

RTR Prop et al vs Danielle Bobby et al
2007-756-CD

§7-756-CD
RTR Prop. Vs Danielle Bobby

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, Assignee of U.S.
BANK NATIONAL ASSOCIATION ND,
Assignee of FIRSTPLUS BANK,

Plaintiff,

vs.

DANIELLE BOBBY

Defendant.

CIVIL DIVISION

NO. 07-756-CJ

**COMPLAINT IN MORTGAGE
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

3/15/07
MAY 14 2007
FILED
Atty pd \$85.00
ICC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

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

RTR PROPERTIES, LLC, et al.)
 Plaintiff,)
 vs.)
))
DANIELLE BOBBY))
 Defendant.)

NO:

COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND 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 SHOULD 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.

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

**PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 - EXT. 20**

COMPLAINT IN MORTGAGE FORECLOSURE

NOW, comes the Plaintiff by its attorneys, Louis P. Vitti and Associates, P.C. and Louis P. Vitti, Esquire, and pursuant to the Pennsylvania Rules of Civil Procedure Numbers 1141 through 1150, for its Complaint in Mortgage Foreclosure, sets forth the following:

1. Plaintiff is a limited liability company duly authorized to conduct business within the laws of the Commonwealth of Pennsylvania, having a principal place of business located at 1750 Regal Row, Suite 120, Dallas TX 75235.
2. Defendant Danielle Bobby is an adult individual with a last known mailing address of 1166 Route 410, Punxsutawney, PA 15767. Said Defendant is an heir of a deceased mortgagor and the real owner of the mortgaged property.
3. The mortgagors were Daniel F. Bobby and Tina M. Bobby (hereinafter "Daniel" and "Tina"), each of whom died July 27, 2005.
4. The property address is RR1, Box 236, Rockton, Pennsylvania 15856 a/k/a 87 Sunset Lake Road, Rockton, PA 15856 and is the subject of this action.
5. On the 11th day of July, 1998, in consideration of a loan of Thirty Five Thousand and 00/100 (\$35,000.00) Dollars made by FirstPlus Bank, a CA corporation, to Daniel and Tina, the said Daniel and Tina executed and delivered to FirstPlus Bank, a CA corporation, a "Note" secured by a Mortgage with Daniel and Tina as mortgagors and FirstPlus Bank, as mortgagee, which mortgage was recorded on the 8th day of September, 1998, in the Office of the Recorder of Deeds of Clearfield County, in Mortgage Book

Volume 1966, page 357. The said mortgage is incorporated herein by reference thereto as though the same were set forth fully at length.

6. The premises secured by the mortgage are:

SEE EXHIBIT "A" ATTACHED HERETO.

7. On the 11th day of July, 1998, FirstPlus Bank, a CA corporation, assigned to the Plaintiff, U.S. Bank National Association ND, the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 20th day of February, 2001 at No. 200102456. The said assignment is incorporated herein by reference.

8. Subsequent thereto, U.S. Bank National Association ND, assigned to the Plaintiff, RTR Properties, LLC., the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County and the said assignment is incorporated herein by reference.

9. Said mortgage provides, inter alia:

"that when as soon as the principal debt secured shall become due and payable, or in case default shall be made in the payment of any installment of principal and interest, or any monthly payment, keeping and performance by the mortgagor of any of the terms, conditions or covenants of the mortgage or note, it shall be lawful for mortgagee to bring an Action of Mortgage Foreclosure, or other proceedings upon the mortgage, of principal debt, interest and all other recoverable sums, together with attorney's fees."

10. Since July 17, 2005, the mortgage has been in default by reason, inter alia, of the failure of the mortgagor(s) to make payments provided for in the said mortgage (including principal and interest) and, under the terms of the mortgage, the entire principal sum is due and payable.

11. In accordance with the appropriate Pennsylvania Acts of Assembly and the Pennsylvania

Rules of Civil Procedure, the mortgagor(s) has been advised in writing of the mortgagees intention to foreclose. The appropriate time period has elapsed since the Notice of Intention to Foreclose has been served upon the mortgagor(s).

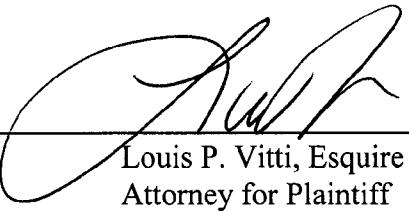
12. The amount due on said mortgage is itemized on the attached schedule.
13. Pursuant to Pennsylvania Rule of Civil Procedure 1144, the Plaintiff releases from liability for the debt secured by the mortgage any mortgagor, personal representative, heir or devisee of the mortgagor who is not a real owner of the property as evidenced by the last recorded deed of record at the time of the filing of this Complaint.

WHEREFORE, pursuant to Pennsylvania Rule of Civil Procedure Number 1147(6), Plaintiff demands judgment for the amount due of Forty Four Thousand Six Hundred Seventy and 03/100 Dollars (\$44,670.03) with interest and costs.

Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY


Louis P. Vitti, Esquire
Attorney for Plaintiff

BOBBY

SCHEDULE OF AMOUNTS DUE UNDER MORTGAGE

Unpaid Principal Balance		32,570.52			
Interest @ 11.9900%	from	06/17/05	through	5/31/2007	7,628.52
(Plus \$10.6992 per day after 5/31/2007)					
Late charges through	5/10/2007				
0 months @	20.00				
Accumulated beforehand					106.05
(Plus \$20.00 on the 17th day of each month after	5/10/2007)				
Attorney's fee		1,628.53			
Escrow deficit		<u>2,736.41</u>			

(This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)

BALANCE DUE **44,670.03**

B.B.Y

ALL that certain piece, parcel or tract of land situate, lying and
being in the Shaffer Mining Subdivision in the Township of Union,
Clearfield County, Pennsylvania, bounded and described as follows, to
wit:

BEGINNING at a 1" iron pipe set at the Southwestern most corner
of the land hereby conveyed, said iron pipe also being the North-
western most corner of Lot No. 1 of the aforementioned subdivision
and also on the Eastern right of way line of the Baltimore & Ohio
Railroad and running; thence North 14° 31' West 292.4 feet along
the Eastern right of way of the Baltimore & Ohio Railroad to a 1"
iron pipe set at the Northwestern most corner of the land hereby
conveyed; thence South 79° 34' East 716.7 feet along the land of
Lot No. 3 in the aforementioned subdivision to a point in LR 17029
at the Northeastern most corner of the land hereby conveyed; thence
South 07° 39' West 265.5 feet along LR 17029 to a point at the
Southeastern most corner of the land hereby conveyed; thence North
79° 34' West 606.2 feet along the land of Lot No. 1 in the afore-
mentioned subdivision to a 1" iron pipe set at the Southwestern
most corner of the land hereby conveyed and the point of beginning.
Containing 4.0 acres. Being Lot No. 2 in the Shaffer Mining Sub-
division, plot plan of which is hereto attached and made a part
hereof.

EXHIBIT "A"

VERIFICATION

NOW Louis P. Vitti verifies that the statements made in this Complaint are true and correct to the best of his knowledge, information and 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.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



A handwritten signature in black ink, appearing to read "Vitti", is enclosed within a thin oval border. Below the signature, the name "Louis P. Vitti" is printed in a standard black font.

Dated: May 10, 2007

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC., assignee of U.S.
BANK NATIONAL ASSOCIATION ND,
assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

Plaintiff

**PETITION TO DIRECT SHERIFF'S
RETURN**

vs.

DANIELLE BOBBY,

Defendant.

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED *no cc*
MAY 10 2007
JUN 29 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

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

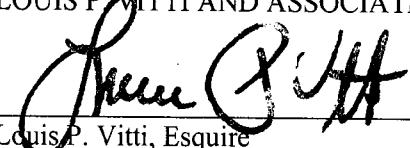
RTR PROPERTIES, LLC., assignee of U.S. BANK NATIONAL) NO. 07-756-CD
ASSOCIATION ND, assignee of FIRSTPLUS BANK,)
Plaintiff,)
vs.)
DANIELLE BOBBY,)
Defendant.)

PETITION TO DIRECT SHERIFF'S RETURN

1. Petitioners is the Plaintiff of the above caption number and term.
2. The Defendants, Danielle Bobby are defendants/ mortgagors at the above caption number and term.
3. The action that is filed is an action in mortgage foreclosure for obtaining possession of property for failure to pay mortgage
4. The defendants have been served and have relocated to Jefferson County and have abandoned the property. See Exhibit "A" and Exhibit "B"
5. In spite of the status of the case, in that judgment may be entered and sale scheduled, the Sheriff is unable to make the timely return of service.
6. The property in question is abandoned and is subject to vandalism, destruction and other damage while awaiting return of service by the Office of the Sheriff not with standing that sale must be scheduled for return of the secured property to the Plaintiff.

Wherefore, the Petitioner prays that this Honorable Court enter an order directing the Office of the Sheriff to duly required sheriff return of service to allow this case to proceed and protect the security for which the loan was made.

Respectfully submitted,
LOUIS P. VITTI AND ASSOCIATES, P.C.



Louis P. Vitti, Esquire
Attorney for Petitioner

Kathy Carr

From: Kathy Carr [Kathy@vittilaw.com] on behalf of Kathy Carr
Sent: Wednesday, June 20, 2007 2:49 PM
To: 'april_toms@rtresolutions.com'
Subject: Daniel F. Bobby #2025401

Hi April! Hope all is well.

I wanted to let you know that service was completed on this case on May 30, 2007, however, the Sheriff's office has a delay in sending the return of service (actually 2 months). We are checking into whether or not the Clearfield County Prothonotary will allow us to enter judgment without the return since service has been made.

We will keep you advised of the status of this case as soon as we hear from them. Thanks - Kathy

EXHIBIT" A "

IMPORTANT MESSAGE

FOR KC DATE 6-20-07 TIME 11:45
M Sheriff - Clappard A.M.
OF Marilyn P.M.
PHONE 814-765-2691 AREA CODE 814 NUMBER 765-2691 EXTENSION
 FAX on 814-765-2657
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE Called re: SVC.
6-20-07 - She called back Sat,
Danielle BOBBY WAS SERVED by
Jefferson County on 5/30/07.
Said she is just now typing
March returns. Not sure when
SIGNED return will be sent

FORM 3002S
MADE IN U.S.A.KCEXHIBIT B

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this petition are true and correct to the best of his knowledge, information and 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.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the Court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 6/27/07

CERTIFICATE OF SERVICE

I, Louis P. Vitti, hereby certify that on the 27th day of June , 2007, a true and correct copy of the within Petition to Direct Sheriff's Return was served upon the following by Regular U.S. Mail:

*Danielle Bobby
1166 Route 410
Punxsutawney, PA 15767*

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Louis P. Vitti, Esquire

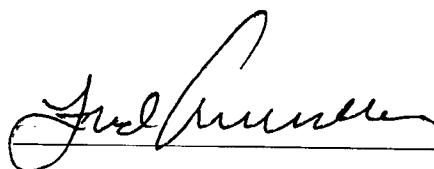
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RTR PROPERTIES, LLC., assignee of U.S. BANK NATIONAL) NO. 07-756-CD
ASSOCIATION ND, assignee of FIRSTPLUS BANK,)
Plaintiff,)
vs.)
DANIELLE BOBBY,)
Defendant.)

