

07-482-CD

JP Morgan vs Gregory Koptchak

JP Morgan Chase et al vs Gregory Koptchak
2007-482-CD

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

150948

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.,
S/B/M TO BANK ONE, N.A.
8333 RIDGEPOINT DRIVE
FLOOR 1
IRVING, TX 75063-5812

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM

NO. 07-482-CD
CLEARFIELD COUNTY

v.
GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

FILED Atty pd. 85.00
m10:52:64
MAR 27 2007 cc Sheriff
LM
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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

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

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

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

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DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
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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
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THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
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THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

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

1. Plaintiff is

JP MORGAN CHASE BANK, N.A.,
S/B/M TO BANK ONE, N.A.
8333 RIDGEPOINT DRIVE
FLOOR 1
IRVING, TX 75063-5812

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

GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

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

3. On 04/26/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200407072. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/28/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$41,356.76
Interest	\$1,115.73
10/28/2006 through 03/23/2007	
(Per Diem \$7.59)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$116.24
04/26/2004 to 03/23/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$44,588.73
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$44,588.73

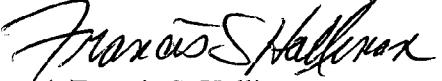
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. The mortgage premises are vacant and abandoned.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$44,588.73, together with interest from 03/23/2007 at the rate of \$7.59 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP


By: _____/s/Francis S. Hallinan

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

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE IN THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POST ON THE LINE OF CENTER STREET; THENCE BY LINE OF LOT FORMERLY OF C. OVERHEIM, NOW OWNED BY ANGELO VERRELLI, SOUTHWARD ONE HUNDRED EIGHTY (180) FEET TO A POST AT AN ALLEY; THENCE BY SAID ALLEY WESTWARD FIFTY (50) FEET TO A POST; THENCE NORTHWARD BY LOT FORMERLY OF GEORGE BRESSLER, ONE HUNDRED EIGHTY (180) FEET TO A POST AT CENTER STREET; THENCE BY SAID CENTER STREET EASTWARD FIFTY (50) FEET TO A POST AND THE PLACE OF BEGINNING.

PROPERTY BEING: 628 CENTER STREET

VERIFICATION

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

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



FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 3-23-07

6A

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

JP Morgan Chase Bank, N.A..	:	
S/B/M to Bank One, N.A.	:	
8333 Ridgepoint Drive, Floor 1	:	
Irving, TX 75063-5812	:	
Plaintiff	:	Civil Division
vs.	:	
Gregory A. Koptchak	:	No. 2007-482-CD
534 Morrison Road	:	
Clearfield, PA 16830	:	
Defendant	:	

ORDER

AND NOW, this 18th day of July, 2007, upon consideration of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service, and any response thereto, it is hereby:

ORDERED and DECREED that the Sheriff of Clearfield County is hereby directed to complete and file an Affidavit of Service of the foreclosure Complaint within seven days of the date of this Order.

BY THE COURT:



J. Jennifer

FILED
07/18/2007 *cc* *Atty Bradford*
JUL 18 2007
CC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

OK

DATE: 7/18/07

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

FILED
JUL 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED NO
JUL 17 2007
GK
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

JP Morgan Chase Bank, N.A. :
S/B/M to Bank One, N.A. :
8333 Ridgepoint Drive, Floor 1 :
Irving, TX 75063-5812 :
Plaintiff :
vs. :
Gregory A. Koptchak :
534 Morrison Road :
Clearfield, PA 16830 :
Defendant

Court of Common Pleas
Clearfield County
Civil Division
No. 2007-482-CD

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on March 27, 2007. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".
2. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendant.
3. On May 10, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that the wife of Gregory A. Koptchak accepted service on his behalf on April 18, 2007.

4. On May 10, 2007, Plaintiff sent the Defendant a ten day letter notifying him of its intention to file a default judgment.

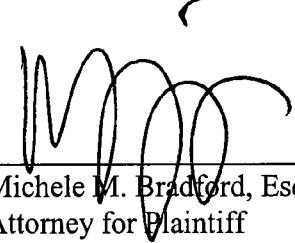
5. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on April 18, 2007.

6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary. Interest accrues at the rate of \$7.59 per day on this mortgage account.

7. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order directing the Sheriff of Clearfield County to file the affidavit of service of the Complaint with the Prothonotary within seven days.

7/16/07
Date



Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

JP Morgan Chase Bank, N.A.
S/B/M to Bank One, N.A.
8333 Ridgepoint Drive, Floor 1
Irving, TX 75063-5812
Plaintiff

VS.

Gregory A. Koptchak
534 Morrison Road
Clearfield, PA 16830
Defendant

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Clearfield County

Civil Division

No. 2007-482-CD

**BRIEF IN SUPPORT OF MOTION TO DIRECT THE SHERIFF TO FILE
AFFIDAVIT OF SERVICE**

J. PROCEDURAL HISTORY

Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on March 27, 2007. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendant. On May 10, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that the wife of Gregory A. Koptchak accepted service on his behalf on April 18, 2007.

On May 10, 2007, Plaintiff sent the Defendant a ten day letter notifying him of its intention to file a default judgment. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on April 18, 2007. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary.

Interest accrues at the rate of \$7.59 per day on this mortgage account. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service.

II. LEGAL ANALYSIS

Pennsylvania Rule of Civil Procedure 400(a) requires that original process within the Commonwealth be made only by the Sheriff. Pa.R.C.P. 405(a) provides as follows:

When service of the original process has been made, the sheriff or other person making service shall make a return of service forthwith. . . .

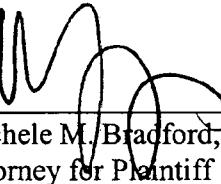
The Plaintiff does not have the ability to use a private process server to serve foreclosure complaints in Clearfield County. The Plaintiff must rely on the Sheriff to do so. In addition, the Sheriff has a duty to file his return of service "forthwith". In the instant case, the Sheriff's Office has not complied with that obligation.

Plaintiff is without an adequate remedy at law and will suffer irreparable harm unless the requested relief is granted. This Court has plenary power to administer equity according to well-settled principals of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A. 779, 116 Pa. Super. 101 (1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them instead of encouraging technical niceties in the modes of procedure and forms of pleading. Gunnet v. Trout, 380 Pa. 504, 112 A.2d

333 (1955). This is certainly a case where the exercise of this Court's equity powers is appropriate and necessary.

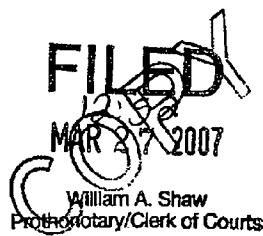
WHEREFORE, Plaintiff respectfully requests that the Court enter an Order directing the Sheriff of Clearfield County to file the affidavit of service of the Complaint with the Prothonotary within seven days.

7/16/07
Date



Michele M. Bradford, Esquire
Attorney for Plaintiff

EXHIBIT A



PHELAN HALLINAN & SCHMIEG, LLP
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FRANCIS S. HALLINAN, ESQ., Id. No. 62695
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(215) 563-7000 150948

ATTORNEY FOR PLAINTIFF

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S/B/M TO BANK ONE, N.A.
8333 RIDGEPOINT DRIVE
FLOOR 1
IRVING, TX 75063-5812

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-482-cd

CLEARFIELD COUNTY

Filed 3/27/07

ATTORNEY FILE COPY
PLEASE RETURN

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

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

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S/B/M TO BANK ONE, N.A.
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2. The name(s) and last known address(es) of the Defendant(s) are:

GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

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

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PHELAN HALLINAN & SCHMIEG, LLP


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

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE IN THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POST ON THE LINE OF CENTER STREET; THENCE BY LINE OF LOT FORMERLY OF C. OVERHEIM, NOW OWNED BY ANGELO VERRELLI, SOUTHWARD ONE HUNDRED EIGHTY (180) FEET TO A POST AT AN ALLEY; THENCE BY SAID ALLEY WESTWARD FIFTY (50) FEET TO A POST; THENCE NORTHWARD BY LOT FORMERLY OF GEORGE BRESSLER, ONE HUNDRED EIGHTY (180) FEET TO A POST AT CENTER STREET; THENCE BY SAID CENTER STREET EASTWARD FIFTY (50) FEET TO A POST AND THE PLACE OF BEGINNING.

