

07-620-CD  
Chana Home Fin. Vs Tracey Hoyt et al

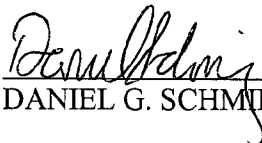
JP Morgan et al vs Tracey Hoyt et al  
2007-620-CD

### VERIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in this action, that he is authorized to take the verification and that the statements made in the foregoing Motion for Service of Notice of Sale pursuant to Special Order of Court are true and correct to the best of his knowledge, information and belief.

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

Date: April 3, 2008

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE

**PHELAN HALLINAN & SCHMIEG, LLP**  
**BY: DANIEL G. SCHMIEG, ESQUIRE**  
**Attorney I.D. No.: 62205**  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

CHASE HOME FINANCE LLC S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION

Plaintiff

v.

TRACEY R. HOYT  
TERRI L. HOYT A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT


Defendants

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
  
CIVIL DIVISION  
  
NO. 07-620-CD

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Service of Notice of Sale Pursuant to Special Order of Court, Proposed Order, Memorandum of Law, Certification of Service and Verification in the above captioned matter was sent by first class mail, postage prepaid to the following interested parties on the date indicated below.

**TRACEY R. HOYT**  
**74 ROLAND DRIVE**  
**WESTOVER, PA 16692**  
and  
**4203 RIDGE ROAD**  
**WESTOVER, PA 16692**

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: April 3, 2008

UP

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

CHASE HOME FINANCE LLC S/B/M TO \*  
CHASE MANHATTAN MORTGAGE CORPORATION \*  
Plaintiff \*

vs. \*

TRACEY R. HOYT \*  
TERRI L. HOYT A/K/A TERRI LEE HOYT A/K/A \*  
TERRI L. HOLT, \*  
Defendants \*

NO. 07-620-CD

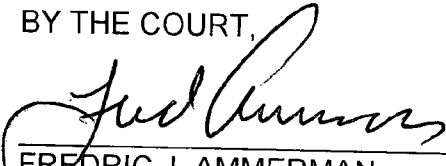
ORDER

NOW, this 8<sup>th</sup> day of April, 2008, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendant **TRACEY R. HOYT** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County  
Legal Journal;
2. By first class mail and by certified mail, return receipt requested, at the  
Defendant's 4203 Ridge Road, Westover, PA 16692 and to the mortgaged  
premises, 74 Roland Drive, Westover, PA 16692; and
3. By posting the mortgaged premises known in this herein action as 74  
Roland Drive, Westover, PA 16692.

Service by the aforementioned means is to be done by Plaintiff's attorney, who will  
file with the Prothonotary's Office an Affidavit of Service.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED 3cc

010:403D  
APR 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts



FILED

APR 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 4/8/08

☒ 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 # 20704

NO: 07-620-CD

PLAINTIFF: CHASE HOME FINANCE LLC S/B/M TO CHASE MANHATTAN MORTGAGE CORPORATION  
vs.

DEFENDANT: TRACEY R. HOYT AND TERRI L HOYT A/K/A TERRI LEE HOYT A/K/A TERRI L. HOLT

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 12/27/2007

LEVY TAKEN 1/29/2008 @ 9:47 AM

POSTED 1/29/2008 @ 9:47 AM

SALE HELD 6/6/2008

SOLD TO HOMESALES, INC.

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 8/19/2008

DATE DEED FILED 8/19/2008

PROPERTY ADDRESS 74 ROLAND DRIVE WESTOVER , PA

**FILED**  
01/10/04  
AUG 19 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

**SERVICES**

@ SERVED TRACEY R. HOYT

CAMBRIA COUNTY UNABLE TO SERVE TRACEY R. HOYT, DEFENDANT, AT 177 BENDER ROAD, APT 4, PATTON, PENNSYLVANIA.  
DEFENDANT NO LONGER RESIDES AT THAT ADDRESS.

1/30/2008 @ 9:58 AM SERVED TERRI L. HOYT A/K/A TERRI LEE HOYT ET AL

SERVED TERRI L. HOYT A/K/A TERRI LEE HOYT ET AL, DEFENDANT, AT HIS/HER RESIDENCE 263 MICHAEL STREET, APT 108,  
WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TERRI L. HOYT

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.

5/29/2008 @ SERVED TRACEY R. HOYT

SERVED TRACEY R. HOYT, DEFENDANT, AT HIS/HER RESIDENCE BY REG & CERT MAIL PER COURT ORDER TO 4203 RIDGE ROAD,  
WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA CERT #70060810000145074111. SIGNED FOR BY TRACEY HOYT

5/29/2008 @ SERVED TRACEY R. HOYT

SERVED TRACEY R. HOYT, DENDANT AT HIS/HER RESIDENCE BY REG & CERT MAIL PER COURT ORDER TO 72 ROLAND, DRIVE,  
WESTOVER, CLEARFIELD COUNTY, PA CERT #70060810000145074104. SIGNED FOR BY TRACEY HOYT

@ SERVED

NOW, APRIL 1, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR  
APRIL 4, 2008 TO JUNE 6, 2008.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20704  
NO: 07-620-CD

PLAINTIFF: CHASE HOME FINANCE LLC S/B/M TO CHASE MANHATTAN MORTGAGE CORPORATION  
vs.  
DEFENDANT: TRACEY R. HOYT AND TERRI L HOYT A/K/A TERRI LEE HOYT A/K/A TERRI L. HOLT

Execution REAL ESTATE

SHERIFF RETURN

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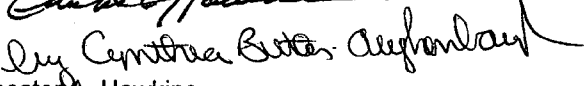
SHERIFF HAWKINS \$447.22

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008  
\_\_\_\_\_

So Answers,

  
  
Chester A. Hawkins  
Sheriff

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

CHASE HOME FINANCE LLC,  
S/B/M.TO.CHASE MANHATTAN  
MORTGAGE CORPORATION

vs.

TRACEY R. HOYT  
TERRIL HOYT  
A/K/A TERRILEE HOYT  
A/K/A TERRIL HOLT

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20

No. 07-620-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: 74 ROLAND DRIVE, WESTOVER, PA 16692  
(See Legal Description attached)

Amount Due \$46,914.84

Interest from 12/27/07 to Sale \$ \_\_\_\_\_

Per diem \$7.71

Add'l Costs \$3,957.00

Writ Total

Prothonotary costs \$ 132.00  
*William H. Hays*

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

Dated 12/27/07  
(SEAL)

Received this writ this 27<sup>th</sup> day  
of December A.D. 2007  
At 3:20 A.M./P.M.

149329

*Charles A. Hankins*  
Sheriff *Sgt Cynthia Butler-Oughan*



No. 07:620:CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CHASE HOME FINANCE LLC, S/B/M TO CHASE  
MANHATTAN MORTGAGE CORPORATION

vs.

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRILEE HOYT  
A/K/A TERRIL. HOLT

WRIT OF EXECUTION  
(Mortgage Foreclosure)

	Costs
Real Debt	\$46,914.84

Int. from 12/27/07  
To Date of Sale (\$7.71 per diem)

Costs	
Prothy Pd.	<u>132.00</u>

Sheriff

*David J. Dwyer*  
Attorney for Plaintiff(s)

Address: TRACEY R. HOYT  
177 BENDER ROAD, APT. 4 A/K/A TERRILEE HOYT  
PATTON, PA 16668  
TERRI L. HOYT  
A/K/A TERRIL. HOLT  
263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692

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

**LEGAL DESCRIPTION**

**ALL that certain lot, piece or parcel of ground situate, lying and being in the Borough of Westover, County of Clearfield and State of Pennsylvania, more fully bounded and described as follows:**

**BEGINNING at a point on a common corner of lands described herein and the Northwestern most point of lands now or formerly of Trudell Poole South 71 degrees 42 minutes East a distance of 218.20 feet to a point; thence North 25 degrees 10 minutes East a distance of 168.53 to a point; thence North 64 degrees 24 minutes West a distance of 216.93 to a point; thence South 31 degrees 25 minutes West a distance of 84.91 feet to a point; thence South 20 degrees 77 minutes West a distance of 112.26 to a point being the point and place of beginning.**

