

07-654-CD
Mers Inc. vs Darlene Ninosky

MERS Inc et al vs Darlene Ninosky
2007-654-CD

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

CIVIL ACTION – LAW

MERS INC AS NOMINEE FOR
AEGIS MORTGAGE CORPORATION
F/K/A AEGIS FUNDING CORPORATION
PLAINTIFF

VS

DARLENE C. NINOSKY
DEFENDANT

CERTIFICATE OF LOCATION

238 ROSE STREET
IRVONA, PA 16656

BOROUGH OF IRVONA

PARCEL No: 11-H16-353-86

CIVIL Division
Case Number: *07-654-CD*

Type of Pleading

Complaint in
Mortgage Foreclosure

Code and Classification:

Filed on Behalf Of:
Plaintiff

Counsel of Record:

Daniel J. Mancini, Esquire
Attorney at Law
201 A Fairview Drive
Monaca, PA 15061
(724) 728-4233

[Handwritten signature of Daniel J. Mancini]
By: DANIEL J. MANCINI, ESQ.
PA I.D. No. 39353

FILED *Atty pd 85.00*
M/3/07
APR 25 2007 *ICC Sheriff*
CM

William A. Shaw
Prothonotary/Clerk of Courts

Oct. 5, 2007 Document
Reinstated/Reissued to Sheriff, Attorney
for service.
William A. Shaw

Deputy Prothonotary

Daniel Mancini & Associates
Daniel J. Mancini, Esq.,
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mancinilawfirm@comcast.net

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PLAINTIFF
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CIVIL ACTION – LAW
CASE NO
MORTGAGE FORECLOSURE

CIVIL ACTION – LAW
COMPLAINT IN MORTGAGE FORECLOSURE
NOTICE

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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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Lawyer Referral Service
Pennsylvania Lawyer Referral Service
(800) 692-7375

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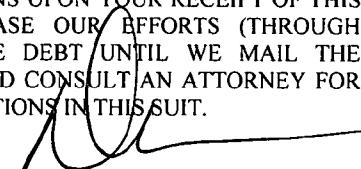
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F/K/A AEGIS FUNDING CORPORATION
PLAINTIFF
VS
DARLENE C. NINOSKY
DEFENDANT

CIVIL ACTION – LAW
CASE NO
MORTGAGE FORECLOSURE

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff is: MERS INC AS NOMINEE FOR AEGIS MORTGAGE CORPORATION F/K/A AEGIS FUNDING CORPORATION, whose address is c/o Mancini & Associates, 201 A Fairview Drive, Monaca, PA 15061.
2. Defendant is DARLENE C. NINOSKY, whose last known address is 238 ROSE STREET, IRVONA, PA 16656. DARLENE C. NINOSKY is the mortgagor and the recorded owner of the mortgaged property hereinafter described.
3. On or about, MARCH 24, 2005, DARLENE C. NINOSKY borrowed \$ 68,000.00 and in the enforcement of said debt executed and delivered a mortgage upon the premises hereinafter described to the lender MERS INC AS NOMINEE FOR AEGIS FUNDING CORPORATION N/K/A AEGIS MORTGAGE CORPORATION this mortgage is recorded in the Office of the Recorder of Deeds of CLEARFIELD County in Mortgage Record Book 2005, Page 04951. This mortgage is incorporated herein by reference in accordance with Pa. R.C.P. 1019 (g).
4. The land subject to the Mortgage is 238 ROSE STREET, IRVONA, PA 16656, and is more particularly described in Exhibit "A", which is attached hereof and part of this Complaint.
5. The Mortgage is in default because monthly payments of principal and interest upon said mortgage due October 1 , 2006, and each month thereafter are due and unpaid, and by the terms of said Mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

Unpaid Principal Balance	\$	66,840.47
Delinquent Balance, including Interest at \$12.80 per diem From 10/01/07 to 04/23/07 (based on contract rate of 6.99%)	\$	2,717.69
Rec. Corp. Adv.	\$	000.00
Escrow Advance	\$	3,595.40
Accrued Late Charges	\$	172.25
Bad CK Fees	\$	25.00
Attorney's Fee	\$	<u>3,342.02</u>
Total	\$	76,692.83

** Together with interest at the per diem rate noted above after October 1, 2006 and other charges and costs to date of Sheriff's Sale. The Attorney's Fees set forth above are in conformity with the Mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable, or that are actually incurred by Plaintiff.

6. No judgment has been entered upon said Mortgage in any jurisdiction.

7. The combined notice specified by the Pennsylvania Homeowner's Emergency Mortgage Assistance Program, Act 91 or 1983 and Notice of Intention to Foreclose under Act 6 of 1974 has been sent to each defendant on March 19, 2007, via certified and regular mail, in accordance with the requirements of those acts.

