07-483-CD
Bank of NY vs Robert Frailey al

Bank of New York vs Robert Frailey et al
2007-483-CD

FILED Atty pd. 85.00
m 12:59 pm
MAR 27 2007 2 cc Sheriff
William A. Shaw
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 151432

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff

v.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-483-CD

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

June 14, 2007 Document
Reinstated/~~Reissued~~ to Sheriff/Attorney
for service.
Deputy Prothonotary

May 23, 2007 Document
Reinstated/~~Reissued~~ to ~~Sheriff~~/Attorney
for service.
~~Deputy~~ Prothonotary

Oct 19, 2007 Document
Reinstated/~~Reissued~~ to Sheriff/~~Attorney~~
for service.
~~Deputy~~ Prothonotary

File #: 151432

NOTICE

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

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

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

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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

BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS CWABS, INC.
ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
7105 CORPORATE DRIVE
PLANO, TX 75024

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

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

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

3. On 06/30/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR WILMINGTON FINANCE, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200611218. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. 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 11/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	$158,701.46
Interest	$6,424.08
10/01/2006 through 03/23/2007	
(Per Diem $36.92)	
Attorney's Fees	$1,250.00
Cumulative Late Charges	$241.72
06/30/2006 to 03/23/2007	
Cost of Suit and Title Search	$750.00
Subtotal	$167,367.26
Escrow	
Credit	$0.00
Deficit	$0.00
Subtotal	$0.00
TOTAL	$167,367.26

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of $167,367.26, together with interest from 03/23/2007 at the rate of $36.92 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

File #: 151432

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

PARCEL NO. 125-F11-50.1

BEING THE SAME PREMISES which Guenter R. Goebel and Jutta F. Goebel, husband and wife, as tenants by the entireties with right of survivorship, by Indenture dated 06-23-87 and recorded 06-25-87 in the Office of the Recorder of Deeds in and for the County of Clearfield in Deed Book 1166, Page 501, granted and conveyed unto Randy W. Caldwell and Deborah A. Caldwell, husband and wife, as tenants by the entireties.

PROPERTY BEING: 48 FIRST 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: 3-23-09

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

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
	:	CLEARFIELD COUNTY
vs.	:	
ROBERT A. FRAILEY MARY K. FRAILEY	:	No. 07-483-CD
Defendants	:	

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP

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

Date: May 22, 2007

/jmr, Svc Dept.
File# 151432

FILED
MAY 23 2007
m/ 11:30/w
William A. Shaw
Prothonotary/Clerk of Courts
1 cert. w/ reinstated complaint to Atty

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5	:	
	:	
vs.	:	CIVIL DIVISION NO. 07-483-CD
	:	
Robert A. Frailey Mary K. Frailey		
	:	

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED**.

It is further **ORDERED** and **DECREED** that Plaintiff may obtain service of the Complaint and all future pleadings on the above captioned Defendant, Mary K. Frailey, by:

1. Posting of the mortgaged premises, 48 First Street, Grampian, PA 16838.

2. First class mail to Mary K. Frailey at the mortgaged premises, 48 First Street, Grampian, PA 16838 and the last known address, P.O. Box 207, Drifting, PA 16834-0207; and

3. Certified mail to Mary K. Frailey at the mortgaged premises, 48 First Street, Grampian, PA 16838 and the last known address, P.O. Box 207, Drifting, PA 16834-0207.

BY THE COURT:

_____

J.

UA

FILED
MAY 23 2007
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5	:	COURT OF COMMON PLEAS
	:	
	:	CIVIL DIVISION
vs.		
Robert A. Frailey Mary K. Frailey	:	CLEARFIELD COUNTY
	:	NO. 07-483-CD

MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant, Mary K. Frailey, by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the last known address, P.O. Box 207, Drifting, PA 16834-0207 and the mortgaged premises, 48 First Street, Grampian, PA 16838, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint in Mortgage Foreclosure Action on March 27, 2007. As indicated by the copy of said complaint attached hereto as Exhibit "A".

2. Said complaint was forwarded to the Office of the Sheriff on or about March 28, 2007 for service to be completed on the Defendant, Mary K. Frailey, at the mortgaged premises, 48 First Street, Grampian, PA 16838. Plaintiff was advised by the Sheriff's Office that Mary K. Frailey no longer resides at this address. Plaintiff is unable to append a copy of the Return of Service as a result of a backlog in completing the Affidavit at the Sheriff's Office. Plaintiff's Affidavit of Service is attached hereto and marked as Exhibit "B".

3. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "C".

4. Plaintiff has reviewed its internal records and has not been contacted by the Defendant as of May 22, 2007 to bring loan current.

5. Plaintiff submits that it has made a good faith effort to locate the Defendant but has been unable to do so.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by posting, first class mail and certified mail.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By:_____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: May 22, 2007

Exhibit A

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
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7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff

v.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-483-CD

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

File #: 151432

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
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Defendants

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NO.

CLEARFIELD COUNTY

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COMPLAINT IN MORTGAGE FORECLOSURE

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BANK OF NEW YORK AS TRUSTEE FOR
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ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
7105 CORPORATE DRIVE
PLANO, TX 75024

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

ROBERT A. FRAILEY
MARY K. FRAILEY
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GRAMPIAN, PA 16838

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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 11/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

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

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WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of $167,367.26, together with interest from 03/23/2007 at the rate of $36.92 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

File #: 151432

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PARCEL NO. 125-F11-50.1

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PROPERTY BEING: 48 FIRST 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: 3-23-09

Exhibit B

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5	:	COURT OF COMMON PLEAS
	:	
	:	CIVIL DIVISION
vs.		
Robert A. Frailey Mary K. Frailey	:	CLEARFIELD COUNTY
	:	NO. 07-483-CD

AFFIDAVIT OF SERVICE

Plaintiff's Counsel, Phelan Hallinan & Schmieg, LLP, does hereby swear and subscribe that it contacted the Sheriff's Office of Clearfield County on April 19, 2007 and may 10, 2007 and was advised that the Sheriff was unable to complete personal service on Mary K. Frailey at the mortgaged premises, 48 First Street, Grampian, PA 16838. On May 22, 2007, the Plaintiff, by its Counsel, called the Sheriff's Office inquiring if a Return of Service was complete. The Sheriff's Office advised the Plaintiff's Counsel that they are behind with getting the returns typed up and out the door. However, they did confirm that the Defendant, Mary K. Frailey, was not served at the mortgaged premises, 48 First Street, Grampian, PA 16838 because the Defendant no longer resides here. Her forwarding address is P.O. Box 207, Drifting, PA 16834-0208, but there is no physical address to attempt service.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: _____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Sworn to and subscribed before me on this 22ND day of May 2007

Nora M. Ferrer
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
NORA M. FERRER, Notary Public
City of Philadelphia, Phila. County
Commission Expires November 22, 2009

Exhibit C

FULL SPECTRUM LEGAL SERVICES, INC.
AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: 151432
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**
Subject: Robert A. Frailly & Mary K. Frailey

Property Address: 48 First Street, Grampian, PA 16838
Possible Mailing Address: (Mary K. Frailey) P.O. Box 207, Grampian, PA 16838

I, Brendan Booth, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:

I. CREDIT INFORMATION
   A. SOCIAL SECURITY NUMBER
      Our search verified the following information to be true and correct
      Robert A. Frailly – xxx-xx-2668
      Mary K. Frailey – xxx-xx-5580
   B. EMPLOYMENT SEARCH
      Robert A. Frailly & Mary K. Frailey - A review of the credit reporting agencies provided no employment information.
   C. INQUIRY OF CREDITORS
      Our inquiry of creditors indicated that Robert A. Frailly reside(s) at: 48 First Street, Grampian, PA 16838 & Mary K. Frailey reside(s) at: P.O. Box 207, Grampian, PA 16838.

II. INQUIRY OF TELEPHONE COMPANY
   A. DIRECTORY ASSISTANCE SEARCH
      Our office contacted directory assistance, which had no listing for Robert A. Frailly & Mary K. Frailey.
   B. On 03-19-07 our office made several telephone calls to the phone number (814) 236-0238 and received the following information: no answer.

III. INQUIRY OF NEIGHBORS
   On 03-19-07 our office made several phone calls in an attempt to contact William O. Lines (814) 236-1656, 201 First Street, Grampian, PA 16838: no answer.

   On 03-19-07 our office made several phone calls in an attempt to contact Sonya Tobias (814) 236-7570, 309 First Street, Grampian, PA 16838: no answer.

   On 03-19-07 our office made several phone calls in an attempt to contact Eric Shaw (814) 236-7493, 392 First Street, Grampian, PA 16838: no answer.

IV. ADDRESS INQUIRY
   A. NATIONAL ADDRESS UPDATE
      On 03-19-07 we reviewed the National Address database and found the following information: Robert A. Frailly - 48 First Street, Grampian, PA 16838 & Mary K. Frailey – P.O. Box 207, Grampian, PA 16838.

B. ADDITIONAL ACTIVE MAILING ADDRESSES
Per our inquiry of creditors, the following is a possible mailing address: (Mary K. Frailey) P.O. Box 207, Grampian, PA 16838.

V. DRIVERS LICENSE INFORMATION
A. MOTOR VEHICLE & DMV OFFICE
Per the PA Department of Motor Vehicles, we were unable to obtain address information on Robert A. Frailly & Mary K. Frailey.

VI. OTHER INQUIRIES
A. DEATH RECORDS
As of 03-19-07 Vital Records and all public databases have no death record on file for Robert A. Frailly & Mary K. Frailey.
B. COUNTY VOTER REGISTRATION
The county voter registration was unable to confirm a registration for Robert A. Frailly & Mary K. Frailey residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT
A. DATE OF BIRTH
Robert A. Frailly - 11-06-1974
Mary K. Frailey - 02-24-1974

*** Our accessible databases have been checked and cross-referenced for the above named individual(s).**

*** Please be advised our database information indicates the subject resides at the current address.**

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.

Brendan Booth

AFFIANT - Brendan Booth
Full Spectrum Legal Services, Inc.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
NORA M. FERRER, Notary Public
City of Philadelphia, Phila. County
My Commission Expires November 22, 2010

Sworn to and subscribed before me this 19th day of March, 2007.

Nora M. Ferrer

The above information is obtained from available public records
and we are only liable for the cost of the affidavit.

IND

VERIFICATION

Daniel G. Schmieg, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT are true and correct to the best of his knowledge, information and belief.

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

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By:_____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: May 22, 2007

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5	:	COURT OF COMMON PLEAS
	:	
	:	CIVIL DIVISION
vs.		
Robert A. Frailey Mary K. Frailey	:	CLEARFIELD COUNTY
	:	NO. 07-483-CD

CERTIFICATION OF SERVICE

I, Daniel G. Schmieg, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court, Memorandum of Law, Proposed Order and attached exhibits have been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

Mary K. Frailey at:
48 First Street
Grampian, PA 16838

P.O. Box 207
Drifting, PA 16834-0207

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

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: _____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: May 22, 2007

CA

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

BANK OF NEW YORK as Trustee for the CERTIFICATEHOLDERS CWABS, INC. Asset-Backed Certificates, Series 2006-BC5, Plaintiff	*	
vs.	*	NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	*	

ORDER

NOW, this 24th day of May, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant **MARY K. FRAILEY** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
3. By certified mail, return receipt requested to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
4. By posting the mortgaged premises known in this herein action as 48 First Street, Grampian, PA 16838.

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

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

FILED
0/8:50cm
MAY 24 2007
3cc Atty Schmieg
William A. Shaw
Prothonotary/Clerk of Courts

DATE: 5-24-2007

X You are responsible for serving all appropriate parties.

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

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

FILED

MAY 24 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	COURT OF COMMON PLEAS CIVIL DIVISION CLEARFIELD COUNTY
vs.	:	
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	No. 07-483-CD

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP

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

Date: June 13, 2007

/jmr, Svc Dept.
File# 151432

FILED pd $7.00 Atty
m/ 1:50cm reinstated Complaint
JUN 14 2007 to 1 Reinstates to Sh of
William A. Shaw
Prothonotary/Clerk of Courts 1 Reinstate to Atty

PHELAN HALLINAN & SCHMIEG LLP
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

Bank of New York as Trustee for the Certificateholders CWABS, Inc., Asset-Baked Certificates, Series 2006-BC5 Plaintiff	: COURT OF COMMON PLEAS
	: CIVIL DIVISION
vs.	
Robert A. Frailey Mary K. Frailey	: CLEARFIELD COUNTY
Defendant(s)	: NO. 07-483-CD

FILED
JUN 18 2007
m/9:40/w
William A. Shaw
Prothonotary/Clerk of Courts
no c/c (GK)

AFFIDAVIT OF SERVICE OF COMPLAINT
BY MAIL PURSUANT TO COURT ORDER

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt requested, to the **Mary K. Frailey** at **48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834-0207** on **June 13, 2007**, in accordance with the Order of Court dated **May 24, 2007**. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: June 13, 2007

FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

7160 3901 9845 0728 1647

TO: MARY K. FRAILEY
P.O. BOX 207
DRIFTING, PA 16834-0207

SENDER: JMR

REFERENCE: 151432

PS Form 3800, January 2005

RETURN RECEIPT SERVICE		
	Postage	.41
	Certified Fee	2.65
	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

USPS PHILA, PA 19102 PENN CENTER JUN 13 2007 02

7160 3901 9845 0728 1623

TO: MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

SENDER: JMR

REFERENCE: 151432

PS Form 3800, January 2005

RETURN RECEIPT SERVICE		
	Postage	.41
	Certified Fee	2.65
	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided
Do Not Use for International Mail

POSTMARK OR DATE

USPS PHILA, PA 19102 PENN CENTER JUN 13 2007 02

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102618
NO: 07-483-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK OF NEW YORK, Trustee
vs.
DEFENDANT: ROBERT A. FRAILEY and MARY K. FRAILEY

SHERIFF RETURN

NOW, April 18, 2007 AT 9:41 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT A. FRAILEY DEFENDANT AT 48 FIRST ST., GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBERT A. FRAILEY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

1st service

FILED
08:01 BY
AUG 10 2007
William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket # **102618**

Case # 07-483-CD

BANK OF NEW YORK, Trustee

vs.

ROBERT A. FRAILEY and MARY K. FRAILEY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW August 09, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO MARY K. FRAILEY, DEFENDANT. MOVED TO: P.O. BOX 207, DRIFTING, PA..

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102618
NO: 07-483-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BANK OF NEW YORK, Trustee
vs.
DEFENDANT: ROBERT A. FRAILEY and MARY K. FRAILEY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	583978	20.00
SHERIFF HAWKINS	PHELAN	583978	57.92

Sworn to Before Me This

_____ Day of _____ 2007

_____

So Answers,

Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102909
NO: 07-483-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE &
ORDER

PLAINTIFF: BANK OF NEW YORK as Trustee
vs.
DEFENDANT: ROBERT A. FRAILEY and MARY K. FRAILEY

SHERIFF RETURN

NOW, June 25, 2007 AT 10:11 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT 48 FIRST ST., GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA. (MARY K. FRAILEY)

SERVED BY: DAVIS / MORGILLO

2nd
Service

FILED
012:01 bl
AUG 10 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102909
NO: 07-483-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: BANK OF NEW YORK as Trustee
vs.
DEFENDANT: ROBERT A. FRAILEY and MARY K. FRAILEY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	604268	10.00
SHERIFF HAWKINS	PHELAN	604268	20.64

Sworn to Before Me This

_____ Day of _____ 2007

_____

So Answers,

Chester A. Hawkins
Sheriff

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

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
	:	CLEARFIELD COUNTY
vs.	:	
ROBERT A. FRAILEY MARY K. FRAILEY	:	No. 07-483-CD
Defendants	:	

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP

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

Date: October 17, 2007

/jmr, Svc Dept.
File# 151432

FILED Atty pd. 7.00
m/3:36 (6K)
OCT 19 2007 1 Compl. Reinstated to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
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

Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5	: Court Of Common Pleas
	: Civil Division
vs.	: Clearfield County
Robert A. Frailey Mary K. Frailey	: No. 07-483-CD

AFFIDAVIT OF SERVICE BY
PUBLICATION IN ACCORDANCE WITH COURT ORDER

I hereby certify that service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order dated May 24, 2007 as indicated below:

By publication as provided by Pa. R.C.P. Rule 430(b)(1) in The Progress on October 20, 2007 and The Clearfield County Legal Journal on October 26, 2007. Proofs of the said publications are attached hereto.