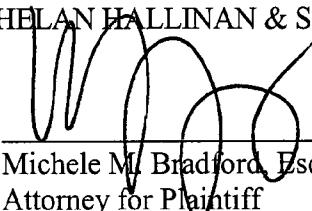
PROPERTY BEING: 628 CENTER STREET

VERIFICATION

Michele M. Bradford, Esquire hereby states that she is the attorney for the Plaintiff in this action, that she is authorized to make this Verification, and that the statements made in the foregoing Motion to Direct Sheriff to file Affidavit of Service and Brief in support thereof are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

7/16/07
Date

PHELAN HALLINAN & SCHMIEG, LLP


Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

JP Morgan Chase Bank, N.A.	:	Court of Common Pleas
S/B/M to Bank One, N.A.	:	
8333 Ridgepoint Drive, Floor 1	:	
Irving, TX 75063-5812	:	
Plaintiff	:	Clearfield County
	:	
vs.	:	
	:	Civil Division
Gregory A. Koptchak	:	
534 Morrison Road	:	
Clearfield, PA 16830	:	No. 2007-482-CD
Defendant		

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Direct Sheriff to File
Affidavit of Service and Brief in Support thereof were served upon the following interested
parties via first class mail on the date indicated below:

Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, Pennsylvania 16830

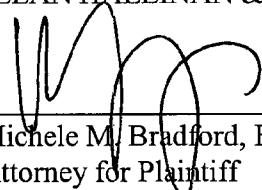
Peter F. Smith, Esquire
30 S. 2nd Street,
P.O. Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Gregory A. Koptchak
534 Morrison Road
Clearfield, PA 16830

Gregory A. Koptchak
628 Center Street
Curwensville, PA 16833

7/16/07
Date

PHELAN HALLINAN & SCHMIEG, LLP


Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102617
NO: 07-482-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: JP MORGAN CHASE BANK, N.A.
vs.
DEFENDANT: GREGORY A. KOPTCHAK

SHERIFF RETURN

NOW, April 18, 2007 AT 11:53 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON GREGORY A. KOPTCHAK DEFENDANT AT 543 MORRISON ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MELISSA KOPTCHAK, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN /

FILED
03:50 pm
JUL 19 2007
WS

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket #

102617

JP MORGAN CHASE BANK, N.A.

Case #

07-482-CD

vs.

GREGORY A. KOPTCHAK

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW July 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO GREGORY A. KOPTCHAK, DEFENDANT. 628 CENTER ST., CURWENSVILLE, PA. "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102617
NO: 07-482-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: JP MORGAN CHASE BANK, N.A.

vs.

DEFENDANT: GREGORY A. KOPTCHAK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	583899	20.00
SHERIFF HAWKINS	PHELAN	583899	30.82

Sworn to Before Me This

So Answers.

____ Day of _____ 2007



Chester A. Hawkins
Sheriff

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

MAR 27 2007

Attest.

William J. Cawley
Prothonotary/
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 150948

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.,
S/B/M TO BANK ONE, N.A.
8333 RIDGEPOINT DRIVE
FLOOR 1
IRVING, TX 75063-5812

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-482-CD

CLEARFIELD COUNTY

GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

NOTICE

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

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

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

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

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

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

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

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

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

1. Plaintiff is

JP MORGAN CHASE BANK, N.A.,
S/B/M TO BANK ONE, N.A.
8333 RIDGEPOINT DRIVE
FLOOR 1
IRVING, TX 75063-5812

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

GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

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

3. On 04/26/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200407072. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/28/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$41,356.76
Interest	\$1,115.73
10/28/2006 through 03/23/2007	
(Per Diem \$7.59)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$116.24
04/26/2004 to 03/23/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$44,588.73
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$44,588.73

