONS, CLAIMING RIGHT, TITLE  
 OR INTEREST FROM OR UNDER  
 DORIS J. SPENCER, DECEASED  
 Box 501 Bell Run Road  
 Grampian, PA. 16838

PS Form 3817, Mar. 1989

On meter postage and Post mark. Inquire of Postmaster for current

UNITED STATES POSTAL SERVICE  
 PITNEY BOWES  
 02 1P  
 0002664019 JAN 23 2008  
 MAILED FROM ZIP CODE 19018



20511  
 554



U.S. POSTAL SERVICE

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

MARTHA VON ROSE  
649 SOUTH AVE  
UNIT 7  
SECANE, PA 19018

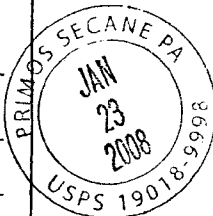
One piece of ordinary mail addressed to:

ESTATE OF DORIS J. SPENCER, DECEASED  
Box 501 Bell Run Road  
Grampian, PA. 16838



02 1P  
0002664019 JAN 23 2008  
MAILED FROM ZIP CODE 19018

PITNEY BOWES  
\$ 001.050



PS Form 3817, Mar. 1989

20511  
SS4

U.S. POSTAL SERVICE

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

MARTHA VON ROSE  
649 SOUTH AVE  
UNIT 7  
SECANE, PA 19018

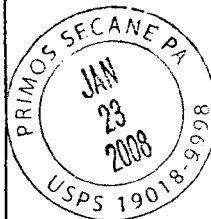
One piece of ordinary mail addressed to:

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA. 16838



02 1P  
0002664019 JAN 23 2008  
MAILED FROM ZIP CODE 19018

PITNEY BOWES  
\$ 001.050



PS Form 3817, Mar. 1989

20511  
SS4

U.S. POSTAL SERVICE

MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

MARTHA VON ROSE  
649 SOUTH AVE  
UNIT 7  
SECANE, PA 19018

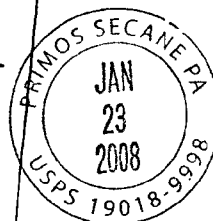
One piece of ordinary mail addressed to:

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS, ASSIGNS, REPRESENTATIVES,  
DEVISEES, ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT, TITLE  
OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA. 16838



02 1P  
0002664019 JAN 23 2008  
MAILED FROM ZIP CODE 19018

PITNEY BOWES  
\$ 001.050



PS Form 3817, Mar. 1989

20511  
SS4

Name and Address of Sender  
**MARTHA E. VON ROSENSTIEL, P.C.**  
**Attorney At Law**  
**649 South Avenue, Unit 7**  
**Secane, PA. 19018**

☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured ☐ Int'l Recorded Del.  
☐ COD ☐ Express Mail  
☐ Certified

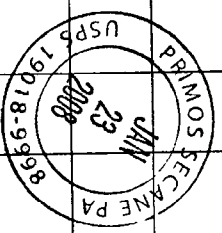
For Registered Mail:  
☐ With Postal Insurance  
☐ Without Postal Insurance

certified or mailing or for additional copies of this bill  
**UNITED STATES POSTAL SERVICE**  
**PHILIP BOWEN**  
**02 1P**  
**002664019 JAN 23 2008**  
**MAILED FROM ZIP CODE 19018**  
**\$003.850**  
 Remarks

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender If COD	Fee	Fee	Fee	Remarks
1	#20511 1 of 2	Clearfield County Tax Claim 230 East Market Street Clearfield, PA. 16830										
2		Clearfield County Register Wills County Courthouse Clearfield, PA.										
3		Attorney General of U.S. C/o Assistant Atty. General Tax Division U.S. Department of Justice Post Office Box 227 Washington, DC. 20044										
4		PA. Department of Revenue Inheritance Tax Bureau Strawberry Square, 11 <sup>th</sup> Floor Harrisburg, PA. 17128										
5		Bureau of Compliance Clearance Support Section Attn: Sheriff's Sale Dept. 281230 Harrisburg, PA. 17129										
6		Family Court/Domestic Relations Clearfield County Courthouse 1 North Second Street Clearfield, PA. 16830										
7		Department of Public Welfare P.O. Box 2675 Harrisburg, PA. 17105										
8		Occupants / Tenants Box 501 Bell Run Road Grampian, PA. 16838										
9		James W. Wisor 279 Carbine Road Curwensville, PA. 16833										
10		Debra A. McDonald 3860 Zion Road Oianta, PA. 16863										
11		Brian Spencer 2306 Bell Run Road Grampian, PA. 16838										
Total Number of Pieces Listed by Sender		Total Number of Pieces	Postmaster Pen (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per price subject to a limit of \$500,000 per item. The maximum indemnity payable for the reconstruction of negotiable documents under Registered Mail document reconstruction insurance is \$500,000 per item.								

PRIMOS SECCANE PA  
JAN 23 2008  
USPS 19018-9998

02 1P  
\$003.850  
D002664019 JAN 23 2008  
MAILED FROM ZIP CODE 19018





IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

HSBC BANK USA, AS TRUSTEE IN TRUST FOR :  
CITIGROUP MORTGAGE LOAN TRUST, INC., :  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS : Case No: 07-368-CD  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. :  
Plaintiff :

vs. :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendant(s) :

**ORDER**

AND NOW, to wit this            day of            , 2008 that upon consideration  
of the Motion to Reassess Damages in Mortgage Foreclosure in the above matter, it is

ORDERED that plaintiff is permitted to reassess damages in the above matter to reflect  
additional interest, escrow and corporate advances, plus fees and costs due and owing pursuant  
to the mortgage between the parties and incurred since the original assessment of damages was  
filed on December 24, 2007. Damages may be reassessed at \$42,490.37, as set forth in the  
Motion herein, plus itemized per diem interest at \$6.99 from February 8, 2008 to the date of sale.

BY THE COURT:

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

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. : Case No: 07-368-CD  
Plaintiff :

vs. :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendant(s)

3cc  
m/19:58/2011 Atty  
Von Rosenstiel  
William A. Shaw  
Notary/Clerk of Courts

**MOTION TO REASSESS DAMAGES IN MORTGAGE FORECLOSURE**

TO THE HONORABLE JUDGES OF THE SAID COURT:

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire, moves this Honorable Court for an Order to reassess damages in the above-referenced Mortgage Foreclosure action and in support thereof avers the following:

1. The Plaintiff filed its Complaint in Mortgage Foreclosure against the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or Interest from or Under Doris J. Spencer, Deceased on or

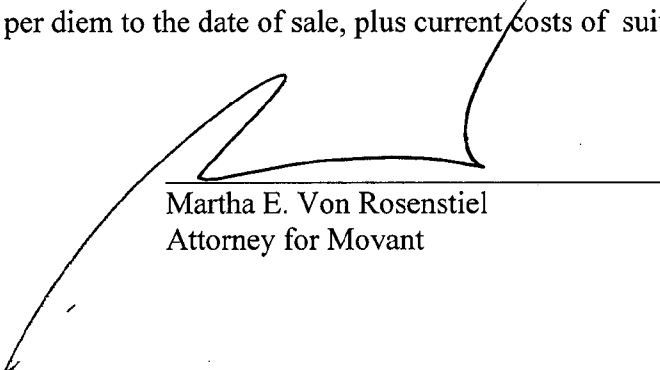
about March 9, 2007, for the failure to make monthly mortgage payments due October 16, 2006 for the property located at Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Subject Premises")(Exhibit I).

2. For the Defendant(s)' failure to file a responsive pleading to Plaintiff's Complaint, an in rem default judgment was obtained on December 24, 2007, damages were assessed, and the property was scheduled for Sheriff's sale on April 4, 2008. A true and correct copy of the default judgment is attached hereto, made part hereof and marked as Exhibit II.
3. In the months between the filing of the mortgage foreclosure complaint and the present, mortgagors have made no payments.
4. During the months between the filing of the Complaint in Mortgage Foreclosure and the present, additional mortgage payments have become due and the amount of interest, reimbursement for escrow advances and attorney's fees and costs has increased.
5. The present state of the delinquency is as follows:

Principal balance	\$ 27,978.30
Interest from 9/16/2006 to 2/7/2008	
At \$8.12 per diem	\$ 4,141.20
Accrued late charges per Complaint	\$ 53.72
Escrow Advances	\$ 1,980.87
Foreclosure costs	\$ 5,472.28
Foreclosure Attorney's fees	\$ 1,250.00
Property Preservation	\$ 1,124.00
Inspections	\$ 165.00
BPO's	\$ 310.00
NSF charges	\$ 15.00
Total	\$ 42,490.37

6. In order to reassess, the Plaintiff seeks the Court's permission to reassess the amount of the judgment entered on December 24, 2007, to include additional monies that have become due and owing on the Defendant(s)' mortgage loan.
7. If the Plaintiff were not granted reassessment of damages in this matter, the Plaintiff would be severely prejudiced in that it would not be able to recoup those amounts advanced by the Plaintiff in order to protect its security interests as well as those amounts currently due and owing by the Defendant(s).

WHEREFORE, plaintiff respectfully prays that the Court issue an Order permitting reassessment of damages in accordance with the above statement, plus itemized per diem interest from February 8, 2008 at \$6.99 per diem to the date of sale, plus current costs of suit.



---

Martha E. Von Rosenstiel  
Attorney for Movant

HSBC BANK USA, AS TRUSTEE IN TRUST FOR	:	COURT OF COMMON PLEAS
CITIGROUP MORTGAGE LOAN TRUST, INC.,	:	CLEARFIELD COUNTY
ASSET BACKED PASS-THROUGH	:	
CERTIFICATES SERIES 2003-HE3 C/O WELLS	:	
FARGO BANK, N.A., SUCCESSOR BY MERGER	:	
TO WELLS FARGO HOME MORTGAGE, INC.	:	Case No: 07-368-CD
Plaintiff	:	

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST FROM  
OR UNDER DORIS J. SPENCER, DECEASED  
Defendant(s)

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire, moves this Honorable Court for an Order to reassess damages in the above-referenced matter and in support thereof avers the following:

The Plaintiff filed its Complaint in Mortgage Foreclosure against the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or



Interest from or Under Doris J. Spencer, Deceased on or about March 9, 2007, for the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or Interest from or Under Doris J. Spencer, Deceased failure to make monthly mortgage payments due October 16, 2006 for the property located at Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Subject Premises")(Exhibit I). For the Defendant(s)' failure to file a responsive pleading to Plaintiff's Complaint, an in rem default judgment was obtained on December 24, 2007, damages were assessed, and the property was scheduled for Sheriff's sale on April 4, 2008. A true and correct copy of the default judgment is attached hereto, made part hereof and marked as Exhibit II.

