

**07-522-CD**  
**US Bank vs Donald Hayward et al**

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**2007-522-CD**

FILED Atty pd. 85.00  
m11:0561  
APR 03 2007 HCC 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 152278

ATTORNEY FOR PLAINTIFF

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT  
THIRD FLOOR  
SAN DIEGO,, CA 92123

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 07-522-CD

CLEARFIELD COUNTY

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

## NOTICE

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

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

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

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  
2<sup>nd</sup> 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

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT  
THIRD FLOOR  
SAN DIEGO,, CA 92123

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

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

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

3. On 04/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR HOMECOMINGS FINANCIAL NETWORK, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200606980. 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 12/01/2006 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:

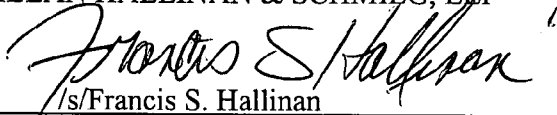
Principal Balance	\$135,397.21
Interest	\$4,761.03
11/01/2006 through 03/31/2007 (Per Diem \$31.53)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$209.00
04/28/2006 to 03/31/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$142,367.24
Escrow	
Credit	\$0.00
Deficit	\$714.29
Subtotal	<u>\$714.29</u>
<b>TOTAL</b>	<b>\$143,081.53</b>

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 \$143,081.53, together with interest from 03/31/2007 at the rate of \$31.53 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:  /s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff



## LEGAL DESCRIPTION

ALL the following described real estate situate in BRISBIN BOROUGH, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Eastern line of Princess Street (referred to in earlier Deeds as the Township Road), at the Northwest corner of lands formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 9 minutes 40 seconds West, along the Eastern line of Princess Street, 374 feet to a post, at the Southwest corner of land now or formerly of Machipongo Land & Coal Company; thence North 80 degrees 20 minutes East, along a line of said land now or formerly of Machipongo Land & Coal Company, 305 feet, to a post; thence South 30 degrees 00 minute East along another line of land now or formerly of Machipongo Land & Coal Company, 778 feet, to a post, on the Northern line of Clover Street; thence South 69 degrees 00 minute West, along the Northern line of Clover Street, 602 feet, to a post on the Northern side of the Western terminus of Clover Street at its intersection with the Eastern line of Princess Street; thence North 8 degrees 28 minutes West, along the Eastern line of Princess Street, 100 feet, to a post, at the Southwest corner of said land formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 69 degrees 00 minute East, along the Southern line of said land of Hayward, 300 feet, to a post, at the Southeast corner of said land of Hayward; thence North 21 degrees 50 minutes West, along the Eastern line of said land of Hayward, 490 feet, to a post, at the Northern corner of said land of Hayward; thence South 37 degrees 22 minutes West, along the Northern line of said land of Hayward, 241 feet, to the point of beginning. CONTAINING 5.8 acres. This description is in accordance with the survey performed by Kenneth L. Shope, Professionals Land Surveyor No.

SU-22378-E whose map dated May 13, 2005, as selected by him, is attached hereto, to form a part hereof, for more particular reference.

Parcel #1-714-8

PREMISES; 330 PRINCESS 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: \_\_\_\_\_

3/31/17

118

**FILED**  
01/31/29/54  
JUL 18 2007  
1CC Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts  
(GW)

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

US Bank, N.A. as Trustee  
9275 Sky Park Court, Third Floor  
San Diego, CA 92123  
Plaintiff

Civil Division

vs.

Donald L. Hayward  
Ginger E. Hayward  
330 Princess Street  
Brisbin, PA 16620  
Defendants

No. 07-522-CD

**ORDER**

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

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

BY THE COURT:

J.

CA

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

US Bank, N.A. as Trustee

9275 Sky Park Court, Third Floor

San Diego, CA 92123

Plaintiff

Court of Common Pleas

Clearfield County

vs.

Civil Division

Donald L. Hayward

Ginger E. Hayward

330 Princess Street

Brisbin, PA 16620

Defendants

No. 07-522-CD

**MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE**

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on April 3, 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 June 11, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that the daughter of Donald L. Hayward and Ginger E. Hayward accepted service on behalf of the Defendants on April 23, 2007.

FILED <sup>no</sup>  
m/10:41/07 <sup>cc</sup>  
JUL 18 2007 (62)

William A. Shaw  
Prothonotary/Clerk of Courts

4. On June 11, 2007, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment.

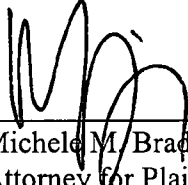
5. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on April 23, 2007.

6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary. Interest accrues at the rate of \$31.53 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

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

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

7/17/07  
Date

  
\_\_\_\_\_  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

US Bank, N.A. as Trustee

9275 Sky Park Court, Third Floor

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Court of Common Pleas

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vs.

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Donald L. Hayward

Ginger E. Hayward

330 Princess Street

Brisbin, PA 16620

Defendants

No. 07-522-CD

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

**I. PROCEDURAL HISTORY**

Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on April 3, 2007. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendants. On June 11, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that the daughter of Donald L. Hayward and Ginger E. Hayward accepted service on behalf of the Defendants on April 23, 2007.

On June 11, 2007, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on April 23, 2007. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary.

Interest accrues at the rate of \$31.53 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service.