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

Francis S. Hallinan, Esquire

Date: December 18, 2007

Jason Ricco
Service Dept.

NOTICE OF ACTION
IN MORTGAGE FORECLOSURE
IN THE COURT
OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
COURT OF
COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY
NO. 07-483-CD

Bank of New York
as Trustee for the
Certificateholders
CWABS, Inc.
Asset-Backed Certificates,
Series 2006-BC5
Vs.
Robert A. Frailey
Mary K. Frailey

NOTICE

To Mary K. Frailey:

You are hereby notified that on March 27, 2007, Plaintiff, Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Clearfield County Pennsylvania, docketed to No. 07-483-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 48 First Street, Grampian, PA 16838 whereupon your property would be sold by the Sheriff of Clearfield County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

CLEARFIELD COUNTY
DAVID S. MEHOLICK,
COURT ADMINISTRATOR
CLEARFIELD COUNTY
COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641, Ext. 5982
PENNSYLVANIA LAWYER
REFERRAL SERVICE
PENNSYLVANIA BAR
ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375

10:20-1d-

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 30th day of October, A.D. 20 07, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of October 20, 2007.

And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2007
Member, Pennsylvania Association Of Notaries

My Commission Expires
October 31, 2007

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 26th day of October AD 2007, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of October 26, 2007, Vol. 19, No. 43. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.

Sharon J Pusey
Notary Public
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Houtzdale, Clearfield County, PA
My Commission Expires, April 7, 2011

Full Spectrum Legal Services Inc
400 Fellowship Road Suite 220
Mt Laurel NJ 08054

FILED

DEC 19 2007

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5 Vs. Robert A. Frailey, Mary K. Frailey

COURT OF COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY
NO. 07-483-CD
NOTICE

To Mary K. Frailey:

You are hereby notified that on March 27, 2007, Plaintiff, Bank of New York as Trustee for the Certificateholders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of Clearfield County Pennsylvania, docketed to No. 07-483-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 48 First Street, Grampian, PA 16838 whereupon your property would be sold by the Sheriff of Clearfield County.

You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

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.

Full Spectrum Legal Services, 400 Fellowship Road, Suite 220, Mt. Laurel, NJ 08054.

Notice of
Proposed Termination of Court Case
October 26, 2007

Please be advised that the Court intends to terminate the following captioned case without notice, because the Court records show no activity in the case for a period of at least two years.

You may stop the Court terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed must be filed with the Prothonotary of Clearfield County, PO Box 549, Clearfield, Pennsylvania 16830. The Statement of Intention to Proceed must be filed on or before December 26, 2007.

If you fail to file the required statement of intention to proceed within the required time period, the case will be terminated.

By the Court,
Daniel J. Nelson,
Court Administrator

83-1052-CD
Linda J. Kopchik vs. Joseph G. Kopchik

92-13-EQ
Clearfield Holding Company, Inc.
Vs. Clear Day Acquisition Corporation
and Alain DuBois

95-1117-CD
William H. Foster Vs. Judith J. Foster

96-0169-CD
Patricia J. Richardson
Vs. John F. Richardson

96-0870-CD
Tarin K.J. Creviston
Vs. Robert S. Creviston

96-1311-CD
Timothy Hockenberry Vs. Deborah Klingler

97-1517-CD
Michael A. Cornell Vs. Peggy Ann Cornell

95-0505-CD
Tina L. Smith Vs. Terry Allan Smith

98-0577-CD
Rodney A. Wallace Vs. Monique S. Wallace

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 36410 PHILADELPHIA PA

POSTAGE WILL BE PAID BY ADDRESSEE

PHELAN HALLINAN & SCHMIEG LLP
ONE PENN CENTER AT SUBURBAN STATION
1617 JFK BLVD STE 1400
PHILADELPHIA, PA 19103-9897

IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY, PENNSYLVANIA

Bank of New York as Trustee for the Certificate-holders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5 7105 Corporate Drive Plano, TX 75024 Plaintiff	:	Court of Common Pleas Civil Division Clearfield County
vs.	:	
Robert A. Frailey Mary K. Frailey 48 First Street Grampian, PA 16838 Defendants	:	No. 07-483-CD

ORDER

AND NOW, this 10 day of January, 2008, 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 posting the foreclosure Complaint within seven days of the date of this Order.

BY THE COURT:

J.

FILED 2cc GK
01:51/01 Atty Davey
JAN 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

1cc Sheriff
(without memo)

DATE: 1/10/08

X 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

JAN 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED
m/11:04/BK NO CC
JAN 09 2008
(GK)

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Jenine R. Davey, Esquire,
Attorney Identification No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Bank of New York as Trustee for the Certificate-holders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5 7105 Corporate Drive Plano, TX 75024 Plaintiff	Court of Common Pleas Civil Division Clearfield County
vs.	
Robert A. Frailey Mary K. Frailey 48 First Street Grampian, PA 16838 Defendants	No. 07-483-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 Defendants.

3. On May 10, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Robert A. Frailey accepted service on April 18, 2007.

4. As the Sheriff was unable to serve Mary K. Frailey personally, Plaintiff filed a Motion for Service Pursuant to Special Order of Court, which the Honorable Frederic J. Ammerman granted on May 24, 2007 directing Service of the Complaint by publication, first class and certified mail, and posting at the mortgaged premises. A true and correct copy of the Order is attached hereto, made part hereof, and marked as Exhibit "B".

5. The Sheriff of Clearfield County was requested to post the Complaint at the premises pursuant to the Court Order.

6. On June 13, 2007, Plaintiff filed an Affidavit of service of the Complaint by first class and certified mail.

7. On June 18, 2007, Defendant Robert A. Frailey filed a Chapter 13 Bankruptcy.

8. Due to Defendant's Bankruptcy, the posting of the property and publication were not valid.

9. On September 17, 2007, Defendant's Bankruptcy was dismissed and the Complaint was posted at the mortgaged premises on October 17, 2007, and the Notices were published on October 20, 2007 and October 26, 2007.

10. On October 30, 2007, the property was posted with the Complaint in accordance the Order of Court.

11. Defendant, Robert A. Frailey, filed a second Chapter 13 Bankruptcy on November 16, 2007, which was dismissed on November 26, 2007.

12. On December 4, 2007, Plaintiff sent the Defendants a ten day letter notifying them of its intention to file a default judgment.

13. To date, the Clearfield County Sheriff's Office has not filed the Affidavit of Service of posting of the property, which was made on October 30, 2007.

14. 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 $36.92 per day on this mortgage account.

15. 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.

1/8/08
Date

Jenine R. Davey, Esquire
Attorney for Plaintiff

EXHIBIT A

FILED
10:39
MAR 27 2007
MAR 27 2007
William A. Shaw
Prothonotary/Clerk of Courts

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

MAY 23 2007

Attest.

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 151432

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff

v.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-483-CD

CLEARFIELD COUNTY

ATTORNEY FILE COPY
PLEASE RETURN

May 23 2007 Document
Reinstated/~~Reissued~~ to ~~Sheriff~~/Attorney
for service.
~~Deputy~~ Prothonotary

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

10/19/07 Document
Reinstated/~~Reissued~~ to Sheriff/~~Attorney~~
for service.
~~Deputy~~ Prothonotary

ATTORNEY FILE COPY
PLEASE RETURN

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

June 14, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
~~Deputy~~ Prothonotary

File #: 151432

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. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

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

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

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

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

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

1. Plaintiff is

BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS CWABS, INC.
ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
7105 CORPORATE DRIVE
PLANO, TX 75024

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

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

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

3. On 06/30/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR WILMINGTON FINANCE, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200611218. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. 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 11/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	$158,701.46
Interest	$6,424.08
10/01/2006 through 03/23/2007	
(Per Diem $36.92)	
Attorney's Fees	$1,250.00
Cumulative Late Charges	$241.72
06/30/2006 to 03/23/2007	
Cost of Suit and Title Search	$750.00
Subtotal	$167,367.26
Escrow	
Credit	$0.00
Deficit	$0.00
Subtotal	$0.00
TOTAL	$167,367.26

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of $167,367.26, together with interest from 03/23/2007 at the rate of $36.92 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

File #: 151432

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

PARCEL NO. 125-F11-50.1

BEING THE SAME PREMISES which Guenter R. Goebel and Jutta F. Goebel, husband and wife, as tenants by the entireties with right of survivorship, by Indenture dated 06-23-87 and recorded 06-25-87 in the Office of the Recorder of Deeds in and for the County of Clearfield in Deed Book 1166, Page 501, granted and conveyed unto Randy W. Caldwell and Deborah A. Caldwell, husband and wife, as tenants by the entireties.

PROPERTY BEING: 48 FIRST 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: 3-23-09

EXHIBIT B

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

BANK OF NEW YORK as Trustee for the CERTIFICATEHOLDERS CWABS, INC. Asset-Backed Certificates, Series 2006-BC5, Plaintiff	*	
vs.	*	NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	*	

ORDER

NOW, this 24th day of May, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant **MARY K. FRAILEY** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
3. By certified mail, return receipt requested to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
4. By posting the mortgaged premises known in this herein action as 48 First Street, Grampian, PA 16838.

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

BY THE COURT,

/s/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

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

MAY 24 2007

Attest.

Prothonotary/
Clerk of Courts

VERIFICATION

Jenine R. Davey, 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.

PHELAN HALLINAN & SCHMIEG, LLP

1/8/08
Date

Jenine R. Davey, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
BY: Jenine R. Davey, Esquire,
Attorney Identification No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Bank of New York as Trustee for the Certificate-holders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5 7105 Corporate Drive Plano, TX 75024 Plaintiff	:	Court of Common Pleas Civil Division
vs.	:	Clearfield County
Robert A. Frailey Mary K. Frailey 48 First Street Grampian, PA 16838 Defendants	:	No. 07-483-CD

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 South 2nd Street
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Robert A. Frailey
Mary K. Frailey
48 First Street
Grampian, PA 16838

Mary K. Frailey
PO Box 207
Drifting, PA 16834

PHELAN HALLINAN & SCHMIEG, LLP

1/8/08
Date

Jenine R. Davey, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103334
NO: 07-483-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: BANK OF NEW YORK As Trustee
vs.
DEFENDANT: ROBERT A. FRAILEY and MARY K. FRAILEY

SHERIFF RETURN

NOW, October 30, 2007 AT 9:19 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER FOR MARY K. FRAILEY AT 48 FIRST ST., GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: DAVIS / MORGILLO

FILED
0/3:05 cm
JAN 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103334
NO: 07-483-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: BANK OF NEW YORK As Trustee
vs.
DEFENDANT: ROBERT A. FRAILEY and MARY K. FRAILEY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	636674	10.00
SHERIFF HAWKINS	PHELAN	636674	20.64

Sworn to Before Me This

_____ Day of _____ 2008

_____

So Answers,

Chester A. Hawkins
by Marilyn Hamer

Chester A. Hawkins
Sheriff

FILED NO CC
JAN 17 2008
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Jenine R. Davey, Esquire,
Attorney Identification No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Bank of New York as Trustee for the Certificate-holders CWABS, Inc. Asset-Backed Certificates, Series 2006-BC5 7105 Corporate Drive Plano, TX 75024 Plaintiff	Court of Common Pleas Civil Division Clearfield County
vs.	
Robert A. Frailey Mary K. Frailey 48 First Street Grampian, PA 16838 Defendants	No. 07-483-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the January 10, 2008 Order granting Plaintiff's Motion to Direct Sheriff to File Affidavit of Service 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,
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Robert A. Frailey
Mary K. Frailey
48 First Street
Grampian, PA 16838

Mary K. Frailey
PO Box 207
Drifting, PA 16834

PHELAN HALLINAN & SCHMIEG, LLP

4/15/08
Date

Jenine R. Davey, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG
Identification No. 62205
One Penn Center at Suburban Station - Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814 Attorney for Plaintiff
(215) 563-7000

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 7105 CORPORATE DRIVE PLANO, TX 75024	:	**CLEARFIELD COUNTY COURT OF COMMON PLEAS**
Plaintiff,	:	**CIVIL DIVISION**
v.	:	**NO. 07-483-CD**
ROBERT A. FRAILEY MARY K. FRAILEY 48 FIRST STREET GRAMPIAN, PA 16838	:	
Defendant(s).		

FILED
m/2:36 (6K) Atty pd. 20.00
APR 03 2008
William A. Shaw
Prothonotary/Clerk of Courts
1CC & Notice to Defs.
Statement to Atty
(6K)

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 **ROBERT A. FRAILEY and MARY K. FRAILEY**, 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	$ 167,367.26
Interest - 3/24/07 TO 4/2/08	$13,881.92
TOTAL	$ 181,249.18

I hereby certify that (l) 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.

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/3/08

PRO PROTHY

151432

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	: COURT OF COMMON PLEAS : CIVIL DIVISION
Vs.	: CLEARFIELD COUNTY : NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	

TO: ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

DATE OF NOTICE: DECEMBER 4, 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

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

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	: COURT OF COMMON PLEAS : CIVIL DIVISION
Vs.	: CLEARFIELD COUNTY : NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	

TO: MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

FILE COPY

DATE OF NOTICE: DECEMBER 4, 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

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

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	: COURT OF COMMON PLEAS : CIVIL DIVISION
Vs.	: CLEARFIELD COUNTY : NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	

TO: MARY K. FRAILEY
P.O. BOX 207
DRIFTING, PA 16834

FILE COPY

DATE OF NOTICE: DECEMBER 4, 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

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

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

FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	**CLEARFIELD COUNTY COURT OF COMMON PLEAS**
7105 CORPORATE DRIVE PLANO, TX 75024	:	**CIVIL DIVISION**
Plaintiff,	:	**NO. 07-483-CD**
v.	:	
ROBERT A. FRAILEY MARY K. FRAILEY 48 FIRST STREET GRAMPIAN, PA 16838	:	
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 **ROBERT A. FRAILEY** is over 18 years of age and resides at **48 FIRST STREET, GRAMPIAN, PA 16838**.

(c) that defendant **MARY K. FRAILEY** is over 18 years of age, and resides at **48 FIRST STREET, GRAMPIAN, PA 16838**.

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

(Rule of Civil Procedure No. 236 - Revised

COPY

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	**CLEARFIELD COUNTY COURT OF COMMON PLEAS**
7105 CORPORATE DRIVE PLANO, TX 75024	:	**CIVIL DIVISION**
Plaintiff,	:	**NO. 07-483-CD**
v.	:	
ROBERT A. FRAILEY MARY K. FRAILEY 48 FIRST STREET GRAMPIAN, PA 16838	:	
Defendant(s).		

Notice is given that a Judgment in the above captioned matter has been entered against you on April 3, 2008.

BY _____ DEPUTY

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

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

Bank of New York
Plaintiff(s)

No.: 2007-00483-CD

Real Debt: $181,249.18

Atty's Comm: $

Vs.

Costs: $

Int. From: $

Robert A. Frailey
Mary K. Frailey
Defendant(s)

Entry: $20.00

Instrument: In Rem Judgment

Date of Entry: April 3, 2008

Expires: April 3, 2013

Certified from the record this 3rd day of April, 2008.

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA No. 07-483-CD Term 20..... PRAECIPE FOR WRIT OF EXECUTION (Mortgage Foreclosure)

vs.

ROBERT A. FRAILEY

MARY K. FRAILEY

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	$181,249.18
Interest from 04/03/2008 to Sale Per diem $29.79	$_____.
Add'l Costs	$4,556.47
Writ Total	$
Prothonotary costs	$146.00

Daniel G. Schmigel
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

151432

FILED
12:42 PM
JUL 02 2008
William A. Shaw
Prothonotary/Clerk of Courts

Atty pd. $20.00
1 cc & 6 writs w/
prop. desc. to Sheriff
(GK)

No. 07-483-CD ..... Term 20 ....A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JUL 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS CWABS, INC. ASSET-
BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Daniel G. Schy

Attorney for Plaintiff(s)

Address: ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 **7105 CORPORATE DRIVE** **PLANO, TX 75024**	:	**CLEARFIELD COUNTY** **COURT OF COMMON PLEAS** **CIVIL DIVISION**
Plaintiff,	:	**NO. 07-483-CD**
v.	:	
ROBERT A. FRAILEY **MARY K. FRAILEY** **48 FIRST STREET** **GRAMPIAN, PA 16838**	:	
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

(X) 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

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 **7105 CORPORATE DRIVE** **PLANO, TX 75024**	:	**CLEARFIELD COUNTY** **COURT OF COMMON PLEAS** **CIVIL DIVISION**
Plaintiff,	:	**NO. 07-483-CD**
v.	:	
ROBERT A. FRAILEY **MARY K. FRAILEY** **48 FIRST STREET** **GRAMPIAN, PA 16838**	:	
Defendant(s).		