ORDER OF COURT

AND NOW, this 29 day of June, 2007, upon consideration of the
Petition for Court Order to Instruct the Clearfield County Sheriff's Office to File Sheriff's Return, it is
hereby ORDERED, ADJUDGED and DECREED that the Sheriff of Clearfield County is to file the
Sheriff's Return with the Prothonotary's Office on or before July 16, 2007

BY THE COURT:

 J.

FILED 10:25 AM
OCT 02 2007
JUL 02 2007
copy to shff
B
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102791
NO: 07-756-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: RTR PROPERTIES, LLC, Assignee
vs.
DEFENDANT: DANIELLE BOBBY

SHERIFF RETURN

NOW, May 14, 2007, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DANIELLE BOBBY.

NOW, May 21, 2007 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DANIELLE BOBBY, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
07/03/2007
JUL 03 2007
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102791
NO: 07-756-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: RTR PROPERTIES, LLC, Assignee
vs.
DEFENDANT: DANIELLE BOBBY

SHERIFF RETURN

NOW, May 30, 2007 AT 2:16 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DANIELLE BOBBY DEFENDANT AT 487 SUNSET LAKE ROAD, ROCKTON, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO ROBERT JAMES MALLORY, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102791
NO: 07-756-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: RTR PROPERTIES, LLC, Assignee
vs.
DEFENDANT: DANIELLE BOBBY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	VITTI	4068	10.00
SHERIFF HAWKINS	VITTI	4068	42.61
JEFFERSON CO.	VITTI	4071	37.34

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

No. 07-756 C.D.

Now, May 21, 2007 I return the Notice and Complaint in Mortgage Foreclosure for DANIELLE BOBBY, Defendant, to the Clearfield County Sheriff's Office marked "not found; defendant is no longer at this address and is believed to be living somewhere in Rockton which is located in Clearfield County".

Advance Costs Received:	\$125.00	
My Costs:	35.34	Paid
Prothy:	2.00	
Total Costs:	37.34	
REFUNDED:	\$ 87.66	

Sworn and subscribed
to before me this 22nd
day of May 2007
By James A. Denka

My Commission Expires the
1st Monday, January 2010

So Answers,


James A. Denka
Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC., assignee of U.S.
BANK NATIONAL ASSOCIATION ND,
assignee of FIRSTPLUS BANK,

Plaintiff,
vs.

DANIELLE BOBBY,

Defendant.

CIVIL DIVISION

NO.
NO. 07-756-CD

AFFIDAVIT OF SERVICE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
PA I.D. #3810
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED
M 112 47 61
JUL 05 2007
NO CC

William A. Shaw
Prothonotary/Clerk of Courts

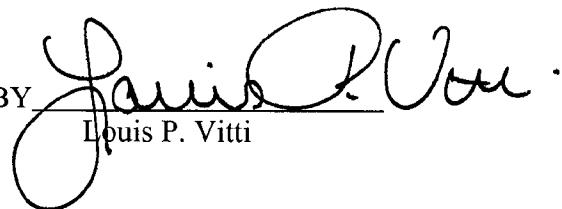
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RTR PROPERTIES, LLC., assignee of U.S. BANK NATIONAL) NO. 07-756-CD
ASSOCIATION ND, assignee of FIRSTPLUS BANK,)
Plaintiff,)
vs.)
DANIELLE BOBBY,)
Defendant.)

AFFIDAVIT OF SERVICE

I, Louis P. Vitti , do hereby certify that the Order of Court Directing Sheriff to File Service Returns has been served upon the Sheriff's Office by via facsimile on July 3, 2007, instructing them to fulfill the orders instructions.

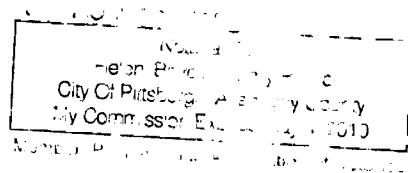
LOUIS P. VITTI & ASSOCIATES, P.C.

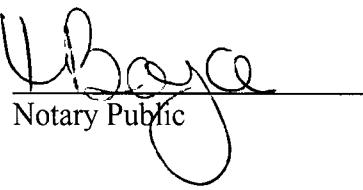
BY 
Louis P. Vitti

SWORN to and subscribed

before me this 3rd day

of July, 2007.




Notary Public

LOUIS P. VITTI & ASSOCIATES, P.C.