## II. LEGAL ANALYSIS

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

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

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

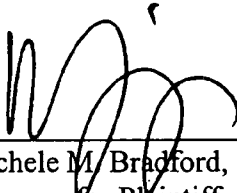
Plaintiff is without an adequate remedy at law and will suffer irreparable harm unless the requested relief is granted. This Court has plenary power to administer equity according to well-settled principals of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A.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



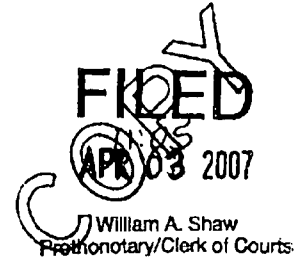
333 (1955). This is certainly a case where the exercise of this Court's equity powers is appropriate and necessary.

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

7/17/07  
Date

  
\_\_\_\_\_  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

## **EXHIBIT A**



PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
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152278

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COURT OF COMMON PLEAS

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CLEARFIELD COUNTY

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**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

Plaintiff's copy of the  
correct copy of the  
original filed of record

**ATTORNEY FILE COPY  
PLEASE RETURN**

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US BANK, N.A. AS TRUSTEE  
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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 12/01/2006 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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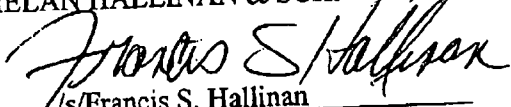


9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth 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.
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 \$143,081.53, together with interest from 03/31/2007 at the rate of \$31.53 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:

  
/s/Francis S. Hallinan

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

## LEGAL DESCRIPTION

ALL the following described real estate situate in BRISBIN BOROUGH, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Eastern line of Princess Street (referred to in earlier Deeds as the Township Road), at the Northwest corner of lands formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 9 minutes 40 seconds West, along the Eastern line of Princess Street, 374 feet to a post, at the Southwest corner of land now or formerly of Machipongo Land & Coal Company; thence North 80 degrees 20 minutes East, along a line of said land now or formerly of Machipongo Land & Coal Company, 305 feet, to a post; thence South 30 degrees 00 minute East along another line of land now or formerly of Machipongo Land & Coal Company, 778 feet, to a post, on the Northern line of Clover Street; thence South 69 degrees 00 minute West, along the Northern line of Clover Street, 602 feet, to a post on the Northern side of the Western terminus of Clover Street at its intersection with the Eastern line of Princess Street; thence North 8 degrees 28 minutes West, along the Eastern line of Princess Street, 100 feet, to a post, at the Southwest corner of said land formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 69 degrees 00 minute East, along the Southern line of said land of Hayward, 300 feet, to a post, at the Southeast corner of said land of Hayward; thence North 21 degrees 50 minutes West, along the Eastern line of said land of Hayward, 490 feet, to a post, at the Northern corner of said land of Hayward; thence South 37 degrees 22 minutes West, along the Northern line of said land of Hayward, 241 feet, to the point of beginning. CONTAINING 5.8 acres. This description is in accordance with the survey performed by Kenneth L. Shope, Professionals Land Surveyor No.

SU-22378-E whose map dated May 13, 2005, as selected by him, is attached hereto, to form a part hereof, for more particular reference.

Parcel #1-714-8

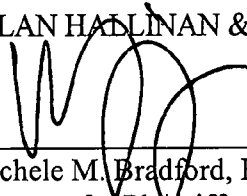
PREMISES; 330 PRINCESS STREET

**VERIFICATION**

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

7/17/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

US Bank, N.A. as Trustee.

9275 Sky Park Court, Third Floor

San Diego, CA 92123

Plaintiff

vs.

Donald L. Hayward

Ginger E. Hayward

330 Princess Street

Brisbin, PA 16620

Defendants

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Clearfield County

Civil Division

No. 07-522-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 S. 2<sup>nd</sup> Street,  
P.O. Box 130  
Clearfield, PA 16830-2347  
(Sheriff's Solicitor)

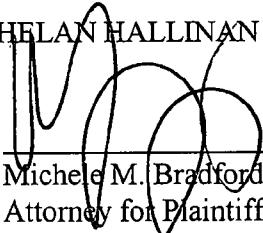
Donald L. Hayward  
Ginger E. Hayward  
330 Princess Street  
Brisbin, PA 16620

Ginger E. Hayward  
457 Irwin Street  
Brisbin, PA 16620

7/17/07  
Date

Donald L. Hayward  
P.O. Box 173  
Brisbin, PA 16620

PHILAN HALLINAN & SCHMIEG, LLP

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

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

DOCKET # 102646  
NO: 07-522-CD  
SERVICE # 1 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK, N.A. AS TRUSTEE  
vs.  
DEFENDANT: DONALD L. HAYWARD and GINGER E. HAYWARD

**SHERIFF RETURN**

---

NOW, April 23, 2007 AT 11:35 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DONALD L. HAYWARD DEFENDANT AT 330 PRINCESS ST., BRISBIN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CASEY FISHER, STEP DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

**FILED**  
0/3:50 LM  
JUL 19 2007  
LM

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 102646  
NO: 07-522-CD  
SERVICE # 2 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK, N.A. AS TRUSTEE  
vs.  
DEFENDANT: DONALD L. HAYWARD and GINGER E. HAYWARD

**SHERIFF RETURN**

---

NOW, April 23, 2007 AT 11:35 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON GINGER E. HAYWARD DEFENDANT AT 330 PRINCESS ST., BRISBIN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO CASEY FISHER, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO



**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 3 of 4 Services

Sheriff Docket # **102646**

US BANK, N.A. AS TRUSTEE

Case # 07-522-CD

vs.