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **48 FIRST STREET, GRAMPIAN, PA 16383**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
ROBERT A. FRAILEY	**48 FIRST STREET** **GRAMPIAN, PA 16838**
MARY K. FRAILEY	**48 FIRST STREET** **GRAMPIAN, PA 16838**

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.

JULY 1, 2008
Date

Daniel G. Schmieg

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 **7105 CORPORATE DRIVE** **PLANO, TX 75024** **Plaintiff,** v. **ROBERT A. FRAILEY** **MARY K. FRAILEY** **48 FIRST STREET** **GRAMPIAN, PA 16838** **Defendant(s).**	:	**CLEARFIELD COUNTY** **COURT OF COMMON PLEAS** **CIVIL DIVISION** **NO. 07-483-CD**

AFFIDAVIT PURSUANT TO RULE 3129

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **48 FIRST STREET, GRAMPIAN, PA 16383**.

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	**48 FIRST STREET GRAMPIAN, PA 16383**
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.

JULY 1, 2008
Date

Daniel G Schmieg

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

COPY

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY

MARY K. FRAILEY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. ..... Term 20
No. 07-483-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: 48 FIRST STREET, GRAMPIAN, PA 16383
(See Legal Description attached)

Amount Due	$181,249.18
Interest from 04/03/2008 to Sale Per diem $29.79	$_____.
Add'l Costs	$4,556.47
Writ Total	$
Prothonotary costs	146.00

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

Dated 7/2/08
(SEAL)

151432

No. 07-483-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS CWABS, INC. ASSET-
BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

WRIT OF EXECUTION
(Mortgage Foreclosure)

	Costs
Real Debt	$181,249.18
Int. from 04/03/2008 To Date of Sale ($29.79 per diem)	
Costs	
Prothy Pd.	$146.00
Sheriff	

Daniel G. Schok
Attorney for Plaintiff(s)

Address: ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

PARCEL NO. 125-F11-50.1

TITLE TO SAID PREMISES IS VESTED IN

Vested by **Warranty Deed**, dated **6/30/2006**, given by **Randy W Caldwell and Deborah A Caldwell, husband and wife** to **Robert A Frailey and Mary K. Frailey, husband and wife, their heirs and assigns as tenants by the entirety** and recorded **7/7/2006 Instrument # 200611217**

Premises being: 48 FIRST STREET
GRAMPIAN, PA 16383

Tax Parcel No. 125-F11-50-01

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	**CLEARFIELD COUNTY COURT OF COMMON PLEAS**
Plaintiff,	:	**CIVIL DIVISION**
v.	:	
	:	**NO. 07-483-CD**
ROBERT A. FRAILEY	:	
MARY K. FRAILEY		
Defendant(s)		

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Plaintiff in the above action sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at: 48 FIRST STREET, GRAMPIAN, PA 16383.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given to Lienholders 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 Affidavit No. 2 (previously filed) and/or Amended Affidavit No. 2 on the date indicated. 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
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: August 26, 2008

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

FILED No cc,
m/10:40am
SEP -2 2008
William A. Shaw
Prothonotary/Clerk of Courts

151432

Name and Address of Sender

CQS
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	Fee
1		TENANT/OCCUPANT 48 FIRST STREET GRAMPIAN, PA 16383		
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, 6th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13TH 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		**MARY K. FRAILEY 48 FIRST STREET GRAMPIAN, PA 16838**		
8		**MARY K. FRAILEY P.O. BOX 207 DRIFTING, PA 16834**		
9				
10				
11				
12		**Re: ROBERT A. FRAILEY 151432 TEAM 4 BSD**		

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (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 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.

UNITED STATES POSTAGE
PITNEY BOWES
$ 03.20
JUL 28 2008
C2 1M
C0042180-10
MAILED FROM ZIPCODE 13103

PA 19102

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20797
NO: 07-483-CD

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
vs.
DEFENDANT: ROBERT A. FRAILEY AND MARY K. FRAILEY

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 7/2/2008

LEVY TAKEN 7/22/2008 @ 2:00 PM

POSTED 7/22/2008 @ 2:00 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/19/2009

DATE DEED FILED **NOT SOLD**

FILED
JAN 19 2009
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

7/22/2008 @ 2:00 PM SERVED ROBERT A. FRAILEY

SERVED ROBERT A. FRAILEY, DEFENDANT,AT HIS RESIDENCE 48 FIRST STREET, GRAMPIAN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KRISTY RICHARDS, LIVE IN GIRLFRIEND/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.

@ SERVED MARY K. FRAILEY

SERVED MARY K. FRAILEY, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 48 FIRST STREET, GRAMPAIN, CLEARFIELD COUNTY, PENNSYLVANIA CERT #70060810000145074029. REG MAIL RETURNED 8/6/08. CERT RETURNED 8/13/08.

8/11/2008 @ SERVED MARY K. FRAILEY

SERVED MARY K. FRAILEY, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO P. O. BOX 207, DRIFTING, CLEARFIELD COUNTY, PENNSYLVANIA CERT #70060810000145074036. SIGNED FOR BY MARY L. FRAILEY.

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

@ SERVED

NOW, OCTOBER 2, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR OCTOBER 3, 2008 TO NOVEMBER 7, 2008.

@ SERVED

NOW, OCTOBER 14, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR NOVEMBER 7, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20797
NO: 07-483-CD

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
vs.
DEFENDANT: ROBERT A. FRAILEY AND MARY K. FRAILEY

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS $226.54

SURCHARGE $40.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
by Cynthia Butler-Aughenbaugh
Chester A. Hawkins
Sheriff

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY

MARY K. FRAILEY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

No. ..... Term 20
No. 07-483-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 youare directed to levy upon and sell the following property (specifically described property below):

PREMISES: 48 FIRST STREET, GRAMPIAN, PA 16383
(See Legal Description attached)

Amount Due	$131,249.18
Interest from 04/03/2008 to Sale Per diem $29.79	$ _____
Add'l Costs	$4,556.47
Writ Total	$ 146.00

Prothonotary costs

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

Dated 7/2/08
(SEAL)

151432

Received this writ this 2nd day
of July A.D. 2008
At 3:00 A.M./P.M.

Chester A Hawkins
Sheriff by Cynthia Butler-Aughenbaugh

REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION

NAME ROBERT A. FRAILEY NO. 07-483-CD

NOW, January 17, 2009, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Robert A. Frailey And Mary K. Frailey to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	14.04
LEVY	15.00
MILEAGE	14.04
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	18.46
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	
CONTINUED SALES	20.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	**$226.54**

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	181,249.18
INTEREST @ 29.7900	0.00
FROM TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	4,556.47
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	**$185,845.65**

COSTS:

ADVERTISING	521.62
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	226.54
LEGAL JOURNAL COSTS	90.00
PROTHONOTARY	146.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	**$1,124.16**

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

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:

MARY K. FRAILEY
P. O. BOX 207
DRIFTING, PA 16838

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Mary K Frailey ☐ Agent ☐ Addressee

B. Received by (Printed Name) Mary K Frailey
C. Date of Delivery 8/11/08

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

3. Service Type
☑ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7006 0810 0001 4507 4036

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-154

7006 0810 0001 4507 4036

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

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

OFFICIAL USE

Postage	$ 59
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.49

CLEARFIELD PA 16830
JUL 29 2008
Postmark Here
USPS

Sent To
Street, Apt. No.; or PO Box No. MARY K. FRAILEY
P. O. BOX 207
City, State, ZIP+4 DRIFTING, PA 16838

PS Form 3800, June 2002 See Reverse for Instructions

CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

7006 0810 0001 4507 4029

Hasler
016H16505405
$05.49
07/29/2008
Mailed From 16830
US POSTAGE

UNABLE TO FORWARD
RETURNED TO SENDER
UTF

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

Rec. 8/13/08

FWD

16838@9

7006 0810 0001 4507 4029

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

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

OFFICIAL USE

Postage	$ .59
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.49

CLEARFIELD PA 16830
Postmark Here
JUL 29 2008
USPS

Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

PS Form 3800, June 2002 See Reverse for Instructions

CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

Hasler
016H16505405
$00.59
07/29/2008
Mailed From 16830
US POSTAGE

Rec. 8-6-08

UTF

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

NIXIE 165 DC 1 00 08/06/08
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 16830247201 *1943-05247-29-41

16838+8723-4[illegible] 16830@3392

CERTIFIED MAIL™

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

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:

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7006 0810 0001 4507 4029

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

October 2, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v. ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
Court No. 07-483-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for October 3, 2008 due to the following: Service Of Nos.

The Property is to be relisted for the November 7, 2008 Sheriff Sale.

Thank you for your correspondence in this matters.

Very Truly Yours,
CHRISTINE SCHOFFLER for
Phelan Hallinan & Schmieg, LLP

PHS # 151432

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

October 14, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v. ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
Court No. 07-483-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for November 7, 2008 due to the following: PER CLIENT.

$0.00 was received in consideration of the stay. Please be advised that no funds were reported to be received.

You are hereby directed to immediate discontinue the advertising of the sale and processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as possible..

Thank you for your correspondence in this matters.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP

PHS # 151432

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	**COURT OF COMMON PLEAS**
	CIVIL DIVISION
vs.	**NO. 07-483-CD**
ROBERT A. FRAILEY **MARY K. FRAILEY**	**CLEARFIELD COUNTY**

FILED
APR 08 2010
William A. Shaw
Prothonotary/Clerk of Courts

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	$181,249.18
Interest from 04/03/2008 to Sale Per diem $29.79	$_____.
Add'l Costs	$4,692.47
Writ Total	$_____.

Prothonotary costs

Attorney for Plaintiff
Phelan Hallinan & Schmieg, LLP
- [ ] Lawrence T. Phelan, Esq., Id. No. 32227
- [ ] Francis S. Hallinan, Esq., Id. No. 62695
- [x] Daniel G. Schmieg, Esq., Id. No. 62205
- [ ] Michele M. Bradford, Esq., Id. No. 69849
- [ ] Judith T. Romano, Esq., Id. No. 58745
- [ ] Sheeta R. Shah-Jani, Esq., Id. No. 81760
- [ ] Jenine R. Davey, Esq., Id. No. 87077
- [ ] Lauren R. Tabas, Esq., Id. No. 93337
- [ ] Vivek Srivastava, Esq., Id. No. 202331
- [ ] Jay B. Jones, Esq., Id. No. 86657
- [ ] Peter J. Mulcahy, Esq., Id. No. 61791
- [ ] Andrew L. Spivack, Esq., Id. No. 84439
- [ ] Jaime McGuinness, Esq., Id. No. 90134
- [ ] Chrisovalante P. Fliakos, Esq., Id. No. 94620
- [ ] Joshua I. Goldman, Esq., Id. No. 205047
- [ ] Courtenay R. Dunn, Esq., Id. No. 206779
- [ ] Andrew C. Bramblett, Esq., Id. No. 208375

Note: Please attach description of Property.

PHS # 151432

No. 07-483-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS
CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Attorney for Plaintiff
Phelan Hallinan & Schmieg, LLP
- [ ] Lawrence T. Phelan, Esq., Id. No. 32227
- [ ] Francis S. Hallinan, Esq., Id. No. 62695
- [x] Daniel G. Schmieg, Esq., Id. No. 62205
- [ ] Michele M. Bradford, Esq., Id. No. 69849
- [ ] Judith T. Romano, Esq., Id. No. 58745
- [ ] Sheetal R. Shah-Jani, Esq., Id. No. 81760
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- [ ] Joshua I. Goldman, Esq., Id. No. 205047
- [ ] Courtenay R. Dunn, Esq., Id. No. 206779
- [ ] Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:
ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Premises being: 48 FIRST STREET, GRAMPIAN, PA 16838

Tax Parcel No. 125-F11-50.1

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	**COURT OF COMMON PLEAS**
	CIVIL DIVISION
vs.	**NO. 07-483-CD**
ROBERT A. FRAILEY **MARY K. FRAILEY**	**CLEARFIELD COUNTY**

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	$181,249.18
Interest from 04/03/2008 to Sale Per diem $29.79	$_____.
Add'l Costs Prothonotary costs	$4,692.47
Writ Total	$_____.

Attorney for Plaintiff
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
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
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- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

Note: Please attach description of Property.

PHS # 151432

No. 07-483-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS
CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Attorney for Plaintiff
Phelan Hallinan & Schmieg, LLP
- [ ] Lawrence T. Phelan, Esq., Id. No. 32227
- [ ] Francis S. Hallinan, Esq., Id. No. 62695
- [x] Daniel G. Schmieg, Esq., Id. No. 62205
- [ ] Michele M. Bradford, Esq., Id. No. 69849
- [ ] Judith T. Romano, Esq., Id. No. 58745
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- [ ] Lauren R. Tabas, Esq., Id. No. 93337
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- [ ] Peter J. Mulcahy, Esq., Id. No. 61791
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- [ ] Chrisovalante P. Fliakos, Esq., Id. No. 94620
- [ ] Joshua I. Goldman, Esq., Id. No. 205047
- [ ] Courtenay R. Dunn, Esq., Id. No. 206779
- [ ] Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:
ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

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

BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED
CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-483-CD
CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 48 FIRST STREET, GRAMPIAN, PA 16838
(See Legal Description attached)

Amount Due	$181,249.18
Interest from 04/03/2008 to Sale Per diem $29.79	$_____.
Add'l Costs	$4,692.47
Writ Total	$_____

_____
OFFICE OF THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA

Dated _____
(SEAL)

PHS # 151432

No. 07-483-CD

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

WRIT OF EXECUTION
(Mortgage Foreclosure)

	Costs
Real Debt	$181,249.18
Int. from	
To Date of Sale ($29.79 per diem)	
Costs	
Prothy Pd.	
Sheriff	

Filed

Attorney for Plaintiff
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
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- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
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Address where papers may be served:
ROBERT A. FRAILEY
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GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

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SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Premises being: 48 FIRST STREET, GRAMPIAN, PA 16838

Tax Parcel No. 125-F11-50.1

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorneys for Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
	:	**NO. 07-483-CD**
v.	:	**CLEARFIELD COUNTY**
ROBERT A. FRAILEY **MARY K. FRAILEY** Defendant(s)	:	

CERTIFICATION

The undersigned attorney hereby states that he/she 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:

( ) the mortgage is an FHA Mortgage
( ) the premises is non-owner occupied
( ) the premises is vacant
(X) Act 91 procedures have been fulfilled

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

By:_____
Attorney for Plaintiff
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
☐ Michele M. Bradford, Esq., Id. No. 69849
☐ Judith T. Romano, Esq., Id. No. 58745
☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
☐ Jenine R. Davey, Esq., Id. No. 87077
☐ Lauren R. Tabas, Esq., Id. No. 93337
☐ Vivek Srivastava, Esq., Id. No. 202331
☐ Jay B. Jones, Esq., Id. No. 86657
☐ Peter J. Mulcahy, Esq., Id. No. 61791
☐ Andrew L. Spivack, Esq., Id. No. 84439
☐ Jaime McGuinness, Esq., Id. No. 90134
☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
☐ Joshua I. Goldman, Esq., Id. No. 205047
☐ Courtenay R. Dunn, Esq., Id. No. 206779
☐ Andrew C. Bramblett, Esq., Id. No. 208375

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
	:	**NO. 07-483-CD**
v.	:	**CLEARFIELD COUNTY**
ROBERT A. FRAILEY **MARY K. FRAILEY** Defendant(s)		

AFFIDAVIT PURSUANT TO RULE 3129.1

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **48 FIRST STREET, GRAMPIAN, PA 16838.**

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

Name	Address (if address cannot be reasonably ascertained, please so indicate)
ROBERT A. FRAILEY	**48 FIRST STREET GRAMPIAN, PA 16838**
MARY K. FRAILEY	**48 FIRST STREET GRAMPIAN, PA 16838**

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

Name	Address (if address cannot be reasonably ascertained, please so indicate)
SAME AS ABOVE	

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
None.	