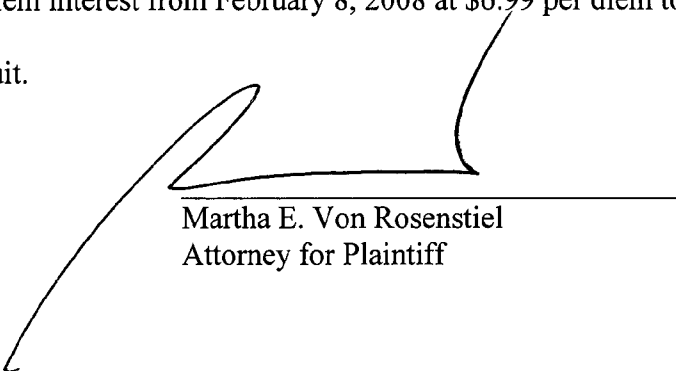
## **II. ARGUMENT**

Under Rule 1037 (b) of the Pennsylvania Rules of Civil Procedure, the Prothonotary is authorized to enter a default judgment when the Complaint sets forth exact amounts, which defendants owe, if they fail to answer the Complaint within the prescribed time.

In the instant case, damages were assessed by the Prothonotary. However, the assessment has been outdated by the lapse of time between the judgment date and the date of sale. In the intervening months since the original assessment of damages, additional interest and late charges have accrued, and Plaintiff has expended funds for taxes, insurance and attorney's fees and costs. The Court in Morgan Guaranty Trust Company of New York v. Mowl, 705 A.2d. 923 (1998), stated that "the mortgagee is required to petition the court and provide notice and an opportunity to be heard to the mortgagors if the mortgagee wants to increase the amount of the judgment before it is satisfied."

Plaintiff was required to pay any tax and insurance premiums in order to protect its security interest. Additionally, Plaintiff has had to expend additional funds to prosecute the instant mortgage foreclosure action. Plaintiff has itemized the amounts in its attached Motion, the current amounts due and owing by the Defendant(s), which it seeks to recover in accordance with the mortgage. If the Plaintiff were not granted reassessment of damages in this matter, the Plaintiff would be severely prejudice in that it would not be able to recoup those amounts advanced by the Plaintiff in order to protect its security interest in the property as well as those amounts currently due and owing by the Defendant(s).

WHEREFORE, Plaintiff respectfully request that the Court issue an Order granting Plaintiff's Motion to Reassess Damages in Mortgage Foreclosure in accordance with the above statement, plus itemized per diem interest from February 8, 2008 at \$6.99 per diem to the date of sale and current costs of the suit.



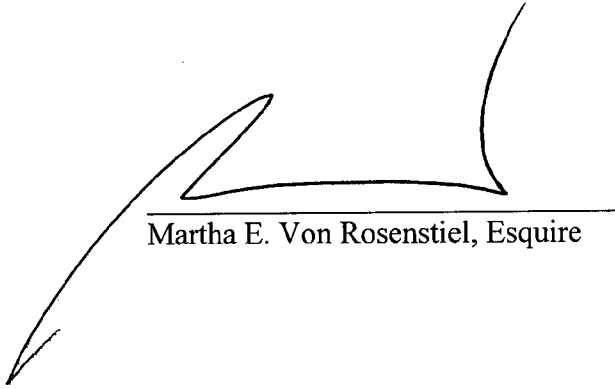
---

Martha E. Von Rosenstiel  
Attorney for Plaintiff

Date: February 7, 2008

**VERIFICATION**

Martha E. Von Rosenstiel, Esquire, of full age, verifies that she is the attorney for the plaintiff in the foregoing action; that she is authorized to make this verification on behalf of the plaintiff; and that she is fully familiar with the facts in this matter; that she has prepared the foregoing Motion to Reassess Damages in Mortgage Foreclosure from the facts which are her own personal knowledge, and that the facts are true and correct to the best of her knowledge, information and belief.



---

Martha E. Von Rosenstiel, Esquire

Dated: February 07, 2008

MARTHA E. VON ROSENSTIEL, ESQUIRE  
Martha E. Von Rosenstiel  
649 SOUTH AVENUE  
UNIT 7  
SECANE, PA 19018  
(610) 328-2887  
Attorney ID # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN  
TRUST FOR CITIGROUP MORTGAGE  
LOAN TRUST, INC., ASSET BACKED  
PASS-THROUGH CERTIFICATES  
SERIES 2003-HE3  
C/O WELLS FARGO BANK, N.A.,  
3476 Stateview Boulevard  
Fort Mill, SC 29715  
Plaintiff

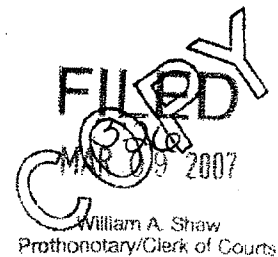
: COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY

: Case No: 07-368-CD

vs.

ESTATE OF DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND  
ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
Defendants



**CIVIL ACTION - MORTGAGE FORECLOSURE**

**THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL  
BE USED FOR THAT PURPOSE**

**NOTICE**

**ADVISO**

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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar 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 a visado que si usted no se defiende, la corte toma ra medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, 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 o otros de rechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO. ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.**

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

Exhibit I

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR  
CITIGROUP MORTGAGE LOAN TRUST, INC.,  
ASSET BACKED PASS-THROUGH CERTIFICATES  
SERIES 2003-HE3 C/O WELLS FARGO BANK,  
N.A., SUCCESSOR BY MERGER TO WELLS  
FARGO HOME MORTGAGE, INC.  
3476 Stateview Boulevard  
Fort Mill, SC 29715

Plaintiff

V.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS, CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

Defendant(s)

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

DEC 24 2007

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

NO. 07-368-CD

**PRAECIPE FOR DEFAULT JUDGMENT**

To the Prothonotary:

(XX) Enter judgment in favor of Plaintiff and against: Estate of Doris Spencer all Known  
and Unknown Heirs for want of an answer.

(X) Assess Damages as Follows

Debt	\$ 31,425.70
Interest from 3/9/07 to 12/21/07	
At \$8.12 per diem	\$ 2,338.56
Total	\$ 33,764.26

I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED  
AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM  
CERTAIN FROM THE COMPLAINT. I certify that written notice of the intention to file this  
Praecipe was mailed or delivered to the party against whom judgment is to be entered and to his  
attorney of record, if any, after the default occurred and at least (10) days prior to the date of the filing

Exhibit II

of this Praecipe. A copy of the Notice is attached. R.C.P. 237.1

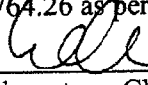
Attorney for Plaintiff

Martha E. Von Rosenstiel Attorney I.D. #52634

Print/Type Name and ID Number

Phone: (610) 328-2887

This 24 day of December, 2007 judgment is entered in favor of the Plaintiff and against Defendant(s), Estate of Doris Spencer all Known and Unknown Heirs by default for want of an answer and damages assessed at the sum of \$33,764.26 as per the above certification.

  
Prothonotary, Clearfield County

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR	:	COURT OF COMMON PLEAS
CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET	:	CLEARFIELD COUNTY
BACKED PASS-THROUGH CERTIFICATES SERIES	:	
2003-HE3 C/O WELLS FARGO BANK, N.A.,	:	
SUCCESSOR BY MERGER TO WELLS FARGO HOME	:	
MORTGAGE, INC.	:	No: 07-368-CD
Plaintiff	:	
VS.	:	
ESTATE OF DORIS J. SPENCER, DECEASED	:	
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS	:	
AND ASSIGNS, REPRESENTATIVES, DEVISEES AND	:	
ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING	:	
RIGHT, TITLE OR INTEREST FROM OR UNDER	:	
DORIS J. SPENCER, DECEASED	:	
Defendants	:	

**CERTIFICATE OF SERVICE**

Martha E. Von Rosenstiel, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of the Motion to Reassess the Damages, brief in support thereof, attached exhibits, notice of presentation and proposed order in the above matter was made upon the following:

Estate of Doris J. Spencer, Deceased  
All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons,  
Firms or Associations, Claiming Right, Title or Interest from or Under Doris J. Spencer, Deceased  
Box 501 Bell Run Road  
Grampian, PA 16838

by regular first class mail, postage prepaid, deposited with the United States Postal Service on  
2/7/2008.

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

  
\_\_\_\_\_  
Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff

Dated: 2/7/2008

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. : No: 07-368-CD  
Plaintiff :

VS. :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendants

### **NOTICE OF PRESENTATION**

Please take notice that the within Motion to Reassess the Damages will be presented to the Motions Judge on \_\_\_\_\_ at \_\_\_\_\_ at the Clearfield County Courthouse, Court House, 230 East Market Street Clearfield, PA 16830.

  
\_\_\_\_\_  
Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff



**AFFIDAVIT OF SERVICE**

**20511CNC-DK**

**PLAINTIFF:**

HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.

**DEFENDANT**

Estate of Doris Spencer all Known and Unknown Heirs

COURT OF COMMON PLEAS  
Clearfield COUNTY  
COURT NO. 07-368-CD

**SERVE UPON:**

ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR INTEREST FROM OR UNDER DORIS J. SPENCER, DECEASED

2306 Bell Run Road  
Grampian, PA 16838

**SPECIAL INSTRUCTIONS:**

\*\*\*Please post the premises in accordance with the attached court order.\*\*\*

**TYPE OF ACTION**

**XX WRIT OF EXECUTION**

M195634 NO CC  
Lm  
Marilyn A. Campbell  
Notary/Clerk of Courts

All Known & Unknown Heirs **SERVED**

Served and made known to ~~the~~ ESTATE OF DORIS J. SPENCER Defendant, on the 29<sup>th</sup> day of JANUARY, 2008, at 5 42 o'clock, P. M., at 2306 Bell Run Rd., GRAMPIAN, PA 16838, Commonwealth of Pennsylvania, in the manner described below:

<input type="checkbox"/> Defendant personally served.	<input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant resides.
<input type="checkbox"/> Adult family member with whom Defendant resides. Relationship is _____	<input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business.
<input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name/relationship.	<input checked="" type="checkbox"/> Other <u>POSTED</u>

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, D.M. ELLIS, a competent adult, being duly sworn according to law, depose and state that I personally ~~handed to~~ POSTED a true and correct copy of the **WRIT OF EXECUTION** issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed before me this 30<sup>th</sup> day of January, 2008.  
Notary: \_\_\_\_\_

Notary Public  
Marilyn A. Campbell, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Dec. 6, 2011  
Member, Pennsylvania Association of Notaries

By: DMEllis  
**NOT SERVED**  
Marilyn A. Campbell

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., Defendant NOT FOUND because:  
\_\_\_\_ Moved \_\_\_\_\_ Unknown \_\_\_\_\_ No Answer \_\_\_\_\_ Vacant

Date of Attempt:	Time of Attempt:	Result:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.  
Notary: \_\_\_\_\_

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

**ATTORNEY**

Martha E. Von Rosenstiel, P.C.  
649 South Avenue, Unit 7 • Secane, PA 19018 • 610-328-2887

**AFFIDAVIT OF SERVICE**

20511CNC-DK

**PLAINTIFF:**

HSBC Bank USA, as Trustee in trust for Citigroup Mortgage Loan Trust, Inc., Asset Backed Pass-Through Certificates Series 2003-HE3 c/o Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home Mortgage, Inc.