DONALD L. HAYWARD and GINGER E. HAYWARD

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW July 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO DONALD L. HAYWARD, DEFENDANT. 457 IRWIN ST., BRISBIN, PA. "EMPTY".

SERVED BY: /

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 4 of 4 Services

Sheriff Docket # **102646**

US BANK, N.A. AS TRUSTEE

Case # 07-522-CD

vs.

DONALD L. HAYWARD and GINGER E. HAYWARD

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW July 19, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO GINGER HAYWARD, DEFENDANT. 457 IRWIN ST., BRISBIN, PA. "EMPTY".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102646  
NO: 07-522-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK, N.A. AS TRUSTEE  
vs.  
DEFENDANT: DONALD L. HAYWARD and GINGER E. HAYWARD

SHERIFF RETURN

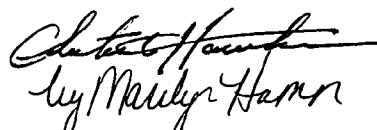
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	585852	40.00
SHERIFF HAWKINS	PHELAN	585852	60.00

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  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

152278

ATTORNEY FOR PLAINTIFF

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT  
THIRD FLOOR  
SAN DIEGO,, CA 92123

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 07-522-CD

CLEARFIELD COUNTY

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

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

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

APR 03 2007

Attest.



*William B. Lane*  
Prothonotary/  
Clerk of Courts

## NOTICE

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

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

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  
2<sup>nd</sup> 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

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT  
THIRD FLOOR  
SAN DIEGO,, CA 92123

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

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

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

3. On 04/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR HOMECOMINGS FINANCIAL NETWORK, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200606980. 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 12/01/2006 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	\$135,397.21
Interest	\$4,761.03
11/01/2006 through 03/31/2007 (Per Diem \$31.53)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$209.00
04/28/2006 to 03/31/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$142,367.24
Escrow	
Credit	\$0.00
Deficit	\$714.29
Subtotal	<u>\$714.29</u>
<b>TOTAL</b>	<b>\$143,081.53</b>

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 \$143,081.53, together with interest from 03/31/2007 at the rate of \$31.53 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

/s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

## LEGAL DESCRIPTION

ALL the following described real estate situate in BRISBIN BOROUGH, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Eastern line of Princess Street (referred to in earlier Deeds as the Township Road), at the Northwest corner of lands formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 9 minutes 40 seconds West, along the Eastern line of Princess Street, 374 feet to a post, at the Southwest corner of land now or formerly of Machipongo Land & Coal Company; thence North 80 degrees 20 minutes East, along a line of said land now or formerly of Machipongo Land & Coal Company, 305 feet, to a post; thence South 30 degrees 00 minute East along another line of land now or formerly of Machipongo Land & Coal Company, 778 feet, to a post, on the Northern line of Clover Street; thence South 69 degrees 00 minute West, along the Northern line of Clover Street, 602 feet, to a post on the Northern side of the Western terminus of Clover Street at its intersection with the Eastern line of Princess Street; thence North 8 degrees 28 minutes West, along the Eastern line of Princess Street, 100 feet, to a post, at the Southwest corner of said land formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 69 degrees 00 minute East, along the Southern line of said land of Hayward, 300 feet, to a post, at the Southeast corner of said land of Hayward; thence North 21 degrees 50 minutes West, along the Eastern line of said land of Hayward, 490 feet, to a post, at the Northern corner of said land of Hayward; thence South 37 degrees 22 minutes West, along the Northern line of said land of Hayward, 241 feet, to the point of beginning. CONTAINING 5.8 acres. This description is in accordance with the survey performed by Kenneth L. Shope, Professionals Land Surveyor No.

SU-22378-E whose map dated May 13, 2005, as selected by him, is attached hereto, to form a part hereof, for more particular reference.

Parcel #1-714-8

PREMISES; 330 PRINCESS 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: \_\_\_\_\_

3/31/17

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

152278

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT  
THIRD FLOOR  
SAN DIEGO,, CA 92123

Plaintiff

v.

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-522-CD

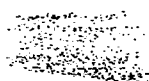
CLEARFIELD COUNTY

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

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

APR 03 2007

File #: 152278 Attest.