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
None.	

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

Name	Address (if address cannot be reasonably ascertained, please 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	Address (if address cannot be reasonably ascertained, please indicate)
None.	

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
TENANT/OCCUPANT	**48 FIRST STREET GRAMPIAN, PA 16838**
DOMESTIC RELATIONS CLEARFIELD COUNTY	**CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830**
Commonwealth of Pennsylvania Department of Welfare	**P.O. Box 2675 Harrisburg, PA 17105**
United States Internal Revenue Special Procedures Branch Federated Investors Tower	**13th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222**
U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney	**Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219**
ROBERT A. FRAILEY c/o JAMES A. NADDEO, ESQ	**207 EAST MARKET STREET PO BOX 552 CLEARFIELD, PA 16830**
MARY K. FRAILEY c/o PAUL COLAVECCHI, ESQ	**COLAVECCHI & COLAVECCHI 221 E MARKET ST PO BOX 131 CLEARFIELD, PA 16830**

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.A. § 4904 relating to unsworn falsification to authorities.

April 5, 2010

By: _____

Attorney for Plaintiff

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
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

FILED
m/10:07 bl NO CC
JUN 07 2010
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff,	:	**CLEARFIELD COUNTY**
	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
v.	:	**No. 07-483-CD**
ROBERT A. FRAILEY **MARY K. FRAILEY** Defendant(s)	:	

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA)
PHILADELPHIA COUNTY) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party 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 Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

☐ Lawrence T. Phelan, Esq., Id. No. 32227
☐ Francis S. Hallinan, Esq., Id. No. 62695
☐ Daniel G. Schmieg, Esq., Id. No. 62205
☐ Michele M. Bradford, Esq., Id. No. 69849
☐ Judith T. Romano, Esq., Id. No. 58745
☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
☐ Jenine R. Davey, Esq., Id. No. 87077
☐ Lauren R. Tabas, Esq., Id. No. 93337
☐ Vivek Srivastava, Esq., Id. No. 202331
☐ Jay B. Jones, Esq., Id. No. 86657
☐ Peter J. Mulcahy, Esq., Id. No. 61791
☐ Andrew L. Spivack, Esq., Id. No. 84439
☐ Jaime McGuinness, Esq., Id. No. 90134
☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
☑ Joshua I. Goldman, Esq., Id. No. 205047
☐ Courtenay R. Dunn, Esq., Id. No. 206779
☐ Andrew C. Bramblett, Esq., Id. No. 208375
Attorney for Plaintiff

Date: 6/3/10

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. <u>It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale</u>. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

PHS # 151432

Name and Address Of Sender

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

JOT/HOS - _____ SALE

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	****	TENANT/OCCUPANT 48 FIRST STREET GRAMPIAN, PA 16838		
2	****	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3	****	Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105		
4	****	United States Internal Revenue Special Procedures Branch Federated Investors Tower 13th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222		
5	****	U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219		
6		ROBERT A. FRAILEY c/o JAMES A. NADDEO, ESQ 207 EAST MARKET STREET PO BOX 552 CLEARFIELD, PA 16830		
7		MARY K. FRAILEY c/o PAUL COLAVECCHI, ESQ COLAVECCHI & COLAVECCHI 221 E MARKET ST PO BOX 131 CLEARFIELD, PA 16830		
12				
13				
14				
15		RE: ROBERT A. FRAILEY (CLEARFIELD) TEAM 3 PHS# 151432		

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (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 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.

PHILA PA 19102 PENN CENTER
MAY - 7 2010
USPS

UNITED STATES POSTAGE
PITNEY BOWES
$ 02.94⁰
02 1M 0004277256 MAY 07 2010
MAILED FROM ZIP CODE 19103

7 12

Name and Address Of Sender

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

JOT/HOS – JULY 2, 2010 SALE

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	****	**PENNSYLVANIA STATE EMPLOYEES CREDIT UNION** **1 CREDIT UNION PLACE** **HARRISBURG, PA 17110**		
2	****	**PENNSYLVANIA STATE EMPLOYEES CREDIT UNION** **C/O MELISSA L. VAN ECK, ESQUIRE** **VAN ECK & VAN ECK, P.C** **PO BOX 6662** **HARRISBURG, PA 17112**		
3	****			
4	****			
5	****			
6				
7				
12				
13				
14				
15		**RE: ROBERT A. FRAILEY (CLEARFIELD) TEAM 3 PHS# 151432**		

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (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 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.

UNITED STATES POSTAGE
PITNEY BOWES
$ 02.52⁰
JUN 01 2010
02 1M
C004277256
MAILED FROM ZIP CODE 19103

PHILA PA 19102 PENN CENTER
JUN 1 2010
USPS

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
	:	**NO. 07-483-CD**
v.	:	**CLEARFIELD COUNTY**
ROBERT A. FRAILEY **MARY K. FRAILEY** Defendant(s)		

AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **48 FIRST STREET, GRAMPIAN, PA 16838.**

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

Name	Address (if address cannot be reasonably ascertained, please so indicate)
ROBERT A. FRAILEY	**48 FIRST STREET GRAMPIAN, PA 16838**
MARY K. FRAILEY	**48 FIRST STREET GRAMPIAN, PA 16838**

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

Name	Address (if address cannot be reasonably ascertained, please so indicate)
SAME AS ABOVE	

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
PENNSYLVANIA STATE EMPLOYEES CREDIT UNION	**1 CREDIT UNION PLACE HARRISBURG, PA 17110**
PENNSYLVANIA STATE EMPLOYEES CREDIT UNION C/O MELISSA L. VAN ECK, ESQUIRE VAN ECK & VAN ECK, P.C.	**PO BOX 6662 HARRISBURG, PA 17112**

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
None.	

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

Name	Address (if address cannot be reasonably ascertained, please 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	Address (if address cannot be reasonably ascertained, please indicate)
None.	

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
TENANT/OCCUPANT	**48 FIRST STREET GRAMPIAN, PA 16838**
DOMESTIC RELATIONS CLEARFIELD COUNTY	**CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830**
Commonwealth of Pennsylvania Department of Welfare	**P.O. Box 2675 Harrisburg, PA 17105**
United States Internal Revenue Special Procedures Branch Federated Investors Tower	**13th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222**
U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney	**Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219**
ROBERT A. FRAILEY c/o JAMES A. NADDEO, ESQ	**207 EAST MARKET STREET PO BOX 552 CLEARFIELD, PA 16830**
MARY K. FRAILEY c/o PAUL COLAVECCHI, ESQ	**COLAVECCHI & COLAVECCHI 221 E MARKET ST PO BOX 131 CLEARFIELD, PA 16830**

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.A. § 4904 relating to unsworn falsification to authorities.

June 2, 2010

By: _____
Attorney for Plaintiff
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
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

FILED No cc.
m/ 10 00am
JUN 28 2010
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
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Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division CLEARFIELD County
v.	:	No. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	

PLAINTIFF'S MOTION TO REASSESS DAMAGES

151432

Plaintiff, by its Attorneys, Phelan Hallinan & Schmieg, LLP, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on March 27, 2007, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on April 3, 2008 in the amount of $181,249.18. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

3. Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

4. A Sheriff's Sale of the mortgaged property at 48 FIRST STREET, GRAMPIAN, PA 16838 (hereinafter the "Property") was postponed or stayed for the following reason:

a.) The Defendants filed a Chapter 13 Bankruptcy at Docket Number 07-70672 on June 18, 2007. The Bankruptcy was dismissed by order of court dated September 17, 2007. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "C".

b.) The Defendants filed a Chapter 13 Bankruptcy at Docket Number 07-71285 on November 16, 2007. The Bankruptcy was dismissed by order of court dated November 26, 2007. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "D".

c.) The Defendants filed a Chapter 13 Bankruptcy at Docket Number 08-70021 on January 9, 2008. The Bankruptcy was dismissed by order of court dated September 23, 2008. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "E".

5. The Property is listed for Sheriff's Sale on July 2, 2010.

6. Additional sums have been incurred or expended on Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	$158,701.46
Interest Through July 2, 2010	$49,878.41
Per Diem $36.41	
Late Charges	$181.29
Legal fees	$2,575.00
Cost of Suit and Title	$2,768.97
Sheriff's Sale Costs	$926.72
Property Inspections/ Property Preservation	$885.00
Appraisal/Brokers Price Opinion	$0.00
Mortgage Insurance Premium / Private Mortgage Insurance	$0.00
Non Sufficient Funds Charge	$0.00
Suspense/Misc. Credits	($484.10)
Escrow Deficit	$13,332.85
TOTAL	$228,765.60

7. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

8. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

9. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

Phelan Hallinan & Schmieg, LLP

DATE: 12-25-10

By: Jaime McGuinness

- [ ] Lawrence T. Phelan, Esq., Id. No. 32227
- [ ] Francis S. Hallinan, Esq., Id. No. 62595
- [ ] Daniel G. Schmieg, Esq., Id. No. 62205
- [ ] Michele M. Bradford, Esq., Id. No. 69849
- [ ] Judith T. Romano, Esq., Id. No. 58745
- [ ] Sheetal R. Shah-Jani, Esq., Id. No. 81760
- [ ] Jenine R. Davey, Esq., Id. No. 87077
- [ ] Lauren R. Tabas, Esq., Id. No. 93337
- [ ] Vivek Srivastava, Esq., Id No. 202331
- [ ] Jay B. Jones, Esq., Id. No. 86557
- [ ] Peter J. Mulcahy, Esq., Id. No. 61791
- [ ] Andrew L. Spivack, Esq., Id. No. 84439
- [ ] Jaime McGuinness, Esq., Id. No. 90134
- [ ] Chrisovalante P. Fliakos, Esq., Id. No. 94620
- [ ] Joshua I. Goldman, Esq., Id. No. 205047
- [ ] Courtenay R. Dunn, Esq., Id. No. 206779
- [ ] Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

Exhibit "A"

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 151432

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff

v.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-483-CD

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

File #: 151432

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. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

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

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

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

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

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

1. Plaintiff is

BANK OF NEW YORK AS TRUSTEE FOR
THE CERTIFICATEHOLDERS CWABS, INC.
ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
7105 CORPORATE DRIVE
PLANO, TX 75024

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

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

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

3. On 06/30/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR WILMINGTON FINANCE, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200611218. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. 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 11/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	$158,701.46
Interest	$6,424.08
10/01/2006 through 03/23/2007	
(Per Diem $36.92)	
Attorney's Fees	$1,250.00
Cumulative Late Charges	$241.72
06/30/2006 to 03/23/2007	
Cost of Suit and Title Search	$750.00
Subtotal	$167,367.26
Escrow	
Credit	$0.00
Deficit	$0.00
Subtotal	$0.00
TOTAL	$167,367.26

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of $167,367.26, together with interest from 03/23/2007 at the rate of $36.92 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

File #: 151432

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

PARCEL NO. 125-F11-50.1

BEING THE SAME PREMISES which Guenter R. Goebel and Jutta F. Goebel, husband and wife, as tenants by the entireties with right of survivorship, by Indenture dated 06-23-87 and recorded 06-25-87 in the Office of the Recorder of Deeds in and for the County of Clearfield in Deed Book 1166, Page 501, granted and conveyed unto Randy W. Caldwell and Deborah A. Caldwell, husband and wife, as tenants by the entireties.

PROPERTY BEING: 48 FIRST 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: 3-23-09

Exhibit "B"

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG
Identification No. 62205
One Penn Center at Suburban Station - Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000
Attorney for Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 **7105 CORPORATE DRIVE** **PLANO, TX 75024** **Plaintiff,** **v.** **ROBERT A. FRAILEY** **MARY K. FRAILEY** **48 FIRST STREET** **GRAMPIAN, PA 16838** **Defendant(s).**	:	**CLEARFIELD COUNTY** **COURT OF COMMON PLEAS** **CIVIL DIVISION** **NO. 07-483-CD**

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 **ROBERT A. FRAILEY and MARY K. FRAILEY**, 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	$ 167,367.26
Interest - 3/24/07 TO 4/2/08	$13,881.92
TOTAL	$ 181,249.18

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.

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/3/08

PRO PROTHY

151432

Exhibit "C"

Form: 212

UNITED STATES BANKRUPTCY COURT 23
Western District of Pennsylvania emar

In re:

Bankruptcy Case No.: 07–70672–JAD
Issued Per The 8/20/2007 Order
Chapter: 13

Robert Anthony Frailey
Debtor(s)

Order Dismissing Case Without Prejudice, And Order Terminating Income Attachment

AND NOW, this 17th day of September, 2007, **It Is Hereby Ordered** that the above–captioned case is **dismissed without prejudice, terminated and closed** and that the Debtor(s) remain legally liable for all of his/her debts as if the bankruptcy petition had not been filed. Creditor collection remedies are reinstated pursuant to 11 U.S.C. §349, and creditors are directed to title 11 U.S.C. §108(c) for time limits on filing a lawsuit to collect; generally, a creditor's lawsuit must be filed by the later of (1) the time deadline prescribed by state law, or (2) thirty days after date of this notice.

It Is Further Ordered that if this case is dismissed, with prejudice, pursuant to 11 U.S.C. §109(g), the Debtor is ineligible to file bankruptcy under any chapter for one–hundred eighty (180) days.

It Is Further Ordered that each income attachment issued in this case is now terminated. So that each employer and entity subject to an attachment order knows to stop the attachment, the Debtor shall serve a copy of this order on each such employer and entity immediately.

It Is Further Ordered that this case is administratively closed; however, the court retains jurisdiction over the Trustee's final report and account and the Trustee's certification of distributed funds. Following submission of a final accounting and certification of distributed funds, the Trustee shall be deemed discharged from her duties in this case and this case shall be deemed closed without further order of court.

It Is Further Ordered that the Clerk shall give notice to all creditors of this dismissal.

Jeffery A. Deller
Judge

cm: All Creditors and All Parties In Interest

Exhibit "D"

Form 138

UNITED STATES BANKRUPTCY COURT 7
Western District of Pennsylvania dkan

In re: Bankruptcy Case No.: 07-71285-JAD

Chapter: 13

Robert A. Frailey
Debtor(s)

CERTIFICATION OF CLERK AND ORDER OF DISMISSAL FOR FAILURE TO TIMELY FILE MAILING MATRIX

It is hereby certified that:

1. The above-entitled case was filed without a mailing matrix; and

2. The clerk issued a notice concerning deficiency to the debtor's attorney, or debtor if not represented by an attorney, stating the deadline for filing the required mailing matrix and advising that failure to cure the deficiency would result in the dismissal of the case; and

3. As of this date the mailing matrix has not been filed with the Clerk of the Court.

Dated: 11/26/07

John J. Horner
Clerk

ORDER

Based on the foregoing Certification and pursuant to Local Rule 1007-1 and 1017-2 of the Court,

IT IS HEREBY ORDERED that the above-entitled case is DISMISSED.

Dated: 11/26/07

Jeffery A. Deller
Judge

Exhibit "E"

B18 (Official Form 18) (12/07)

United States Bankruptcy Court

WESTERN DISTRICT OF PENNSYLVANIA

Case No. 08-70021-BM

Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):
Robert Frailey
48 First Street
Grampian, PA 16838

Social Security / Individual Taxpayer ID No.:
xxx-xx-2668

Employer Tax ID / Other nos.:

DISCHARGE OF DEBTOR

It appearing that the debtor is entitled to a discharge,

IT IS ORDERED:

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 9/23/08

Bernard Markovitz
United States Bankruptcy Judge

SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.

VERIFICATION

I hereby state that I am the attorney for Plaintiff in this action, that I am authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of my knowledge, information and belief. The undersigned understands that this statement herein is made subject to the sworn penalties of 18 Pa.C.S. §4904 relating to the unsworn falsification of authorities.