**DEFENDANT**

Estate of Doris Spencer all Known and Unknown Heirs

**COURT OF COMMON PLEAS**

**Clearfield COUNTY**

**COURT NO. 07-368-CD**

**SERVE UPON:**

Estate of Doris Spencer, Dec'd  
Box 501 Bell Run Road  
Grampian, PA 16838

**TYPE OF ACTION**

**XX WRIT OF EXECUTION**

**SPECIAL INSTRUCTIONS:**

\*\*\*Please post the premises in accordance with the attached court order.\*\*\*

10/19/5:42 PM  
NO CC  
M  
Marilyn A. Campbell  
Notary/Clerk of Courts

**SERVED**

Served and made known to Estate of Doris Spencer, Dec'd Defendant, on the 29<sup>th</sup> day of January, 2008, at 5:42 o'clock, P. M., at 501 Bell Run Rd., Grampian, PA 16838, Commonwealth of Pennsylvania, in the manner described below:

<input type="checkbox"/> Defendant personally served.	<input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant resides.
<input type="checkbox"/> Adult family member with whom Defendant resides. Relationship is _____.	<input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business.
<input type="checkbox"/> Adult in charge of Defendant's residence who refused to give name/relationship.	<input checked="" type="checkbox"/> Other <u>POSTED</u>

**Description:** Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, D.M. ELLIS, a competent adult, being duly sworn according to law, depose and state that I personally ~~handed to~~ POSTED a true and correct copy of the **WRIT OF EXECUTION** issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed before me this 30<sup>th</sup> day of January, 2008.  
Notary: \_\_\_\_\_

By: D.M. Ellis

**COMMONWEALTH OF PENNSYLVANIA**  
Notarial Seal  
Marilyn A. Campbell, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Dec. 6, 2011  
Member, Pennsylvania Association of Notaries

**NOT SERVED**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., Defendant NOT FOUND because:  
\_\_\_\_ Moved \_\_\_\_\_ Unknown \_\_\_\_\_ No Answer \_\_\_\_\_ Vacant

Date of Attempt:	Time of Attempt:	Result:

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.  
Notary: \_\_\_\_\_

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

**ATTORNEY**

Martha E. Von Rosenstiel, P.C.  
649 South Avenue, Unit 7 • Secane, PA 19018 • 610-328-2887

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

HSBC BANK USA, AS TRUSTEE IN TRUST FOR :  
CITIGROUP MORTGAGE LOAN TRUST, INC., :  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS : Case No: 07-368-CD  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. :  
Plaintiff :

vs. :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendant(s) :

**ORDER**

AND NOW, to wit this            day of            , 2008 that upon consideration  
of the Motion to Reassess Damages in Mortgage Foreclosure in the above matter, it is

ORDERED that plaintiff is permitted to reassess damages in the above matter to reflect  
additional interest, escrow and corporate advances, plus fees and costs due and owing pursuant  
to the mortgage between the parties and incurred since the original assessment of damages was  
filed on December 24, 2007. Damages may be reassessed at \$42,490.37, as set forth in the  
Motion herein, plus itemized per diem interest at \$6.99 from February 8, 2008 to the date of sale.

BY THE COURT:

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

UA

#20511-CMS-DK

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. : Case No: 07-368-CD  
Plaintiff :

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendant(s)

FILED 3cc  
m/11:17:51 Amy  
FEB 28 2008 Von Rosenstiel  
William A. Shaw  
Prothonotary/Clerk of Courts

**MOTION TO REASSESS DAMAGES IN MORTGAGE FORECLOSURE**

TO THE HONORABLE JUDGES OF THE SAID COURT:

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire, moves this Honorable Court for an Order to reassess damages in the above-referenced Mortgage Foreclosure action and in support thereof avers the following:

1. The Plaintiff filed its Complaint in Mortgage Foreclosure against the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or Interest from or Under Doris J. Spencer, Deceased on or

about March 9, 2007, for the failure to make monthly mortgage payments due October 16, 2006 for the property located at Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Subject Premises")(Exhibit I).

2. For the Defendant(s)' failure to file a responsive pleading to Plaintiff's Complaint, an in rem default judgment was obtained on December 24, 2007, damages were assessed, and the property was scheduled for Sheriff's sale on April 4, 2008. A true and correct copy of the default judgment is attached hereto, made part hereof and marked as Exhibit II.
3. In the months between the filing of the mortgage foreclosure complaint and the present, mortgagors have made no payments.
4. During the months between the filing of the Complaint in Mortgage Foreclosure and the present, additional mortgage payments have become due and the amount of interest, reimbursement for escrow advances and attorney's fees and costs has increased.
5. The present state of the delinquency is as follows:

Principal balance	\$ 27,978.30
Interest from 9/16/2006 to 2/7/2008	
At \$8.12 per diem	\$ 4,141.20
Accrued late charges per Complaint	\$ 53.72
Escrow Advances	\$ 1,980.87
Foreclosure costs	\$ 5,472.28
Foreclosure Attorney's fees	\$ 1,250.00
Property Preservation	\$ 1,124.00
Inspections	\$ 165.00
BPO's	\$ 310.00
NSF charges	\$ 15.00
Total	\$ 42,490.37

6. In order to reassess, the Plaintiff seeks the Court's permission to reassess the amount of the judgment entered on December 24, 2007, to include additional monies that have become due and owing on the Defendant(s)' mortgage loan.
7. If the Plaintiff were not granted reassessment of damages in this matter, the Plaintiff would be severely prejudiced in that it would not be able to recoup those amounts advanced by the Plaintiff in order to protect its security interests as well as those amounts currently due and owing by the Defendant(s).

WHEREFORE, plaintiff respectfully prays that the Court issue an Order permitting reassessment of damages in accordance with the above statement, plus itemized per diem interest from February 8, 2008 at \$6.99 per diem to the date of sale, plus current costs of suit.



---

Martha E. Von Rosenstiel  
Attorney for Movant

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. : Case No: 07-368-CD  
Plaintiff :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendant(s)

**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO REASSESS  
DAMAGES IN MORTGAGE FORECLOSURE**

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire, moves this Honorable Court for an Order to reassess damages in the above-referenced matter and in support thereof avers the following:

**I. FACTS**

The Plaintiff filed its Complaint in Mortgage Foreclosure against the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or

Interest from or Under Doris J. Spencer, Deceased on or about March 9, 2007, for the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or Interest from or Under Doris J. Spencer, Deceased failure to make monthly mortgage payments due October 16, 2006 for the property located at Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Subject Premises")(Exhibit I). For the Defendant(s)' failure to file a responsive pleading to Plaintiff's Complaint, an in rem default judgment was obtained on December 24, 2007, damages were assessed, and the property was scheduled for Sheriff's sale on April 4, 2008. A true and correct copy of the default judgment is attached hereto, made part hereof and marked as Exhibit II.

## **II. ARGUMENT**

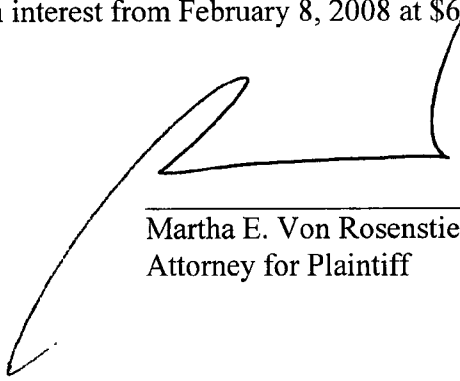
Under Rule 1037 (b) of the Pennsylvania Rules of Civil Procedure, the Prothonotary is authorized to enter a default judgment when the Complaint sets forth exact amounts, which defendants owe, if they fail to answer the Complaint within the prescribed time.

In the instant case, damages were assessed by the Prothonotary. However, the assessment has been outdated by the lapse of time between the judgment date and the date of sale. In the intervening months since the original assessment of damages, additional interest and late charges have accrued, and Plaintiff has expended funds for taxes, insurance and attorney's fees and costs. The Court in Morgan Guaranty Trust Company of New York v. Mowl, 705 A.2d. 923 (1998), stated that "the mortgagee is required to petition the court and provide notice and an opportunity to be heard to the mortgagors if the mortgagee wants to increase the amount of the judgment before it is satisfied."



Plaintiff was required to pay any tax and insurance premiums in order to protect its security interest. Additionally, Plaintiff has had to expend additional funds to prosecute the instant mortgage foreclosure action. Plaintiff has itemized the amounts in its attached Motion, the current amounts due and owing by the Defendant(s), which it seeks to recover in accordance with the mortgage. If the Plaintiff were not granted reassessment of damages in this matter, the Plaintiff would be severely prejudice in that it would not be able to recoup those amounts advanced by the Plaintiff in order to protect its security interest in the property as well as those amounts currently due and owing by the Defendant(s).

WHEREFORE, Plaintiff respectfully request that the Court issue an Order granting Plaintiff's Motion to Reassess Damages in Mortgage Foreclosure in accordance with the above statement, plus itemized per diem interest from February 8, 2008 at \$6.99 per diem to the date of sale and current costs of the suit.



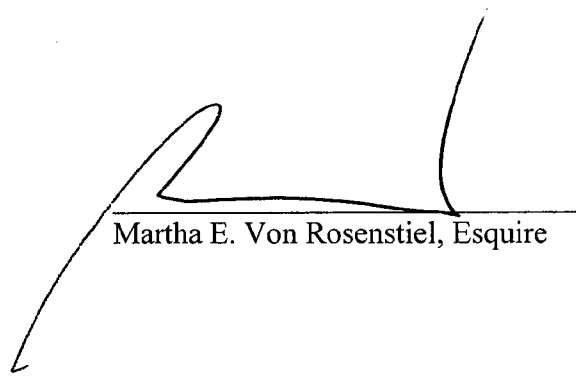
---

Martha E. Von Rosenstiel  
Attorney for Plaintiff

Date: February 22, 2008

**VERIFICATION**

Martha E. Von Rosenstiel, Esquire, of full age, verifies that she is the attorney for the plaintiff in the foregoing action; that she is authorized to make this verification on behalf of the plaintiff; and that she is fully familiar with the facts in this matter; that she has prepared the foregoing Motion to Reassess Damages in Mortgage Foreclosure from the facts which are her own personal knowledge, and that the facts are true and correct to the best of her knowledge, information and belief.



Martha E. Von Rosenstiel, Esquire

Dated: February 22, 2008

MARTHA E. VON ROSENSTIEL, ESQUIRE Attorney for Plaintiff  
 Martha E. Von Rosenstiel  
 649 SOUTH AVENUE  
 UNIT 7  
 SECANE, PA 19018  
 (610) 328-2887  
 Attorney ID # 52634

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
 TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
 LOAN TRUST, INC., ASSET BACKED :  
 PASS-THROUGH CERTIFICATES :  
 SERIES 2003-HE3 :  
 C/O WELLS FARGO BANK, N.A., : Case No: 07-308-CD  
 3476 Stateview Boulevard :  
 Fort Mill, SC 29715 :  
 Plaintiff :

vs.  
 ESTATE OF DORIS J. SPENCER,  
 DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 AND

ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES AND  
 ALL PERSONS FIRMS OR  
 ASSOCIATIONS, CLAIMING RIGHT,  
 TITLE OR INTEREST FROM OR UNDER  
 DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 Defendants

**FILED**  
 MAR 09 2007  
 William A. Shaw  
 Prothonotary/Clerk of Courts

**CIVIL ACTION - MORTGAGE FORECLOSURE**

**THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL  
 BE USED FOR THAT PURPOSE**

**NOTICE**

**ADVISO**

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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificación. Hace falta a sentar 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 a visado que si usted no se defiende, la corte toma ra medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, 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 o otros de rechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO. ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.**

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

Exhibit I

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR  
CITIGROUP MORTGAGE LOAN TRUST, INC.,  
ASSET BACKED PASS-THROUGH CERTIFICATES  
SERIES 2003-HE3 C/O WELLS FARGO BANK,  
N.A., SUCCESSOR BY MERGER TO WELLS  
FARGO HOME MORTGAGE, INC.  
3476 Stateview Boulevard  
Fort Mill, SC 29715

Plaintiff

V.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS, CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

Defendant(s)

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

DEC 24 2007

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

NO. 07-368-CD

PRAECIPE FOR DEFAULT JUDGMENT

To the Prothonotary:

(XX) Enter judgment in favor of Plaintiff and against: Estate of Doris Spencer all Known  
and Unknown Heirs for want of an answer.