916 Fifth Avenue
Pittsburgh, PA 15219

PHONE: (412) 281-1725

FAX: (412) 281-3810



FACSIMILE TRANSMITTAL

DATE: 7/3/07

ADDRESSEE:	Real Estate Department
COMPANY:	Sheriff of Clearfield County
YOUR FAX NUMBER:	1-814-765-5915
FROM:	Helen

Number of Pages (including cover): 4

RE: US Bank, et al vs. Paul Wilcox No. 2007-375-CD
RTR Properties, et al vs. Danielle Bobby No. 07-756-CD
Wachovia Bank, et al vs. William Dunlap No. 06-1713-CD

ADDITIONAL COMMENTS:

To follow are copies of 3 different Order or Courts instructing the Sheriff's Office to file the Sheriff returns on or about July 16, 2007. Please execute on said order.

Original Copy to follow by mail: Yes No

NOTE: If you have difficulty receiving this transmittal, please call (412) 281-1725. Thank you.

THIS FACSIMILE CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE ABOVE NAMED INDIVIDUAL OR COMPANY. IF THE READER IS NOT THE INTENDED RECIPIENT, EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED PARTY, YOU ARE HEREBY NOTIFIED THAT DISSEMINATION OR COPYING OF THIS FACSIMILE IS PROHIBITED BY LAW. IF YOU RECEIVE THIS FACSIMILE IN ERROR, PLEASE NOTIFY THE ABOVE BY TELEPHONE OR RETURN THE ORIGINAL FACSIMILE BY THE U.S. POSTAL SERVICE. THANK YOU.

HP LaserJet 3330

HP LASERJET 3200



Jul-3-2007 1:03PM

Fax Activity Log

Job	Date	Time	Type	Identification	Duration	Pages	Result
281	5/ 1/2007	9:05:22AM	Receive	717 238 7158	1:58	2	OK
282	5/ 1/2007	2:56:12PM	Send	16104786222	0:37	1	OK
283	5/ 2/2007	10:18:00AM	Send	19379137289	4:00	3	OK
284	5/ 4/2007	10:15:37AM	Monitor Dial		0:00	0	Stop
285	5/ 4/2007	10:16:28AM	Send		0:00	0	Busy
286	5/ 4/2007	10:17:56AM	Send	7248303459	0:31	1	OK
287	5/ 7/2007	12:51:59PM	Send	18146954737	0:55	1	OK
288	5/ 8/2007	9:31:57AM	Send	18144566323	0:00	0	Busy
289	5/ 8/2007	9:33:43AM	Send	18144566323	0:00	0	Busy
290	5/ 8/2007	9:39:32AM	Send	18144566323	0:00	0	Busy
291	5/ 8/2007	9:45:27AM	Send	18144566323	0:00	0	Busy
292	5/ 8/2007	9:51:14AM	Send	18144566323	0:00	0	Busy
293	5/ 8/2007	9:56:46AM	Send	18144566323	0:00	0	Busy
294	5/ 8/2007	3:43:56PM	Receive		0:34	0	No Fax Detected
295	5/10/2007	7:28:23AM	Send	18773219650	2:47	6	OK
296	5/11/2007	11:22:49AM	Receive		1:03	0	No Fax Detected
297	5/11/2007	11:26:25AM	Receive	412 918 7360	0:18	1	OK
298	5/14/2007	8:54:49AM	Send	17246621603	1:50	1	OK
299	5/15/2007	9:51:03AM	Receive	4122814523	1:05	1	OK
300	5/15/2007	9:58:13AM	Receive	4122814523	1:35	1	OK
301	5/23/2007	2:13:13PM	Send	17247331040	1:40	1	OK
302	5/30/2007	9:08:21AM	Send	15708305131	1:09	1	OK
303	5/30/2007	10:47:49AM	Send	15708251849	1:00	1	OK
304	5/30/2007	10:52:01AM	Send	17177714631	0:29	1	OK
305	5/31/2007	10:18:52AM	Monitor Dial		0:00	0	Stop
306	5/31/2007	10:19:48AM	Send	16108911765	1:08	1	OK
307	5/31/2007	10:59:33AM	Send	15708251849	1:20	1	OK
308	6/ 5/2007	1:45:20PM	Send	12156863971	1:11	1	OK
309	6/ 8/2007	11:56:08AM	Send	12156863971	0:56	1	OK
310	6/11/2007	3:14:34PM	Monitor Dial		0:00	0	Stop
311	6/11/2007	3:15:17PM	Send		0:00	0	Busy
312	6/11/2007	3:16:49PM	Send	12156863971	0:00	0	Busy
313	6/11/2007	3:22:16PM	Send	12156863971	0:30	1	OK
314	6/19/2007	11:34:14AM	Send	12156863971	0:43	1	OK
315	6/19/2007	11:47:56AM	Send	17246529646	0:47	1	OK
316	6/20/2007	8:37:10AM	Send	17173346521	1:25	1	OK
317	6/21/2007	10:13:16AM	Send	16109730124	6:52	7	OK
318	6/22/2007	9:11:12AM	Send	18143375062	1:23	1	OK
319	6/25/2007	10:33:17AM	Send	4125212160	1:11	2	OK
*320	7/ 3/2007	1:00:29PM	Send	18147655915	3:29	4	OK

FILED

JUL 23 2007

M/2:55 PM

William A. Shaw

Prothonotary/Clerk of Courts

NOTICE to

DEPT-

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, assignee of U.S.
BANK NATIONAL ASSOCIATION, ND,
assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

**PRAECIPE FOR DEFAULT
JUDGMENT, CERTIFICATION OF
MAILING AND AFFIDAVIT OF NON-
MILITARY SERVICE**

vs.

DANIELLE BOBBY,

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Defendants.