*William L. Brown*  
Prothonotary/  
Clerk of Courts

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

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9275 SKY PARK COURT  
THIRD FLOOR  
SAN DIEGO,, CA 92123

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

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

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11/01/2006 through 03/31/2007 (Per Diem \$31.53)	
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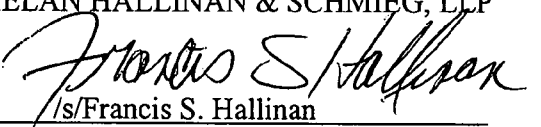
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$143,081.53, together with interest from 03/31/2007 at the rate of \$31.53 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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

  
/s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

## LEGAL DESCRIPTION

ALL the following described real estate situate in BRISBIN BOROUGH, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Eastern line of Princess Street (referred to in earlier Deeds as the Township Road), at the Northwest corner of lands formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 9 minutes 40 seconds West, along the Eastern line of Princess Street, 374 feet to a post, at the Southwest corner of land now or formerly of Machipongo Land & Coal Company; thence North 80 degrees 20 minutes East, along a line of said land now or formerly of Machipongo Land & Coal Company, 305 feet, to a post; thence South 30 degrees 00 minute East along another line of land now or formerly of Machipongo Land & Coal Company, 778 feet, to a post, on the Northern line of Clover Street; thence South 69 degrees 00 minute West, along the Northern line of Clover Street, 602 feet, to a post on the Northern side of the Western terminus of Clover Street at its intersection with the Eastern line of Princess Street; thence North 8 degrees 28 minutes West, along the Eastern line of Princess Street, 100 feet, to a post, at the Southwest corner of said land formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 69 degrees 00 minute East, along the Southern line of said land of Hayward, 300 feet, to a post, at the Southeast corner of said land of Hayward; thence North 21 degrees 50 minutes West, along the Eastern line of said land of Hayward, 490 feet, to a post, at the Northern corner of said land of Hayward; thence South 37 degrees 22 minutes West, along the Northern line of said land of Hayward, 241 feet, to the point of beginning. CONTAINING 5.8 acres. This description is in accordance with the survey performed by Kenneth L. Shope, Professionals Land Surveyor No.

SU-22378-E whose map dated May 13, 2005, as selected by him, is attached hereto, to form a part hereof, for more particular reference.

Parcel #1-714-8

PREMISES; 330 PRINCESS 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: \_\_\_\_\_

3/31/17

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Att. I.D. No. 69849 ATTORNEY FOR PLAINTIFF

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

US Bank, N.A. as Trustee.

9275 Sky Park Court, Third Floor

San Diego, CA 92123

Plaintiff

vs.

Donald L. Hayward

Ginger E. Hayward

330 Princess Street

Brisbin, PA 16620

Defendants

Court of Common Pleas

Clearfield County

Civil Division

No. 07-522-CD

### CERTIFICATE OF SERVICE

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

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

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

FILED

JUL 26 2007

William A. Shaw  
Prothonotary/Clerk of Courts



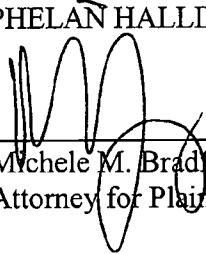
Donald L. Hayward  
Ginger E. Hayward  
330 Princess Street  
Brisbin, PA 16620

Ginger E. Hayward  
457 Irwin Street  
Brisbin, PA 16620

7/25/07  
Date

Donald L. Hayward  
P.O. Box 173  
Brisbin, PA 16620

PHELAN HALLINAN & SCHMIEG, LLP

  
\_\_\_\_\_  
Michele M. Bradford, 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

(215) 563-7000

Attorney for Plaintiff

**FILED**

11:47 AM  
AUG 07 2007

Atty pd. 20.00

ICC - Notice to Defs. (GR)

William A. Shaw

Prothonotary/Clerk of Courts

Statement to Atty

**US BANK, N.A. AS TRUSTEE**  
**9275 SKY PARK COURT, THIRD FLOOR**  
**SAN DIEGO, CA 92123**

**Plaintiff,**

**v.**

**DONALD L. HAYWARD**  
**GINGER E. HAYWARD**  
**330 PRINCESS STREET**  
**BRISBIN, PA 16620**

**Defendant(s).**

**CLEARFIELD COUNTY**  
**COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 07-522-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 **DONALD L. HAYWARD and GINGER E. HAYWARD**, 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	\$ 143,081.53
Interest - 4/1/07-8/6/07	\$4,035.84
<b>TOTAL</b>	<b><u>\$ 147,117.37</u></b>

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:** 8/7/07

  
PRO PROTHY

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

US BANK, N.A., AS TRUSTEE  
Plaintiff

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

DONALD L. HAYWARD

GINGER E. HAYWARD

Defendants

: NO. 07-522-CD

TO: DONALD L. HAYWARD  
PO BOX 173  
BRISBIN, PA 16620

FILE COPY

DATE OF NOTICE: JUNE 11, 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

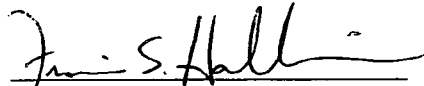
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

US BANK, N.A., AS TRUSTEE  
Plaintiff

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

DONALD L. HAYWARD  
GINGER E. HAYWARD

: NO. 07-522-CD

Defendants

TO: GINGER E. HAYWARD  
PO BOX 173  
BRISBIN, PA 16620

FILE COPY

DATE OF NOTICE: JUNE 11, 2007

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FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

PHELAN HALLINAN AND SCHMIEG  
By: Lawrence T. Phelan, Esq., Id. No. 32227  
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Daniel G. Schmieg, Esq., Id. No. 62205  
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(215) 563-7000

ATTORNEY FOR PLAINTIFF

US BANK, N.A., AS TRUSTEE  
Plaintiff

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

DONALD L. HAYWARD  
GINGER E. HAYWARD

Defendants

: CLEARFIELD COUNTY

: NO. 07-522-CD

**FILE COPY**

TO: DONALD L. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

DATE OF NOTICE: JUNE 11, 2007

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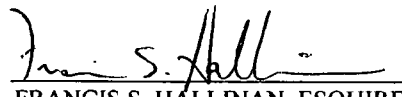
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HARRISBURG, PA 17108  
800-692-7375

