

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

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

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

W. A. Shaw
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
Athy pd 85.00
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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

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

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Pennsylvania Bar Association
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Notice to Defend:
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814-765-2641 x 5982

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RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

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PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
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PLAINTIFF WILL OBTAIN AND PROVIDE
DEFENDANT(S) WITH WRITTEN VERIFICATION
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
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THE NAME AND ADDRESS OF THE ORIGINAL
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**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
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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>
TOTAL	\$44,796.40

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
0/3103/24
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

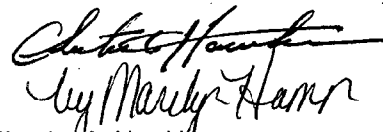
RETURN COSTS

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
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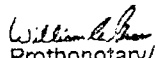
CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

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

APR 20 2007

Attest.


Prothonotary/
Clerk of Courts

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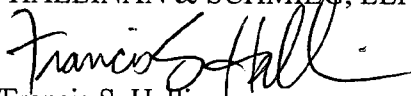
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PHELAN HALLINAN & SCHMIEG, LLP

By: 
_____/s/Francis S. Hallinan

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DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

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PROPERTY BEING: 74 ROLAND DRIVE

VERIFICATION

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FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

DATE: 4-17-07

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Defendants

CIVIL ACTION - LAW
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I hereby certify this to be a true
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APR 20 2007

Attest.



William L. Shaw
Prothonotary/
Clerk of Courts

WE HEREBY CERTIFY THE
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ORIGINAL FILED OF RECORD

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S/B/M TO CHASE MANHATTAN
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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

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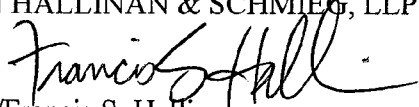
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By:  /s/Francis S. Hallinan

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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

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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,
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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

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

APR 20 2007

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

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Pennsylvania Bar Association
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Harrisburg, PA 17108
800-692-7375

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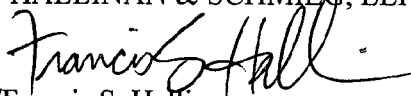
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By:  /s/Francis S. Hallinan

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DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

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Attorney for Plaintiff

DATE: 4-17-07

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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/1:55/2

William A. Shaw

Prothonotary/Clerk of Courts

I came to court
w/ reinstated complaint

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

I REINSTATED 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 No CC
m11:02/01
NOV 20 2007
(6P)

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 : No. 07-620-CD
Westover, PA 16692 :
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
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TERM

Plaintiff

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Filed 4/20/07

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

ATTORNEY FILE COPY
PLEASE RETURN

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

File #: 149329

ATTORNEY FILE COPY
PLEASE RETURN

Document
Reinstated/Released to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

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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:

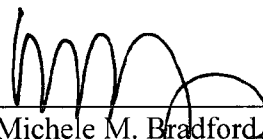
4-17-07

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

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

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Direct Sheriff to File

Affidavit of Service and Brief in Support thereof were served upon the following interested

parties via first class mail on the date indicated below:

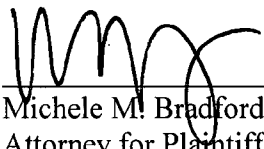
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, Pennsylvania 16830

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

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
014:00/01
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 20th 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:

Judith J. Ammann
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

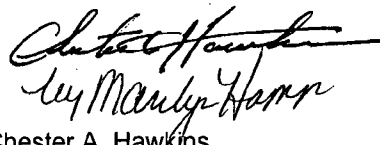
RETURN COSTS

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, am., 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

QUESTION

**BOB KOLAR, SHERIFF
CAMBRIA COUNTY
PENNSYLVANIA**

STATEMENT

[illegible]