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, :
Plaintiff, : NO. 07-756-CD
vs. :
DANIELLE BOBBY, :
Defendant. :

PRAECIPE FOR DEFAULT JUDGMENT
AND ASSESSMENT OF DAMAGES

TO: PROTHONOTARY OF CLEARFIELD

Enter judgment in Default of an Answer in the amount of **\$45,204.99**, in favor of the RTR Properties, LLC, et al, Plaintiff in the above-captioned action, against the Defendants, **Danielle Bobby** and assess Plaintiff's damages as follows and/or as calculated in the Complaint:

Unpaid Principal Balance	\$32,570.52
Interest from 06/17/05-07/20/07 (Plus 6.00% per day after 07/20/07)	8,163.48
Late charges (Plus \$20.00 per month from 05/10/07-Sale Date)	106.05
Attorney's fee	1,628.53
Escrow Deficit (Plus any additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)	<u>2,736.41</u>
Total Amount Due	<u>\$45,204.99</u>

The real estate, which is the subject matter of the Complaint, is situate in the Shaffer Mining Subdivision, Union Twp, Clearfield Cty & Cmwlth of PA. HET a dwg k/a RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856. Parcel No. 129-E07-000-00062.



Louis P. Vitti, Esquire
Attorney for the Plaintiff

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, :
Plaintiff, : NO. 07-756-CD
vs. :
DANIELLE BOBBY, :
Defendant. :
:

CERTIFICATION OF MAILING

I, Louis P. Vitti, do hereby certify that a Notice of Intention to Take Judgment was mailed to the Defendant(s), in the above-captioned case on July 5, 2007, giving ten (10) day notice that judgment would be entered should no action be taken.

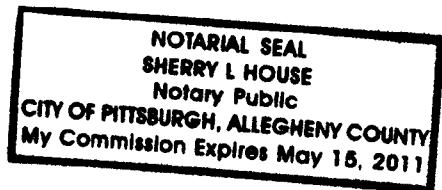
LOUIS P. VITTI & ASSOCIATES, P.C.

BY:


Louis P. Vitti, Esquire
Attorney for Plaintiff

SWORN to and subscribed
before me this 20th day
of July, 2007.


Sherry L. House
Notary Public



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

RTR PROPERTIES, LLC, assignee of U.S. BANK NATIONAL
ASSOCIATION ND, assignee of FIRSTPLUS BANK,

NO. 07-756-CD

Plaintiff,

vs.

DANIELLE BOBBY,

Defendant.

IMPORTANT NOTICE

TO: Danielle Bobby
487 Sunset Lake Road
Rockton, PA 15856

Date of Notice: **July 5, 2007**

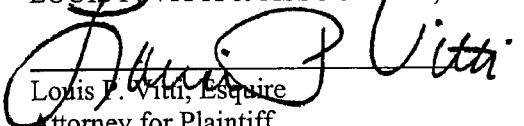
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN (10) DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

YOU SHOULD TAKE THIS NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

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

PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641, EXT. 20

BY:

LOUIS P. VITTI & ASSOCIATES, P.C.

Louis P. Vitti, Esquire
Attorney for Plaintiff
916 Fifth Avenue
Pittsburgh, PA 15219

**** 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
CIVIL DIVISION

COMMONWEALTH OF PENNSYLVANIA, SS:

COUNTY OF ALLEGHENY

BEFORE me, the undersigned authority, personally appeared Louis P. Vitti, Esquire, who, being duly sworn according to law, deposes and says that he is advised and believes that DEFENDANT(S) is/are not presently in the active military service of the United States of America and not members of the Army of the United States, United States Navy, the Marine Corps, or the Coast Guard, and not officers of the Public Health Service detailed by proper authority for duty with the Army or Navy; nor engaged in any active military service or duty with any military or naval units covered by the Soldiers and Sailors Civil Relief Act of 1940 and designated therein as military service, and to the best of this affiant's knowledge is/are not enlisted in military service covered by said act, and that the averments herein set forth, insofar as they are within his knowledge, are correct, and true; and insofar as they are based on information received from others, are true and correct as he verily believes.

This Affidavit is made under the provisions of the Soldiers and Sailors Civil Relief Act of 1940.

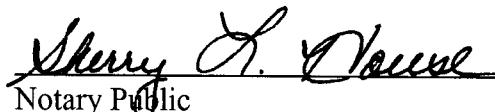


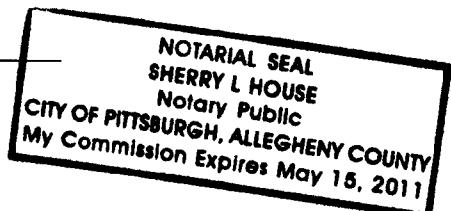
Louis P. Vitti, Esquire

SWORN to and subscribed

before me this 20th day

of July, 2007.


Sherry L. House
Notary Public



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

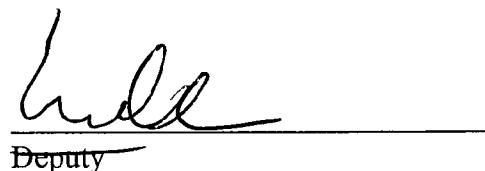
RTR PROPERTIES, LLC, assignee of U.S. BANK	:	
NATIONAL ASSOCIATION ND, assignee of	:	
FIRSTPLUS BANK,	:	
	:	NO. 07-756-CD
Plaintiff,	:	
	:	
vs.	:	
	:	
DANIELLE BOBBY,	:	
	:	
Defendant.	:	

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: DEFENDANT(S)

You are hereby notified that a judgment was entered in the above-captioned proceeding
on the 23 day of July 2007.