(X) Assess Damages as Follows

Debt	\$ 31,425.70
Interest from 3/9/07 to 12/21/07	\$ 2,338.56
At \$8.12 per diem	\$ 33,764.26
Total	

I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED  
AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM  
CERTAIN FROM THE COMPLAINT. I certify that written notice of the intention to file this  
Praecipe was mailed or delivered to the party against whom judgment is to be entered and to his  
attorney of record, if any, after the default occurred and at least (10) days prior to the date of the filing

Exhibit II

of this Praecept. A copy of the Notice is attached. R.C.P. 237.1

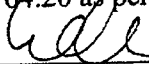
Attorney for Plaintiff

Martha E. Von Rosenstiel Attorney I.D. #52634

Print/Type Name and ID Number

Phone: (610) 328-2887

This 24 day of December, 2007 judgment is entered in favor of the Plaintiff and against Defendant(s), Estate of Doris Spencer all Known and Unknown Heirs by default for want of an answer and damages assessed at the sum of \$33,764.26 as per the above certification.

  
Prothonotary, Clearfield County

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR	:	COURT OF COMMON PLEAS
CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET	:	CLEARFIELD COUNTY
BACKED PASS-THROUGH CERTIFICATES SERIES	:	
2003-HE3 C/O WELLS FARGO BANK, N.A.,	:	
SUCCESSOR BY MERGER TO WELLS FARGO HOME	:	
MORTGAGE, INC.	:	No: 07-368-CD
Plaintiff	:	
VS.	:	
ESTATE OF DORIS J. SPENCER, DECEASED	:	
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS	:	
AND ASSIGNS, REPRESENTATIVES, DEVISEES AND	:	
ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING	:	
RIGHT, TITLE OR INTEREST FROM OR UNDER	:	
DORIS J. SPENCER, DECEASED	:	
Defendants	:	

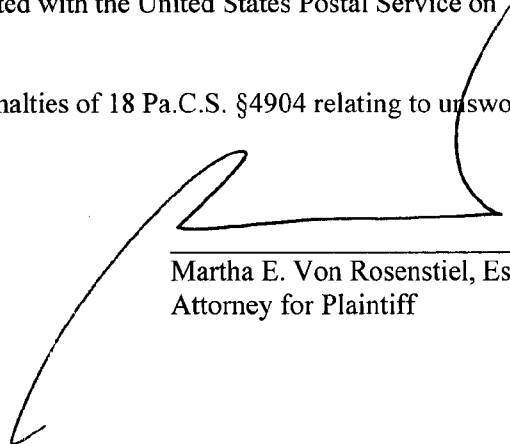
**CERTIFICATE OF SERVICE**

Martha E. Von Rosenstiel, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of the Motion to Reassess the Damages, brief in support thereof, attached exhibits, notice of presentation and proposed order in the above matter was made upon the following:

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES,  
DEVISEES AND ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER DORIS J. SPENCER, DECEASED  
Box 501 Bell Run Road  
Grampian, PA 16838

by regular first class mail, postage prepaid, deposited with the United States Postal Service on  
2/22/2008.

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

  
\_\_\_\_\_  
Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff

Dated: 2/22/2008

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. : No: 07-368-CD  
Plaintiff :

VS. :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendants

### **NOTICE OF PRESENTATION**

Please take notice that the within Motion to Reassess the Damages will be presented to the Motions Judge on \_\_\_\_\_ at \_\_\_\_\_ at the Clearfield County Courthouse, Court House, 230 East Market Street Clearfield, PA 16830.



Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNA

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
LOAN TRUST, INC., ASSET BACKED :  
PASS-THROUGH CERTIFICATES SERIES :  
2003-HE3 C/O WELLS FARGO BANK, :  
N.A., SUCCESSOR BY MERGER TO : Case No: 07-368-CD  
WELLS FARGO HOME MORTGAGE, INC. :  
Plaintiff :  
vs. :  
ESTATE OF DORIS J. SPENCER, :  
DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND  
ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
Defendants

**RULE TO SHOW CAUSE**

AND NOW, to wit, this 4 day of March, 2008, upon consideration of the foregoing Plaintiff's Petition to Reassess Damages in Mortgage Foreclosure, it is hereby ORDERED that:

- (1) A Rule is issued upon the Respondents to show cause why the petitioner is not entitled to the relief requested;
- (2) The respondents may file an answer to the Petition on or before \_\_\_\_\_, 2008;
- (3) Depositions shall be completed within \_\_\_\_\_ days of this date;
- (4) Argument shall be held on April 7, \_\_\_\_\_, 2008 in Courtroom 1 of the Clearfield County Courthouse; and  
9:30 A.M.
- (6) Notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:

Paul G. ... J.

FILED 3cc  
MAR 04 2008  
Atty Von Rosenstiel  
William A. Shaw  
Prothonotary/Clerk of Courts



Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD

Plaintiff

VS.

ESTATE OF DORIS J. SPENCER, DECEASED and  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES,  
DEVISEES AND ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER DORIS J. SPENCER,  
DECEASED

Defendants

m/11:26:00 NO CC  
MS  
A. J. ...  
... of ...

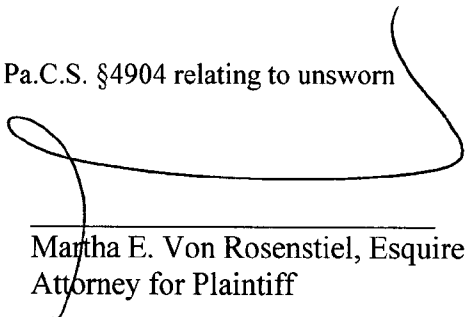
**CERTIFICATE OF SERVICE**

Martha E. Von Rosenstiel, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of a true and correct time stamped copy of the Rule to Show Cause regarding the Motion to Reassess Damages and argument hearing date of April 7, 2008 in Courtroom 1 of the Clearfield County Courthouse in the above matter was made upon the following by regular first class mail, postage prepaid, deposited with the United States Postal Service on April 2, 2008:

Estate of Doris J. Spencer, Deceased  
Box 501 Bell Run Road  
Grampian, PA 16838

All Known and Unknown Heirs  
From or Under Doris J. Spencer, Deceased  
Box 501 Bell Run Road  
Grampian, PA 16838

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

  
Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff

Dated: April 2, 2008

**U.S. POSTAL SERVICE**      **CERTIFICATE OF MAILING**  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

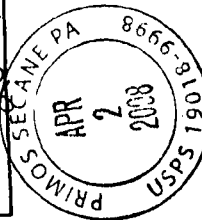
**MARTHA VON ROSENSTIEL, P.E.**  
**649 SOUTH AVENUE**  
**UNIT 7**  
**SECANE, PA 19018**

One piece of ordinary mail addressed to:

Estate of Doris J. Spencer, Deceased  
Box 501 Bell Run Road  
Grampian, PA 16838

Affix fee here in stamps  
Or meter postage and  
Postmark. Inquire of  
Postmaster for current  
fees.

PITNEY BOWERS  
\$ 001.050  
0007164019 APR 02 2008  
FROM 700000000000



PS Form 3817, Mar. 1989

**U.S. POSTAL SERVICE**      **CERTIFICATE OF MAILING**  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

Received From:

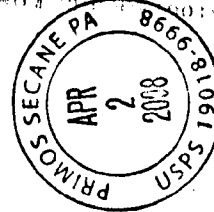
**MARTHA VON ROSENSTIEL, P.E.**  
**649 SOUTH AVENUE**  
**UNIT 7**  
**SECANE, PA 19018**

One piece of ordinary mail addressed to:

All known and unknown heirs, from  
Or under Doris J. Spencer, Deceased  
Box 501 Bell Run Road  
Grampian, PA 16838

Affix fee here in stamps  
Or meter postage and  
Postmark. Inquire of  
Postmaster for current  
fees.

PITNEY BOWERS  
\$ 001.050  
0007164019 APR 02 2008  
FROM 700000000000



PS Form 3817, Mar. 1989

UP

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

HSBC BANK USA, AS TRUSTEE                    }  
IN TRUST, ET AL                                       }  
VS    } NO. 07-368-CD  
ESTATE OF DORIS J. SPENCER,                }  
DECEASED, ET AL                                       }

O R D E R

NOW, this 7th day of April, 2008, following hearing on the Plaintiff's Motion to Reassess Damages; the Court noting that the said Motion does not provide sufficient information to the Court as to how the additional moneys being requested are calculated, accordingly, it is the ORDER of this Court that the Plaintiff shall have no more than Twenty (20) Days from this date to file an amended motion which shall specifically set forth the fees, costs and other moneys being requested over and above the original amount of default judgment. Upon the Court's receipt of the same, additional argument shall be scheduled.

Service of all legal documents on the Estate shall be made by mailing a true and correct copy of the same by regular mail to Debra McDonald, 3860 Zion Road, Olanta, PA 16863.

BY THE COURT,

  
\_\_\_\_\_  
President Judge

**FILED**

01:36 P.M. GK

APR 08 2008

William A. Shaw  
Prothonotary/Clerk of Court

3CC AMY  
VIN ROSENSTIEL

1CC DEF.

2306 Beth Ann Road  
Greensburg Pa 16838  
Debra McDonald  
3860 Zion Road  
Olanta PA 16863

(GK)

LA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

HSBC BANK USA, AS TRUSTEE IN TRUST: COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN : CLEARFIELD COUNTY  
TRUST, INC., ASSET BACKED PASS- :  
THROUGH CERTIFICATES SERIES 2003- :  
HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS : NO: 07-368-CD  
FARGO HOME MORTGAGE, INC.  
Plaintiff

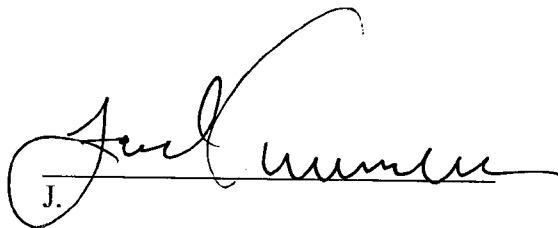
VS.

ESTATE OF DORIS J. SPENCER,  
DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
Defendants

**SCHEDULING ORDER**

AND NOW, this 18 day of April, 2008, upon consideration of  
Plaintiff's Amended Motion to Reassess Damages, it is hereby:

ORDERED and DECREED that argument is hereby scheduled for  
May 19, 2008 at 1:30 ~~am~~ (p.m.) in Courtroom No. 1 at  
the Clearfield County Courthouse.