DATE: 6-25-10

By: Jaime McGuinness

☐ Lawrence T. Phelan, Esq., Id. No. 32227
☐ Francis S. Hallinan, Esq., Id. No. 62695
☐ Daniel G. Schmieg, Esq., Id. No. 62205
☐ Michele M. Bradford, Esq., Id. No. 69849
☐ Judith T. Romano, Esq., Id. No. 58745
☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
☐ Jenine R. Davey, Esq., Id. No. 87077
☐ Lauren R. Tabas, Esq., Id. No. 93337
☐ Vivek Srivastava, Esq., Id. No. 202331
☐ Jay B. Jones, Esq., Id. No. 86657
☐ Peter J. Mulcahy, Esq., Id. No. 61791
☐ Andrew L. Spivack, Esq., Id. No. 84439
☐ Jaime McGuinness, Esq., Id. No. 90134
☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
☐ Joshua I. Goldman, Esq., Id. No. 205047
☐ Courtenay R. Dunn, Esq., Id. No. 206779
☐ Andrew C. Bramblett, Esq., Id. No. 208375
ATTORNEY FOR PLAINTIFF

FILED 1 cc Atty
m | 10:00 a.m
JUN 28 2010
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
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Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division CLEARFIELD County
v.	:	No. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	

CERTIFICATION OF SERVICE

151432

I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to the following individuals on the date indicated below.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
MARY K. FRAILEY
P.O. BOX 207
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
433 LOCUST ST
CURWENSVILLE, PA 16833-1210

MARY K. FRAILEY
PO BOX 207
DRIFTING, PA 16834-0207

Phelan Hallinan & Schmieg, LLP

DATE: 6-25-10

By: Jaime McGuinness

- ☐ Lawrence T. Phelan, Esq., Id No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
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- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division
v.	:	CLEARFIELD County No. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	

RULE

AND NOW, this 29th day of June 2010, a Rule is entered upon the Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the 16th day of August 2010, at 9:00 AM in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

Fredric J. Ammerman

J.

151432

FILED
JUN 30 2010
William A. Shaw
Prothonotary/Clerk of Courts

1cc Atty McGuinness

151432

FILED

JUN 30 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/30/10

___X___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 No cc
JUL 14 2010
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
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Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division CLEARFIELD County
v.	:	No. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	

CERTIFICATION OF SERVICE

151432

I hereby certify that a true and correct copy of the Court's June 29, 2010 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
MARY K. FRAILEY
P.O. BOX 207
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
433 LOCUST ST
CURWENSVILLE, PA 16833-1210

MARY K. FRAILEY
PO BOX 207
DRIFTING, PA 16834-0207

Phelan Hallinan & Schmieg, LLP

DATE: 7-13-10

By: Jaime McGuinness

- [ ] Lawrence T. Phelan, Esq., Id. No. 32227
- [ ] Francis S. Hallinan, Esq., Id. No. 62695
- [ ] Daniel G. Schmieg, Esq., Id. No. 62205
- [ ] Michele M. Bradford, Esq., Id. No. 69849
- [ ] Judith T. Romano, Esq., Id. No. 58745
- [ ] Sheetal R. Shah-Jani, Esq., Id. No. 81760
- [ ] Jenine R. Davey, Esq., Id. No. 87077
- [ ] Lauren R. Tabas, Esq., Id. No. 93337
- [ ] Vivek Srivastava, Esq., Id. No. 202331
- [ ] Jay B. Jones, Esq., Id. No. 86657
- [ ] Peter J. Mulcahy, Esq., Id. No. 61791
- [ ] Andrew L. Spivack, Esq., Id. No. 84439
- [ ] Jaime McGuinness, Esq., Id. No. 90134
- [ ] Chrisovalante P. Fliakos, Esq., Id. No. 94620
- [ ] Joshua I. Goldman, Esq., Id. No. 205047
- [ ] Courtenay R. Dunn, Esq., Id. No. 206779
- [ ] Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

FILED 2 cc
AUG 16 2010 Atty
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
ROBERT A. FRAILEY MARY K. FRAILEY	:	No. 07-483-CD
Defendants	:	

ORDER

AND NOW, this 16th day of AUGUST, 2010 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	$158,701.46
Interest Through July 2, 2010	$49,878.41
Per Diem $36.41	
Late Charges	$181.29
Legal fees	$2,575.00
Cost of Suit and Title	$2,768.97
Sheriff's Sale Costs	$926.72
Property Inspections/ Property Preservation	$885.00
Appraisal/Brokers Price Opinion	$0.00
Mortgage Insurance Premium /	$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	$0.00
Suspense/Misc. Credits	($484.10)
Escrow Deficit	$13,332.85
TOTAL	$228,765.60

Plus interest from July 2, 2010 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

Fredric J. Ammerman
J.

ORIGINAL

151432

FILED

AUG 16 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/16/10

X 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:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21158
NO: 07-483-CD

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
vs.
DEFENDANT: ROBERT A. FRAILEY AND MARY K. FRAILEY

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 4/8/2010

LEVY TAKEN 4/26/2010 @ 9:29 AM

POSTED 4/26/2010 @ 9:29 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/7/2011

DATE DEED FILED

PROPERTY ADDRESS 48 FIRST STREET GRAMPIAN , PA 16838

FILED
019:56 BY
FEB 07 2011
William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

SEE ATTACHED SHEET(S) OF SERVICES

SHERIFF HAWKINS $277.56

SURCHARGE $40.00 PAID BY ATTORNEY

Sworn to Before Me This

_____ Day of _____ 2011

_____

So Answers,

Chester A. Hawkins
by Cynthia Butler-Aughbaugh

Chester A. Hawkins
Sheriff

21158 07-483-CD

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
vs
ROBERT A. FRAILEY AND MARY K. FRAILEY

1 @ SERVED ROBERT A. FRAILEY

ROBERT A. FRAILEY NOT SERVED AT 48 FIRST STREET, GRAMPIAN, PA HOUSE EMPTY.

2 4/30/2010 @ SERVED MARY K. FRAILEY

SERVED MARY K. FRAILEY, DEFENDANT BY REG & CERT MAIL PER COURT ORDER TO 48 FIRST STREET, GRAMIAN, PENNSYLVANIA CERT#70083230000335908614. CERT MAIL RETD 5/5/10 REG MAIL RETURNED 5/6/10

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

3 5/7/2010 @ SERVED MARY K. FRAILEY

SERVED MARY K. FRAILEY, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO P. O. BOX 207, DRIFTING, PENNSYLVANIA CERT #70083230000335908607 SIGNED FOR BY MARY K. FRAILEY

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

4 5/4/2010 @ 10:53 AM SERVED MARY K. FRAILEY

SERVED MARY K. FRAILEY, DEFENDANT, AT HER RESIDENCE 58 MOSKOL LANE, DRIFITNG, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY K. FRAILEY

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.

5 5/18/2010 @ 10:46 AM SERVED ROBERT A. FRAILEY

SERVED ROBERT A. FRAILEY, DEFENDANT, AT HIS RESIDENCE 433 LOCUST STREET, CURWENSVILLE, CLEARFIELD COUNTY PENNSYLVANIA BY HANDING TO KRISTY RICHARDS, FIANCE/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.

@ SERVED

NOW, JUNE 25, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR JULY 2, 2010 TO SEPTEMBER 3, 2010, DUE TO HAMP CERTIFICATION 10-02.

@ SERVED

NOW, AUGUST 27, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR NOVEMBER 5, 2010 DUE TO HAMP CERTIFICATION 10-02.

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs

ROBERT A. FRAILEY AND MARY K. FRAILEY

@ SERVED

NOW, NOVEMBER 4, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR NOVEMBER 5, 2010 DUE TO A MORATORIUM.

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-483-CD
CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 48 FIRST STREET, GRAMPIAN, PA 16838
(See Legal Description attached)

Amount Due		$181,249.18
Interest from 04/03/2008 to Sale Per diem $29.79		$_____
Add'l Costs	Prothonotary costs $126.00	$4,692.47
Writ Total		$_____

OFFICE OF THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA

Dated 4-8-10
(SEAL)

PHS # 151432

Received this writ this 8th day
of April A.D. 2010
At 1:00 A.M./P.M.

Chester A. Hawkins
Sheriff by Cynthia Butler, Chief Deputy

No. 07-483-CD

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

WRIT OF EXECUTION
(Mortgage Foreclosure)

	Costs
Real Debt	$181,249.18
Int. from	
To Date of Sale ($29.79 per diem)	
Costs	
Prothy Pd.	
Sheriff	

Filed

Attorney for Plaintiff
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
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:
ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Premises being: 48 FIRST STREET, GRAMPIAN, PA 16838

Tax Parcel No. 125-F11-50.1

REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION

NAME ROBERT A. FRAILEY NO. 07-483-CD

NOW, February 05, 2011, 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 05, 2010, I exposed the within described real estate of Robert A. Frailey And Mary K. Frailey to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	12.00
LEVY	15.00
MILEAGE	12.00
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	20.56
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	28.00
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	**$277.56**

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	181,249.18
INTEREST @ 29.7900	28,181.34
FROM 04/03/2008 TO 11/05/2010	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	**$209,470.52**

COSTS:

ADVERTISING	269.50
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	277.56
LEGAL JOURNAL COSTS	162.00
PROTHONOTARY	126.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	**$835.06**

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

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

BANK OF NEW YORK as Trustee for the CERTIFICATEHOLDERS CWABS, INC. Asset-Backed Certificates, Series 2006-BC5, Plaintiff	*	
vs.	*	NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	*	

ORDER

NOW, this 24th day of May, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant **MARY K. FRAILEY** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
3. By certified mail, return receipt requested to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
4. By posting the mortgaged premises known in this herein action as 48 First Street, Grampian, PA 16838.

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

FILED
0/8.50 cm
MAY 24 2007
3cc Atty Schmieg
William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,

FREDRIC J. AMMERMAN
President Judge

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

APR 21 2010

Attest. Prothonotary/ Clerk of Courts

CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

7008 3230 0003 3590 8614

Hasler
016H16505405
$05.71
04/30/2010
Mailed From 16830
US POSTAGE

5-5-10

UTF

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

NIXIE 165 SE 1 02 05/03/10
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 16830247201 *0596-05722-03-27

16830@2472

7008 3230 0003 3590 8614

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com®
OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.71

CLEARFIELD PA 16830
Postmark Here
APR 30 2010
USPS

Sent To
Street, Apt. No.; or PO Box No. MARY K. FRAILEY 48 FIRST STREET
City, State, ZIP+4 GRAMPIAN, PA 16838

PS Form 3800, August 2006 See Reverse for Instructions

CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

Hasler
016H16505405
$00.61
04/30/2010
Mailed From 16830
US POSTAGE

POC 5/6/10

UTF

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

NIXIE 165 DE 1 00 05/04/10
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD
BC: 16830247201 *2832-05390-30-39

16838[illegible]

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

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:

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent
☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7008 3230 0003 3590 8614

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

USPS
MAY -5 2008

7008 3230 0003 3590 8607

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

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

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$ 5.71

CLEARFIELD PA APR 10 2010 USPS Postmark Here

Sent To
MARY K. FRAILEY
Street, Apt. No.; or PO Box No. P. O. BOX 207
City, State, ZIP+4 DRIFTING, PA 16834

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MARY K. FRAILEY
P. O. BOX 207
DRIFTING, PA 16834

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X [signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) Mary K Frailey
C. Date of Delivery 5/7/10

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7008 3230 0003 3590 8607

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

June 25, 2010

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v. ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
Court No. 07-483-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for July 2, 2010 due to the following: HAMP Certification 10-02.

The Property is to be relisted for the September 3, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP

PHS # 151432

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

August 27, 2010

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v. ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
Court No. 07-483-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for September 3, 2010 due to the following: HAMP Certification 10-02.

The Property is to be relisted for the November 5, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP

PHS # 151432

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

November 1, 2010

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v.
ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
No.: 07-483-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for November 5, 2010 due to the following: Moratorium - Servicer (non-holiday).

$0.00 was received in consideration of the stay.

You are hereby directed to immediate discontinue the advertising of the sale and processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as possible. **In addition, please forward a copy of the cost sheet pertaining to this sale to our office via facsimile to 215-567-0072 or regular mail at your earliest convenience.**

Thank you for your cooperation in this matter.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP

PHS # 151432

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	**COURT OF COMMON PLEAS**
	CIVIL DIVISION
	NO.: 07-483-CD
vs.	
ROBERT A. FRAILEY **MARY K. FRAILEY**	**CLEARFIELD COUNTY**

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	$228,765.60
Prothonotary costs	186.00
Interest from 07/03/2010 to Sale	$_____.
Per diem $37.61	
Writ Total	$_____.

Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No.202331
Attorney for Plaintiff

Note: Please attach description of Property.

PHS # 151432

FILED
NOV 17 2011
William A. Shaw
Prothonotary/Clerk of Courts

Atty pd. 20.00
3 cc & 1 Writs w/ prop. desc to Sheriff
GK

No.: 07-483-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS
CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No.202331
Attorney for Plaintiff

Address where papers may be served:
ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
P.O. BOX 207
DRIFTING, PA 16834-0207

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
	:	**NO.: 07-483-CD**
v.	:	
ROBERT A. FRAILEY **MARY K. FRAILEY** Defendant(s)	:	**CLEARFIELD COUNTY**
	:	**PHS # 151432**

AFFIDAVIT PURSUANT TO RULE 3129.1

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **48 FIRST STREET, GRAMPIAN, PA 16838.**

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

Name	Address (if address cannot be reasonably ascertained, please so indicate)
ROBERT A. FRAILEY	**48 FIRST STREET GRAMPIAN, PA 16838**
MARY K. FRAILEY	**48 FIRST STREET GRAMPIAN, PA 16838** **P.O. BOX 207 DRIFTING, PA 16834-0207**

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

Name	Address (if address cannot be reasonably ascertained, please so indicate)
SAME AS ABOVE	

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
SUNFLOWER BANK NA	**2090 SOUTH OHIO BOX 800 SALINA, PA 15680**
Pennsylvania State Employees Credit Union	**1 CREDIT UNION PLACE HARRISBURG, PA 17110**
Pennsylvania State Employees Credit Union C/O: MELISSA L. VAN ECK, ESQUIRE	**VAN ECK & VAN ECK, P.C. PO BOX 6662 HARRISBURG, PA 17112**

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
None.	

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

Name	Address (if address cannot be reasonably ascertained, please 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	Address (if address cannot be reasonably ascertained, please indicate)
None.	

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
TENANT/OCCUPANT	**48 FIRST STREET GRAMPIAN, PA 16838**
MARY K. FRAILEY C/O: PAUL COLAVECCHI, ESQUIRE	**COLAVECCHI & COLAVECCHI 221 EAST MARKET STREET, P.O. BOX 131 CLEARFIELD, PA 16830**
ROBERT A. FRAILEY C/O: JAMES A. NADDEO, ESQUIRE	**207 EAST MARKET STREET P.O. BOX 552 CLEARFIELD, PA 16830**
Commonwealth of Pennsylvania	**Bureau of Individual Tax; Inheritance Tax Division 6th Floor, Strawberry Square, Dept. 280601 Harrisburg, PA 17128**
Department of Public Welfare	**TPL Casualty Unit; Estate Recovery Program P.O. Box 8486, Willow Oak Building Harrisburg, PA 17105-8486**
DOMESTIC RELATIONS CLEARFIELD COUNTY	**CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830**
Commonwealth of Pennsylvania Department of Welfare	**P.O. Box 2675 Harrisburg, PA 17105**
Internal Revenue Service Advisory	**1000 Liberty Avenue Room 704 Pittsburgh, PA 15222**
U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney	**Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219**

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.A. § 4904 relating to unsworn falsification to authorities.

Date: 11/06/11

By: _____
Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No.202331
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
Vivek Srivastava, Esq., Id. No.202331
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorneys for Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
	:	**NO.: 07-483-CD**
v.	:	
ROBERT A. FRAILEY **MARY K. FRAILEY** Defendant(s)	:	**CLEARFIELD COUNTY**

CERTIFICATION

The undersigned attorney hereby states that he/she 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:

( ) the mortgage is an FHA Mortgage
( ) the premises is non-owner occupied
( ) the premises is vacant
(X) Act 91 procedures have been fulfilled

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

By: _____
Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No.202331
Attorney for Plaintiff

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

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 07-483-CD

CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 48 FIRST STREET, GRAMPIAN, PA 16838
(See Legal Description attached)

Amount Due	$228,765.60
Prothonotary costs	186.00
Interest from 07/03/2010 to Sale	$_____.
Per diem $37.61	
Writ Total	$_____

OFFICE OF THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA

Dated 11/17/11
(SEAL)

PHS # 151432

No.: 07-483-CD

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
vs.
ROBERT A. FRAILEY
MARY K. FRAILEY

WRIT OF EXECUTION
(Mortgage Foreclosure)

	Costs
Real Debt	$228,765.60
Int. from	
To Date of Sale ($37.61 per diem)	
Costs	
Prothy Pd.	186.00
Sheriff	

Filed

Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No.202331
Attorney for Plaintiff

Address where papers may be served:
ROBERT A. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

MARY K. FRAILEY
P.O. BOX 207
DRIFTING, PA 16834-0207

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Title of said property is vested in Robert A Frailey and Mary K. Frailey, husband and wife, their heirs and assigns as tenants by the entirety, by Deed from Randy W Caldwell and Deborah A Caldwell, husband and wife, dated 6/30/2006, recorded 7/7/2006 Instrument # 200611217.