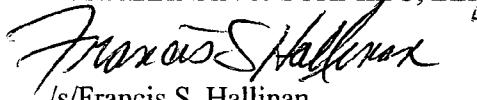
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. The mortgage premises are vacant and abandoned.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$44,588.73, together with interest from 03/23/2007 at the rate of \$7.59 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT OR PIECE OF GROUND SITUATE IN THE BOROUGH OF CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POST ON THE LINE OF CENTER STREET; THENCE BY LINE OF LOT FORMERLY OF C. OVERHEIM, NOW OWNED BY ANGELO VERRELLI, SOUTHWARD ONE HUNDRED EIGHTY (180) FEET TO A POST AT AN ALLEY; THENCE BY SAID ALLEY WESTWARD FIFTY (50) FEET TO A POST; THENCE NORTHWARD BY LOT FORMERLY OF GEORGE BRESSLER, ONE HUNDRED EIGHTY (180) FEET TO A POST AT CENTER STREET; THENCE BY SAID CENTER STREET EASTWARD FIFTY (50) FEET TO A POST AND THE PLACE OF BEGINNING.

PROPERTY BEING: 628 CENTER STREET

VERIFICATION

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

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

Francis S. Hallinan

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 3-23-07

2
FILED
M 11/4/07
JUL 26 2007
NOCC

William A. Shaw
Prothonotary/Clerk of Courts
JM

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849 ATTORNEY FOR PLAINTIFF
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

JP Morgan Chase Bank, N.A.	:	Court of Common Pleas
S/B/M to Bank One, N.A.	:	
8333 Ridgepoint Drive, Floor 1	:	
Irving, TX 75063-5812	:	
Plaintiff	:	Clearfield County
vs.	:	
	:	Civil Division
Gregory A. Koptchak	:	
534 Morrison Road	:	
Clearfield, PA 16830	:	No. 2007-482-CD
Defendant		

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Court's July 18, 2007 Order was served upon the following interested parties via first class mail on the date indicated below:

Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, Pennsylvania 16830

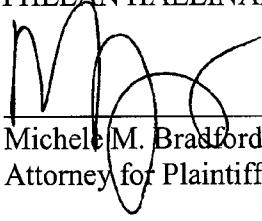
Peter F. Smith, Esquire
30 S. 2nd Street,
P.O. Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Gregory A. Koptchak
534 Morrison Road
Clearfield, PA 16830

7/25/07
Date

Gregory A. Koptchak
628 Center Street
Curwensville, PA 16833

PHELAN HALLINAN & SCHMIEG, LLP


Michele M. Bradford, Esquire
Attorney for Plaintiff

Attorney for Plaintiff

FILED
11/14/2011
AUG 06 2007
Statement to Atty
William A. Shaw
Prothonotary/Clerk of Courts
Atty fd. 85.00
(CK)

**JP MORGAN CHASE BANK, N.A., S/B/M TO
BANK ONE, N.A.**

**8333 RIDGEPOINT DRIVE, FLOOR 1
IRVING, TX 75063-5812**

Plaintiff,

Y.

**GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830**

Defendant(s).

PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **GREGORY A. KOPTCHAK**, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in the Complaint	\$ 44,588.73
Interest - 3/24/07 TO 8/2/07	\$1,001.88
TOTAL	\$ 45,590.61

I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) notice has been given in accordance with Rule 237.1, copy attached.

D. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 8/6/07

PRO PROTHY

150948

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205 ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

JP MORGAN CHASE BANK, N.A., S/B/M TO :

BANK ONE, N.A. :

8333 RIDGEPOINT DRIVE, FLOOR 1 :

IRVING, TX 75063-5812 :

Plaintiff, :

v. :

GREGORY A. KOPTCHAK :

543 MORRISON ROAD :

CLEARFIELD, PA 16830 :

Defendant(s). :

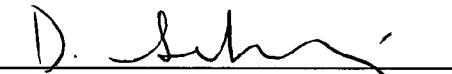
VERIFICATION OF NON-MILITARY SERVICE

DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant **GREGORY A. KOPTCHAK** is over 18 years of age and resides at **543 MORRISON ROAD, CLEARFIELD, PA 16830**.