**CONTAINING 0.9289 acre of land and more fully set forth in a survey dated September 10, 1981 entitled ?Plot Plan of Cloyd G. and Margaret E. Roland recorded and made a part of a Deed recorded in Clearfield County Deed Book 1623, page 568.**

**BEING a portion of the premises, the title to which became vested in Cloyd G. Roland and Margaret Roland by Deed of John W. Phillips and Ella Phillips dated February 6, 1942 and recorded in Clearfield County Record Book 375, page 204. Cloyd G. Roland died February 1, 1987, thereby vesting complete title in Margaret Roland by operation of law.**

**TITLE TO SAID PREMISES IS VESTED IN Tracy R. Hoyt and Terri L. Hoyt, husband and wife, by Deed from Margaret Roland, widow, dated 07/16/2002, recorded 07/19/2002, in Deed Mortgage Inst# 200211489.**

**Premises being: 74 ROLAND DRIVE  
WESTOVER, PA 16692**

**Tax Parcel No. D16-000-0000**

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME TRACEY R. HOYT

NO. 07-620-CD

NOW, August 18, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on June 06, 2008, I exposed the within described real estate of Tracey R. Hoyt And Terri L Hoyt A/K/A Terri Lee Hoyt A/K/A Terri L. Holt to public venue or outcry at which time and place I sold the same to HOMESALES, INC. he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	33.33
LEVY	15.00
MILEAGE	33.33
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	17.74
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	133.32
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	9.00
COPIES	15.00
	4.50
BILLING/PHONE/FAX	10.00
CONTINUED SALES	20.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$447.22</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	30.50
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$30.50</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	46,914.84
INTEREST @ 7.7100 %	1,249.02
FROM 12/27/2007 TO 06/06/2008	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	

<b>TOTAL DEBT AND INTEREST</b>	<b>\$48,203.86</b>
--------------------------------	--------------------

**COSTS:**

ADVERTISING	435.94
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	30.50
SHERIFF COSTS	447.22
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	132.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	1,431.74
<b>TOTAL COSTS</b>	<b>\$2,766.40</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

**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**

Stephen Ames, Ext. 1244  
Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

April 1, 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: CHASE HOME FINANCE LLC, S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION v.  
TRACEY R. HOYT and TERRI L. HOYT  
74 ROLAND DRIVE WESTOVER, PA 16692-0000  
Court No. 07-620-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for April 4, 2008 due to the following: Service Of Nos.

The Property is to be relisted for the June 6, 2008 Sheriff's Sale.

Thank you for your correspondence in this matters.

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



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641 EXT. 5006

FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

KAREN BAUGHMAN  
CLERK TYPIST

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 20704

TERM & NO. 07-620-CD

CHASE HOME FINANCE LLC S/B/M TO CHASE MANHATTAN MORTGAGE CORPORATION

VS.

TRACEY R. HOYT AND TERRI L HOYT A/K/A TERRI LEE HOYT A/K/A TERRI L. HOLT

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

**SERVE BY: FEB 28, 2008**

**MAKE REFUND PAYABLE TO ATTORNEY'S OFFICE  
RETURN TO BE SENT TO THIS OFFICE**

**SERVE:** TRACEY R. HOYT

**ADDRESS:** 177 BENDER ROAD, APT 4  
PATTON, PA 16668

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF CAMBRIA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Thursday, January 31, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

CASE # PLAINTIFF  
90034-08 CHASE HOME FINANCE 07-620  
DATE 2/04/08

DEFENDANT  
HOYT, TRACEY

NOT FOUND AS TO THE WITHIN NAMED DEFENDANT, TRACEY R. HOYT,  
AT 177 BENDER RD. APT. 4, PATTON, PA. 16668. DEFENDANT  
DOES NOT RESIDE AT THIS ADDRESS. REPORTEDLY THE DEFENDANT  
LIVES IN CLEARFIELD COUNTY. MY COSTS PAID BY ATTORNEY FOR  
PLAINTIFF.

SHERIFF'S COSTS 24.00  
PRO 3.00  
TOTAL COSTS 27.00

SD ANSWERS,

*Bob Kalan*  
SHERIFF

SWORN AND SUBSCRIBED TO BEFORE ME THIS 28TH DAY OF FEB. 08.

PROTHONOTARY *Patricia Burkeville*

## 2/27/08

PHILADELPHIA PA 19103-0000

[illegible]

149329

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

CHASE HOME FINANCE LLC S/B/M TO \*  
CHASE MANHATTAN MORTGAGE CORPORATION \*  
Plaintiff \*

vs. \*

NO. 07-620-CD

TRACEY R. HOYT \*  
TERRI L. HOYT A/K/A TERRI LEE HOYT A/K/A \*  
TERRI L. HOLT, \*  
Defendants \*

**ORDER**

NOW, this 8<sup>th</sup> day of April, 2008, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendant **TRACEY R. HOYT** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County  
Legal Journal;
2. By first class mail and by certified mail, return receipt requested, at the  
Defendant's 4203 Ridge Road, Westover, PA 16692 and to the mortgaged  
premises, 74 Roland Drive, Westover, PA 16692; and
3. By posting the mortgaged premises known in this herein action as 74  
Roland Drive, Westover, PA 16692.

Service by the aforementioned means is to be done by Plaintiff's attorney, who will  
file with the Prothonotary's Office an Affidavit of Service.

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

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN  
President Judge

APR 08 2008

Attest.

*William L. H.*  
Prothonotary/  
Clerk of Courts

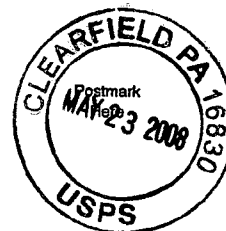


SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature  <div style="border-bottom: 1px solid black; width: 150px; margin: 5px 0;"> </div> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee </p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0; text-align: center;">             TRACEY R. HOYT              4203 RIDGE ROAD              WESTOVER, PA 16692           </div>	<p>B. Received by (Printed Name)      C. Date of Delivery  <div style="border-bottom: 1px solid black; width: 150px; margin: 5px 0;">             Tracey R. Hoyt           </div> <div style="border-bottom: 1px solid black; width: 100px; margin: 5px 0;">             5-29-08           </div> </p>
<p>2. Article Number  <small>(Transfer from service label)</small></p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail      <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered      <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail      <input type="checkbox"/> C.O.D.</p>	<p>4. Restricted Delivery? (Extra Fee)      <input type="checkbox"/> Yes</p>
<p>2. Article Number      7006 0810 0001 4507 4111</p> <p><small>(Transfer from service label)</small></p>	
<p>PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540</p>	

7006 0810 0001 4507 4111

U.S. Postal Service™ <b>CERTIFIED MAIL™ RECEIPT</b> <small>(Domestic Mail Only; No Insurance Coverage Provided)</small>							
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>							
OFFICIAL USE							
Postage \$ <u>5.59</u>							
Certified Fee							
Return Receipt Fee (Endorsement Required)							
Restricted Delivery Fee (Endorsement Required)							
Total Postage & Fees \$ <u>5.41</u>							
<table style="width: 100%;"> <tr> <td style="width: 30%;"><b>Sent To</b></td> <td>TRACEY R. HOYT</td> </tr> <tr> <td><b>Street, Apt. No., or PO Box No.</b></td> <td>4203 RIDGE ROAD</td> </tr> <tr> <td><b>City, State, ZIP+4</b></td> <td>WESTOVER, PA 16692</td> </tr> </table>		<b>Sent To</b>	TRACEY R. HOYT	<b>Street, Apt. No., or PO Box No.</b>	4203 RIDGE ROAD	<b>City, State, ZIP+4</b>	WESTOVER, PA 16692
<b>Sent To</b>	TRACEY R. HOYT						
<b>Street, Apt. No., or PO Box No.</b>	4203 RIDGE ROAD						
<b>City, State, ZIP+4</b>	WESTOVER, PA 16692						
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <span>PS Form 3800, June 2002</span> <span>See Reverse for Instructions</span> </div>							

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <div style="border-bottom: 1px solid black; width: 150px; margin-top: 5px;"> </div> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee </p> <p>B. Received by (Printed Name)      C. Date of Delivery  <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; margin-top: 5px;"> <span>TRACEY R. HOYT</span> <span>5-29-08</span> </div> </p> <p>D. Is delivery address different from item 1?    <input type="checkbox"/> Yes  If YES, enter delivery address below:    <input type="checkbox"/> No </p>
<p>1. Article Addressed to:</p> <div style="border: 1px dashed black; padding: 10px; margin-top: 20px; text-align: center;">             TRACEY R. HOYT              74 ROLAND DRIVE              WESTOVER, PA 16692 </div>	<p>3. Service Type</p> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Certified Mail  <input type="checkbox"/> Registered  <input type="checkbox"/> Insured Mail </div> <div> <input type="checkbox"/> Express Mail  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> C.O.D. </div> </div> <p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>
<p>2. Article Number</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">             (Transfer from service label) </div>	<div style="border: 1px solid black; padding: 5px; text-align: center; font-family: monospace; font-size: 1.2em;">             7006 0810 0001 4507 4104 </div>
<div style="display: flex; justify-content: space-between;"> <span>PS Form 3811, February 2004</span> <span>Domestic Return Receipt</span> <span>102595-02-M-1540</span> </div>	



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

CHASE HOME FINANCE LLC,  
S/B/M.TO.CHASE.MANHATTAN  
MORTGAGE.CORPORATION

vs.