  
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

US BANK, N.A., AS TRUSTEE  
Plaintiff

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

DONALD L. HAYWARD  
GINGER E. HAYWARD  
Defendants

: CLEARFIELD COUNTY

: NO. 07-522-CD

TO: GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

**FILE COPY**

DATE OF NOTICE: JUNE 11, 2007

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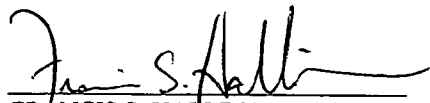
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FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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

US BANK, N.A., AS TRUSTEE  
Plaintiff

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

DONALD L. HAYWARD  
GINGER E. HAYWARD  
Defendants

: NO. 07-522-CD

**FILE COPY**

TO: DONALD L. HAYWARD  
457 IRWIN STREET  
BRISBIN, PA 16620

DATE OF NOTICE: JUNE 11, 2007

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CLEARFIELD COUNTY  
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CLEARFIELD COUNTY COURTHOUSE  
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P.O. BOX 186  
HARRISBURG, PA 17108  
800-692-7375

  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

PHILAN 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

US BANK, N.A., AS TRUSTEE  
Plaintiff

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

DONALD L. HAYWARD  
GINGER E. HAYWARD  
Defendants

: CLEARFIELD COUNTY

: NO. 07-522-CD

TO: GINGER E. HAYWARD  
457 IRWIN STREET  
BRISBIN, PA 16620

FILE COPY

DATE OF NOTICE: JUNE 11, 2007

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#### IMPORTANT NOTICE

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CLEARFIELD COUNTY  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
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100 SOUTH STREET  
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HARRISBURG, PA 17108  
800-692-7375

  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff



**(215) 563-7000**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 07-522-CD**

Daniel G. Schmieg  
DANIEL G. SCHMIEG, ESQUIRE

COPY

(Rule of Civil Procedure No. 236 - Revised)

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT, THIRD FLOOR  
SAN DIEGO, CA 92123

Plaintiff,

v.

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

Defendant(s).

:  
:  
: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 07-522-CD  
:  
:  
:  
:  
:

Notice is given that a Judgment in the above captioned matter has been entered against you  
on August 7, 2007

BY Willie L. Lister ~~AT~~ DEPUTY

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

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

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

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

COPY

US Bank, N.A.  
Plaintiff(s)

No.: 2007-00522-CD

Real Debt: \$147,117.37

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Donald L. Hayward  
Ginger E. Hayward  
Defendant(s)

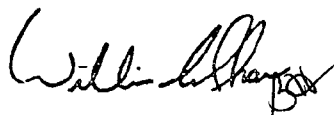
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: August 7, 2007

Expires: August 7, 2012

Certified from the record this 7th day of August, 2007.



William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

\_\_\_\_\_  
Plaintiff/Attorney

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

US.BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD

GINGER E. HAYWARD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-522-CD Term 2005....

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

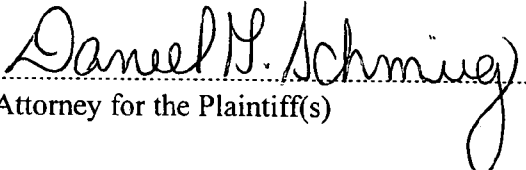
Issue writ of execution in the above matter:

Amount Due \$147,117.37

Interest from AUGUST 6, 2007 to Sale \$ \_\_\_\_\_  
Per diem \$24.18

Add'l Costs \$3,378.50

**Prothonotary costs** 125.00

  
\_\_\_\_\_  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

152278

**FILED** *Att'y pd. 20.00*  
*m/11/17/07*  
**AUG 14 2007** *ICC & Lewis w/*  
*prop. desc. to Sheriff*

William A. Shaw  
Prothonotary/Clerk of Courts



No. 07-522-CD..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD  
GINGER E. HAYWARD

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

*Daniel H. Schmeig*  
Attorney for Plaintiff(s)

Address: DONALD L. HAYWARD      GINGER E. HAYWARD  
330 PRINCESS STREET      330 PRINCESS STREET  
BRISBIN, PA 16620      BRISBIN, PA 16620