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



DANIEL G. SCHMIEG, ESQUIRE

PHELAN, HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

JP MORGAN CHAS EBANK, N.A., : COURT OF COMMON PLEAS
S/B/M TO BANK ONE, N.A. : CIVIL DIVISION
Plaintiff :
Vs. : CLEARFIELD COUNTY
GREGORY A. KOPTCHAK : NO. 07-482-CD
Defendants

TO: GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

DATE OF NOTICE: MAY 10, 2007

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

IMPORTANT NOTICE

FILE COPY

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

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

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

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

PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

(Rule of Civil Procedure No. 236 - Revised

COPY

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

JP MORGAN CHASE BANK, N.A., S/B/M TO	:	
BANK ONE, N.A.	:	
8333 RIDGEPOINT DRIVE, FLOOR 1	:	CLEARFIELD COUNTY
IRVING, TX 75063-5812	:	COURT OF COMMON PLEAS
Plaintiff,	:	CIVIL DIVISION
v.	:	
GREGORY A. KOPTCHAK	:	NO. 07-482-CD
543 MORRISON ROAD	:	
CLEARFIELD, PA 16830	:	
Defendant(s).	:	

Notice is given that a Judgment in the above captioned matter has been entered against you
on August 6, 2007

BY Walter Schmieg DEPUTY

If you have any questions concerning this matter, please contact:

D. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

This firm is a debt collector attempting to collect a debt. Any information we obtain will be used for that purpose. If you have previously received a discharge in bankruptcy, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
STATEMENT OF JUDGMENT

OPY

JP Morgan Chase Bank, N.A.
Bank One, N.A.
Plaintiff(s)

No.: 2007-00482-CD

Real Debt: \$45,590.61

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Gregory A. Koptchak
Defendant(s)

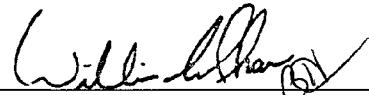
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: August 6, 2007

Expires: August 6, 2012

Certified from the record this 6th day of August, 2007.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183

JP.MORGAN.CHASE.BANK, N.A.,
S/B/M TO BANK ONE, N.A.

vs.

GREGORY A. KOPTCHAK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-482-CD Term 20

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due \$45,590.61

Interest from 8/2/07 to Sale \$ _____
Per diem \$7.49

Add'l Costs \$ 3,145.00

125.00 **Prothonotary costs**


Attorney for the Plaintiff(s)

Note: Please attach description of Property.

150948

FILED
M 11:54 AM AUG 06 2007 Atty pd. 20.00
iCColewits
William A. Shaw w prop. desc.
Prothonotary/Clerk of Courts to Sheriff
(Lk)

No. 07-482-CD..... Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JP MORGAN CHASE BANK, N.A., S/B/M TO
BANK ONE, N.A.

vs.

GREGORY A. KOPTCHAK

PRAECLPICE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



.....
Attorney for Plaintiff(s)

Address: GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

JP MORGAN CHASE BANK, N.A., S/B/M TO	:	
BANK ONE, N.A.	:	
8333 RIDGEPOINT DRIVE, FLOOR 1	:	CLEARFIELD COUNTY
IRVING, TX 75063-5812	:	COURT OF COMMON PLEAS
Plaintiff,	:	CIVIL DIVISION
v.	:	
GREGORY A. KOPTCHAK	:	NO. 07-482-CD
543 MORRISON ROAD	:	
CLEARFIELD, PA 16830	:	
Defendant(s).	:	

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

JP MORGAN CHASE BANK, N.A., S/B/M TO BANK ONE, N.A., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information concerning the real property located at **628 CENTER STREET, CURWENSVILLE, PA 16833.**

1. Name and address of Owner(s) or reputed Owner(s):

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
GREGORY A. KOPTCHAK	543 MORRISON ROAD CLEARFIELD, PA 16830

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
Same as Above	

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

8/2/07
Date

D. Sch

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

JP.MORGAN CHASE BANK, N.A., S/B/M TO	:	
BANK ONE, N.A.	:	
8333 RIDGEPOINT DRIVE, FLOOR 1	:	CLEARFIELD COUNTY
IRVING, TX 75063-5812	:	COURT OF COMMON PLEAS
 Plaintiff,	:	
 v.	:	
 GREGORY A. KOPTCHAK	:	
543 MORRISON ROAD	:	
CLEARFIELD, PA 16830	:	
 Defendant(s).	:	
	:	

AFFIDAVIT PURSUANT TO RULE 3129

JP MORGAN CHASE BANK, N.A., S/B/M TO BANK ONE, N.A., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **628 CENTER STREET, CURWENSVILLE, PA 16833**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME

LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

TENANT/OCCUPANT

**628 CENTER STREET
CURWENSVILLE, PA 16833**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

**CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830**

**COMMONWEALTH OF
PENNSYLVANIA**

**DEPARTMENT OF WELFARE
PO BOX 2675
HARRISBURG, PA 17105**

**Commonwealth of Pennsylvania
Bureau of Individual Tax
Inheritance Tax Division**

**6th Floor, Strawberry Sq., Dept 28061
Harrisburg, PA 17128**

**Internal Revenue Service
Federated Investors Tower**

**13TH Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222**

**Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program**

**P.O. Box 8486
Willow Oak Building
Harrisburg, PA 17105**

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

8/2/07
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A., S/B/M TO

BANK ONE, N.A.

8333 RIDGEPOINT DRIVE, FLOOR 1

IRVING, TX 75063-5812

:

:

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

:

CIVIL DIVISION

:

NO. 07-482-CD

Plaintiff,

v.

GREGORY A. KOPTCHAK

543 MORRISON ROAD

CLEARFIELD, PA 16830

:

:

Defendant(s).

:

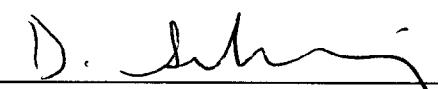
:

CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

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



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183 and Rule 3257

OPY

JP.MORGAN.CHASE BANK, N.A.,
S/B/M.T.O.BANK.ONE, N.A.

vs.

GREGORY.A.KOPTCHAK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-482-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 628 CENTER STREET, CURWENSVILLE, PA 16833
(See Legal Description attached)

Amount Due	\$45,590.61
Interest from 8/2/07 to Sale per diem \$7.49	\$-----
Total	\$----- <u>125.00</u>
Add'l Costs	\$ 3,145.00

Prothonotary costs

Willie Sharpen
(Clerk) Office of the Prothy Support, Common Pleas Court
of CLEARFIELD County, Penna.

Dated 8/16/07.....
(SEAL)

150948

No. 07-482-CD..... Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

J.P MORGAN CHASE BANK, N.A., S/B/M TO BANK
ONE, N.A.

vs.

GREGORY A. KOPTCHAK

WRT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$45,590.61

Int. from 8/2/07
To Date of Sale (\$7.49 per diem)

Costs

Prothy Pd. 125.00

Sheriff



Attorney for Plaintiff(s)

Address: GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

LEGAL DESCRIPTION

ALL that certain lot or piece of ground situate in the Borough of Curwensville, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on the line of Center Street; thence by line of lot formerly of C. Overheim, now owned by Angelo Verrelli, southward one hundred eighty (180) feet to a post at an alley; thence by said alley westward fifty (50) feet to a post; thence northward by lot formerly of George Bressler, one hundred eighty (180) feet to a post at Center Street; thence by said Center Street eastward fifty (50) feet to a post and the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Gregory A. Koptchak, a single individual, by Deed from Gregory A. Koptchak, a single individual and Cindy L. Koptchak, a single individual, dated 05/10/2000, recorded 05/19/2000, in Deed Mortgage Inst# 200006916.

Premises being: 628 CENTER STREET
CURWENSVILLE, PA 16833

Tax Parcel No. **6-2-H10-287-7**

SALE DATE: NOVEMBER 2, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

**JP MORGAN CHASE BANK, N.A.,
S/B/M TO BANK ONE, N.A.**

No.: 07-482-CD

vs.

GREGORY A. KOPTCHAK

**AFFIDAVIT PURSUANT TO RULE 3129.1
AND RETURN OF SERVICE PURSUANT TO
Pa. R.C.P. 405 OF NOTICE OF SALE**

Plaintiff in the above action sets forth as of the date the Praeipe for the Writ of Execution was filed the following information concerning the real property located at:

628 CENTER STREET, CURWENSVILLE, PA 16833.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the attached Affidavit No. 2 (previously filed) and Amended Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: October 15, 2007