Judgment is as follows: \$45,204.99.



Deputy

** 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.**

FILED

JUL 23 2007
M/ 3:15 PM
William A. Shaw
Prothonotary/Clerk of Courts
6 Court to Sitter
w/6 w nts.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, assignee of U.S.
BANK NATIONAL ASSOCIATION, ND,
assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

**PRAECIPE FOR WRIT OF
EXECUTION AND AFFIDAVIT OF
LAST KNOWN ADDRESS**

vs.

Code MORTGAGE FORECLOSURE

DANIELLE BOBBY,

Filed on behalf of
Plaintiff

Defendants.

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, :
Plaintiff, : NO. 07-756-CD
vs. :
DANIELLE BOBBY, :
Defendant. :
:

**PRAECIPE FOR WRIT OF
EXECUTION IN MORTGAGE FORECLOSURE**

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Issue a Writ of Execution in favor of the Plaintiff and against the Defendant(s) in the
above-captioned matter as follows:

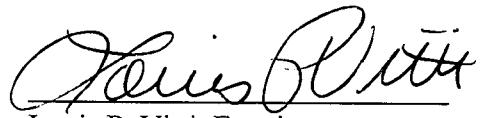
Amount Due \$45,204.99

Interest 07/21/07-Sale Date Prothonotary costs \$115.00

Total \$ _____

The real estate, which is the subject matter of the Praeclipe for Writ of Execution is situate
in:

Shaffer Mining Subdivision, Union Twp, Clearfield Cty & Cmwlth of PA. HET a dwg k/a RR 1, Box
236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856. Parcel No. 129-E07-000-
00062.


Louis P. Vitti, Esquire
Attorney for Plaintiff

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, :
Plaintiff, : NO. 07-756-CD
vs. :
DANIELLE BOBBY, :
Defendant. :

AFFIDAVIT

I, Louis P. Vitti, do hereby swear that, to the best of my knowledge, information and belief, the Defendant(s), is/are the owners of the real property on which the Plaintiff seeks to execute . That the Defendants' last known address is 487 Sunset Lake Road, Rockton, PA 15856.



Louis P. Vitti
Louis P. Vitti, Esquire

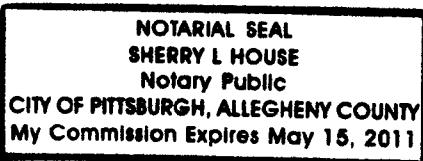
SWORN TO and subscribed

before me this 20th day of

July, 2007.



Sherry L. House
Notary Public



**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

RTR Properties, LLC, assignee of
U.S. Bank National Association ND, assignee of
FirstPlus Bank,

Vs.

NO.: 2007-00756-CD

Danielle Bobby,

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

(1) Shaffer Mining Subdivision, Union Twp. Clearfield Cty & Cmwlth of PA. HET a dwy k/a RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856. Parcel No. 129-E07-000-0062

AMOUNT DUE/PRINCIPAL: \$45,204.99
INTEREST FROM: 07/21/07-Sale Date
ATTY'S COMM: \$
DATE: 07/23/2007

PROTH. COSTS PAID: \$125.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Avenue
Pittsburgh, PA 15219
412-281-1725

Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, assignee of U.S.
BANK NATIONAL ASSOCIATION, ND,
assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

**AMENDED AFFIDAVIT PURSUANT
TO RULE 3129.1**

Plaintiff,

Code MORTGAGE FORECLOSURE

vs.

Filed on behalf of
Plaintiff

DANIELLE BOBBY,

Counsel of record for this
party:

Defendants.

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED NO
M10:3824
AUG 13 2007
WES

William A. Shaw
Prothonotary/Clerk of Courts

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, :
Plaintiff, : NO. 07-756-CD
vs. :
DANIELLE BOBBY, :
Defendant. :
:

AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1

RTR Properties, LLC, et al, 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 RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856.

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)
Danielle Bobby 487 Sunset Lake Road
Rockton, PA 15856

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)
Same as No. 1 above.

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)
None

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

Name	Address (Please indicate if this cannot be reasonably ascertained)
Advanta Finance Corp.	300 Penn Center Boulevard, Suite 417 Pittsburgh, PA 15235
Advanta Finance Corp.	16875 West Bernardo Drive San Diego, CA 92127
Bankers Trust Company of CA, N.A. as Custodian or Trustee	3 Park Plaza, 16th Floor Irvine, CA 92614
Deutsche Bank National Trust Co. as Trustee f/k/a Bankers Trust Company of CA, N.A. As Custodian or Trustee by: Chase Home Finance LLC, Successor by merger with Chase Manhattan Mortgage Corp, Attorney In Fact	10790 Rancho Bernardo Rd, Dept. 410 San Diego, CA 92127
Chase Home Finance, LLC	10790 Rancho Bernardo Road San Diego, CA 92127
Household Realty Corporation Routes 356 and 58	160 Point Plaza Store 6 Butler, PA 16003

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

Name	Address (Please indicate if this cannot be reasonably ascertained)
None	

6. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

Name	Address (Please indicate if this cannot be reasonably ascertained)
None	

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

Name

Address (Please indicate if this cannot be reasonably ascertained)