8. Defendant is not a member of the Armed Forces of the United States of America, nor engaged in any way which would bring them within the Soldiers and Sailors Relief Act of 1940, as amended.

9. The Defendant has either failed to meet the time limitations as set forth under the Combined Act 6/91 Notice or have been determined by the Pennsylvania Housing Finance Agency not to qualify for Mortgage Assistance.

WHEREFORE, Plaintiff demands judgment in mortgage foreclosure 'IN REM' for the aforementioned total amount due together with interest at the rate of 6.99 % (\$12.80 per diem), together with other charges and costs including escrow advances incidental thereto to the date of Sheriff's Sale and for foreclosure and sale of the property within described.

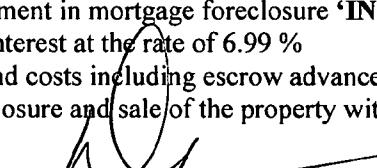

Daniel J. Mancini, Esq.
Attorney Bar: PA 39353

EXHIBIT "A"
LEGAL DESCRIPTION

ALL that certain parcel of land and improvements thereon situate in the Borough of Irvinia, County of Clearfield and Commonwealth of Pennsylvania, and designated as Parcel No. 11-H16-353-86 and more fully described in a Deed dated July 21, 1997 and recorded August 5, 1997 in Clearfield County in Deed Book Volume 1862 at Page 218, granted and conveyed unto Darlene C. Minosky, single.

EXCEPTING AND RESERVING, off the west end of the lot, a wedge shaped piece which was taken by the highway which would not exceed three (3) feet in width at the alley and extending easterly approximately 1/3 of the length of the lot to a point; it being the intent to reserve only such portion as the highway has actually taken and also the intention not to convey title to the portion so taken, the above dimensions being approximate only.

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PLAINTIFF
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DARLENE C. NINOSKY
DEFENDANT

CIVIL ACTION – LAW
CASE NO
MORTGAGE FORECLOSURE

VERIFICATION

Daniel J. Mancini, Esq., hereby states that he is the attorney for Plaintiff in this matter, that He is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure 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. Further, counsel submits that Plaintiff is outside the court's jurisdiction and verification cannot be obtained with the time allowed for filing the pleading. It is counsel's intention to substitute a verification from Plaintiff.

Dated this 23rd Day of April, 2007



Daniel J. Mancini, Esq.
Attorney Bar: Pa 39353

FILED

APR 25 2007

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **102729**

MERS INC AS NOMINEE FOR AEGIS MORTGAGE CORP F/K/A

Case # 07-654-CD

vs.

DARLENE C. NINOSKY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW October 01, 2007 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED" AS TO DARLENE C. NINOSKY, DEFENDANT. DO NOT SERVE PER ATTORNEY

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MANCINI	7545	10.00
SHERIFF HAWKINS	MANCINI	7545	40.19

FILED

0/3:00 LM

OCT 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before me This

So Answers,

____ Day of _____ 2007

*Chester A. Hawkins
by Marilyn Harry*
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
COMMONWEALTH OF PENNSYLVANIA

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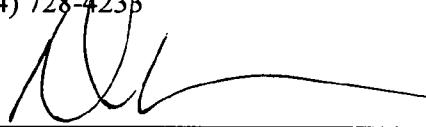
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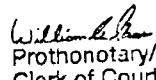

By: DANIEL J. MANCINI, ESQ.
PA I.D. No. 39353

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

APR 25 2007



Attest.


William A. Gitterman
Prothonotary/
Clerk of Courts

Daniel Mancini & Associates
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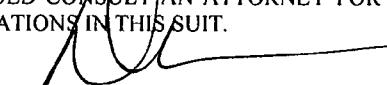
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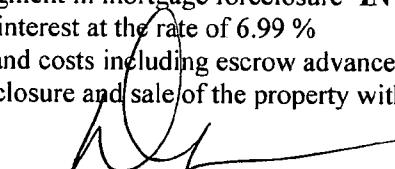

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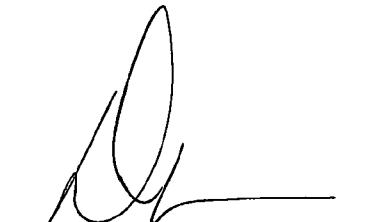
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Dated this 23rd Day of April, 2007



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Attorney Bar: Pa 39353

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COMMONWEALTH OF PENNSYLVANIA