150948

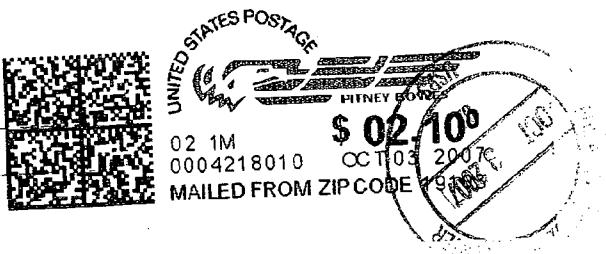
FILED
MTO:SA/BS
OCT 16 2007
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

Name and
Address
of Sender

COS
PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage
1		TENANT/OCCUPANT 628 CENTER STREET CURWENSVILLE, PA 16833	
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830	
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105	
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128	
5		Internal Revenue Service, Federated Investors Tower, 13 TH Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222	
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105	
7			
8			
9			
10			
11			
12		Re: GREGORY A. KOPTCHAK 150948 TEAM 4	
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.</p>



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20636
NO: 07-482-CD

PLAINTIFF: JP MORGAN CHASE BANK, N.A. S/B/M TO BANK ONE, N.A.
vs.
DEFENDANT: GREGORY A. KOPTCHAK

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 8/6/2007

LEVY TAKEN 8/29/2007 @ 1:23 PM

POSTED 8/29/2007 @ 1:23 PM

SALE HELD 11/2/2007

SOLD TO HOMESALES INC. OF DELAWARE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 1/9/2008

DATE DEED FILED 1/9/2008

PROPERTY ADDRESS 628 CENTER STREET CURWENSVILLE , PA 16830

SERVICES

8/31/2007 @ 8:15 AM SERVED GREGORY A. KOPTCHAK

SERVED GREGORY A. KOPTCHAK, DEFENDANT, AT HIS RESIDENCE 543 MORRISON ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MELISSA KOPTCHAK, WIFE/ADULT AT RESIDENCE

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

FILED
01/10/2008
JAN 09 2008
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20636
NO: 07-482-CD

PLAINTIFF: JP MORGAN CHASE BANK, N.A. S/B/M TO BANK ONE, N.A.

vs.

DEFENDANT: GREGORY A. KOPTCHAK

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$193.74

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2006


Chester A. Hawkins
Sheriff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183 and Rule 3257

J.P. MORGAN CHASE BANK, N.A.,
S/B/M TO BANK ONE, N.A.

vs.

GREGORY A. KOPTCHAK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-482-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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PREMISES: 628 CENTER STREET, CURWENSVILLE, PA 16833
(See Legal Description attached)

Amount Due	\$45,590.61
Interest from 8/2/07 to Sale per diem \$7.49	\$-----
Total	\$-----
Add'l Costs	\$ 3,145.00

125.00 Prothonotary costs

Chesler A. Hawley
(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

Dated 8/16/07
(SEAL)

150948

Received this writ this 6th day
of August A.D. 2007
At 2:00 A.M./P.M.

Chesler A. Hawley
Sheriff *by Cynthia Butler-Coughlin*

No. 07-482-CD Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JP MORGAN CHASE BANK, N.A., S/B/M TO BANK
ONE, N.A.

vs.

GREGORY A. KOPTCHAK

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs	
Real Debt	\$45,590.61
Int. from 8/2/07	
To Date of Sale (\$7.49 per diem)	
Costs	
Prothy Pd.	<u>125.00</u>
Sheriff	<u>D. J. J.</u>

Attorney for Plaintiff(s)

Address: GREGORY A. KOPTCHAK
543 MORRISON ROAD
CLEARFIELD, PA 16830

LEGAL DESCRIPTION

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Premises being: 628 CENTER STREET
CURWENSVILLE, PA 16833

Tax Parcel No. 6-2-H10-287-7

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME GREGORY A. KOPTCHAK

NO. 07-482-CD

NOW, January 09, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on November 02, 2007, I exposed the within described real estate of Gregory A. Koptchak to public venue or outcry at which time and place I sold the same to HOMESALES INC. OF DELAWARE he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	2.00
LEVY	15.00
MILEAGE	5.82
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	4.92
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	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$193.74

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.00
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$29.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	45,590.61
INTEREST @ 7.4900 %	689.08
FROM 08/02/2007 TO 11/02/2007	
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	\$46,299.69
COSTS:	
ADVERTISING	319.30
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	193.74
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	174.35
TOTAL COSTS	\$1,130.39

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