William A. Shaw  
Prothonotary/Clerk of Courts

AUG 14 2007

FILED

## **LEGAL DESCRIPTION**

ALL the following described real estate situate in BRISBIN BOROUGH, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Eastern line of Princess Street (referred to in earlier Deeds as the Township Road), at the Northwest corner of lands formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 9 minutes 40 seconds West, along the Eastern line of Princess Street, 374 feet to a post, at the Southwest corner of land now or formerly of Machipongo Land & Coal Company; thence North 80 degrees 20 minutes East, along a line of said land now or formerly of Machipongo Land & Coal Company, 305 feet, to a post; thence South 30 degrees 00 minute East along another line of land now or formerly of Machipongo Land & Coal Company, 778 feet, to a post, on the Northern line of Clover Street; thence South 69 degrees 00 minute West, along the Northern line of Clover Street, 602 feet, to a post on the Northern side of the Western terminus of Clover Street at its intersection with the Eastern line of Princess Street; thence North 8 degrees 28 minutes West, along the Eastern line of Princess Street, 100 feet, to a post, at the Southwest corner of said land formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 69 degrees 00 minute East, along the Southern line of said land of Hayward, 300 feet, to a post, at the Southeast corner of said land of Hayward; thence North 21 degrees 50 minutes West, along the Eastern line of said land of Hayward, 490 feet, to a post, at the Northern corner of said land of Hayward; thence South 37 degrees 22 minutes West, along the Northern line of said land of Hayward, 241 feet, to the point of beginning. CONTAINING 5.8 acres. This description is in accordance with the survey performed by Kenneth L. Shope, Professionals Land Surveyor No. SU-22378-E whose map dated May 13, 2005, as selected by him, is attached hereto, to form a part hereof, for more particular reference.

Parcel #1-714-8

TITLE TO SAID PREMISES IS VESTED IN Donald L. Hayward, by Deed from Donald R. Hayward and Mary L. Hayward, husband and wife and Donald L. Hayward, dated 07/01/2005, recorded 08/26/2005, in Deed Mortgage Inst# 200513663.

Premises being: 330 PRINCESS STREET  
BRISBIN, PA 16620

Tax Parcel No. 1-714-8

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT, THIRD FLOOR  
SAN DIEGO, CA 92123

Plaintiff,

v.

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-522-CD

**AFFIDAVIT PURSUANT TO RULE 3129  
(Affidavit No.1)**

US BANK, N.A. AS TRUSTEE, 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 **330 PRINCESS STREET, BRISBIN, PA 16620**.

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

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

DONALD L. HAYWARD	330 PRINCESS STREET BRISBIN, PA 16620
-------------------	--

GINGER E. HAYWARD	330 PRINCESS STREET BRISBIN, PA 16620
-------------------	--


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.

AUGUST 6, 2007  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

US BANK, N.A. AS TRUSTEE  
9275 SKY PARK COURT, THIRD FLOOR  
SAN DIEGO, CA 92123

Plaintiff,

v.

DONALD L. HAYWARD  
GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

Defendant(s).

:  
:  
:  
: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 07-522-CD  
:  
:  
:  
:  
:  
:

**AFFIDAVIT PURSUANT TO RULE 3129**

US BANK, N.A. AS TRUSTEE, 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 **330 PRINCESS STREET, BRISBIN, PA 16620**.

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.)
------	---

MITCHELL OIL	PO BOX 645 PHILIPSBURG, PA 16866
--------------	-------------------------------------

BLACK'S HOME SALES	C/O MORTGAGE SETTLEMENT SERVICES 107 SOUTH SRPING STREET BELLEFONTE, PA 16823
--------------------	---

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.)
------	---

YORKTOWN FUNDING, INC.	1104 FERNWOOD AVENUE, STE. 101 CAMP HILL, PA 17011
------------------------	---

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

330 PRINCESS STREET  
BRISBIN, PA 16620

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

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.

AUGUST 6, 2007

Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

*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

U.S.BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD

GINGER E. HAYWARD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20

No. 07-522-CD Term 20 05

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: 330 PRINCESS STREET, BRISBIN, PA 16620  
(See Legal Description attached)

Amount Due

\$147,117.37

Interest from AUGUST 6, 2007 to Sale  
per diem \$24.18

\$-----

Add'l Costs

\$3,378.50

Total

\$-----

125.00

Prothonotary costs

*William L. Hayes*  
301

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

Dated 8/14/07  
(SEAL)

152278

No. 07-522-CD ..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD  
GINGER E. HAYWARD

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs

Real Debt \$147,117.37

Int. from AUGUST 6, 2007

To Date of Sale (\$24.18 per diem)

Costs

Prothy Pd. 125.00

Sheriff

*Daniel W. Schmier*

Attorney for Plaintiff(s)

Address: DONALD L. HAYWARD GINGER E. HAYWARD  
330 PRINCESS STREET 330 PRINCESS STREET  
BRISBIN, PA 16620 BRISBIN, PA 16620

## **LEGAL DESCRIPTION**

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Parcel #1-714-8

TITLE TO SAID PREMISES IS VESTED IN Donald L. Hayward, by Deed from Donald R. Hayward and Mary L. Hayward, husband and wife and Donald L. Hayward, dated 07/01/2005, recorded 08/26/2005, in Deed Mortgage Inst# 200513663.

Premises being: 330 PRINCESS STREET  
BRISBIN, PA 16620

Tax Parcel No. 1-714-8

SALE DATE: NOVEMBER 2, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

US BANK, N.A. AS TRUSTEE

No.: 07-522-CD

vs.