TRACEY R. HOYT  
TERRIL L. HOYT  
A/K/A TERRILEE HOYT  
A/K/A TERRILL HOLT

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-620-CD Term 20.....

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	\$46,914.84
Interest from 12/27/07 to Sale	\$ _____
Per diem \$7.71	
Add'l Costs	\$3,957.00
Writ Total	\$ _____

Prothonotary costs \$2.00

*Daniel J. Sely*  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

149329

**FILED**

DEC 27 2007

William A. Shaw  
Prothonotary/Clerk of Courts

Atty pd. 20.00

11:41 AM

ICC & lewrits

w/prop desc.

to Sheriff

CR

No. 07-620-CD..... Term 20 ...A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

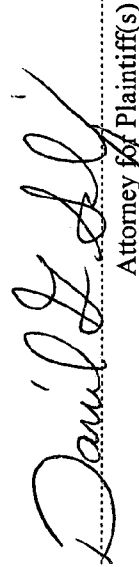
CHASE HOME FINANCE LLC, S/B/M TO CHASE  
MANHATTAN MORTGAGE CORPORATION

vs.  
101

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRILEE HOYT  
A/K/A TERRIL. HOLT

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

  
Attorney for Plaintiff(s)

Address: TRACEY R. HOYT      TERRI L. HOYT  
177 BENDER ROAD, APT. 4    A/K/A TERRILEE HOYT  
PATTON, PA 16668          A/K/A TERRIL. HOLT  
263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692

William A. Shaw  
Prothonotary/Clerk of Courts

DEC 27 2007

FILED

**LEGAL DESCRIPTION**

**ALL that certain lot, piece or parcel of ground situate, lying and being in the Borough of Westover, County of Clearfield and State of Pennsylvania, more fully bounded and described as follows:**

**BEGINNING at a point on a common corner of lands described herein and the Northwestern most point of lands now or formerly of Trudell Poole South 71 degrees 42 minutes East a distance of 218.20 feet to a point; thence North 25 degrees 10 minutes East a distance of 168.53 to a point; thence North 64 degrees 24 minutes West a distance of 216.93 to a point; thence South 31 degrees 25 minutes West a distance of 84.91 feet to a point; thence South 20 degrees 77 minutes West a distance of 112.26 to a point being the point and place of beginning.**

**CONTAINING 0.9289 acre of land and more fully set forth in a survey dated September 10, 1981 entitled ?Plot Plan of Cloyd G. and Margaret E. Roland recorded and made a part of a Deed recorded in Clearfield County Deed Book 1623, page 568.**

**BEING a portion of the premises, the title to which became vested in Cloyd G. Roland and Margaret Roland by Deed of John W. Phillips and Ella Phillips dated February 6, 1942 and recorded in Clearfield County Record Book 375, page 204. Cloyd G. Roland died February 1, 1987, thereby vesting complete title in Margaret Roland by operation of law.**

**TITLE TO SAID PREMISES IS VESTED IN Tracy R. Hoyt and Terri L. Hoyt, husband and wife, by Deed from Margaret Roland, widow, dated 07/16/2002, recorded 07/19/2002, in Deed Mortgage Inst# 200211489.**

**Premises being: 74 ROLAND DRIVE  
WESTOVER, PA 16692**

**Tax Parcel No. D16-000-0000**

CHASE HOME FINANCE LLC, S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

Plaintiff,

v.

TRACEY R. HOYT  
177 BENDER ROAD, APT. 4  
PATTON, PA 16668  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-620-CD

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

**CHASE HOME FINANCE LLC, S/B/M TO CHASE MANHATTAN MORTGAGE CORPORATION**, 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 **74 ROLAND DRIVE, WESTOVER, PA 16692**.

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

NAME

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

TRACEY R. HOYT

177 BENDER ROAD, APT. 4  
PATTON, PA 16668

TERRI L. HOYT

A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692

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

NAME

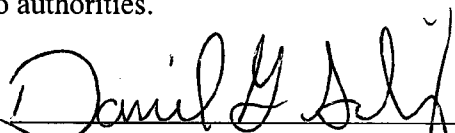
LAST KNOWN ADDRESS (If address cannot be  
reasonably ascertained, please so indicate.)

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.

12/26/07

Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**CHASE HOME FINANCE LLC, S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219**

**Plaintiff,**

**v.**

**TRACEY R. HOYT  
177 BENDER ROAD, APT. 4  
PATTON, PA 16668  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692**

**Defendant(s).**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
  
CIVIL DIVISION  
  
NO. 07-620-CD**

**AFFIDAVIT PURSUANT TO RULE 3129**

**CHASE HOME FINANCE LLC, S/B/M TO CHASE MANHATTAN MORTGAGE CORPORATION**, 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 **74 ROLAND DRIVE, WESTOVER, PA 16692**.

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 74 ROLAND DRIVE  
WESTOVER, PA 16692

DOMESTIC RELATIONS CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD COUNTY 230 EAST MARKET STREET  
CLEARFIELD, PA 16830

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE  
PO BOX 2675  
HARRISBURG, PA 17105

Commonwealth of Pennsylvania 6<sup>th</sup> Floor, Strawberry Sq., Dept 28061  
Bureau of Individual Tax Harrisburg, PA 17128  
Inheritance Tax Division

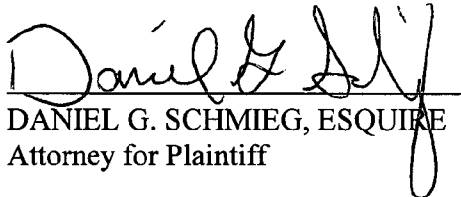
Internal Revenue Service 13<sup>TH</sup> Floor, Suite 1300  
Federated Investors Tower 1001 Liberty Avenue  
Pittsburgh, PA 15222

Department of Public Welfare P.O. Box 8486  
TPL Casualty Unit Willow Oak Building  
Estate Recovery Program 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.

12/26/07

Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff



**PHELAN HALLINAN & SCHMIEG**

**By: DANIEL G. SCHMIEG**

**Identification No. 62205**

**Suite 1400**

**One Penn Center at Suburban Station**

**1617 John F. Kennedy Boulevard**

**Philadelphia, PA 19103-1814**

**(215) 563-7000**

**ATTORNEY FOR PLAINTIFF**

**CHASE HOME FINANCE LLC, S/B/M TO**

**CHASE MANHATTAN MORTGAGE**

**CORPORATION**

**3415 VISION DRIVE**

**COLUMBUS, OH 43219**

**Plaintiff,**

**v.**

**TRACEY R. HOYT**

**177 BENDER ROAD, APT. 4**

**PATTON, PA 16668**

**TERRI L. HOYT**

**A/K/A TERRI LEE HOYT**

**A/K/A TERRI L. HOLT**

**263 MICHAEL STREET, APT. 108**

**WESTOVER, PA 16692**

**Defendant(s).**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**CIVIL DIVISION**


**NO. 07-620-CD**

**CERTIFICATION**

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

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

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

OPY

CHASE.HOME.FINANCE.LLC,  
S/B/M.TO.CHASE.MANHATTAN  
MORTGAGE.CORPORATION

vs.