CAMBRIA COUNTY
SHERIFF

10/22/07

BOB KOLAR, SHERIFF
CAMBRIA COUNTY
PENNSYLVANIA

PHILADELPHIA
PA 19103-0000
ONE PENN CTR #1400
PHILAN HALLMAN AND SCHMIEG

STATEMENT

BOB KOLAR, SHERIFF	CIVIL REC & DOCKETING \$ R	9.00
SHERIFF, CAMBRIA COUNTY, PA	CIVIL SERVICE	2.00
	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
NOV 26 2007
PHILADELPHIA, PA 19103
ONE PENN CTR #1400
PHILAN HALLMAN AND SCHMIEG
William A. Shaw
Prothonotary/Clerk of Courts

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

FILED

DEC 05 2007

William A. Shaw
Prothonotary/Clerk of Courts

(GK)

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 2nd 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

A handwritten signature in black ink, appearing to read 'Michele M. Bradford', written over a horizontal line.

Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

One Penn Center at Suburban Station - Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

Attorney for Plaintiff

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 TERRILL HOYT A/K/A TERRI LEE HOYT A/K/A TERRILL 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 *Att. pd.*
m/11:24/07 *20.00*
DEC 27 2007 *1cc Notice*
to Def.
William A. Shaw
Prothonotary/Clerk of Courts
Statement to
Att. y
@

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

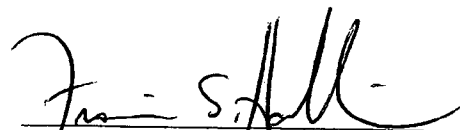
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT 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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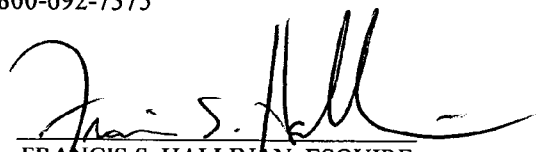
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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

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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

: NO. 07-620-CD

TERRI L. HOYT

A/K/A TERRI LEE HOYT

A/K/A TERRI L. HOLT

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.

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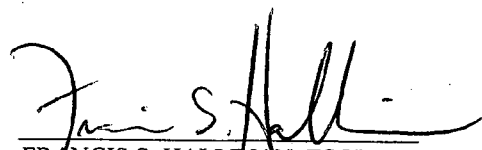
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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
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SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN & 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

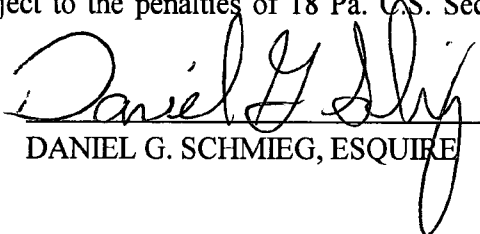
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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

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

COPY

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)

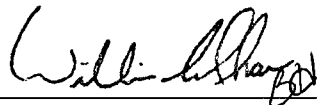
Entry: \$20.00

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 Praecipe 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
m10:17/08
FEB 25 2008 @

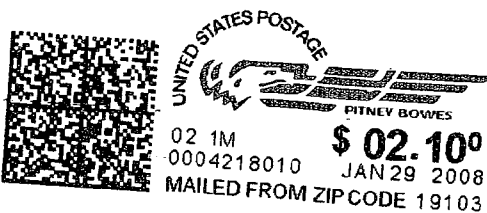
William A. Shaw
Prothonotary/Clerk of Courts

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 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 TH Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7				
8				
9				
10				
11				
12		Re: TRACEY R. HOYT		
Total Number of Pieces Listed by Sender		149329 TEAM 4	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.	
Total Number of Pieces Received at Post Office		Postmaster, Per (Name of Receiving Employee)		



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

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

FILED *Nocc*
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:

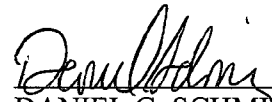
1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **JUNE 6, 2008.**
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendants be served with a notification of Sheriff's Sale at least thirty (30) days prior to the scheduled sale date.

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

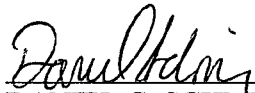
A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked as Exhibit "B".

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.

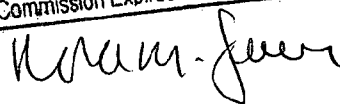
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

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 27th day of February, 2008.

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



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

IND