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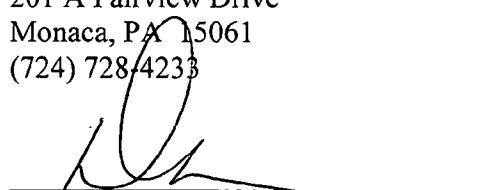
Type of Pleading
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Attorney at Law
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By: DANIEL J. MANCINI, ESQ.
PA I.D. No. 39353

FILED Atty pd. 7.00

OCT 05 2007 Compl. Reinstate

to Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

(6K)

original

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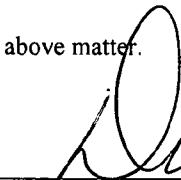
MORTGAGE FORECLOSURE

DARLENE C. NINOSKY
DEFENDANT

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Complaint for Mortgage Foreclosure in the above matter.



DANIEL J. MANCINI, ESQUIRE
ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103275
NO: 07-654-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: MERS INC AS NOMINEE FOR AEGIS MORTGAGE CORPORATION f/k/a
vs.
DEFENDANT: DARLENE C. NINOSKY

SHERIFF RETURN

NOW, October 19, 2007 AT 10:41 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DARLENE C. NINOSKY DEFENDANT AT 238 ROSE ST., IRVONA, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DARLENE C. NINOSKY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MANCINI	9199	10.00
SHERIFF HAWKINS	MANCINI	9199	35.19

FILED
03:20pm
FEB 06 2008
CM

William A. Shaw
Prothonotary/Clerk of Courts

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff

Sworn to Before Me This
____ Day of 2008
2007

FILED

FEB 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED *Re*

MAR 04 2009

112:15 am

William A. Shaw

Prothonotary/Clerk of Courts

I went to Attr

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

CIVIL ACTION – LAW

MERS INC AS NOMINEE FOR
AEGIS MORTGAGE CORPORATION
F/K/A AEGIS FUNDING CORPORATION
PLAINTIFF

VS

DARLENE C. NINOSKY
DEFENDANT

CERTIFICATE OF LOCATION

238 ROSE STREET
IRVONA, PA 16656

BOROUGH OF IRVONA

PARCEL No: 11-H16-353-86

CIVIL Division
Case Number: 07-654-CD

Type of Pleading
Praecipe to Discontinue
And Settle Case in
Mortgage Foreclosure

Code and Classification:

Filed on Behalf Of:
Plaintiff

Counsel of Record:

Daniel J. Mancini, Esquire
Attorney at Law
201 A Fairview Drive
Monaca, PA 15061
(724) 728-4233

By: DANIEL J. MANCINI, ESQ.
PA I.D. No. 39353

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

MERS INC AS NOMINEE FOR AEGIS
MORTGAGE CORPORATION F/K/A
AEGIS FUNDING CORPORATION

CIVIL DIVISION

VS.

DARLENE C. NINOSKY

FILE NO 07-654-CD

PRAECIPE AND POWER OF ATTORNEY FOR SATISFACTION AND/OR TERMINATION

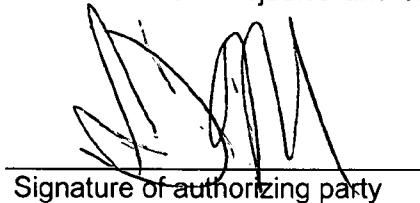
TO THE PROTHONOTARY OF SAID COURT:

You are hereby authorized, empowered, and directed to enter, as indicated, the following on the records thereof:

A.1. --X-- The within suit is Settled, Discontinued, Ended and costs paid.
2. ---- the within suit is Settled, Discontinued, Ended WITHOUT Prejudice and costs paid.

Date: March 2, 2009

WITNESS {if signer is other than a registered attorney}:



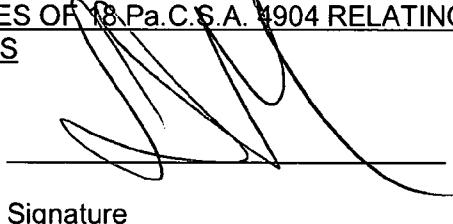
Signature of authorizing party

Attorney
Attorney or Notary

Daniel J. Mancini Esq.
Type or print name of above signer

COST PAYMENT VERIFICATION

I UNDERSTAND THAT THE ABOVE ACTION CANNOT BE FILED AND DOCKETED UNTIL ALL COSTS HAVE BEEN PAID, INCLUDING SHERIFF'S COSTS: AND HEREBY VERIFY ALL COSTS HAVE BEEN PAID. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES OF 18 Pa.C.S.A. 4904 RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES



Signature