TRACEY.R.HOYT  
TERRIL.HOYT  
A/K/A.TERRILEE.HOYT  
A/K/A.TERRIL.HOLT

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20  
No. 07-620-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: 74 ROLAND DRIVE, WESTOVER, PA 16692  
(See Legal Description attached)

Amount Due	\$46,914.84
Interest from 12/27/07 to Sale	\$ .....
Per diem \$7.71	
Add'l Costs	\$3,957.00
Writ Total	\$ 132.00

Prothonotary costs

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

Dated 12/27/07  
(SEAL)

No. 07-620-CD ..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CHASE HOME FINANCE LLC, S/B/M TO CHASE  
MANHATTAN MORTGAGE CORPORATION

vs.

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs

Real Debt \$46,914.84

Int. from 12/27/07

To Date of Sale (\$7.71 per diem)

Costs

Prothy Pd.

132.00

Sheriff

David H. Hoyt  
Attorney for Plaintiff(s)

Address: TRACEY R. HOYT

177 BENDER ROAD, APT. 4 A/K/A TERRI LEE HOYT  
PATTON, PA 16668 A/K/A TERRI L. HOLT

263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692

**LEGAL DESCRIPTION**

**ALL that certain lot, piece or parcel of ground situate, lying and being in the Borough of Westover, County of Clearfield and State of Pennsylvania, more fully bounded and described as follows:**

**BEGINNING at a point on a common corner of lands described herein and the Northwestern most point of lands now or formerly of Trudell Poole South 71 degrees 42 minutes East a distance of 218.20 feet to a point; thence North 25 degrees 10 minutes East a distance of 168.53 to a point; thence North 64 degrees 24 minutes West a distance of 216.93 to a point; thence South 31 degrees 25 minutes West a distance of 84.91 feet to a point; thence South 20 degrees 77 minutes West a distance of 112.26 to a point being the point and place of beginning.**


**CONTAINING 0.9289 acre of land and more fully set forth in a survey dated September 10, 1981 entitled ?Plot Plan of Cloyd G. and Margaret E. Roland recorded and made a part of a Deed recorded in Clearfield County Deed Book 1623, page 568.**

**BEING a portion of the premises, the title to which became vested in Cloyd G. Roland and Margaret Roland by Deed of John W. Phillips and Ella Phillips dated February 6, 1942 and recorded in Clearfield County Record Book 375, page 204. Cloyd G. Roland died February 1, 1987, thereby vesting complete title in Margaret Roland by operation of law.**

**TITLE TO SAID PREMISES IS VESTED IN Tracy R. Hoyt and Terri L. Hoyt, husband and wife, by Deed from Margaret Roland, widow, dated 07/16/2002, recorded 07/19/2002, in Deed Mortgage Inst# 200211489.**

**Premises being: 74 ROLAND DRIVE  
WESTOVER, PA 16692**

**Tax Parcel No. D16-000-0000**

Oct 2, 2007 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.  
  
Deputy Prothonotary

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

149329

ATTORNEY FOR PLAINTIFF

CHASE HOME FINANCE LLC,  
S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-620-CD

v.

CLEARFIELD COUNTY

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692-0000

Defendants

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

**FILED** 4cc Sheriff  
m/11:00 AM  
APR 20 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

### NOTICE

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

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

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

CHASE HOME FINANCE LLC,  
S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

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

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692-0000

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

3. On 07/16/2002 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200211490. 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 10/01/2006 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	\$41,085.01
Interest	\$1,949.64
09/01/2006 through 04/19/2007 (Per Diem \$8.44)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$36.09
07/16/2002 to 04/19/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$44,870.74
Escrow	
Credit	(\$74.34)
Deficit	\$0.00
Subtotal	<u>(\$74.34)</u>
<b>TOTAL</b>	<b>\$44,796.40</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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$44,796.40, together with interest from 04/19/2007 at the rate of \$8.44 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:  /s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

### **LEGAL DESCRIPTION**

All that certain parcel of land and improvements thereon situate in Westover Borough, Clearfield County, Pennsylvania and designated as Parcel No. 20-D16-10 and more fully described in a Deed dated July 16, 2002 and intended to be recorded contemporaneously herewith.

PROPERTY BEING: 74 ROLAND DRIVE

**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: 4-17-07

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

Service # 1 of 4 Services

Sheriff Docket # **102713**

CHASE HOME FINANCE LLC,S/B/M

Case # 07-620-CD

vs.

TRACEY R. HOYT & TERRI L HOYT A/K/A TERRI LEE HOYT a/k/a TERRI L.  
HOLT

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW September 28, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO TRACEY R HOYT, DEFENDANT. 74 ROLAND DR., WESTOVER, PA. "EMPTY".

SERVED BY: /

**FILED**  
0/3'03/07  
SEP 28 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Service # 2 of 4 Services

Sheriff Docket # **102713**

CHASE HOME FINANCE LLC,S/B/M

Case # 07-620-CD

vs.

TRACEY R. HOYT & TERRI L HOYT A/K/A TERRI LEE HOYT a/k/a TERRI L.  
HOLT

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW September 28, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO TERRI L HOYT AKA TERRI LEE HOYT AKA TERRI L. HOLT, DEFENDANT. 74 ROLAND DR., WESTOVER, PA. "EMPTY".

SERVED BY: /

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

Service # 3 of 4 Services

Sheriff Docket # **102713**

CHASE HOME FINANCE LLC,S/B/M

Case # 07-620-CD

vs.

TRACEY R. HOYT & TERRI L HOYT A/K/A TERRI LEE HOYT a/k/a TERRI L.  
HOLT

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW September 28, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN  
MORTGAGE FORECLOSURE "NOT FOUND" AS TO TRACEY R. HOYT, DEFENDANT. NEW:177 BENDER  
RD.APT#4,PATTON,PA. 16668.

SERVED BY: /



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

DOCKET # 102713  
NO: 07-620-CD  
SERVICE # 4 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CHASE HOME FINANCE LLC,S/B/M

vs.

DEFENDANT: TRACEY R. HOYT & TERRI L HOYT A/K/A TERRI LEE HOYT a/k/a TERRI L. HOLT

**SHERIFF RETURN**

---

NOW, May 17, 2007 AT 8:17 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TERRI L. HOYT aka TERRI LEE HOYT aka TERRI L. HOLT DEFENDANT AT 263 MICHAEL ST., APT 108, WESTOVER, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TERRI L. HOYT, DEFENDANT 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

DOCKET # 102713  
NO: 07-620-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CHASE HOME FINANCE LLC,S/B/M

vs.

DEFENDANT: TRACEY R. HOYT & TERRI L HOYT A/K/A TERRI LEE HOYT a/k/a TERRI L. HOLT

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	590633	40.00
SHERIFF HAWKINS	PHELEN	590633	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

149329

ATTORNEY FOR PLAINTIFF

CHASE HOME FINANCE LLC,  
S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-620-CD

v.

CLEARFIELD COUNTY

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692-0000

Defendants

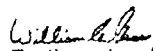
**CIVIL ACTION - LAW**  
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I hereby certify this to be a true  
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We hereby certify the  
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correct copy of the  
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APR 20 2007

Attest.

  
Prothonotary/  
Clerk of Courts

## NOTICE

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**IF THIS IS THE FIRST NOTICE THAT YOU HAVE  
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**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)  
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PLAINTIFF WILL OBTAIN AND PROVIDE  
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CREDITOR, IF DIFFERENT FROM ABOVE.**

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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

CHASE HOME FINANCE LLC,  
S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

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

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692-0000

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

3. On 07/16/2002 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200211490. 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 10/01/2006 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	\$41,085.01
Interest	\$1,949.64
09/01/2006 through 04/19/2007 (Per Diem \$8.44)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$36.09
07/16/2002 to 04/19/2007	
Cost of Suit and Title Search	\$550.00
Subtotal	\$44,870.74
Escrow	
Credit	(\$74.34)
Deficit	\$0.00
Subtotal	(\$74.34)
<b>TOTAL</b>	<b>\$44,796.40</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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$44,796.40, together with interest from 04/19/2007 at the rate of \$8.44 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:   
\_\_\_\_\_/s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

### **LEGAL DESCRIPTION**

All that certain parcel of land and improvements thereon situate in Westover Borough, Clearfield County, Pennsylvania and designated as Parcel No. 20-D16-10 and more fully described in a Deed dated July 16, 2002 and intended to be recorded contemporaneously herewith.

PROPERTY BEING: 74 ROLAND DRIVE

**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: 4-17-07

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-620-CD

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TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692-0000

Defendants

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

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APR 20 2007

Attest.