Premises being: 48 FIRST STREET
GRAMPIAN, PA 16838

Tax Parcel No. 125-F11-50.1

CA

FILED NOCC.
m/11:31 am
DEC 23 2011
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No.80193
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division
v.	:	CLEARFIELD County
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	No.: 07-483-CD

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorneys, Phelan Hallinan & Schmieg, LLP, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on March 27, 2007.

2. Judgment was entered on April 3, 2008 in the amount of $181,249.18. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "A".

3. Plaintiff filed a prior Motion to Reassess Damages, which was granted by Order dated August 16, 2010, amending the judgment amount to $228,765.60. A true and correct copy of the Order is attached hereto, made part hereof, and marked as Exhibit B.

4. Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

5. Plaintiff paid the following in taxes and insurance during the time the loan was in default.

11/14/2007	HAZARD INSURANCE	$1,984.00
8/22/2008	CITY TAX	$388.72
8/22/2008	SCHOOL TAX	$858.34
8/22/2008	COUNTY TAX	$2,492.33
9/12/2008	HAZARD INSURANCE	$968.00
12/9/2008	HAZARD INSURANCE	$2,904.00
4/1/2009	CITY TAX	$346.31
9/25/2009	SCHOOL TAX	$909.84
11/27/2009	HAZARD INSURANCE	$2,904.00
4/5/2010	CITY TAX	$346.31
9/23/2010	SCHOOL TAX	$948.96
11/29/2010	HAZARD INSURANCE	$2,195.00
4/1/2011	CITY TAX	$314.84
8/25/2011	SCHOOL TAX	$968.89
11/28/2011	HAZARD INSURANCE	$2,157.00
	TOTAL	**$20,686.54**

6. A Sheriff's Sale of the mortgaged property at 48 FIRST STREET, GRAMPIAN, PA 16838 (hereinafter the "Property") was postponed or stayed for the following reason:

a.) The Defendant, ROBERT A. FRAILEY, filed a Chapter 13 Bankruptcy at Docket Number 07-70672 on June 18, 2007. The Bankruptcy was dismissed by order of court dated September 17, 2007. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "C".

b.) The Defendant, ROBERT A. FRAILEY , filed a Chapter 13 Bankruptcy at Docket Number 07-71285 on November 16, 2007. The Bankruptcy was dismissed by order of court dated November 26, 2007. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "D".

c.) The Defendant, ROBERT A. FRAILEY, filed a Chapter 13 Bankruptcy at Docket Number 08-70021 on January 9, 2008. The Bankruptcy stay ended when the Bankruptcy Court entered an Order dated September 23, 2008 discharging the defendants of personal liability. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "E".

7. The Property is listed for Sheriff's Sale on February 3, 2012.

8. Additional sums have been incurred or expended on Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	$158,701.46
Interest Through February 3, 2012	$70,959.03
Per Diem $36.41	
Late Charges	$181.29
Legal fees	$2,675.00
Cost of Suit and Title	$2,953.97
Sheriff's Sale Costs	$1,675.78
Property Inspections	$708.50
Property Preservation	$2,169.63
Suspense/Misc. Credits	($484.10)
Escrow Deficit	$20,686.54
TOTAL	$260,227.10

9. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

10. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

11. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

Phelan Hallinan & Schmieg, LLP

DATE: 12/22/11 By: _____

Robert W. Cusick, Esquire
ATTORNEY FOR PLAINTIFF

Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No.80193
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division CLEARFIELD County
v.	:	No.: 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION TO REASSESS DAMAGES

I. BACKGROUND OF CASE

ROBERT A. FRAILEY and MARY K. FRAILEY executed a Promissory Note agreeing to pay principal, interest, late charges, real estate taxes, hazard insurance premiums, and mortgage insurance premiums as these sums became due. Plaintiff's Note was secured by a Mortgage on the Property located at 48 FIRST STREET, GRAMPIAN, PA 16838. The Mortgage indicates that in the event of a default in the mortgage, Plaintiff may advance any

necessary sums, including taxes, insurance, and other items, in order to protect the security of the Mortgage.

In the instant case, Defendants defaulted under the Mortgage by failing to tender numerous, promised monthly mortgage payments. Accordingly, after it was clear that the default would not be cured, Plaintiff commenced the instant mortgage foreclosure action. Judgment was subsequently entered by the Court, and the Property is currently scheduled for Sheriff's Sale.

Because of the period of time between the initiation of the mortgage foreclosure action, the entry of judgment and the Sheriff's Sale date, damages as previously assessed are outdated and need to be adjusted to include current interest, real estate taxes, insurance premiums, costs of collection, and other expenses which Plaintiff has been obligated to pay under the Mortgage in order to protect its interests. It is also appropriate to give Defendants credit for monthly payments tendered through bankruptcy, if any.

II. LEGAL ARGUMENT TO AMEND PLAINTIFF'S IN REM JUDGMENT

It is settled law in Pennsylvania that the Court may exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. 20 P.L.E., Judgments § 191. Stephenson v. Butts, 187 Pa.Super. 55, 59, 142 A.2d 319, 321 (1958). Chase Home Mortgage Corporation of the Southwest v. Good, 537 A.2d 22, 24 (Pa.Super. 1988). The Pennsylvania Superior Court has repeatedly cited the right of a foreclosing creditor to amend its judgment prior to the Sheriff's sale. Nationsbanc Mortgage Corp. v. Grillo, 827 A.2d 489 (Pa.Super. 2003). Morgan Guaranty Trust Co. of N.Y. v. Mowl, 705 A.2d 923 (Pa. Super. 1998). Union National Bank of Pittsburgh v. Ciongoli, 407 Pa.Super. 171, 595 A.2d 179 (1991).

The Supreme Court of Pennsylvania recognized in Landau v. Western Pa. Nat. Bank, 445 Pa. 117, 282 A.2d 335 (1971), that the debt owed on a Mortgage is subject to change and, in fact, can be expected to change from day to day because the bank must advance sums in order to protect its collateral. Because a Mortgage lien is not extinguished until the debt is paid, Plaintiff must protect its collateral up until the date of sale. Beckman v. Altoona Trust Co., 332 Pa. 545, 2 A.2d 826 (1939). Because a judgment in mortgage foreclosure is strictly in rem, it is critical that the judgment reflect those amounts expended by the Plaintiff in protecting the property. Meco Reality Company v. Burns, 414 Pa. 495, 200 A.2d 335 (1971). Plaintiff submits that if it goes to sale without the requested amended judgment, and if there is competitive bidding for the Property, Plaintiff will suffer a significant loss in that it would not be able to recoup monies it advanced to protect its interests. Conversely, amending the in rem judgment will not be detrimental to Defendants as it imputes no personal liability.

In B.C.Y. v. Bukovich, the Pennsylvania Superior Court reiterated its long standing rule that a Court has the inherent power to correct a judgment to conform to the facts of a case. 257 Pa. Super. 157, 390 A.2d 276 (1978). In the within case, the amount of the original judgment does not adequately reflect the additional sums due on the Mortgage due to Defendants' failure to tender payments during the foreclosure proceeding and the advances made by the mortgage company. The Mortgage plainly requires the mortgagors to tender to the mortgagee monthly payments of principal and interest until the Promissory Note accompanying the Mortgage is paid in full. The mortgagors are also required to remit to the mortgagee sufficient sums to pay monthly mortgage insurance premiums, fire insurance premiums, taxes and other assessments relating to the Property. The mortgagors have breached the terms of the Mortgage, and Plaintiff has been forced to incur significant unjust financial losses on this loan.

III. THE FORECLOSURE JUDGMENT IS IN REM ONLY

The within case is a mortgage foreclosure action, the sole purpose of which is to take the mortgaged property to Sheriff's Sale. Pennsylvania law makes clear that an action in mortgage foreclosure is strictly in rem and does not include any personal liability. Newtown Village Partnership v. Kimmel, 424 Pa. Super 53, 55, 621 A.2d 1036, 1037 (1993). Signal Consumer Discount Company v. Babuscio, 257 Pa. Super 101, 109, 390 A.2d 266, 270 (1978). Pennsylvania Rule of Civil Procedure 1141(a).

However, Pennsylvania law requires that the foreclosure action demand judgment for the amount due. Pa.R.C.P. 1147(6). The purpose of the dollar amount in the in rem judgment is for bidding at the Sheriff's Sale. In the event that a third party real estate speculator were to bid on the mortgaged property at the Sheriff's Sale and become the successful purchaser, Plaintiff would receive the amount of the in rem judgment from the Sheriff.

IV. INTEREST

The Mortgage clearly requires that the Defendants' shall promptly pay when due the principal and interest due on the outstanding debt. In addition, the Note specifies the rate of interest to be charged until the debt is paid in full or otherwise satisfied. Specifically, interest from 30 days prior to the date of default through the date of the impending Sheriff's sale has been requested.

V. TAXES AND INSURANCE

If Plaintiff had not advanced monies for taxes and insurance throughout the foreclosure proceeding, Plaintiff would have risked loss of its collateral. If the Property were sold at a tax sale,

Plaintiff's interest very well may be divested, and Plaintiff would sustain a complete loss on the outstanding balance due on the loan. If the Property were damaged in a fire, Plaintiff would not be able to obtain insurance proceeds to restore the Property if it did not pay the insurance premiums.

Most importantly, the Mortgage specifically provides that the mortgagee may advance the monies for taxes and insurance and charge these payments against the escrow account. Plaintiff is simply seeking to have the Court enforce the terms of the Mortgage.

VI. ATTORNEY'S FEES

The amount of attorney's fees requested in the Motion to Reassess Damages is in accordance with the loan documents and Pennsylvania law. Pennsylvania Courts have long and repeatedly concluded that a request of five percent of the outstanding principal balance is reasonable and enforceable as an attorney's fee. Robinson v. Loomis, 51 Pa. 78 (1865); First Federal Savings and Loan Association v. Street Road Shopping Center, 68 D&C 2d 751, 755 (1974).

In Federal Land Bank of Baltimore v. Fetner, the Superior Court held that an attorney's fee of ten percent of the original mortgage amount is not unconscionable. 410 A.2d 344 (Pa. Super. 1979). Recently, the Superior Court cited Fetner in confirming that an attorney's fee of ten percent included in the judgment in mortgage foreclosure action was reasonable. Citicorp v. Morrisville Hampton Realty, 662 A.2d 1120 (Pa. Super. 1995). Importantly, Plaintiff recognizes this Honorable Court's equitable authority to set attorney's fees and costs as it deems reasonable.

VII. COST OF SUIT AND TITLE

Pursuant to the terms of the mortgage, Plaintiff is entitled to recover all expenses incurred in the foreclosure action. The amount claimed for the costs of suit and title are the expenses Plaintiff paid to date as a result of the mortgage default.

The title report is necessary to determine the record owners of the property, as Pa.R.C.P. 1144 requires all record owners to be named as Defendants in the foreclosure action. It is also necessary to determine whether there are any prior liens to be cleared, so that the Sheriff's sale purchaser acquires clear title to the property. It is necessary to determine if there are IRS liens on the property, whether the Defendants are divorced (which could affect service of the complaint), and numerous other legal issues. The title bringdown is necessary to identify any new liens on the property or new owners between the time of filing and complaint and the writ date.

The Freedom of Information Act inquiries and the investigation into Defendants' whereabouts are necessary to effectively attempt personal service of the complaint and notice of sale on the Defendant. The notice of sale and Rule 3129 notice are required by Pa.R.C.P.3129.1 and 3129.2 to notify all lienholders, owners, and interested persons of the Sheriff's sale date, as their interests will be divested by the Sheriff's sale.

Accordingly, the modest sums Plaintiff has incurred for the costs of suit and title were necessary pursuant to Pennsylvania law. The amounts were reasonable and actually incurred. The mortgage and Pennsylvania law permit Plaintiff to recover these sums through its foreclosure action. As the foreclosure action is in rem only, Plaintiff recovers its judgment from the sale of the property, not out of the Defendant's pockets. Plaintiff should recover the costs of suit and title in their entirety, which will not cause harm to the Defendants.

VIII. PROPERTY INSPECTIONS AND PRESERVATION

The terms of the mortgage provide for property inspections and property preservation charges. The lender or its agent may make reasonable inspections of the property pursuant to the terms of the mortgage. When a borrower defaults under the terms of the mortgage, the lender may do, or pay for, whatever is reasonable to protect its interest in the collateral, including property maintenance. Any amounts disbursed by the lender for property inspections and preservation become additional debt of the borrower secured by the mortgage. The lender may charge the borrower for services performed in connection with the default, for the purpose of protecting the lender's interest in the property, including property inspections and valuation costs.

When a loan is in default, the lender's risk increases. Mortgage companies typically have a vendor visit the premises to determine if any windows need to be boarded up, if the property is vacant, if the grass needs to be cut, or the snow shoveled. If the property inspection reveals any problems at the mortgaged premises, then the mortgage company may proceed to take whatever steps are necessary to secure the collateral, such as boarding windows, winterizing, removing hazards or debris, etc. The mortgage company generally pays a vendor to handle these tasks, which are referred to in the industry as "property preservation". These services avoid code violations and avoid the property becoming an eyesore in the neighborhood. Property preservation helps maintain property values in the neighborhood.

Accordingly, line items included in Motions to Reassess Damages for property inspections and property preservation represent amounts which the mortgage company has paid out of its pocket to preserve its collateral, consistent with the terms of the mortgage contract.

Since the terms of the mortgage provide that such expenses by the mortgage company become part of the borrower's debt secured by the mortgage, those expenses are properly included in the Plaintiff's Motion to Reassess Damages.

IX. CONCLUSION

Therefore, Plaintiff respectfully submits that if the enforcement of its rights is delayed by legal proceedings, and such delays require the mortgagee to expend additional sums provided for by the Mortgage, then the expenses necessarily become part of the mortgagee's lien and should be included in the judgment.

Plaintiff respectfully requests that this Honorable Court grant its Motion to Reassess Damages. Plaintiff submits that it has acted in good faith in maintaining the Property in accordance with the Mortgage, and has relied on terms of the Mortgage with the understanding that it would recover the monies it expended to protect its collateral.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

Phelan Hallinan & Schmieg, LLP

DATE: 12/22/11

By: _____
Robert W. Cusick, Esquire
Attorney for Plaintiff

Exhibit "A"

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG
Identification No. 62205
One Penn Center at Suburban Station - Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814 Attorney for Plaintiff
(215) 563-7000

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 7105 CORPORATE DRIVE PLANO, TX 75024	:	**CLEARFIELD COUNTY COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
Plaintiff,	:	**NO. 07-483-CD**
v.	:	
ROBERT A. FRAILEY MARY K. FRAILEY 48 FIRST STREET GRAMPIAN, PA 16838	:	
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 **ROBERT A. FRAILEY and MARY K. FRAILEY**, 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	$ 167,367.26
Interest - 3/24/07 TO 4/2/08	$13,881.92
TOTAL	$ 181,249.18

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.

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/3/08

PRO PROTHY

151432

Exhibit "B"

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
ROBERT A. FRAILEY MARY K. FRAILEY	:	No. 07-483-CD
Defendants	:	

ORDER

AND NOW, this 16th day of August, 2010 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	$158,701.46
Interest Through July 2, 2010	$49,878.41
Per Diem $36.41	
Late Charges	$181.29
Legal fees	$2,575.00
Cost of Suit and Title	$2,768.97
Sheriff's Sale Costs	$926.72
Property Inspections/ Property Preservation	$885.00
Appraisal/Brokers Price Opinion	$0.00
Mortgage Insurance Premium / Private Mortgage Insurance	$0.00
Non Sufficient Funds Charge	$0.00
Suspense/Misc. Credits	($484.10)
Escrow Deficit	$13,332.85
TOTAL	$228,765.60

Plus interest from July 2, 2010 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

/S/ Fredric J Ammerman
J.

AUG 16 2010

Attest.