Tax Collector of Union Township
c/o Judith Laborde Crosswaite

RR 1, Box 35
Rockton, PA 15856

Union Township Municipal Authority

P.O. Box
Rockton, PA 15856

Commonwealth of PA -DPW

P.O. Box 8016
Harrisburg, PA 17105

Clerk of Courts
Criminal/Civil Division

P.O. Box 549
Clearfield, PA 16830

Tax Claim Bureau of Clearfield County

230 East Market Street
Clearfield, PA 16830

Court of Common Pleas of
Clearfield County
Domestic Relations Division

P.O. Box 549
Clearfield, PA 16830

PA Dept. of Sheriff Sales
Bureau of Compliance

Dept. #281230
Harrisburg, PA 17128-1230

Tenant/Occupant

487 Sunset Lake Road
Rockton, PA 15856

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

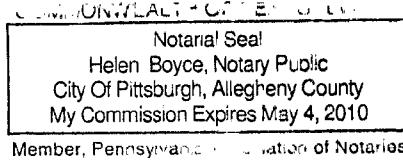
August 10, 2007
Date


Louis P. Vitti, Esquire
Attorney for Plaintiff

SWORN TO and subscribed

before me this 10th day
of August, 2007.

H. Boyce
Notary Public



FILED

SEP 17 2007
M 9:50 AM
William A. Shaw
Prothonotary/Clerk of Courts
No. C/

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, assignee of U.S.
BANK NATIONAL ASSOCIATION ND,
assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

AFFIDAVIT OF SERVICE

Plaintiff,

Filed on behalf of
Plaintiff

vs.

Counsel of record for this
party:

DANIELLE BOBBY,

Louis P. Vitti, Esquire
PA I.D. #3810
Supreme Court #01072

Defendant.

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, :
Plaintiff, : NO. 07-756-CD
vs. :
DANIELLE BOBBY, :
Defendant. :

AFFIDAVIT OF SERVICE

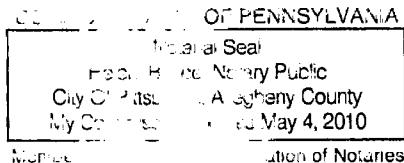
I, Audra J. Hunger, do hereby certify that a Notice of Sale was mailed and served upon all lien holders by Certificate of Mailing for service in the above-captioned case on August 13, 2007, advising them of the Sheriff's sale of the property at RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856, *on October 5, 2007.*

LOUIS P. VITTI & ASSOCIATES, P.C.

BY Audra J. Hunger
Audra J. Hunger

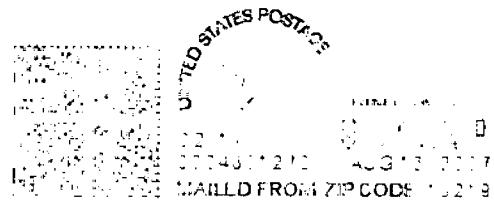
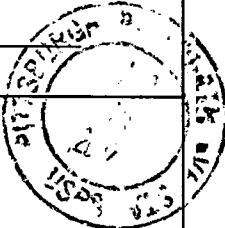
SWORN to and subscribed

before me this 14th day
of September 2007



Ubaico
Notary Public

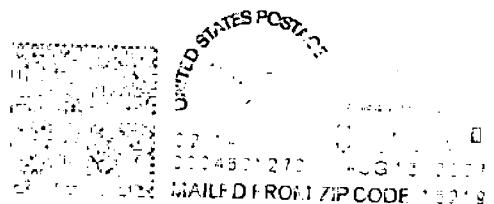
U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
<p>Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219</p>			
One piece of ordinary mail addressed to:			
<p>PA Dept. of Sheriff Sales Bureau of Compliance Dept. #281230 Harrisburg, PA 17128-1230</p>			



PS Form 3817, January 2001

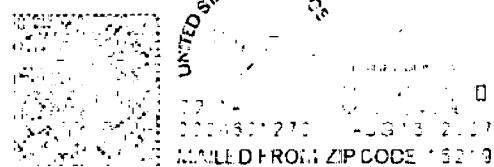
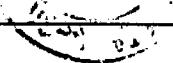
AJ/Bobby/10-5-07

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
<p>Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219</p>			
One piece of ordinary mail addressed to:			
<p>Tenant/Occupant 487 Sunset Lake Road Rockton, PA 15856</p>			



PS Form 3817, January 2001

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:			
<p>Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219</p>			
One piece of ordinary mail addressed to:			
<p>Household Realty Corporation 160 Point Plaza Store 6 Routes 356 and 58 Butler, PA 16003</p>			

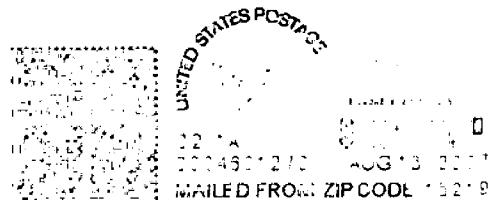


PS Form 3817, January 2001

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From:		
<u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to:		
Clerk of Courts Criminal/Civil Division P.O. Box 549 Clearfield, PA 16830		