  
J.

FILED 3cc  
01/2:57 PM  
APR 22 2008  
Atty Von Rosenstiel  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY

HSBC BANK USA, AS TRUSTEE IN TRUST FOR :  
CITIGROUP MORTGAGE LOAN TRUST, INC., :  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS : Case No: 07-368-CD  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. :  
Plaintiff :

vs. :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendant(s) :

**ORDER**

AND NOW, to wit this            day of            , 2008 that upon consideration  
of the Amended Motion to Reassess Damages in Mortgage Foreclosure in the above matter, it is

ORDERED that plaintiff is permitted to reassess damages in the above matter to reflect  
additional interest, escrow and corporate advances, plus fees and costs due and owing pursuant  
to the mortgage between the parties and incurred since the original assessment of damages was  
filed on December 24, 2007. Damages may be reassessed at \$42,801.93, as set forth in the  
Motion herein, plus itemized per diem interest at \$7.03 from April 11, 2008 to the date of sale.

BY THE COURT:

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

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
610 328-2887  
Attorney I.D.# 52634

Attorney for Plaintiff

FILED  
APR 16 2008  
m/12:30/w  
William A. Shaw  
Prothonotary/Clerk of Courts  
2 cen + to H+.

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
FARGO BANK, N.A., SUCCESSOR BY MERGER :  
TO WELLS FARGO HOME MORTGAGE, INC. : Case No: 07-368-CD  
Plaintiff :

vs. :

ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, :  
CLAIMING RIGHT, TITLE OR INTEREST FROM :  
OR UNDER DORIS J. SPENCER, DECEASED :  
Defendant(s)

**AMENDED MOTION TO REASSESS DAMAGES IN MORTGAGE FORECLOSURE**

TO THE HONORABLE JUDGES OF THE SAID COURT:

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire, moves this Honorable Court for an Order to reassess damages in the above-referenced mortgage foreclosure action and in support thereof avers the following:

1. The Plaintiff filed its Complaint in Mortgage Foreclosure against the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or Interest from or Under Doris J. Spencer, Deceased on or about March 9, 2007, for the failure to make monthly mortgage payments due October 16, 2006 for the property located at Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Subject Premises")(Exhibit I).

2. For the failure to file a responsive pleading to Plaintiff's Complaint, an in rem default judgment was obtained on December 24, 2007, damages were assessed, and the property was scheduled for sheriff's sale on April 4, 2008. A true and correct copy of the default judgment is attached hereto, made part hereof and marked as Exhibit II.
3. The April 4, 2008 Sheriff Sale was postponed to May 2, 2008 pending the results of the Motion to Reassess Damages hearing scheduled on April 7, 2008.
4. In the months between the filing of the mortgage foreclosure complaint and the present, no payments have been made.
5. During the months between the filing of the Complaint in Mortgage Foreclosure and the present, additional mortgage payments have become due and the amount of interest, reimbursement for escrow advances and attorney's fees and costs has increased.

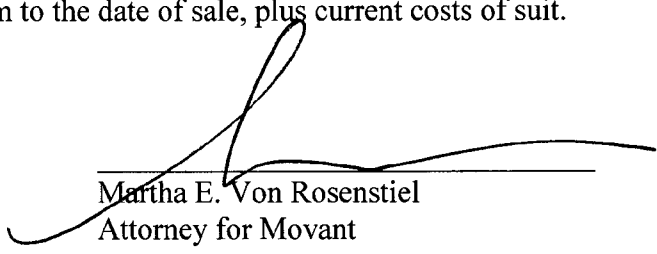
6. The present state of the delinquency is as follows:

Principal balance	\$ 27,978.30
Interest from 9/16/2006 to 4/10/2008	
At \$8.12 per diem	\$ 4,652.76
Accrued late charges per Complaint	\$ 53.72
Escrow Advances (see breakdown Exhibit III)	\$ 1,980.87
Foreclosure costs (see breakdown Exhibit IV)	\$ 4,177.28
Foreclosure Attorney's fees (see breakdown Exhibit V)	\$ 2,345.00
Property Preservation	\$ 1,124.00
Property Inspections	\$ 165.00
Broker Price Opinions	\$ 310.00
NSF charges	\$ 15.00
Total	\$ 42,801.93

7. In order to reassess, the Plaintiff seeks the Court's permission to reassess the amount of the judgment entered on December 24, 2007, to include additional monies that have become due and owing on the mortgage loan.
8. If the Plaintiff were not granted reassessment of damages in this matter, the Plaintiff would be severely prejudiced in that it would not be able to recoup those

amounts advanced by the Plaintiff in order to protect its security interests as well as those amounts currently due and owing.

WHEREFORE, plaintiff respectfully prays that the Court issue an Order permitting reassessment of damages in accordance with the above statement, plus itemized per diem interest from April 11, 2008 at \$7.03 per diem to the date of sale, plus current costs of suit.



Martha E. Von Rosenstiel  
Attorney for Movant



Martha E. Von Rosenstiel, P.C.  
 Martha E. Von Rosenstiel, Esquire  
 649 South Avenue, Unit 7  
 P.O. Box 307  
 Secane, PA 19018  
 610 328-2887  
 Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
 CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
 ASSET BACKED PASS-THROUGH :  
 CERTIFICATES SERIES 2003-HE3 C/O WELLS :  
 FARGO BANK, N.A., SUCCESSOR BY MERGER :  
 TO WELLS FARGO HOME MORTGAGE, INC. : Case No: 07-368-CD  
 Plaintiff :

ESTATE OF DORIS J. SPENCER, DECEASED :  
 ALL KNOWN AND UNKNOWN HEIRS, :  
 SUCCESSORS AND ASSIGNS, :  
 REPRESENTATIVES, DEVISEES AND ALL :  
 PERSONS FIRMS OR ASSOCIATIONS, :  
 CLAIMING RIGHT, TITLE OR INTEREST FROM :  
 OR UNDER DORIS J. SPENCER, DECEASED :  
 Defendant(s)

**BRIEF IN SUPPORT OF PLAINTIFF'S AMENDED MOTION TO REASSESS  
 DAMAGES IN MORTGAGE FORECLOSURE**

Movant, by its counsel, Martha E. Von Rosenstiel, Esquire, moves this Honorable Court for an Order to reassess damages in the above-referenced matter and in support thereof avers the following:

**I. FACTS**

The Plaintiff filed its Complaint in Mortgage Foreclosure against the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or Interest from or Under Doris J. Spencer, Deceased on or about March 9, 2007, for the Estate of Doris J. Spencer, Deceased and All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees and All Persons, Firms or Associations, Claiming Right, Title or

Interest from or Under Doris J. Spencer, Deceased failure to make monthly mortgage payments due October 16, 2006 for the property located at Box 501 Bell Run Road, Grampian, PA 16838 (hereinafter "Subject Premises")(Exhibit I). For the failure to file a responsive pleading to Plaintiff's Complaint, an in rem default judgment was obtained on December 24, 2007, damages were assessed, and the property was scheduled for Sheriff's sale on April 4, 2008. A true and correct copy of the default judgment is attached hereto, made part hereof and marked as Exhibit II. The April 4, 2008 Sheriff sale was postponed to May 2, 2008 pending the results of the Motion to Reassess Damages hearing scheduled for April 7, 2008.

## **II. ARGUMENT**

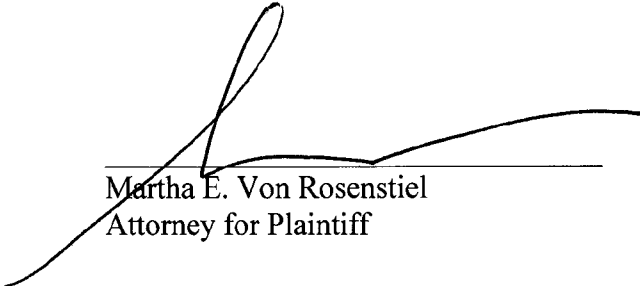
Under Rule 1037 (b) of the Pennsylvania Rules of Civil Procedure, the Prothonotary is authorized to enter a default judgment when the Complaint sets forth exact amounts, which defendants owe, if they fail to answer the Complaint within the prescribed time.

In the instant case, damages were assessed by the Prothonotary. However, the assessment has been outdated by the lapse of time between the judgment date and the date of sale. In the intervening months since the original assessment of damages, additional interest and late charges have accrued, and Plaintiff has expended funds for taxes, insurance and attorney's fees and costs. The Court in Morgan Guaranty Trust Company of New York v. Mowl, 705 A.2d. 923 (1998), stated that "the mortgagee is required to petition the court and provide notice and an opportunity to be heard to the mortgagors if the mortgagee wants to increase the amount of the judgment before it is satisfied."

Plaintiff was required to pay any tax and insurance premiums in order to protect its security interest. Additionally, Plaintiff has had to expend additional funds to prosecute the instant mortgage foreclosure action. Plaintiff has itemized the amounts in its attached Motion, the current amounts due and owing by the Defendant(s), which it seeks to recover in accordance with the mortgage. If the Plaintiff were not granted reassessment of damages in this matter, the Plaintiff would be severely prejudice in that it would not be able to recoup those amounts

advanced by the Plaintiff in order to protect its security interest in the property as well as those amounts currently due and owing by the Defendant(s).

WHEREFORE, Plaintiff respectfully request that the Court issue an Order granting Plaintiff's Motion to Reassess Damages in Mortgage Foreclosure in accordance with the above statement, plus itemized per diem interest from April 11, 2008 at \$7.03 per diem to the date of sale and current costs of the suit.



Martha E. Von Rosenstiel  
Attorney for Plaintiff

Date: April 14, 2008

**VERIFICATION**

Martha E. Von Rosenstiel, Esquire, of full age, verifies that she is the attorney for the plaintiff in the foregoing action; that she is authorized to make this verification on behalf of the plaintiff; and that she is fully familiar with the facts in this matter; that she has prepared the foregoing Amended Motion to Reassess Damages in Mortgage Foreclosure from the facts which are her own personal knowledge, and that the facts are true and correct to the best of her knowledge, information and belief.



Martha E. Von Rosenstiel, Esquire

Dated: April 14, 2008

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES:  
SERIES 2003-HE3 C/O WELLS FARGO BANK, :  
N.A., SUCCESSOR BY MERGER TO WELLS :  
FARGO HOME MORTGAGE, INC. : No: 07-368-CD  
Plaintiff :  
VS. :  
ESTATE OF DORIS J. SPENCER, DECEASED :  
ALL KNOWN AND UNKNOWN HEIRS, :  
SUCCESSORS AND ASSIGNS, :  
REPRESENTATIVES, DEVISEES AND ALL :  
PERSONS FIRMS OR ASSOCIATIONS, CLAIMING :  
RIGHT, TITLE OR INTEREST FROM OR UNDER :  
DORIS J. SPENCER, DECEASED :  
Defendants

**CERTIFICATE OF SERVICE**

Martha E. Von Rosenstiel, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of the Amended Motion to Reassess the Damages, brief in support thereof, attached exhibits, notice of presentation and proposed order in the above matter was made upon the following:

All known and Unknown Heirs, Successors and Assigns,  
Representatives, Devisees and all persons, firms or associations, claiming right,  
Title or interest from or under Doris J. Spencer, Decased  
Box 501 Bell Run Road  
Grampian, PA 16838

Estate of Doris J. Spencer, Deceased  
c/o Debra McDonald  
3860 Zion Road  
Olanta, PA 16863

by regular first class mail, postage prepaid, deposited with the United States Postal Service on 4/15/08.