151432

Exhibit "C"

Form 212

UNITED STATES BANKRUPTCY COURT 23
Western District of Pennsylvania emar

In re:

Bankruptcy Case No.: 07–70672–JAD
Issued Per The 8/20/2007 Order
Chapter: 13

Robert Anthony Frailey
Debtor(s)

Order Dismissing Case Without Prejudice, And Order Terminating Income Attachment

AND NOW, this 17th day of September, 2007, **It Is Hereby Ordered** that the above–captioned case is **dismissed without prejudice, terminated and closed** and that the Debtor(s) remain legally liable for all of his/her debts as if the bankruptcy petition had not been filed. Creditor collection remedies are reinstated pursuant to 11 U.S.C. §349, and creditors are directed to title 11 U.S.C. §108(c) for time limits on filing a lawsuit to collect; generally, a creditor's lawsuit must be filed by the later of (1) the time deadline prescribed by state law, or (2) thirty days after date of this notice.

It Is Further Ordered that if this case is dismissed, with prejudice, pursuant to 11 U.S.C. §109(g), the Debtor is ineligible to file bankruptcy under any chapter for one–hundred eighty (180) days.

It Is Further Ordered that each income attachment issued in this case is now terminated. So that each employer and entity subject to an attachment order knows to stop the attachment, the Debtor shall serve a copy of this order on each such employer and entity immediately.

It Is Further Ordered that this case is administratively closed; however, the court retains jurisdiction over the Trustee's final report and account and the Trustee's certification of distributed funds. Following submission of a final accounting and certification of distributed funds, the Trustee shall be deemed discharged from her duties in this case and this case shall be deemed closed without further order of court.

It Is Further Ordered that the Clerk shall give notice to all creditors of this dismissal.

Jeffery A. Deller
Judge

cm: All Creditors and All Parties In Interest

Exhibit "D"

Form 138

UNITED STATES BANKRUPTCY COURT
Western District of Pennsylvania

7
dkan

In re:

Bankruptcy Case No.: 07–71285–JAD

Chapter: 13

Robert A. Frailey
Debtor(s)

CERTIFICATION OF CLERK AND ORDER OF DISMISSAL FOR FAILURE TO TIMELY FILE MAILING MATRIX

It is hereby certified that:

1. The above–entitled case was filed without a mailing matrix; and

2. The clerk issued a notice concerning deficiency to the debtor's attorney, or debtor if not represented by an attorney, stating the deadline for filing the required mailing matrix and advising that failure to cure the deficiency would result in the dismissal of the case; and

3. As of this date the mailing matrix has not been filed with the Clerk of the Court.

Dated: 11/26/07

John J. Horner
Clerk

ORDER

Based on the foregoing Certification and pursuant to Local Rule 1007–1 and 1017–2 of the Court,

IT IS HEREBY ORDERED that the above–entitled case is DISMISSED.

Dated: 11/26/07

Jeffery A. Deller
Judge

Exhibit "E"

Form 129

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

76 – 61
cric

In re:

Bankruptcy Case No.: 08–70021–BM

Chapter: 7

Robert Frailey
Debtor(s)

FINAL DECREE

The estate of the above named debtor has been fully administered.

IT IS ORDERED THAT:

Lisa M. Swope is discharged as trustee of the estate of the above–named debtor and the bond is cancelled; the chapter 7 case of the above named debtor is closed.

Dated: 9/23/08

Bernard Markovitz
Judge

Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No.80193
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division CLEARFIELD County
v.	:	No.: 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	

CERTIFICATION OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to the following individuals on the date indicated below.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
MARY K. FRAILEY
P.O. BOX 207
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
433 LOCUST ST
CURWENSVILLE, PA 16833-1210

MARY K. FRAILEY
PO BOX 207
DRIFTING, PA 16834-0207

DATE: 12/22/11

Phelan Hallinan & Schmieg, LLP

By: _____
Robert W. Cusick, Esquire
ATTORNEY FOR PLAINTIFF

151432

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
ROBERT A. FRAILEY MARY K. FRAILEY	:	No.: 07-483-CD
Defendants		

ORDER

AND NOW, this_____day of_____, 2011 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	$158,701.46
Interest Through February 3, 2012	$70,959.03
Per Diem $36.41	
Late Charges	$181.29
Legal fees	$2,675.00
Cost of Suit and Title	$2,953.97
Sheriff's Sale Costs	$1,675.78
Property Inspections	$708.50
Property Preservation	$2,169.63
Suspense/Misc. Credits	($484.10)
Escrow Deficit	$20,686.54
TOTAL	$260,227.10

Plus interest from February 3, 2012 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

_____
J.

151432

cA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division
v.	:	CLEARFIELD County No.: 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY Defendants	:	

RULE

AND NOW, this 3rd day of January 2012, a Rule is entered upon the Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the 23rd day of February 2012, at 2:00 PM in the Clearfield County Courthouse, Clearfield, Pennsylvania, Courtroom #1.

BY THE COURT

Fredric J. Ammerman

151432

FILED 1CC
012:36 bl Atty Cusick
JAN 03 2012
S
William A. Shaw
Prothonotary/Clerk of Courts
6L

151432

FILED

JAN 03 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 1/3/12

X 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:

Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No.80193
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff	:	Court of Common Pleas Civil Division
vs.	:	CLEARFIELD County
ROBERT A. FRAILEY MARY K. FRAILEY	:	No.: 07-483-CD
Defendants	:	

FILED
m/1:05 pm
JAN 11 2012
William A. Shaw
Prothonotary/Clerk of Courts
NO CC

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's January 3, 2012 Rule scheduling Plaintiff's Motion to Reassess Damages on February 23, 2012 at 2:00 pm was served upon the following individuals on the date indicated below.

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
MARY K. FRAILEY
P.O. BOX 207
GRAMPIAN, PA 16838

ROBERT A. FRAILEY
433 LOCUST ST
CURWENSVILLE, PA 16833-1210

MARY K. FRAILEY
PO BOX 207
DRIFTING, PA 16834-0207

DATE: 1/10/12

Phelan Hallinan & Schmieg, LLP
By: _____
Robert W. Cusick, Esquire
Attorney for Plaintiff

151432

PHELAN HALLINAN & SCHMIEG, LLP
Allison F. Wells, Esq., Id. No.309519
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

FILED
JAN 27 2012
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 Plaintiff,	:	**CLEARFIELD COUNTY**
	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
v.	:	**No.: 07-483-CD**
ROBERT A. FRAILEY **MARY K. FRAILEY** Defendant(s)	:	

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA)
PHILADELPHIA COUNTY) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party 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 Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

Allison F. Wells, Esquire
Attorney for Plaintiff

Date: 1/25/12

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

PHS # 151432

EXHIBIT “A”

Name and Address Of Sender

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

AZK/AEG – 02/03/2012 10A.M. SALE

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	****	TENANT/OCCUPANT 48 FIRST STREET GRAMPIAN, PA 16838		
2	****	Commonwealth of Pennsylvania Bureau of Individual Tax; Inheritance Tax Division 6th Floor, Strawberry Square, Dept. 280601 Harrisburg, PA 17128		
3	****	Department of Public Welfare TPL Casualty Unit; Estate Recovery Program P.O. Box 8486, Willow Oak Building Harrisburg, PA 17105-8486		
4	****	MARY K. FRAILEY C/O: PAUL COLAVECCHI, ESQUIRE COLAVECCHI & COLAVECCHI 221 EAST MARKET STREET, P.O. BOX 131 CLEARFIELD, PA 16830		
5	****	Pennsylvania State Employees Credit Union 1 CREDIT UNION PLACE HARRISBURG, PA 17110		
6	****	Pennsylvania State Employees Credit Union C/O: MELISSA L. VAN ECK, ESQUIRE VAN ECK & VAN ECK, P.C. PO BOX 6662 HARRISBURG, PA 17112		
7	****	ROBERT A. FRAILEY C/O: JAMES A. NADDEO, ESQUIRE 207 EAST MARKET STREET P.O. BOX 552 CLEARFIELD, PA 16830		
8	****	SUNFLOWER BANK NA 2090 SOUTH OHIO BOX 800 SALINA, PA 15680		
9	****	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
10	****	Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105		
11	****	Internal Revenue Service Advisory 1000 Liberty Avenue Room 704 Pittsburgh, PA 15222		
12	****	U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219		
		RE: ROBERT A. FRAILEY (CLEARFIELD) TEAM 3 PHS# 151432 Page 1 of 1		

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (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 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.

PHELAN HALLINAN & SCHMIEG, LLP
Attorney for Plaintiff
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5	:	CLEARFIELD COUNTY COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
vs.	:	NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY	:	
Defendants		

AFFIDAVIT OF SERVICE OF NOTICE OF SHERIFF'S SALE
PURSUANT TO P.R.C.P., 404(2)/403

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to MARY K. FRAILEY on DECEMBER 29, 2011 in accordance with the Order of Court dated MAY 24, 2007. The property was posted on DECEMBER 31, 2011. Publication was advertised in THE PROGRESSIVE on JANUARY 3, 2012 & in THE CLEARFIELD COUNTY LEGAL JOURNAL on JANUARY 6, 2012.

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

Phelan Hallinan & Schmieg, LLP

DATE: 1/20/22

By: _____

- [ ] Lawrence T. Phelan, Esq., Id. No. 32227
- [ ] Francis S. Hallinan, Esq., Id. No. 62695
- [ ] Daniel G. Schmieg, Esq., Id. No. 62205
- [ ] Michele M. Bradford, Esq., Id. No. 69849
- [ ] Judith T. Romano, Esq., Id. No. 58745
- [ ] Jenine R. Davey, Esq., Id. No. 87077
- [ ] Lauren R. Tabas, Esq., Id. No. 93337
- [ ] Jay B. Jones, Esq., Id. No. 86657
- [ ] Andrew L. Spivack, Esq., Id. No. 84439
- [ ] Chrisovalante P. Fliakos, Esq., Id. No. 94620
- [ ] Joshua I. Goldman, Esq., Id. No. 205047
- [ ] Courtenay R. Dunn, Esq., Id. No. 206779
- [x] Allison F. Wells, Esq., Id. No. 309519
- [ ] William E. Miller, Esq., Id. No. 308951
- [ ] Melissa J. Cantwell, Esq., Id. No. 308912
- [ ] Mario J. Hanyon, Esq., Id. No. 203993
- [ ] Andrew J. Marley, Esq., Id. No. 312314
- [ ] Robert W. Cusick, Esq., Id. No. 80193
- [ ] John M. Kolesnik, Esq., Id. No. 308877

ATTORNEY FOR PLAINTIFF

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

BANK OF NEW YORK as Trustee for the CERTIFICATEHOLDERS CWABS, INC. Asset-Backed Certificates, Series 2006-BC5, Plaintiff	*	
vs.	*	NO. 07-483-CD
ROBERT A. FRAILEY MARY K. FRAILEY	*	
Defendants	*	

ORDER

NOW, this 24th day of May, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant **MARY K. FRAILEY** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
3. By certified mail, return receipt requested to 48 First Street, Grampian, PA 16838 and P.O. Box 207, Drifting, PA 16834;
4. By posting the mortgaged premises known in this herein action as 48 First Street, Grampian, PA 16838.

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

BY THE COURT,

/s/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

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

MAY 24 2007

Attest.

Prothonotary/
Clerk of Courts

Name and Address of Sender ➡ **PHELAN HALLINAN & SCHMIEG**
One Penn Center at Suburban, Suite 1400
Philadelphia, PA 19103

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	****	**MARY K. FRAILEY** **48 FIRST STREET** **GRAMPIAN, PA 16838**		
2	****	**MARY K. FRAILEY** **PO BOX 207** **DRIFTING, PA 16834-0207**		
3	****			
4	****			
5				
6	****			
7	****			
8	****			
9	****			
10	****			
11	****			
12	****			
13	****			
14				
15		RE:. **MARY K. FRAILEY** ***PHS# 151432***		

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	

LXH

7178 2417 6099 0090 4440

LXH / 151432 **RESTRICTED DELIVERY**

MARY K. FRAILEY
PO BOX 207
DRIFTING, PA 16834-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

UNITED STATES POSTAL SERVICE

Track & Confirm

Search Results

Label/Receipt Number: **7178 2417 6099 0090 4440**
Expected Delivery Date: **January 3, 2012**
Class: **First-Class Mail®**
Service(s): **Return Receipt Electronic**
Status: **Unclaimed**

Track & Confirm

Enter Label/Receipt Number.

Go >

Your item was returned to the sender on January 18, 2012 because it was not claimed by the addressee.

Detailed Results:

- **Unclaimed, January 18, 2012, 3:09 pm, DRIFTING, PA**
- **Notice Left, December 31, 2011, 12:06 pm, DRIFTING, PA 16834**
- **Notice Left, December 31, 2011, 9:00 am, DRIFTING, PA 16834**
- **Arrival at Unit, December 31, 2011, 8:53 am, DRIFTING, PA 16834**
- **Dispatched to Sort Facility, December 29, 2011, 6:00 pm, PHILADELPHIA, PA 19102**
- **Acceptance, December 29, 2011, 5:52 pm, PHILADELPHIA, PA 19102**
- **Electronic Shipping Info Received, December 28, 2011**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Go >

7178 2417 6099 0090 4433

LXH / 151432 **RESTRICTED DELIVERY**

MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

UNITED STATES POSTAL SERVICE

Home | Help | Sign In

Track & Confirm FAQs

Track & Confirm

Search Results

Label/Receipt Number: **7178 2417 6099 0090 4433**
Expected Delivery Date: **January 3, 2012**
Class: **First-Class Mail®**
Service(s): **Return Receipt Electronic**
Status: **Delivered**

Track & Confirm

Enter Label/Receipt Number.

Go >

Your item was delivered at 11:24 am on January 20, 2012 in PHILADELPHIA, PA 19103.

Detailed Results:

- **Delivered, January 20, 2012, 11:24 am, PHILADELPHIA, PA 19103**
- **Arrival at Unit, January 19, 2012, 12:10 pm, PHILADELPHIA, PA 19104**
- **Processed through USPS Sort Facility, January 18, 2012, 11:26 pm, PHILADELPHIA, PA 19176**
- **Moved, Left no Address, December 31, 2011, 10:16 am, GRAMPIAN, PA**
- **Dispatched to Sort Facility, December 29, 2011, 6:00 pm, PHILADELPHIA, PA 19102**
- **Acceptance, December 29, 2011, 5:52 pm, PHILADELPHIA, PA 19102**
- **Electronic Shipping Info Received, December 28, 2011**

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Go >

Return Receipt (Electronic)

Verify who signed for your item by email. Go >

AFFIDAVIT OF SERVICE

PLAINTIFF
BANK OF NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED
CERTIFICATES, SERIES 2006-BC5

CLEARFIELD COUNTY

PHS # 151432

DEFENDANT
ROBERT A. FRAILEY
MARY K. FRAILEY

SERVICE TEAM/ lxh
COURT NO.: 07-483-CD

SERVE MARY K. FRAILEY AT:
48 FIRST STREET
GRAMPIAN, PA 16838
PLEASE POST PROPERTY IN ACCORDANCE WITH THE COURT ORDER

TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: February 3, 2012

SERVED

Served and made known to MARY K. FRAILEY, Defendant on the 31st day of December, 2011, at 4:45, o'clock P. M., at 48 First Street, Grampian, PA, in the manner described below:

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

Description: Age _____ Height _____ Weight _____ Race _____ Sex _____ Other _____

I, _____, a competent adult, hereby verify that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above. I understand that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: 12-31-11

NAME: Deborah M Ellis

PRINTED NAME: Deborah M. Ellis

TITLE: Process Server

NOT SERVED

On the ____ day of _____, 20__, at ____ o'clock __. M., Defendant NOT FOUND because:

__ Vacant __ Does Not Exist __ Moved __ Does Not Reside (Not Vacant)
__ No Answer on _____at _____; _____at _____
__ Service Refused

Other:

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

BY: _____

PRINTED NAME: _____

ATTORNEY FOR PLAINTIFF
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Jay B. Jones, Esq., Id. No. 86657
Andrew L. Spivack, Esq., Id. No. 84439
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Allison F. Wells, Esq., Id. No. 309519
William E. Miller, Esq., Id. No. 308951

AFFIDAVIT OF SERVICE

PLAINTIFF
BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

CLEARFIELD COUNTY

PHS # 151432

DEFENDANT
ROBERT A. FRAILEY
MARY K. FRAILEY

SERVICE TEAM/ lxh
COURT NO.: 07-483-CD

SERVE MARY K. FRAILEY AT:
48 FIRST STREET
GRAMPIAN, PA 16838
PLEASE POST PROPERTY IN ACCORDANCE WITH THE COURT ORDER

TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: February 3, 2012

SERVED

Served and made known to MARY K. FRAILEY, Defendant on the 6th day of JANUARY, 2012, at 2:30, o'clock P. M., at 48 FIRST ST, GRAMPIAN, PA, in the manner described below:

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

Description: Age _____ Height _____ Weight _____ Race _____ Sex _____ Other _____

I, _____, a competent adult, hereby verify that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above. I understand that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: 1-6-12

NAME: Deborah M. Ellis

PRINTED NAME: Deborah M. ELLIS

TITLE: Process Server

NOT SERVED

On the ____ day of _____, 20__, at ____ o'clock _. M., Defendant NOT FOUND because:

__ Vacant __ Does Not Exist __ Moved __ Does Not Reside (Not Vacant)
__ No Answer on _____at _____; _____at _____
__ Service Refused

Other:

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

BY: _____

PRINTED NAME: _____

ATTORNEY FOR PLAINTIFF
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Jay B. Jones, Esq., Id. No. 86657
Andrew L. Spivack, Esq., Id. No. 84439
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Allison F. Wells, Esq., Id. No. 309519
William E. Miller, Esq., Id. No. 308951

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 07-483-CD

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE-HOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 vs.
ROBERT A. FRAILEY & MARY K. FRAILEY
NOTICE TO: MARY K. FRAILEY
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY"
Being Premises: 48 FIRST STREET, GRAMPIAN, PA 16838
Being in PENN Township, County of CLEARFIELD Commonwealth of Pennsylvania
Tax Parcel No. 125-F11-50.1
Improvements consist of residential property.
Sold as the property of ROBERT A. FRAILEY & MARY K. FRAILEY
Your house (real estate) at 48 FIRST STREET, GRAMPIAN, PA 16838 is scheduled to be sold at the Sheriff's Sale on FEBRUARY 3, 2012 at 10:00 AM., at the CLEARFIELD County Courthouse to enforce the Court Judgment of $228,765.60 obtained by, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 (the mortgagee), against the above premises.
PHELAN HALLINAN & SCHMIEG, LLP Attorney for Plaintiff

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

On this 6th day of January AD 2012, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of January 6, 2011, Vol. 24, No. 1. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.