*William A. Shaw*  
Prothonotary/  
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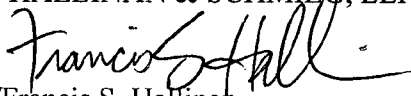
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By:  /s/Francis S. Hallinan

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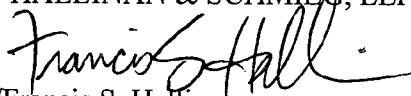
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07/16/2002 to 04/19/2007	
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Subtotal	\$44,870.74
Escrow	
Credit	(\$74.34)
Deficit	\$0.00
Subtotal	<u>(\$74.34)</u>
<b>TOTAL</b>	<b>\$44,796.40</b>

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$44,796.40, together with interest from 04/19/2007 at the rate of \$8.44 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:   
\_\_\_\_\_/s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

### **LEGAL DESCRIPTION**

All that certain parcel of land and improvements thereon situate in Westover Borough, Clearfield County, Pennsylvania and designated as Parcel No. 20-D16-10 and more fully described in a

Deed dated July 16, 2002 and intended to be recorded contemporaneously herewith.

PROPERTY BEING: 74 ROLAND DRIVE

**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: 4-17-07

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

CHASE HOME FINANCE LLC, S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION

Plaintiff

vs.

TRACEY R. HOYT  
TERRI L. HOYT A/K/A  
TERRI LEE HOYT  
A/K/A TERRI L. HOLT

Defendants

: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: CLEARFIELD COUNTY

: No. 07-620-CD  
:  
:  
:

**FILED**

OCT 02 2007

W/1:55/4

William A. Shaw

Prothonotary/Clerk of Courts

I sent to Dwy  
w/REINSTATE COMPLAINT

**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

I REINSTATE COMPLAINT  
TO SHH

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

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

Date: September 28, 2007

/jmr, Svc Dept.  
File# 149329

FILED  
m11:02 61  
NOV 20 2007

NO CC

GP

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

One Penn Center at Suburban Station

1617 J.F.K. Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Chase Home Finance LLC, s/b/m to Chase

Court of Common Pleas

Manhattan Mortgage Corporation

3415 Vision Drive

Columbis, OH 43219

Plaintiff

Civil Division

vs.

Tracey R. Hoyt

Clearfield County

Terri L. Hoyt

a/k/a Terri Lee Hoyt

a/k/a Terri L. Holt

74 Roland Drive

Westover, PA 16692

No. 07-620-CD

Defendants

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

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on April 20, 2007. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".

2. The foreclosure action was placed on hold for several months for a repayment plan, on which the Defendant eventually defaulted.

3. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendant.

4. On November 2, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Tracey Hoyt was personally served on October 24, 2007.

5. On November 14, 2007, Plaintiff sent the Defendant a ten day letter notifying her of its intention to file a default judgment.

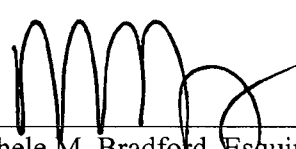
6. To date, the Clearfield County Sheriff's Office has not filed the Affidavit of Service, which was made on October 24, 2007.

7. 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 \$8.44 per day on this mortgage account. Additionally, Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

8. 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.

11/19/07  
Date

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff



## **EXHIBIT A**

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

OCT 02 2007

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

149329

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

ATTORNEY FOR PLAINTIFF

CHASE HOME FINANCE LLC,  
S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-620-CD

v.

CLEARFIELD COUNTY

Filed 4/20/07

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692-0000

Defendants

ATTORNEY FILE COPY  
PLEASE RETURN

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**FILED**  
APR 20 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

Reinstated/Reinstated to Sheriff/Attorney  
for service.  
Oct 2, 2007 Document  
*William A. Shaw*  
Deputy Prothonotary

ATTORNEY FILE COPY  
PLEASE RETURN

### 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

CHASE HOME FINANCE LLC,  
S/B/M TO CHASE MANHATTAN  
MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

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

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692-0000

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

3. On 07/16/2002 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200211490. 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 10/01/2006 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	\$41,085.01
Interest	\$1,949.64
09/01/2006 through 04/19/2007 (Per Diem \$8.44)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$36.09
07/16/2002 to 04/19/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$44,870.74
Escrow	
Credit	(\$74.34)
Deficit	\$0.00
Subtotal	<u>(\$74.34)</u>
<b>TOTAL</b>	<b>\$44,796.40</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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$44,796.40, together with interest from 04/19/2007 at the rate of \$8.44 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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



### **LEGAL DESCRIPTION**

All that certain parcel of land and improvements thereon situate in Westover Borough, Clearfield County, Pennsylvania and designated as Parcel No. 20-D16-10 and more fully described in a

Deed dated July 16, 2002 and intended to be recorded contemporaneously herewith.

PROPERTY BEING: 74 ROLAND DRIVE

**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

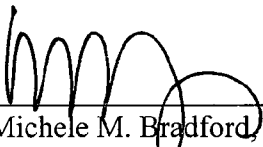
DATE: 4-17-07

**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.

11/19/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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

FILED *no cc*  
m/11:02/30  
NOV 20 2007

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

One Penn Center at Suburban Station

1617 J.F.K. Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Chase Home Finance LLC, s/b/m to Chase

Manhattan Mortgage Corporation

3415 Vision Drive

Columbis, OH 43219

Plaintiff

Court of Common Pleas

Civil Division

vs.

Tracey R. Hoyt

Terri L. Hoyt

a/k/a Terri Lee Hoyt

a/k/a Terri L. Holt

74 Roland Drive

Westover, PA 16692

Defendants

Clearfield County

No. 07-620-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:

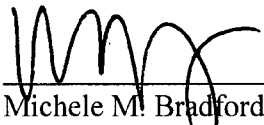
Chester A. Hawkins  
Sheriff of Clearfield County  
230 East Market Street  
Clearfield, Pennsylvania 16830

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

Tracey R. Hoyt  
Terri L. Hoyt  
74 Roland Drive  
Westover, PA 16692

11/19/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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

FILED 2cc Atty Bradford  
9/4:00 PM  
NOV 20 2007 1cc Sheriff  
(without memo)  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

Chase Home Finance LLC, s/b/m to Chase	:	Court of Common Pleas
Manhattan Mortgage Corporation	:	
3415 Vision Drive	:	
Columbis, OH 43219	:	
Plaintiff	:	Civil Division
vs.	:	
Tracey R. Hoyt	:	Clearfield County
Terri L. Hoyt	:	
a/k/a Terri Lee Hoyt	:	
a/k/a Terri L. Holt	:	
74 Roland Drive	:	No. 07-620-CD
Westover, PA 16692	:	
Defendants	:	

**ORDER**

AND NOW, this 20<sup>th</sup> day of November, 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:

*Frederick J. Ammerman*  
J.

FILED

NOV 20 2007

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 11/20/07

☒ You are responsible for serving all appropriate parties.

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

\_\_\_\_ Plaintiff(s) \_\_\_\_ Plaintiff(s) Attorney \_\_\_\_ Other

\_\_\_\_ Defendant(s) \_\_\_\_ Defendant(s) Attorney

\_\_\_\_ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103262  
NO: 07-620-CD  
SERVICE # 1 OF 1  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CHASE HOME FINANCE LLC, s/b/m  
vs.  
DEFENDANT: TRACEY R. HOYT al

**SHERIFF RETURN**

NOW, October 04, 2007, SHERIFF OF CAMBRIA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TRACEY R. HOYT.