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

  
Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff

Dated: 4/14/08

MARTHA E. VON ROSENSTIEL, ESQUIRE Attorney for Plaintiff  
 Martha E. Von Rosenstiel  
 649 SOUTH AVENUE  
 UNIT 7  
 SECANE, PA 19018  
 (610) 328-2887  
 Attorney ID # 52634

HSBC BANK USA, AS TRUSTEE IN : COURT OF COMMON PLEAS  
 TRUST FOR CITIGROUP MORTGAGE : CLEARFIELD COUNTY  
 LOAN TRUST, INC., ASSET BACKED :  
 PASS-THROUGH CERTIFICATES :  
 SERIES 2003-HE3 :  
 C/O WELLS FARGO BANK, N.A., : Case No: 07-308-CD  
 3476 Stateview Boulevard :  
 Fort Mill, SC 29715 :  
 Plaintiff :

vs.  
 ESTATE OF DORIS J. SPENCER,  
 DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 AND  
 ALL KNOWN AND UNKNOWN HEIRS,  
 SUCCESSORS AND ASSIGNS,  
 REPRESENTATIVES, DEVISEES AND  
 ALL PERSONS FIRMS OR  
 ASSOCIATIONS, CLAIMING RIGHT,  
 TITLE OR INTEREST FROM OR UNDER  
 DORIS J. SPENCER, DECEASED  
 2306 Bell Run Road  
 Grampian, PA 16838  
 Defendants

**FILED**  
 MAR 19 2007  
 William A. Shaw  
 Prothonotary/Clerk of Courts

**CIVIL ACTION - MORTGAGE FORECLOSURE**

**THIS IS AN ATTEMPT TO COLLECT A DEBT ANY INFORMATION OBTAINED WILL  
 BE USED FOR THAT PURPOSE**

**NOTICE**

**ADVISO**

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 ELEGIBLE PERSONS AT A REDUCED FEE OR NO FEE.**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta a sentar 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 a visado que si usted no se defiende, la corte toma ra medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademais, 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 o otros de rechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO VAYA EN PERSONA O TELEFONA A LA OFICINA ESCRITA ABAJO. ESTA OFICINA LE PUEDE PROVEER INFORMACION SOBRE COMO CONTRATAR A UN ABOGADO. SI USTED NO TIENE EL DINERO SUFICIENTE PARA CONTRATAR A UN ABOGADO, LE PODEMOS DAR INFORMACION SOBRE AGENCIAS QUE PROVEEN SERVICIO LEGAL A PERSONAS ELEGIBLE PARA SERVICIOS A COSTO REDUCIDO O GRATUITO.**

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

**EXHIBIT** I

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

HSBC BANK USA, AS TRUSTEE IN TRUST FOR  
CITIGROUP MORTGAGE LOAN TRUST, INC.,  
ASSET BACKED PASS-THROUGH CERTIFICATES  
SERIES 2003-HE3 C/O WELLS FARGO BANK,  
N.A., SUCCESSOR BY MERGER TO WELLS  
FARGO HOME MORTGAGE, INC.  
3476 Stateview Boulevard  
Fort Mill, SC 29715

Plaintiff

V.

ESTATE OF DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838  
AND  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS, FIRMS OR ASSOCIATIONS, CLAIMING  
RIGHT, TITLE OR INTEREST FROM OR UNDER  
DORIS J. SPENCER, DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

Defendant(s)

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

DEC 24 2007

Attest,

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

NO. 07-368-CD

**PRAECIPE FOR DEFAULT JUDGMENT**

To the Prothonotary:

(XX) Enter judgment in favor of Plaintiff and against: Estate of Doris Spencer all Known  
and Unknown Heirs for want of an answer.

(X) Assess Damages as Follows

Debt

\$ 31,425.70

Interest from 3/9/07 to 12/21/07

\$ 2,338.56

At \$8.12 per diem

Total

\$ 33,764.26

I CERTIFY THAT THE FOREGOING ASSESSMENT OF DAMAGES IS FOR SPECIFIED  
AMOUNTS ALLEGED TO BE DUE IN THE COMPLAINT AND IS CALCULABLE AS A SUM  
CERTAIN FROM THE COMPLAINT. I certify that written notice of the intention to file this  
Praecipe was mailed or delivered to the party against whom judgment is to be entered and to his  
attorney of record, if any, after the default occurred and at least (10) days prior to the date of the filing

EXHIBIT

II

of this Praecipe. A copy of the Notice is attached. R.C.P. 237.1

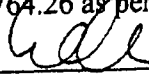
Attorney for Plaintiff

Martha E. Von Rosenstiel Attorney I.D. #52634

Print/Type Name and ID Number

Phone: (610) 328-2887

This 24 day of December, 2007 judgment is entered in favor of the Plaintiff and against Defendant(s), Estate of Doris Spencer all Known and Unknown Heirs by default for want of an answer and damages assessed at the sum of \$33,764.26 as per the above certification.

  
Prothonotary, Clearfield County



### **Escrow Advance Breakdown**

City Taxes	\$136.77	Paid 6-13-2007
Hazard Insurance	\$1,130.00	Paid 5-14-2007
Town/Village Taxes	\$324.80	Paid 6-13-2007
	\$318.30	Paid 9-18-2007
Misc	\$71.00	Paid 6-13-2007
<b>Total</b>	<b>\$1,980.87</b>	

our no	deft	date	description	amount
20511	Estate of Doris Spencer all Known and Unknown Heirs			
	<b>COSTS</b>			
		06-Feb-07	Court Required Mailings	\$50.00
		06-Feb-07	Skip Trace Search	\$50.00
		06-Feb-07	Title Information Certificate	\$365.00
		06-Feb-07	Tax Cert at Inception	\$150.00
		06-Feb-07	Death Certificate Order	\$16.00
		06-Feb-07	Reasonable Investigation	\$100.00
		08-Mar-07	Filing of Complaint	\$85.00
		08-Mar-07	Service of Complaint	\$46.64
		08-Mar-07	Praecipe to SDE/Vacate Judg	\$25.00
		08-Mar-07	Court Required Mailings	\$50.00
		10-Jul-07	Notice under Rule 237,5	\$50.00
		07-Aug-07	Posting of Complaint	\$100.00
		07-Aug-07	Reinstatement of Complaint	\$7.00
		14-Sep-07	Notice under Rule 237,5	\$50.00
		12-Oct-07	Reinstatement of Complaint	\$7.00
		12-Oct-07	Posting of Complaint	\$30.64
		08-Nov-07	Notice under Rule 237,5	\$50.00
		19-Dec-07	Default Judgment filing fee	\$20.00
		04-Jan-08	Continuation Search	\$75.00
		04-Jan-08	Tax Cert at Judgment	\$150.00
		04-Jan-08	Sheriff's Deposit	\$2,500.00
		04-Jan-08	Mailings to Defendants	\$50.00
		04-Jan-08	Mailings to Lienholders	\$65.00
			Service of Notice under Rule	
		22-Jan-08	3129	\$85.00
				<b>\$4,177.28</b>

EXHIBIT N

our no	deft	date	description	amount
20511	Estate of Doris Spencer all Known and Unknown Heirs			

## FEES

06-Feb-07	Probate Fee (approval required)	\$350.00
26-Jul-07	Motion for Alternate Service	\$375.00
19-Dec-07	Basic Foreclosure Fee	\$1,250.00
04-Jan-08	Writ of Execution Filing Fee	\$20.00
	Motion to Reassess Damages	
23-Jan-08	(Approval Required)	\$350.00
		<b>\$2,345.00</b>

EXHIBIT

V

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel  
649 South Avenue, Unit 7  
P.O. Box 307  
Secane, PA 19018  
(610) 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
CITIGROUP MORTGAGE LOAN TRUST, INC., : CLEARFIELD COUNTY  
ASSET BACKED PASS-THROUGH CERTIFICATES :  
SERIES 2003-HE3 C/O WELLS FARGO BANK, N.A., :  
SUCCESSOR BY MERGER TO WELLS FARGO :  
HOME MORTGAGE, INC. : NO: 07-368-CD

Plaintiff

VS.

ESTATE OF DORIS J. SPENCER, DECEASED and  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS, REPRESENTATIVES,  
DEVEISEES AND ALL PERSONS FIRMS OR  
ASSOCIATIONS, CLAIMING RIGHT, TITLE OR  
INTEREST FROM OR UNDER DORIS J. SPENCER,  
DECEASED

Defendants

FILED NO CC  
MT 10:57 AM  
APR 29 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

### CERTIFICATE OF SERVICE

Martha E. Von Rosenstiel, Esquire hereby certifies that she is the attorney for the Plaintiff herein, and that service of a certified copy of the Amended Motion to Reassess Damages with scheduling order with argument date of May 19, 2008 at 1:30pm in Courtroom No. 1 at the Clearfield County Courthouse in the above matter was made upon the following by regular first class mail, postage prepaid, deposited with the United States Postal Service on April 25, 2008:

Estate of Doris J. Spencer, Deceased  
c/o Debra McDonald  
3860 Zion Road  
Olanta, PA 16863

All Known and Unknown Heirs  
From or Under Doris J. Spencer, Deceased  
Box 501 Bell Run Road  
Grampian, PA 16838

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

Martha E. Von Rosenstiel, Esquire  
Attorney for Plaintiff

Dated: April 25, 2008

**U.S. POSTAL SERVICE** **CERTIFICATE OF MAILING**  
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
 PROVIDE FOR INSURANCE—POSTMASTER

Received From:

**MARTHA VON ROSENSTIEL P.C.**  
**649 SOUTH AVENUE**  
**UNIT 7**  
**SECANE, PA 19018**

One piece of ordinary mail addressed to:

\_\_\_\_\_ All known and Unknown Heirs, Successors and  
 Assigns, Representatives, Devisees and all  
 persons, firms or associations, claiming right,  
 Title or interest from or under Doris J.  
 Spencer, Deceased  
 \_\_\_\_\_ Box 501 Bell Run Road  
 Grampian, PA 16838

PS Form 3817, Mar. 1989

Affix fee here in stamps  
 Or meter postage and  
 Post mark. Inquire of  
 Postmaster for current  
 fees

001.050

UNIT 7  
 02 1P  
 0002664015  
 MAILED FROM  
 CODE 19018

APR 25 2008  
 PRIMOS SECANE PA

**U.S. POSTAL SERVICE** **CERTIFICATE OF MAILING**  
 MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
 PROVIDE FOR INSURANCE—POSTMASTER

Received From:

**MARTHA VON ROSENSTIEL P.C.**  
**649 SOUTH AVENUE**  
**UNIT 7**  
**SECANE, PA 19018**

One piece of ordinary mail addressed to:

\_\_\_\_\_ Estate of Doris J. Spencer, Deceased  
 \_\_\_\_\_ c/o Debra McDonald  
 \_\_\_\_\_ 3860 Zion Road  
 \_\_\_\_\_ Olanta, PA 16863