DONALD L. HAYWARD  
GINGER E. HAYWARD

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

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

**330 PRINCESS STREET, BRISBIN, PA 16620.**

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Date: October 15, 2007

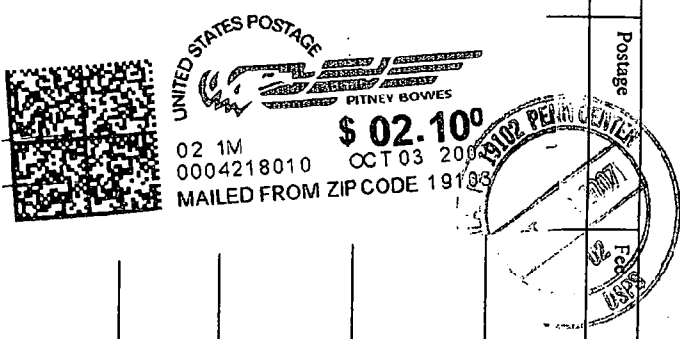
152278

**FILED**  
m 10:50 AM  
OCT 16 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

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
1		TENANT/OCCUPANT 330 PRINCESS STREET BRISBIN, PA 16620	
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		MITCHELL OIL PO BOX 645 PHILIPSBURG, PA 16866	
5		BLACK'S HOME SALES C/O MORTGAGE SETTLEMENT SERVICES 107 SOUTH SPRING STREET BELLEFONTE, PA 16823	
6		YORKTOWN FUNDING, INC. 1104 FERNWOOD AVENUE, STE. 101 CAMP HILL, PA 17011	
7			
8			
9			
10			
Total Number of Pieces Listed by Sender			
Total Number of Pieces Received at Post Office			
Postmaster, Per (Name of Receiving Employee)			
Re: DONALD L. HAYWARD 152278 TEAM 4/LLD			
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.			



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20643  
NO: 07-522-CD

PLAINTIFF: US BANK, N.A. AS TRUSTEE  
vs.  
DEFENDANT: DONALD L. HAYWARD AND GINGER E. HAYWARD

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 8/14/2007

LEVY TAKEN 8/29/2007 @ 10:20 AM

POSTED 8/29/2007 @ 10:20 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/21/2008

DATE DEED FILED NOT SOLD

FILED

01/19/05 LM  
JAN 21 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

8/29/2007 @ 10:20 AM SERVED DONALD L. HAYWARD

SERVED DONALD L. HAYWARD, DEFENDANT, AT HIS RESIDENCE 330 PRINCESS STREET, BRISBIN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GINGER E. HAYWARD, WIFE/CO-DEFENDANT

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.

8/29/2007 @ 10:20 AM SERVED GINGER E. HAYWARD

SERVED GINGER E. HAYWARD, DEFENDANT, AT HER RESIDENCE, 330 PRINCESS STREET, BRISBIN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GINGER E. HAYWARD

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, OCTOBER 31, 2007 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR NOVEMBER 2, 2007.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20643  
NO: 07-522-CD

PLAINTIFF: US BANK, N.A. AS TRUSTEE

vs.

DEFENDANT: DONALD L. HAYWARD AND GINGER E. HAYWARD

Execution REAL ESTATE

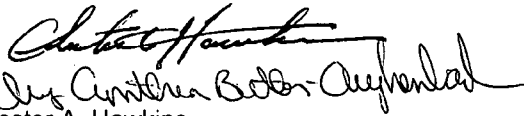
SHERIFF RETURN

---

SHERIFF HAWKINS \$197.90

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

  
Chester A. Hawkins  
Sheriff

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME DONALD L. HAYWARD

NO. 07-522-CD

NOW, January 19, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Donald L. Hayward And Ginger E. Hayward 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	16.49
LEVY	15.00
MILEAGE	16.49
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	4.92
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	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$197.90</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$0.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	147,117.37
INTEREST @ 24.1800	0.00
FROM TO	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	3,378.50
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$150,535.87</b>

**COSTS:**

ADVERTISING	505.78
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	197.90
LEGAL JOURNAL COSTS	180.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,008.68</b>

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

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

US.BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD

GINGER E. HAYWARD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20

No. 07-522-CD Term 20 05

No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

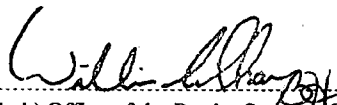
County of Clearfield

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: 330 PRINCESS STREET, BRISBIN, PA 16620  
(See Legal Description attached)

Amount Due	\$147,117.37
Interest from AUGUST 6, 2007 to Sale per diem \$24.18	\$-----
Add'l Costs	\$3,378.50
Total	\$----- 125.00 Prothonotary costs

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

Dated 8/14/07  
(SEAL)

152278

Received this writ this 14th day  
of August A.D. 2007  
At 2:00 A.M./P.M.

Charles A. Harkins  
Sheriff Jay Cynthia Butler-Aughan

No. 07-522-CD..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD  
GINGER E. HAYWARD

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Real Debt	Costs
	\$147,117.37

Int. from AUGUST 6, 2007  
To Date of Sale (\$24.18 per diem)

Costs	
Prothy Pd.	125.00

Sheriff

*Daniel W. Schminig*  
Attorney for Plaintiff(s)

Address: DONALD L. HAYWARD      GINGER E. HAYWARD  
330 PRINCESS STREET      330 PRINCESS STREET  
BRISBIN, PA 16620      BRISBIN, PA 16620

Received this writ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. \_\_\_\_\_  
At \_\_\_\_\_ M.T.M.A. \_\_\_\_\_

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

US.BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD

GINGER E. HAYWARD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20

No. 07-522-CD Term 20 05

No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

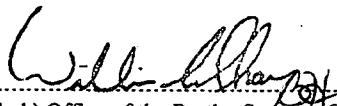
County of Clearfield

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Total	\$----- 125.00 Prothonotary costs

  
(Clerk) Office of the Prothy Support, Common Pleas Court  
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Dated 8/14/07  
(SEAL)

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of August A.D. 2007  
At 2:00 A.M./P.M.