NOW, October 24, 2007 AT 11:45 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TRACEY R. HOYT, DEFENDANT. THE RETURN OF CAMBRIA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

**FILED**  
0/3: 50m  
NOV 26 2007  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103262  
NO: 07-620-CD  
SERVICES 1  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CHASE HOME FINANCE LLC, s/b/m  
vs.  
DEFENDANT: TRACEY R. HOYT al

SHERIFF RETURN

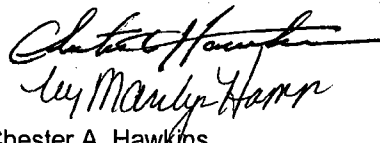
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	631612	10.00
SHERIFF HAWKINS	PHELAN	631612	12.00
CAMBRIA CO.	PHELAN	631610	53.98

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

# SHERIFF'S RETURN OF SERVICE CAMBRIA COUNTY

**Plaintiff(s)**

CHASE HOME FINANCE LLC, S/B/M TO CHASE  
MANHATTAN MORTGAGE CORPORATION

NUMBER 07-620-CD

SHERIFF'S NUMBER

**Defendant(s)**

TRACEY R. HOYT  
TERRI L. HOYT A/K/A  
TERRI LEE HOYT A/K/A TERRI L. HOLT

COST

MILEAGE

DISTRICT

☐ Summons ☒ Complaint  
☐ Other

Serve Tracey R. Hoyt at:

177 BENDER ROAD, APT. 4  
PATTON, PA 16668

TYPE OF ACTION

Mortgage Foreclosure

**Special Instructions****TO BE COMPLETED BY SHERIFF**

Served and made known to TRACEY R. HOYT ET AL, Defendant, on the 24 day of OCT., 2007 at 11:45  
o'clock, Am., at CAMBRIA CO. COURTHOUSE, County of CAMBRIA Commonwealth of Pennsylvania, in  
the manner described below:

- ☒ Defendant(s) personally served.  
☐ Adult family member with whom said 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.  
☐ \_\_\_\_\_ and officer of said Defendant company.  
☐ Other: \_\_\_\_\_

SHERIFF

By: Bob Holman, Sheriff

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_m., Defendant not found because:  
☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other

SHERIFF

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

**DEPUTIZED SERVICE**

Now, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I, Sheriff of \_\_\_\_\_ County, Pennsylvania do hereby deputize the Sheriff of  
County to serve this Complaint and make return thereof and according to law.

SHERIFF

By: \_\_\_\_\_, Deputy Sheriff.

**ATTORNEY FOR PLAINTIFF:**

Name Francis S. Hallinan, Esquire  
Id. No. 62695  
Address One Penn Center Plaza Suite 1400  
Philadelphia, PA 19103

**TO BE COMPLETED BY PROTHONOTARY**

ATTEST  
Pro Prothy

Date

Anty Berkebile  
10-29-07

File# 149329

Costs-\$53.98

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

PA 19103-0000

## STATEMENT

BOB KOLAR, SHERIFF	CIVIL REC & DOCKETING & R	9.00
SHERIFF, CAMBRIA COUNTY, PA	CIVIL SERVICE	9.00
	GENERAL MILEAGE	32.98
	PROTHONOTARY NOTARY	3.00
	REFUND ON DOCKET	46.02
CHASE HOME FINANCE 07-620		
90231-07		
COMPLAINT - CHASE HOME VS. HOYT		
CHASE HOME FINANCE 07-620		
V S		
HOYT, TRACEY		
PHELAN HALLINAN AND SCHMIEG		
ONE PENN CTR #1400		
PHILADELPHIA, PA 19103		
TOTAL COSTS.....		100.00
TOTAL RECEIPTS.....		100.00

CAMBERTA COUNTY  
SHERIFF

=====

10/23/07

BOB KOLAR, SHERIFF  
CAMBERTA COUNTY  
PENNSYLVANIA

PHILAN HALLMAN AND SCHMIDT  
ONE PENN CTR #1400

PHILADELPHIA PA 19103-0000

STATEMENT

BOB KOLAR, SHERIFF	CIVIL REC & DOCKETING 2 R	9.00
SHERIFF, CAMBERTA COUNTY, PA	CIVIL SERVICE	9.00
	GENERAL MILEAGE	32.98
	PROTHONOTARY NOTARY	3.00
	REFUND ON DOCKET	46.02
CHASE HOME FINANCE 07-820		
0001-07		
COMPLAINT - CHASE HOME VS. HOYT		
CHASE HOME FINANCE 07-820		
V S		
HOYT, TRACEY		

**FILED**  
PHILAN HALLMAN AND SCHMIDT  
ONE PENN CTR #1400  
PHILADELPHIA, PA 19103  
NOV 26 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

TOTAL COSTS.....	100.00
TOTAL RECEIPTS.....	100.00

FILED

DEC 05 2007

W. A. Shaw  
William A. Shaw  
Prothonotary/Clerk of Courts (GR)  
1 SENT TO ATT

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

One Penn Center at Suburban Station

1617 J.F.K. Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Chase Home Finance LLC, s/b/m to Chase

Manhattan Mortgage Corporation

3415 Vision Drive

Columbis, OH 43219

Plaintiff

Court of Common Pleas

Civil Division

vs.

Tracey R. Hoyt

Terri L. Hoyt

a/k/a Terri Lee Hoyt

a/k/a Terri L. Holt

74 Roland Drive

Westover, PA 16692

Defendants

Clearfield County

No. 07-620-CD

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of Order granting 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:

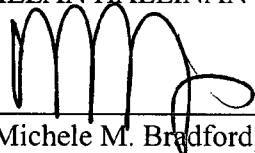
Chester A. Hawkins  
Sheriff of Clearfield County  
230 East Market Street  
Clearfield, Pennsylvania 16830

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

Tracey R. Hoyt  
Terri L. Hoyt  
74 Roland Drive  
Westover, PA 16692

11/29/07  
Date

✓  
PHELAN HALLINAN & SCHMIEG, LLP

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

PHILAN 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

CHASE HOME FINANCE LLC, S/B/M TO

CHASE MANHATTAN MORTGAGE

CORPORATION

3415 VISION DRIVE

COLUMBUS, OH 43219

Plaintiff,

v.

TRACEY R. HOYT

177 BENDER ROAD, APT. 4

PATTON, PA 16668

TERRI L. HOYT

A/K/A TERRI LEE HOYT

A/K/A TERRI L. HOLT

263 MICHAEL STREET, APT. 108

WESTOVER, PA 16692

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 **TRACEY R. HOYT and TERRI L. HOYT A/K/A TERRI LEE HOYT A/K/A TERRI L. HOLT**, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in the Complaint	\$ 44,796.40
Interest - 04/20/07 TO 12/26/07	\$2,118.44
TOTAL	<u>\$ 46,914.84</u>

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: 12/27/07

  
PRO PROTHY

**FILED** *Atty. pd.*  
*m/11:24/07* *20.00*  
**DEC 27 2007** *cc Notice*  
*to Def.*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*Statement to*  
*Atty*  
*@*

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

CHASE HOME FINANCE LLC, S/B/M TO CHASE : COURT OF COMMON PLEAS  
MANHATTAN MORTGAGE CORPORATION

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY.

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

: NO. 07-620-CD

Defendants

TO: TERRI L. HOYT A/K/A TERRI LEE HOYT A/K/A TERRI L. HOLT  
263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692

FILE COPY

DATE OF NOTICE: NOVEMBER 14, 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

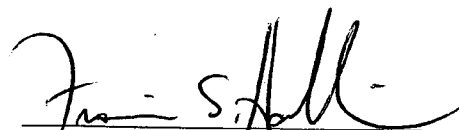
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

CHASE HOME FINANCE LLC, S/B/M TO CHASE : COURT OF COMMON PLEAS  
MANHATTAN MORTGAGE CORPORATION :  
Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

TRACEY R. HOYT : NO. 07-620-CD  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
Defendants

TO: TRACEY R. HOYT  
74 ROLAND AVENUE  
WESTOVER, PA 16692

FILE COPY

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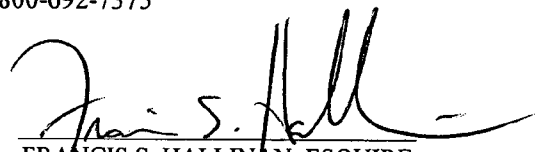
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DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 x 5982

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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

CHASE HOME FINANCE LLC, S/B/M TO CHASE : COURT OF COMMON PLEAS  
MANHATTAN MORTGAGE CORPORATION

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

: NO. 07-620-CD

Defendants

TO: TRACEY R. HOYT  
177 BENDER ROAD, APT. 4  
PATTON, PA 16668

FILE COPY

DATE OF NOTICE: NOVEMBER 14, 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

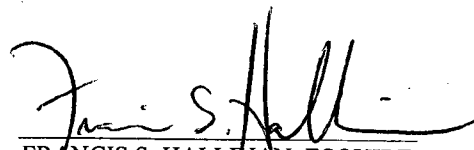
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CLEARFIELD COUNTY  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 x 5982

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 & 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**

**CHASE HOME FINANCE LLC, S/B/M TO**

**CHASE MANHATTAN MORTGAGE**

**CORPORATION**

**3415 VISION DRIVE**

**COLUMBUS, OH 43219**

**Plaintiff,**

**v.**

**TRACEY R. HOYT**

**177 BENDER ROAD, APT. 4**

**PATTON, PA 16668**

**TERRI L. HOYT**

**A/K/A TERRI LEE HOYT**

**A/K/A TERRI L. HOLT**

**263 MICHAEL STREET, APT. 108**

**WESTOVER, PA 16692**

**Defendant(s).**

**VERIFICATION OF NON-MILITARY SERVICE**

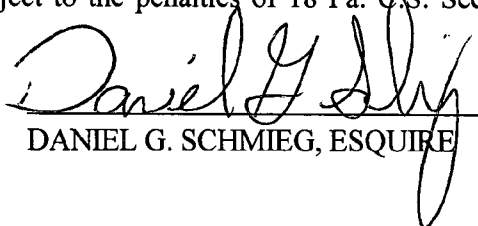
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 **TRACEY R. HOYT** is over 18 years of age and resides at **177 BENDER ROAD, APT. 4, PATTON, PA 16668**.