PS Form 3817, Mar. 1989

Affix fee here in stamps  
 Or meter postage and  
 Post mark. Inquire of  
 Postmaster for current  
 fees

001.050

UNIT 7  
 02 1P  
 0002664015  
 MAILED FROM  
 CODE 19018

APR 25 2008  
 PRIMOS SECANE PA

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

HSBC BANK, USA AS TRUSTEE :  
IN TRUST FOR CITIGROUP :  
MORTGAGE LOAN TRUST, INC. :

-VS-

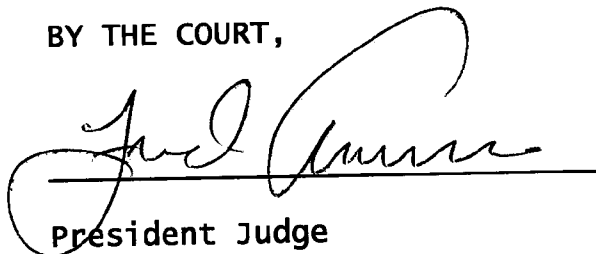
No. 07-368-CD

ESTATE OF DORIS J. SPENCER, :  
DECEASED, ET AL. :

O R D E R

AND NOW, this 19th day of May, 2008, upon consideration of the Amended Motion to Reassess Damages and Mortgage Foreclosure; following discussion on same, as will appear of record, it is hereby ORDERED that the Plaintiff be permitted to reassess damages in the above matter to reflect additional expenses pursuant to the mortgage between the parties reasonably incurred since the original assessment of damages was filed on December 24, 2007. Damages may be reassessed at Forty Thousand Fifty-One Dollars and Ninety-Three (\$40,051.93) Cents, plus itemized per diem interest at Seven Dollars and Three (\$7.03) Cents from April 11, 2008, to the date of sale.

BY THE COURT,

  
President Judge

FILED

013:30/61  
MAY 21 2008

2CC Atty VanLosenstiel

2CC Def.-

Clo Debra McDonald

3860 Zion Road

Olanta, PA 16863

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20708

NO: 07-368-CD

PLAINTIFF: HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2003-HE3 C/O WELL S FARGO BANK, N.A. SUCCESSOR BY MERGER TO WELLS FARGO HOME MORTGAGE, INC.

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES, DEVISEES AND ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT,

SHERIFF RETURN

Execution REAL ESTATE

DATE RECEIVED WRIT: 1/7/2008

LEVY TAKEN 1/28/2008 @ 10:22 AM

POSTED 1/28/2008 @ 10:22 AM

SALE HELD 6/6/2008

SOLD TO MATTHEW J. MILESKI AND JOLENE L. MILESKI

SOLD FOR AMOUNT \$22,401.00 PLUS COSTS

WRIT RETURNED 6/30/2008

DATE DEED FILED 6/30/2008

FILED

013:0237  
JUN 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts

SERVICES

2/4/2008 @ SERVED ESTATE OF DORIS J. SPENCER, DECEASED ET AL

SERVED ESTATE OF DORIS J. SPENCER, DECEASED ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS AND ASSIGNS, REPRESENTATIVES, ET AL BY REG & CERT MAIL PER COURT ORDER TO BOX 501 BELL RUN ROAD, GRAMPAIN, PA CERT.#7006081000145074371. RETURNED UNCLAIMED 02/25/08.

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

1/28/2008 @ 10:22 AM SERVED ESTATE OF DORIS J. SPENCER, DECEASED ET AL

POSTED PROPERTY PER COURT ORDER WITH COPY OF THE ORDER.

@ SERVED

NOW, APRIL 2, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR APRIL 4, 2008 TO MAY 2, 2008

@ SERVED

NOW, APRIL 29, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR MAY 2, 2008 TO JUNE 6, 2008.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20708  
NO: 07-368-CD

PLAINTIFF: HSBC BANK USA, AS TRUSTEE IN TRUST FOR CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET  
BACKED PASS-THROUGH CERTIFICATES SERIES 2003-HE3 C/O WELL S FARGO BANK, N.A. SUCCESSOR BY  
MERGER TO WELLS FARGO HOME MORTGAGE, INC.

vs.

DEFENDANT: ESTATE OF DORIS J. SPENCER, DECEASED ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS  
AND ASSIGNS, REPRESENTANTIVES, DEVISEES AND ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING RIGHT,  
TITLE OR INTEREST FROM OR UNDER DORIS J. SPENCER, DECEASED

SHERIFF RETURN

E

SHERIFF HAWKINS \$692.25


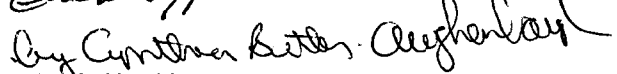
SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008

\_\_\_\_\_

So Answers,

Chester A. Hawkins  
Sheriff



# Commonwealth Of Pennsylvania

## COUNTY OF CLEARFIELD

HSBC BANK USA, AS TRUSTEE IN TRUST  
FOR CITIGROUP MORTGAGE LOAN  
TRUST, INC., ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2003-  
HE3 C/O WELLS FARGO BANK, N.A.,  
SUCCESSOR BY MERGER TO WELLS  
FARGO HOME MORTGAGE, INC.  
3476 Stateview Boulevard  
Fort Mill, SC 29715

COURT OF COMMON PLEAS  
DOCKET NO. 07-368-CD  
ATTORNEY I.D. #52634

v

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED  
2306 Bell Run Road  
Grampian, PA 16838

## Writ Of Execution

(Mortgage Foreclosure)

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: Box 501 Bell Run Road Grampian PA 16838 (see attached Exhibit I)

AMOUNT DUE		\$ 33,764.26
INTEREST FROM	12/25/2007 to Sale Date at \$5.55 per diem	\$

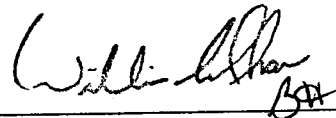
TOTAL\* \$

\*Plus costs to be endorsed

Prothonotary costs 139.00

William A. Shaw, Sr., Prothonotary

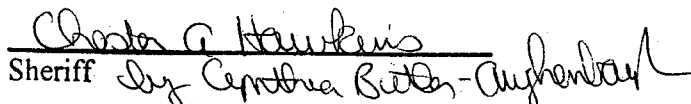
By:

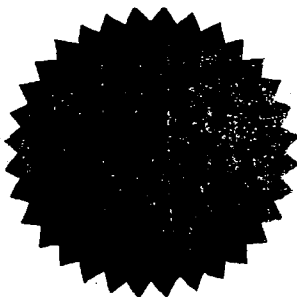


Deputy

1/7/08

Received this writ this 7<sup>th</sup> day  
of January A.D. 2008  
At 2:30 A.M. P.M.

  
Sheriff by Cynthia Butler-Aughenbaugh



COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY

NO. 07-368-CD

HSBC BANK USA, AS TRUSTEE IN TRUST  
FOR CITIGROUP MORTGAGE LOAN TRUST,  
INC., ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2003-HE3 C/O  
WELLS FARGO BANK, N.A., SUCCESSOR BY  
MERGER TO WELLS FARGO HOME  
MORTGAGE, INC.

v.

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

**Writ of Execution**

(Mortgage Foreclosure)

COSTS

\$33,764.26

Amount due

Interest from 12/25/2007 to Sale

Date at \$5.55 per diem

Attorney

Atty.'s Comm

Copies

Prothy Prothonotary costs

139.00

Sat

Sheriff's Costs

Foreclosure Costs

TOTAL

Martha E. Von Rosenstiel

Attorney for Plaintiff

649 South Avenue, Unit #7, Secane, PA 19018

(610) 328-2887

Martha E. Von Rosenstiel, P.C.  
 Martha E. Von Rosenstiel, Esquire  
 649 South Avenue, Unit 6  
 Secane, PA 19018  
 610-328-2887  
 Attorney I.D.# 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN TRUST FOR : COURT OF COMMON PLEAS  
 CITIGROUP MORTGAGE LOAN TRUST, INC., ASSET : CLEARFIELD COUNTY  
 BACKED PASS-THROUGH CERTIFICATES SERIES 2003-:  
 HE3 C/O WELLS FARGO BANK, N.A., SUCCESSOR BY :  
 MERGER TO WELLS FARGO HOME MORTGAGE, INC. :

Plaintiff

: NO: 07-368-CD

VS.

ESTATE OF DORIS J. SPENCER, DECEASED :  
 ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS :  
 AND ASSIGNS, REPRESENTATIVES, DEVISEES AND :  
 ALL PERSONS FIRMS OR ASSOCIATIONS, CLAIMING :  
 RIGHT, TITLE OR INTEREST FROM OR UNDER DORIS :  
 J. SPENCER, DECEASED

Defendant(s)

### LEGAL DESCRIPTION

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

THE FIRST THEREOF: Beginning at a point on the Bell Run Road leading from Walltown to Bella landing, which point is forty (40) feet South of a spring located on land now or formerly of Frank McBride; thence southward by said road its various courses and distances, two hundred (200) feet to a post on line of land formerly belonging to George Rafferty; thence eastward along said Rafferty line, one hundred eighty (180) feet, more or less, to a post on bank of Bell Run; thence in a northerly direction along Bell Run its various courses and distances to a point, which said point may be located by a line drawn from place of beginning in an easterly direction on a courses parallel to the southerly line of the tract herein being described; thence from the aforesaid point in a westerly direction on a line parallel to the southern boundary of the tract herein being described, seventy-five (75) feet, more or less, to a point and place of beginning. Containing approximately 5/8ths of an acre.

THE SECOND THEREOF: BEGINNING at a point on the Bell Run Road which said point is three hundred thirty-eight (338) feet North of the intersection of the Bell Run Road running from Walltown to Bella Landing and the Penn Township road running from the Bell Run Road to Hepburnia; thence in a northerly direction along the course of Bell Run Road, one hundred seventy (170) feet, more or less, to a point, being the southwesterly corner of the first parcel hereinbefore described; thence along the southern boundary of the first parcel hereinbefore described, one hundred eighty (180) feet, more or less, to Bell Run; thence in a southerly direction along the various courses and distance of Bell Run to a point where Bell Run intersections with a straight line drawn from the point of beginning of this description to the northeastern corner of land of the Grantors as described in the first parcel of a deed to the Grantors dated September 22, 1967, and recorded in the office of the Recorder of Deeds of Clearfield County in Deed Book 533, page 454; thence in a westerly direction two hundred fifty (250) feet, more or less, to the Bell Run Road and place of beginning.

TAX PARCEL NUMBER: 125-E10-25.2

IMPROVEMENTS: Residential dwelling

TITLE TO SAID PREMISES IS VESTED IN Doris J. Spencer by Deed from Dean W. Spencer and Doris J. Spencer, his wife, dated 2/27/1995 and recorded 3/3/1995 in Deed Book Volume 1662, Page 91.