Notary Public
My Commission Expires

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Amy Mae Gardner, Notary Public
City of DuBois, Clearfield County
My Commission Expires May 28, 2013
Member, Pennsylvania Association of Notaries

NOTICE OF SHERIFF'S SALE
IN THE COURT OF
COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
NO. 07-483-CD

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY & MARY K. FRAILEY

NOTICE TO: MARY K. FRAILEY

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 48 FIRST STREET, GRAMPIAN, PA 16838

Being in PENN Township, County of CLEARFIELD, Commonwealth of Pennsylvania

Tax Parcel No. 125-F11-50.1

Improvements consist of residential property.

Sold as the property of ROBERT A. FRAILEY & MARY K. FRAILEY

Your house (real estate) at 48 FIRST STREET, GRAMPIAN, PA 16838 is scheduled to be sold at the Sheriff's Sale on FEBRUARY 3, 2012 at 10:00 A.M. at the CLEARFIELD County Courthouse to enforce the Court Judgement of $228,765.60 obtained by, BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 (the mortgage), against the above premises.

PHELAN HALLINAN & SCHMIEG, LLP

Attorney for Plaintiff

1:3-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 18th day of January, A.D. 20 12, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of January 3, 2012.

And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2015
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

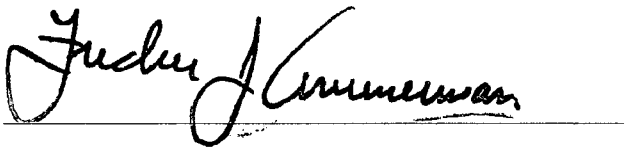
CIVIL DIVISION

BANK OF NEW YORK	:	
	:	
-vs-	:	No. 07-483-CD
	:	
ROBERT A. FRAILEY and MARY K. FRAILEY	: :	

O R D E R

AND NOW, this 23rd day of February, 2012, Plaintiff's having requested permission to withdraw the Plaintiff's Petition for Reassessment of Damages, it is the ORDER of this Court that the said request be and is hereby granted. The Petition for Reassessment of Damages is hereby withdrawn, without prejudice.

BY THE COURT,



President Judge

FILED
012:47(01)
FEB 24 2012
William A. Shaw
Prothonotary/Clerk of Courts

2 CC Atty Hallinan
1 CC Defs.-
48 1st Street
Grampian, PA 16838

FILED

FEB 2 4 2012

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/24/12

____ You are responsible for serving all appropriate parties.

X The Prothonotary's office has provided service to [illegible]

[illegible] X Plaintiff(s) Attorney [illegible] Other

X Defendant [illegible] ____ Defendant(s) Attorney

____ Special Instructions:

William A. Shaw
Prothonotary/Clerk of Courts
PO Box 549
Clearfield, PA 16830

FILED
11:50am
MAR 01 2012
William A. Shaw
Prothonotary/Clerk of Courts

no further address in file

UTF

Robert A. Frailey
Mary K. Frailey
48 1st Street
Grampian

016H26524836
Hasler
$00.45
02/24/2012
Mailed From 16830
US POSTAGE

NIXIE 152 SE 1 00 02/26/12
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 16830054949 *2949-11460-24-38

16830054949

IN THE COURT OF COMMON PLEAS

OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

BANK OF NEW YORK	:	
-vs-	:	No. 07-483-CD
ROBERT A. FRAILEY and MARY K. FRAILEY	:	

O R D E R

AND NOW, this 23rd day of February, 2012, Plaintiff's having requested permission to withdraw the Plaintiff's Petition for Reassessment of Damages, it is the ORDER of this Court that the said request be and is hereby granted. The Petition for Reassessment of Damages is hereby withdrawn, without prejudice.

BY THE COURT,

/S/ Fredric J Ammerman

President Judge

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

FEB 24 2012

Attest.

Prothonotary/
Clerk of Courts

OFFICE OF THE PROTHONOTARY and CLERK OF COURTS

WILLIAM A. SHAW
Prothonotary/Clerk of Courts

JACKI KENDRICK
Deputy Prothonotary/
Clerk of Courts

PHONE: 814-765-2641 ext. 1330

Clearfield County Courthouse
PO Box 549
Clearfield, Pennsylvania 16830

JOHN SUGHRUE, ESQ.
Solicitor

BONNIE HUDSON
Administrative Assistant

FAX: 814-765-7659
www.clearfieldco.org

To: All Concerned Parties

It has come to my attention that there is some confusion on court orders over the issue of service. To attempt to clear up this question, from this date forward until further notice, this or a similar memo will be attached to each order, indicating responsibility for service on each order or rule. If you have any questions, please contact me at (814) 765-2641, ext. 1331. Thank you.

William A. Shaw, Prothonotary

DATE: 2/24/12

_____ You are responsible for serving all appropriate parties.

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

_____ Plaintiff(s) X Plaintiff(s) Attorney _____ Other

X Defendant(s) _____ Defendant(s) Attorney

Special Instructions:

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney For Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 **Plaintiff** **vs** **ROBERT A. FRAILEY** **MARY K. FRAILEY** **Defendant**	: : : : : : : : :	**Court of Common Pleas** **Civil Division** **CLEARFIELD County** **No. 07-483-CD**

PRAECIPE

TO THE PROTHONOTARY:

☐ Please withdraw the complaint and mark the action Discontinued and Ended without prejudice.

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

☒ Please Vacate the judgment entered and mark the action Discontinued and Ended without prejudice.

☐ Please mark the in rem judgment Satisfied and the action Discontinued and Ended.

Date: 5/11/2012

PHELAN HALLINAN & SCHMIEG, LLP

By: _____
Lauren R. Tabas, Esq., Id. No.93337
Attorney for Plaintiff

PHS # 151432

FILED
MAY 25 2012
William A. Shaw
Prothonotary/Clerk of Courts

No CC
Atty pd.
7.00
GK

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney For Plaintiff

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
Plaintiff

vs

ROBERT A. FRAILEY
MARY K. FRAILEY
Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 07-483-CD

CERTIFICATION OF SERVICE

I hereby certify true and correct copies of the foregoing Plaintiff's Praecipe was served by regular mail to the person(s) on the date listed below:

ROBERT A. FRAILEY
MARY K. FRAILEY
48 FIRST STREET
GRAMPIAN, PA 16838

Date: 5/17/12

ROBERT A. FRAILEY
MARY K. FRAILEY
P.O. BOX 237
DRIFTING, PA 16834

By: _____
Lauren R. Tabas, Esq., Id. No.93337
Attorney for Plaintiff

PHS # 151432

FILED

MAY 22 2012

William A. Shaw
Prothonotary/Clerk of Courts

CURWENSVILLE NURSING HOME, INC., d/b/a, RIDGEVIEW ELDER CARE REHABILITATION CENTER	:	**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA**
Plaintiff,	:	**Docket No.: 07-828-CD**
v.	:	**CIVIL ACTION**
MARY DECKER,	:	
Defendant.	:	

PRAECIPE FOR ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff in the above-captioned matter.

Papers may be served at the address set forth below.

Respectfully Submitted,

THOMAS, THOMAS & HAFER, LLP

Date: 5/21/2012

By: Barbara G. Graybill

Barbara G. Graybill, Esquire
PA Attorney I.D. No.: 39859
305 N. Front Street, 6th Floor
P.O. Box 999
Harrisburg, PA 17108
Phone: (717) 255-7237
Fax: (717) 237-7105
Email: bgraybill@tthlaw.com

1092407.1

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21407
NO: 07-483-CD

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
vs.
DEFENDANT: ROBERT A . FRAILEY AND MARY K. FRAILEY

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 11/17/2011

LEVY TAKEN 12/1/2011 @ 9:46 AM

POSTED 12/1/2011 @ 9:46 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 7/26/2012

DATE DEED FILED **NOT SOLD**

FILED
JUL 26 2012
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

12/2/2011 @ 11:56 AM SERVED ROBERT A. FRAILEY

SERVED ROBERT A. FRAILEY, DEFENDANT, AT HIS RESIDENCE 1494 DAVIS ROAD, OLANTA, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROBERT A. FRAILEY

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.

12/1/2011 @ 11:25 AM SERVED MARY K. FRAILEY

SERVED MARY K. FRAILEY, DEFENDANT, AT HER RESIDENCE 58 MOSKOL LANE, DRIFTING, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY K. FRAILEY

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.

@ SERVED

NOW JANUARY 25, 2012 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR FEBRUARY 3, 2012 TO MARCH 2, 2012 DUE TO NOS MADE INSIDE 30 DAYS OF SALE

@ SERVED

NOW, FEBRUARY 14, 2012 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR MARCH 2, 2012 TO MAY 4, 2012.

@ SERVED

NOW, MAY 4, 2012 RECEIVED A FAX LETTER TO STAY THE SHERIFF SALE SCHEDULED FOR MAY 4, 2012 .

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21407
NO: 07-483-CD

PLAINTIFF: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5
vs.
DEFENDANT: ROBERT A . FRAILEY AND MARY K. FRAILEY

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS $1,597.31

SURCHARGE $40.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
by Cynthia Butler-Aughbaugh
Chester A. Hawkins
Sheriff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183 and Rule 3257

BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5

vs.

ROBERT A. FRAILEY
MARY K. FRAILEY

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 07-483-CD

CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 48 FIRST STREET, GRAMPIAN, PA 16838
(See Legal Description attached)

Amount Due	$228,765.60
Interest from 07/03/2010 to Sale	
Per diem $37.61	
Writ Total	$

Prothonotary costs 186.00

$

BCD

OFFICE OF THE PROTHONOTARY OF CLEARFIELD COUNTY, PENNSYLVANIA

Dated 11/17/11
(SEAL)

PHS # 151432

Received this writ this 17th day
of November A.D. 2011
At 3:00 A.M./P.M.

Chester A. Hawkins
Sheriff by Cynthia Butler-Aughbaugh

LEGAL DESCRIPTION

ALL THAT CERTAIN piece or parcel of land situate in Penn Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately two hundred ninety (290) feet east of the right-of-way of State Highway Route 219, thence north 10 degrees 28 minutes West, two hundred seventy-one and seven tenths (271.7) feet along the line of the Old Town Sportsman Association to an old maple corner; thence south 84 degrees 40 minutes West, seventy five (75) feet to a point which is the corner of the Old Town Sportsmen Association; thence North 84 degrees 42 minutes West seventy-six (76) feet across Francis Sass' other lands to a point on the right-of-way of Highway Route 219; thence South 00 degree 43 minutes East five hundred one and five tenths (501.5) feet along the right-of-way of Highway Route 219 to township road leading from Walltown to Stronach; thence along right-of-way of the township road leading from Walltown to Stronach South 83 degrees 08 minutes East two hundred ninety (290) feet to a stake and place of beginning.

EXCEPTING and Reserving therefrom, a pie-shaped piece off the southern end thereof, which reserved area is bounded and described as follows:

BEGINNING at a stake on the north side of the Township road leading from Walltown to Stronach, said point being approximately 290 feet east of the right-of-way of State Highway Route 219, thence North 10 degrees 28 minutes West two hundred (200) feet along the line of the Old Town Sportsmen's Association to an iron pin; thence in a southwesterly direction, three hundred (300) feet to an iron pin on the Eastern edge of the right-of-way of Pennsylvania State Highway U.S. Route 219; thence South 0 degree 43 minutes East, thirty-five (35) feet along the right-of-way of Highway Route 219 to the intersection of said State Highway and Township Road leading from Walltown to Stronach; thence along the right-of-way of Township Road leading from Walltown to Stronach South 83 degrees 8 minutes East, two hundred ninety (290) feet to stake and place of beginning.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Title of said property is vested in Robert A Frailey and Mary K. Frailey, husband and wife, their heirs and assigns as tenants by the entirety, by Deed from Randy W Caldwell and Deborah A Caldwell, husband and wife, dated 6/30/2006, recorded 7/7/2006 Instrument # 200611217.

Premises being: 48 FIRST STREET
GRAMPIAN, PA 16838

Tax Parcel No. 125-F11-50.1

REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION

NAME ROBERT A. FRAILEY NO. 07-483-CD

NOW, July 25, 2012, 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 May 04, 2012, I exposed the within described real estate of Robert A . Frailey And Mary K. Frailey to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	43.29
LEVY	15.00
MILEAGE	13.32
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	7.92
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	6.66
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	15.00
TOTAL SHERIFF COSTS	**$291.19**

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	228,765.60
INTEREST @ 37.6100	25,236.31
FROM 07/03/2010 TO 05/04/2012	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	**$254,041.91**

COSTS:

ADVERTISING	269.50
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	291.19
LEGAL JOURNAL COSTS	162.00
PROTHONOTARY	186.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	**$1,048.69**

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

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

January 25, 2012

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v. ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
No.: 07-483-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for February 3, 2012 due to the following: NOS Made Inside 30 Days of Sale.

The Property is to be relisted for the March 2, 2012 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
PATRICK WIRT for
Phelan Hallinan & Schmieg, LLP

PHS # 151432

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

February 14, 2012

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v. ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
No.: 07-483-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for March 2, 2012 due to the following: Other.

The Property is to be relisted for the May 4, 2012 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
PATRICK RALSTON for
Phelan Hallinan & Schmieg, LLP

PHS # 151432

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

February 20, 2012

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWABS, INC. ASSET-BACKED CERTIFICATES, SERIES 2006-BC5 v. ROBERT A. FRAILEY and MARY K. FRAILEY
48 FIRST STREET GRAMPIAN, PA 16838
No.: 07-483-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for May 4, 2012 due to the following: OTHER

Please be advised that no funds were reported to be received.

You are hereby directed to immediate discontinue the advertising of the sale and processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as possible. **In addition, please forward a copy of the cost sheet pertaining to this sale to our office via facsimile to 215-567-0072 or regular mail at your earliest convenience.**

Thank you for your cooperation in this matter.

Very Truly Yours,
PATRICK WIRT for
Phelan Hallinan & Schmieg, LLP

PHS # 151432