(c) that defendant **TERRI L. HOYT A/K/A TERRI LEE HOYT A/K/A TERRI L. HOLT** is over 18 years of age, and resides at **263 MICHAEL STREET, APT. 108, WESTOVER, PA 16692**.

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

COPY

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

CHASE HOME FINANCE LLC, S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

Plaintiff,

v.

TRACEY R. HOYT  
177 BENDER ROAD, APT. 4  
PATTON, PA 16668  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT  
263 MICHAEL STREET, APT. 108  
WESTOVER, PA 16692

Defendant(s).

:  
:  
: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 07-620-CD  
:  
:  
:  
:  
:

Notice is given that a Judgment in the above captioned matter has been entered against you  
on December 27, 2007.

BY [Signature] DEPUTY

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

[Signature]  
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

Chase Home Finance LLC  
Chase Manhattan Mortgage Corporation  
Plaintiff(s)

No.: 2007-00620-CD

Real Debt: \$46,914.84

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Tracey R. Hoyt  
Terri L. Hoyt  
Defendant(s)

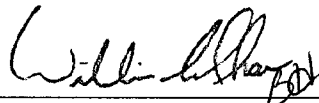
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: December 27, 2007

Expires: December 27, 2012

Certified from the record this 27th day of December, 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

SALE DATE: APRIL 4, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

CHASE HOME FINANCE LLC, S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION

No.: 07-620-CD

vs.


TRACEY R. HOYT  
TERRI L. HOYT  
A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

**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 Praecept for the Writ of Execution was filed the following information concerning the real property located at:

**74 ROLAND DRIVE, WESTOVER, PA 16692.**

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: February 22, 2008

**FILED** NO CC  
m10:17/64  
FEB 25 2008 @

William A. Shaw  
Prothonotary/Clerk of Courts

Name and Address of Sender

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

**KAZ**

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 74 ROLAND DRIVE WESTOVER, PA 16692		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 <sup>th</sup> Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 <sup>TH</sup> Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7				
8				
9				
10				
11				
12		<b>Re: TRACEY R. HOYT</b>		
		<b>149329 TEAM 4</b>		
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.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CHASE HOME FINANCE LLC S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION

Plaintiff

v.

TRACEY R. HOYT  
TERRI L. HOYT A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

Defendants

CIVIL DIVISION

NO. 07-620-CD

**ORDER**

**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2008, upon consideration of Plaintiff's Motion for Service of Notice of Sale Pursuant to Special Order of Court and the Affidavit of Good Faith Investigation attached thereto, it is hereby **ORDERED** that Plaintiff may obtain service of the Notice of Sale on the above-captioned Defendant, **TRACEY R. HOYT**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to 74 ROLAND DRIVE, WESTOVER, PA 16692 and 4203 RIDGE ROAD, WESTOVER, PA 16692.

PROP



Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

**BY THE COURT:**

---

J.

CC: Daniel G. Schmieg, Esq.  
1617 JFK Blvd, Ste. 1400  
Philadelphia, PA 19103

TRACEY R. HOYT  
TERRI L. HOYT A/K/A TERRI LEE HOYT A/K/A TERRI L. HOLT  
74 ROLAND DRIVE  
WESTOVER, PA 16692

**PHELAN HALLINAN & SCHMIEG, LLP**  
**BY: DANIEL G. SCHMIEG, ESQUIRE**  
**Attorney I.D. No.: 62205**  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

CHASE HOME FINANCE LLC S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

NO. 07-620-CD

TRACEY R. HOYT  
TERRI L. HOYT A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

Defendants

**FILED** *Nocc*  
*M 11:17 AM*  
**APR 07 2008** *CD*

William A. Shaw  
Prothonotary/Clerk of Courts

**MOTION FOR SERVICE OF NOTICE OF SALE  
PURSUANT TO SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP, petitions this Honorable Court for an Order directing service of the Notice of Sale upon the above-captioned Defendant, **TRACEY R. HOYT**, by certified mail and regular mail to 74 ROLAND DRIVE, WESTOVER, PA 16692 and 4203 RIDGE ROAD, WESTOVER, PA 16692, and in support thereof avers the following:

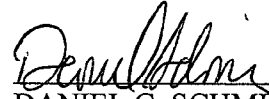
1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **JUNE 6, 2008.**
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendants be served with a notification of Sheriff's Sale at least thirty (30) days prior to the scheduled sale date.

3. Attempts to serve Defendant with the Notice of Sale have been unsuccessful, as indicated by the Return of Service attached hereto as Exhibit "A".
4. 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 therefrom is attached hereto as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 74 ROLAND DRIVE, WESTOVER, PA 16692 and 4203 RIDGE ROAD, WESTOVER, PA 16692.

PHELAN HALLINAN & SCHMIEG, LLP

By:



DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**PHELAN HALLINAN & SCHMIEG, LLP**  
**BY: DANIEL G. SCHMIEG, ESQUIRE**  
**Attorney I.D. No.: 62205**  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

CHASE HOME FINANCE LLC S/B/M TO  
CHASE MANHATTAN MORTGAGE  
CORPORATION

Plaintiff

v.

TRACEY R. HOYT  
TERRI L. HOYT A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

Defendants

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
  
CIVIL DIVISION  
  
NO. 07-620-CD

### **PLAINTIFF'S MEMORANDUM OF LAW**

Pursuant to Pennsylvania Rule of Civil Procedure, Rule 3129.2, it is necessary in a foreclosure action for the Sheriff or Process Server to serve upon the Defendant Notice of the Sale of the mortgaged premises. Specifically, Pa.R.C.P., Rule 3129.2 (c) provides in applicable part as follows:

The written notice shall be prepared by the plaintiff, shall contain the same information as the handbills or may consist of the handbill and shall be served at least thirty days before the sale on all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1.

- (1) Service of the Notice shall be made:
  - (i) upon a defendant...
    - (A) by the sheriff or by a competent adult in the manner prescribed by Rule 402 (a) for the service of original process upon a defendant, or
    - (B) by the plaintiff mailing a copy of the manner prescribed by Rule 403 to the addresses set forth in the affidavit; or

- (C) if service cannot be made as provided in the subparagraph (A) or (B), the notice shall be served pursuant to special order of court as prescribed by Rule 430, except that if original process was served pursuant to a special order of court under Rule 430 upon the defendant in the judgment, the notice may be served upon that defendant in the manner provided by the order for service of original process without further application to the court.

Because the whereabouts of Defendant, TRACEY R. HOYT, are unknown, a reasonable investigation of their last known address was made in accordance with Pa.R.C.P. 430(a).

Pennsylvania Rule of Civil Procedure, Rule 430 (a) provides as follows:

- (a) If service cannot be made under the applicable rule the Plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

Note: A Sheriff's Return or Affidavit of Service of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa.Super. 362, 357 A.2d 580 (1976). Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address. Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

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

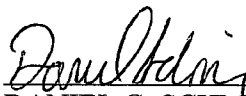
As indicated by the attached Affidavit of Return of Service, marked hereto as Exhibit "A", the Process Server has been unable to serve the Notice of Sale.

A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the  
Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 74  
ROLAND DRIVE, WESTOVER, PA 16692 and 4203 RIDGE ROAD, WESTOVER, PA 16692.