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME ESTATE OF DORIS J. SPENCER, DECEASED ET AL

NO. 07-368-CD

NOW, June 30, 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 June 06, 2008, I exposed the within described real estate of Estate Of Doris J. Spencer, Deceased All Known And Unknown Heirs, Successors And Assigns, Representatives, Devisees And All Persons Firms C Associations, Claiming Right, Title Or Interest From Or Under Doris J. Spencer, Deceased to public venue or outcry at which time and place I sold the same to MATTHEW J. MILESKE AND JOLENE L. MILESKE he/she being the highest bidder, for the sum of \$22,401.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	
LEVY	15.00
MILEAGE	12.12
POSTING	15.00
CSDS	10.00
COMMISSION	448.02
POSTAGE	12.11
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	22,401.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	

**TOTAL SHERIFF COSTS \$692.25**

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	30.50
TRANSFER TAX 2%	583.63
<b>TOTAL DEED COSTS</b>	<b>\$614.13</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	33,764.26
INTEREST @ 5.5500 %	910.20
FROM 12/25/2007 TO 06/06/2008	

PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	

**TOTAL DEBT AND INTEREST \$34,694.46**

**COSTS:**

ADVERTISING	610.18
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	614.13
SHERIFF COSTS	692.25
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	139.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	

**TOTAL COSTS \$2,484.56**

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

#20511-ORS-PN

COMP

HSBC BANK USA, AS TRUSTEE IN TRUST : COURT OF COMMON PLEAS  
FOR CITIGROUP MORTGAGE LOAN TRUST, : CLEARFIELD COUNTY  
INC., ASSET BACKED PASS-THROUGH :  
CERTIFICATES SERIES 2003-HE3 :  
3476 Stateview Boulevard :  
Fort Mill, SC 29715 : Case No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS J. SPENCER, DECEASED :  
2306 Bell Run Road :  
Grampian, PA 16838 :

AND

ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS,  
REPRESENTATIVES, DEVISEES AND ALL  
PERSONS FIRMS OR ASSOCIATIONS,  
CLAIMING RIGHT, TITLE OR INTEREST  
FROM OR UNDER DORIS J. SPENCER,  
DECEASED

2306 Bell Run Road  
Grampian, PA 16838

Defendants

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

OCT 08 2007

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

### ORDER

It is ORDERED, on this 5<sup>th</sup> day of October, 2007 that Plaintiff's Petition for service of process on all unknown heirs, successors and assigns, representatives, devisees, and all persons, firms, or associations claiming right, title or interest from or under All Known and Unknown Heirs, Successors and Assigns, Representatives, Devisees, and All Persons, Firms, or Associations Claiming Right, Title or Interest From or Under Estate of Doris Spencer, Deceased, pursuant to Pa. R.C.P. 430(a) is hereby GRANTED.

Plaintiff is permitted to effectuate service of the Complaint and all subsequent notices by posting of premises located at Box 501 Bell Run Road, Grampian, PA 16838, by first class mail and certified return receipt mail to the same address, and to the last known address, 2306 Bell Run Road, Grampian, PA 16838.

BY THE COURT:

/S/ Fredric J Ammerman

J.

OCT 11 2007



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:

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS  
AND ASSIGNS ET AL  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838

COMPLETE THIS SECTION ON DELIVERY

A. Signature	<input type="checkbox"/> Agent
<input checked="" type="checkbox"/>	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, enter delivery address below:	

3. Service Type	<input type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
	<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.
4. Restricted Delivery? (Extra Fee)	<input type="checkbox"/> Yes	

2. Article Number (Transfer from service label)	7006 0810 0001 4507-4371
PS Form 3811, February 2004	Domestic Return Receipt
	102595-02-M-1540



**FINAL NOTICE**

ESTATE OF DORIS J. SPENCER,  
DECEASED  
ALL KNOWN AND UNKNOWN HEIRS,  
SUCCESSORS AND ASSIGNS ET AL  
2305 BELL RUN ROAD  
GRAMPIAN, PA 16838

FFB 85 2008

RECEIVED

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

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

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

Sent To

Street, Apt. No.,  
or PO Box No.

City, State, ZIP+4

ESTATE OF DORIS J. SPENCER, DECEASED  
ALL KNOWN AND UNKNOWN HEIRS, SUCCESSORS  
AND ASSIGNS ET AL  
2306 BELL RUN ROAD  
GRAMPIAN, PA 16838

PS Form 3800, June 2002

**See Reverse for Instructions**

**MARTHA E. VON ROSENSTIEL, P.C.**  
**ATTORNEY AT LAW**  
649 SOUTH AVENUE, SUITE 7  
SECANE, PA 19018

Martha E. Von Rosenstiel, Esquire  
Keri P. Claeys, Esquire

Phone: (610) 328-2887  
Fax: (610) 328-2875

April 2, 2008

Sheriff of Clearfield County  
Real Estate Sales  
Court House  
Clearfield, PA 16830  
FAX: 814-765-5915

**ATTN: Cindy**

RE: SALE DATE: 4/4/2008  
MORTGAGOR: Estate of Doris Spencer all Known and  
Unknown Heirs  
PREMISES: Box 501 Bell Run Road, Grampian, PA 16838  
CRT./TRM. #: 07-368-CD  
OUR FILE #: 20511

Dear Cindy:

Please CONTINUE the above Sheriff Sale to **5/2/2008** on the above captioned matter, as our hearing for our Motion to Reassess Damages is scheduled for 4/7/08 at 9:30 am.

If there is anything else you need before the new sale date, please let me know.  
Thank you for your assistance in this matter.

Sincerely yours,

*Trinity McDaniel*  
Trinity McDaniel  
Paralegal



**MARTHA E. VON ROSENSTIEL, P.C.**  
**ATTORNEY AT LAW**  
649 SOUTH AVENUE, SUITE 7  
SECANE, PA 19018

Martha E. Von Rosenstiel, Esquire  
Keri P. Claeyes, Esquire

Phone: (610) 328-2887  
Fax: (610) 328-2875

April 29, 2008

Sheriff of Clearfield County  
Real Estate Sales  
Court House  
Clearfield, PA 16830  
FAX: 814-765-5915

**ATTN: Cindy**

RE: SALE DATE: **5/2/08, continued from 4/4/08**  
MORTGAGOR: Estate of Doris Spencer all Known and  
Unknown Heirs  
PREMISES: Box 501 Bell Run Road, Grampian, PA 16838  
CRT/TRM. #: 07-368-CD  
OUR FILE #: 20511

Dear Cindy:

Please CONTINUE the above Sheriff Sale to **6/6/2008** on the above captioned matter, as there is a pending Amended Motion to Reassess hearing scheduled for 5/19/08.

If there is anything else you need before the new sale date, please let me know.  
Thank you for your assistance in this matter.

Sincerely yours,

*Trinity McDaniel*  
Trinity McDaniel  
Paralegal

Martha E. Von Rosenstiel, P.C.  
Martha E. Von Rosenstiel, Esquire  
649 South Avenue, Unit 6  
Secane, PA 19018  
610 328-2887  
Attorney I.D. # 52634

Attorney for Plaintiff

HSBC BANK USA, AS TRUSTEE IN  
TRUST FOR CITIGROUP MORTGAGE  
LOAN TRUST, INC., ASSET BACKED  
PASS-THROUGH CERTIFICATES SERIES  
2003-HE3 C/O WELLS FARGO BANK,  
N.A., SUCCESSOR BY MERGER TO  
WELLS FARGO HOME MORTGAGE, INC.

: COURT OF COMMON PLEAS  
: Clearfield COUNTY

No: 07-368-CD

Plaintiff

vs.

ESTATE OF DORIS SPENCER ALL  
KNOWN AND UNKNOWN HEIRS

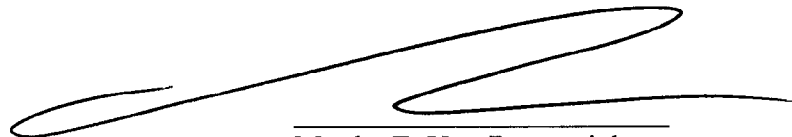
Defendants

FILED ICC, 1Cert of  
m/11:47am disc  
OCT 23 2008  
William A. Shaw  
Prothonotary Clerk of Courts  
to Atty  
Von Rosenstiel  
Copy to CIA

**PRAECIPE TO VACATE JUDGMENT**  
**AND MARK CASE DISCONTINUED AND ENDED**

TO THE PROTHONOTARY:

Kindly withdraw the judgment in the above-referenced action and mark this  
action discontinued and ended without prejudice.



Martha E. Von Rosenstiel  
Attorney for Plaintiff

Dated: October 17, 2008

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

HSBC Bank USA  
Citigroup Mortgage Loan Trust, Inc.  
Wells Fargo Bank, NA

Vs.  
Doris J. Spencer Estate

No. 2007-00368-CD

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 23, 2008, marked:

Discontinued and Ended without prejudice

Record costs in the sum of \$146.00 have been paid in full by Martha E. Von Rosenstiel Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 23rd day of October A.D. 2008.



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

un

our no	deft	date	description	amount	billed date
20511	Estate of Doris Spencer all Known and Unknown Heirs				

19-Dec-07	Basic Foreclosure Fee	1250	22-Jan-08
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\$	1,250.00
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Costs

04-Jan-08	Continuation Search	75	22-Jan-08
06-Feb-07	Court Required Mailings	50	22-Jan-08
08-Mar-07	Court Required Mailings	50	22-Jan-08
06-Feb-07	Death Certificate Order	16	22-Jan-08

19-Dec-07	Default Judgment filing fee	20	22-Jan-08
08-Mar-07	Filing of Complaint	85	22-Jan-08
04-Jan-08	Mailings to Defendants	50	22-Jan-08
04-Jan-08	Mailings to Lienholders	65	22-Jan-08
26-Jul-07	Motion for Alternate Service	375	22-Jan-08

	Motion to Reassess Damages		
23-Jan-08	(Approval Required)	350	
10-Jul-07	Notice under Rule 237,5	50	22-Jan-08
14-Sep-07	Notice under Rule 237,5	50	22-Jan-08
08-Nov-07	Notice under Rule 237,5	50	22-Jan-08
07-Aug-07	Posting of Complaint	100	22-Jan-08
12-Oct-07	Posting of Complaint	30.64	22-Jan-08
08-Mar-07	Pracipe to SDE/Vacate Judg	25	22-Jan-08

09-Mar-07	Preparation of Assignment Fee	100	22-Jan-08
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06-Feb-07	Probate Fee (approval required)	350	22-Jan-08
06-Feb-07	Reasonable Investigation	100	22-Jan-08
14-Mar-07	Recording of Assignments	100	22-Jan-08
07-Aug-07	Reinstatement of Complaint	7	22-Jan-08
12-Oct-07	Reinstatement of Complaint	7	22-Jan-08
08-Mar-07	Service of Complaint	46.64	22-Jan-08

22-Jan-08	Service of Notice under Rule 3129	85	22-Jan-08
04-Jan-08	Sheriff's Deposit	2500	22-Jan-08
06-Feb-07	Skip Trace Search	50	22-Jan-08
06-Feb-07	Tax Cert at Inception	150	22-Jan-08
04-Jan-08	Tax Cert at Judgment	150	22-Jan-08

06-Feb-07	Title Information Certificate	365	22-Jan-08
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04-Jan-08	Writ of Execution Filing Fee	20	22-Jan-08
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\$	5,472.28
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Debra  
3860  
21m RD  
16863

unMRD

The BPOs are the Brokers Price opinion  
(drive-by evaluations of the property)