Charles A. Hawkins  
Sheriff Jay Cynthia Butler-Aughan

No. 07-522-CD..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK, N.A. AS TRUSTEE

vs.

DONALD L. HAYWARD  
GINGER E. HAYWARD

WRIT OF EXECUTION  
(Mortgage Foreclosure)

	Costs
Real Debt	\$147,117.37

Int. from AUGUST 6, 2007  
To Date of Sale (\$24.18 per diem)

Costs	_____
Prothy Pd.	<u>125.00</u>

Sheriff

*Daniel B. Schmitz*  
Attorney for Plaintiff(s)

Address: DONALD L. HAYWARD      GINGER E. HAYWARD  
330 PRINCESS STREET      330 PRINCESS STREET  
BRISBIN, PA 16620      BRISBIN, PA 16620

Received this writ this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_  
At \_\_\_\_\_ M. \_\_\_\_\_ A.

### LEGAL DESCRIPTION

ALL the following described real estate situate in BRISBIN BOROUGH, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post on the Eastern line of Princess Street (referred to in earlier Deeds as the Township Road), at the Northwest corner of lands formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 9 minutes 40 seconds West, along the Eastern line of Princess Street, 374 feet to a post, at the Southwest corner of land now or formerly of Machipongo Land & Coal Company; thence North 80 degrees 20 minutes East, along a line of said land now or formerly of Machipongo Land & Coal Company, 305 feet, to a post; thence South 30 degrees 00 minute East along another line of land now or formerly of Machipongo Land & Coal Company, 778 feet, to a post, on the Northern line of Clover Street; thence South 69 degrees 00 minute West, along the Northern line of Clover Street, 602 feet, to a post on the Northern side of the Western terminus of Clover Street at its intersection with the Eastern line of Princess Street; thence North 8 degrees 28 minutes West, along the Eastern line of Princess Street, 100 feet, to a post, at the Southwest corner of said land formerly of James King, and now of Donald R. Hayward and Mary L. Hayward, his wife; thence North 69 degrees 00 minute East, along the Southern line of said land of Hayward, 300 feet, to a post, at the Southeast corner of said land of Hayward; thence North 21 degrees 50 minutes West, along the Eastern line of said land of Hayward, 490 feet, to a post, at the Northern corner of said land of Hayward; thence South 37 degrees 22 minutes West, along the Northern line of said land of Hayward, 241 feet, to the point of beginning. CONTAINING 5.8 acres. This description is in accordance with the survey performed by Kenneth L. Shope, Professionals Land Surveyor No. SU-22378-E whose map dated May 13, 2005, as selected by him, is attached hereto, to form a part hereof, for more particular reference.

Parcel #1-714-8

TITLE TO SAID PREMISES IS VESTED IN Donald L. Hayward, by Deed from Donald R. Hayward and Mary L. Hayward, husband and wife and Donald L. Hayward, dated 07/01/2005, recorded 08/26/2005, in Deed Mortgage Inst# 200513663.

Premises being: 330 PRINCESS STREET  
BRISBIN, PA 16620

Tax Parcel No. 1-714-8

Law Offices  
**PHELAN HALLINAN & SCHMIEG, LLP**  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
**Christine.Schoffler@fedphe.com**

Christine schoffler  
Judgment Department, Ext. 1286

Representing Lenders in  
Pennsylvania and New Jersey

October 31, 2007

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

**ATTENTION: CINDY (814) 765-5915**

Re: US BANK, N.A. AS TRUSTEE v. DONALD L. HAYWARD and GINGER E. HAYWARD  
330 PRINCESS STREET, BRISBIN, PA 16620  
No. 07-522-CD

Dear Cindy:

Please **STAY** the Sheriff's Sale of the above referenced property, which is scheduled for **NOVEMBER 2, 2007**.

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

Please be further advised that no consideration was reported to have been received by our office.

Please return the original writ of execution to the Prothonotary as soon as possible.

Very truly yours,

*Christine Schoffler*

Christine Schoffler (for)  
Phelan Hallinan & Schmieg, LLP

CC: DONALD L. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620

GINGER E. HAYWARD  
330 PRINCESS STREET  
BRISBIN, PA 16620



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

Attorney For Plaintiff

<b>US BANK, N.A. AS TRUSTEE</b>	:	<b>Court of Common Pleas</b>
<b>Plaintiff</b>	:	
	:	<b>Civil Division</b>
<b>vs</b>	:	
	:	<b>CLEARFIELD County</b>
<b>DONALD L. HAYWARD</b>	:	
<b>GINGER E. HAYWARD</b>	:	<b>No. 07-522-CD</b>
<b>Defendant</b>	:	

**PRAECIPE**

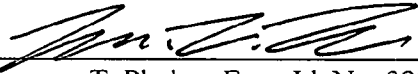
TO THE PROTHONOTARY:

Please vacate judgment and mark the action discontinued and ended without prejudice.

Date: May 3, 2010

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  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
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Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
Attorneys for Plaintiff

PHS# 152278

=

**FILED** 1 cc Amy  
m/ 10:23 am Dunn  
MAY 12 2010  
s  
William A. Shaw  
Prothonotary/Clerk of Courts  
pd \$7.00 Amy