Respectfully submitted,

PHELAN HALLINAN & SCHMIEG, LLP

By:   
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

File Number: 149329  
Attorney Firm: Phelan, Hallinan & Schmieg, LLP  
Subject: Tracey R. Hoyt & Terri L. Hoyt

Property Address: 74 Roland Drive, Westover, PA 16692  
Possible Mailing Address: (Tracey R. Hoyt) 4203 Ridge Road, Westover, PA 16692  
(Terri L. Hoyt) 177 Bender Road, Apartment 4, Patton, PA 16668  
(Terri L. Hoyt) P.O. Box 163, Westover, PA 16692  
(Terri L. Hoyt) 263 Michael Street, Apartment 108, Westover, PA 16693

**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

Tracey R. Hoyt - xxx-xx-4482

Terri L. Hoyt - xxx-xx-6721

**B. EMPLOYMENT SEARCH**

Tracey R. Hoyt & Terri L. Hoyt - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that Tracey R. Hoyt reside(s) at: 4203 Ridge Road, Westover, PA 16692 & Terri L. Hoyt reside(s) at: P.O. Box 163, Westover, PA 16692.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which indicated that Terri L. Hoyt reside(s) at: 263 Michael Street, Westover, PA 16692, however had no listing for Tracey R. Hoyt. On 02-27-08 our office made a telephone call to the subject's phone number (814) 247-8693 and received the following information: disconnected.

**B. On 02-27-08 our office made several telephone calls to the phone number (910) 497-5263 and received the following information: no answer. On 02-27-08 our office made a telephone call to the phone number (910) 743-5334 and received the following information: disconnected. On 02-27-08 our office made several telephone calls to the phone number (814) 743-5334 and received the following information: answering machine. On 02-27-08 our office made a telephone call to the phone number (814) 247-8114 and received the following information: disconnected.**

**III. INQUIRY OF NEIGHBORS**

On 02-27-08 our office made several phone calls in an attempt to contact P. J. Brahim (814) 674-5588, 177 Bender Road, Apartment 1, Patton, PA 16668: answering machine.

On 02-27-08 our office made several phone calls in an attempt to contact William Noel & Kathy Noel (814) 674-8012, 177 Bender Road, Apartment 2, Patton, PA 16668: no answer.

On 02-27-08 our office made several phone calls in an attempt to contact Mark M. Ward & Christina J. Ward (814) 674-8484, 179 Bender Road, Apartment 4, Patton, PA 16668: no answer.

On 02-27-08 our office made several phone calls in an attempt to contact Travis J. Long & Christina A. Long (814) 743-6303, 3818 Ridge Road, Westover, PA 16692: no answer.

On 02-27-08 our office made several phone calls in an attempt to contact Robert L. Harkleroad (814) 743-5040, 4050 Ridge Road, Westover, PA 16692: no answer.

On 02-27-08 our office made a phone call in an attempt to contact Jean Young (814) 743-6814, 4532 Ridge Road, Westover, PA 16692: spoke with an unidentified female who could not confirm that the subjects reside(s) at 4203 Ridge Road, Westover, PA 16692.

On 02-27-08 our office made several phone calls in an attempt to contact E. D. Fry (814) 247-8213, 100 Roland Drive, Westover, PA 16692: no answer.

On 02-27-08 our office made several phone calls in an attempt to contact Shianna M. Peace (814) 247-8847, 133 Roland Drive, Westover, PA 16692: answering machine.

On 02-27-08 our office made several phone calls in an attempt to contact William E. Roland (814) 247-8750, 170 Roland Drive, Westover, PA 16692: no answer.

Using our white pages database our office was unable to locate any neighbors for 263 Michael Street, Apartment 108, Westover, PA 16693.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 02-27-08 we reviewed the National Address database and found the following information: Tracey R. Hoyt - 4203 Ridge Road, Westover, PA 16692 & Terri L. Hoyt - 177 Bender Road, Apartment 4, Patton, PA 16668.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: (Tracey R. Hoyt) 4203 Ridge Road, Westover, PA 16692 and (Terri L. Hoyt) 177 Bender Road, Apartment 4, Patton, PA 16668, P.O. Box 163, Westover, PA 16692 & 263 Michael Street, Apartment 108, Westover, PA 16693.

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Tracey R. Hoyt & Terri L. Hoyt.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 02-27-08 Vital Records and all public databases have no death record on file for Tracey R. Hoyt & Terri L. Hoyt.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Tracey R. Hoyt & Terri L. Hoyt residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Tracey R. Hoyt - 01-17-1977

Terri L. Hoyt - 01-01-1977

B. A.K.A.

Terri Lee Hoyt; Terri L. Henicohoyt; Theresa Holt; Terri L. Holt

\* 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.

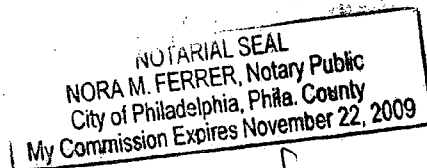
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

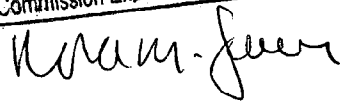
I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.



AFFIANT - Brendan Booth  
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 27<sup>th</sup> day of February, 2008.





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

IND



# AFFIDAVIT OF SERVICE

PLAINTIFF

CHASE HOME FINANCE LLC...

CLEARFIELD County

DEFENDANT(S)

TRACEY R. HOYT  
TERRI L. HOYT A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

No. 07-620-CD

Our File #: 149329

Please serve upon:

TRACEY R. HOYT

Type of Action

- Notice of Sheriff's Sale

SERVE AT:

74 ROLAND DRIVE  
WESTOVER, PA 16692

Sale Date: APRIL 4, 2008

## SERVED

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_,

200\_\_, at \_\_\_\_\_, o'clock \_\_m., at \_\_\_\_\_,

Commonwealth of Pennsylvania, 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)'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)'s office or usual place of business.
- \_\_\_\_\_ an officer of said Defendant(s)'s company.
- \_\_\_\_\_ Other: \_\_\_\_\_

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

I, \_\_\_\_\_, a competent adult, being duly sworn according to law, depose and state 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.

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

Notary:

By:

## NOT SERVED

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the 18th day of MARCH, 2008, at 6:39 o'clock P.m., Defendant NOT FOUND because:

\_\_\_\_\_ Moved \_\_\_\_\_ Unknown X No Answer \_\_\_\_\_ Vacant

1st attempt Date: 3/12/08 Time: 2:07 PM, 2nd attempt Date: 3/15/08 Time: 10:36 AM, 3rd attempt Date: 3/18/08 Time: 6:39 PM.

Other:

Sworn to and subscribed  
before me this 19th day  
of MARCH, 2008

Notary:

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

By:

DM-ELLIS  
DM Ellis

Marilyn A. Campbell  
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Marilyn A. Campbell, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Dec. 8, 2011  
Member, Pennsylvania Association of Notaries

**AFFIDAVIT OF SERVICE**

PLAINTIFF

CHASE HOME FINANCE LLC...

CLEARFIELD County

DEFENDANT(S)

TRACEY R. HOYT  
TERRI L. HOYT A/K/A TERRI LEE HOYT  
A/K/A TERRI L. HOLT

No. 07-620-CD

Our File #: 149329

Please serve upon:

TRACEY R. HOYT

Type of Action

- Notice of Sheriff's Sale

SERVE AT:

4203 RIDGE ROAD  
WESTOVER, PA 16692

Sale Date: APRIL 4, 2008

**SERVED**

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_,

200\_\_, at \_\_\_\_\_, o'clock \_\_m., at \_\_\_\_\_,

Commonwealth of Pennsylvania, 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)'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)'s office or usual place of business.  
\_\_\_\_ an officer of said Defendant(s)'s company.  
\_\_\_\_ Other: \_\_\_\_\_

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

I, \_\_\_\_\_, a competent adult, being duly sworn according to law, depose and state 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.

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

Notary:

By:

**NOT SERVED**

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the 18th day of MARCH, 2008, at 6:20 o'clock Pm., Defendant **NOT FOUND** because:

\_\_\_\_ Moved \_\_\_\_ Unknown X No Answer \_\_\_\_ Vacant

1st attempt Date: 3/12/08 Time: 1:57 PM, 2nd attempt Date: 3/15/08 Time: 10:22 AM, 3rd attempt Date: 3/18/08 Time: 6:20 PM.

Other:

Sworn to and subscribed  
before me this 19th day  
of MARCH, 2008

Notary:

**Attorney for Plaintiff**

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

By:

D. M. ELLIS  
DM Ellis