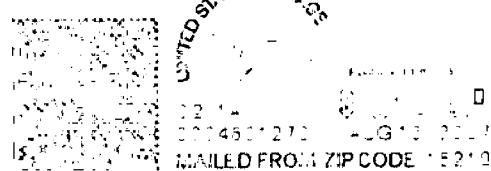
PS Form 3817, January 2001

AJ/Bobby/10-5-07



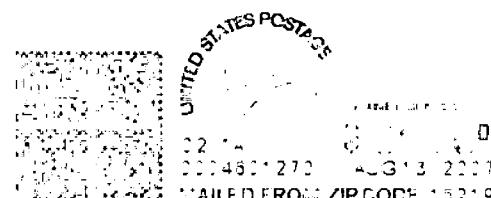
U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From:		
<u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to:		
Tax Claim Bureau of Clearfield County 230 East Market Street Clearfield, PA 16830		

PS Form 3817, January 2001

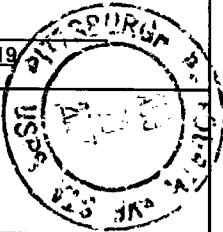


U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From:		
<u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u>		
One piece of ordinary mail addressed to:		
Court of Common Pleas of Clearfield County Domestic Relations Division P.O. Box 549 Clearfield, PA 16830		

PS Form 3817, January 2001



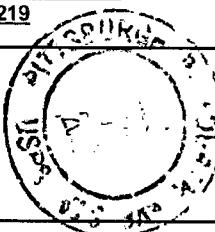
U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:		Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219	
One piece of ordinary mail addressed to:		Chase Home Finance, LLC 10790 Rancho Bernardo Road San Diego, CA 92127	



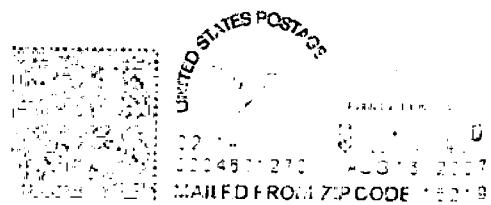
PS Form 3817, January 2001

AJ/Bobby/10-5-07

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:		Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219	
One piece of ordinary mail addressed to:		Tax Collector of Union Township c/o Judith Laborde Crosswaite RR 1, Box 35 Rockton, PA 15856	



PS Form 3817, January 2001

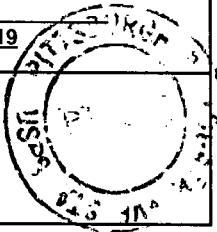


UNITED STATES POSTAGE

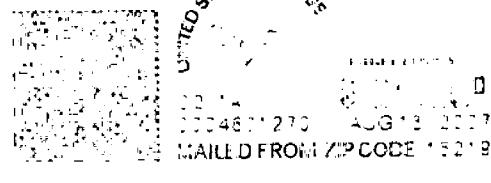
2214611270 AUG 13 2007

MAILED FROM ZIP CODE 15219

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:		Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219	
One piece of ordinary mail addressed to:		Union Township Municipal Authority P.O. Box Rockton, PA 15856	



PS Form 3817, January 2001

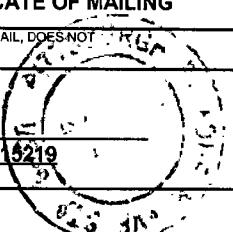


UNITED STATES POSTAGE

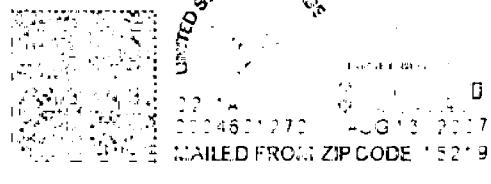
2214611270 AUG 13 2007

MAILED FROM ZIP CODE 15219

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING	
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER			
Received From:		Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219	
One piece of ordinary mail addressed to:		Commonwealth of PA - DPW P.O. Box 8016 Harrisburg, PA 17105	



PS Form 3817, January 2001

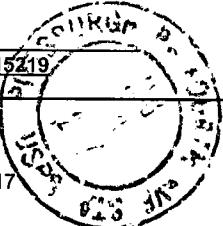


UNITED STATES POSTAGE

2214611270 AUG 13 2007

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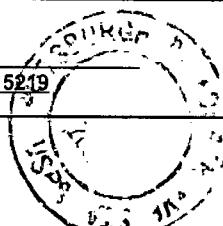
U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219		
One piece of ordinary mail addressed to: Advanta Finance Corp. 300 Penn Center Boulevard, Suite 417 Pittsburgh, PA 15235		



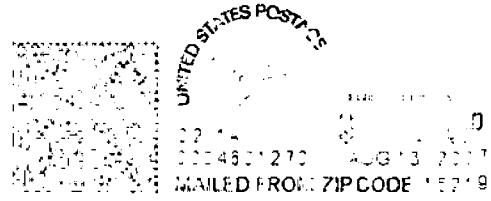
PS Form 3817, January 2001

AJ/Bobby/10-5-07

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219		
One piece of ordinary mail addressed to: Advanta Finance Corp. 16875 West Bernardo Drive San Diego, CA 92127		



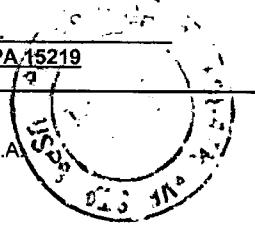
PS Form 3817, January 2001



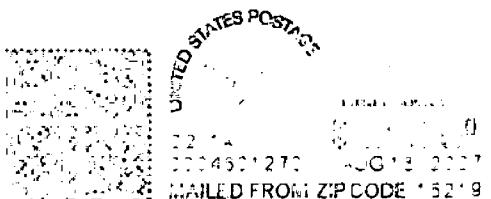
UNITED STATES POSTAGE

623 JK AUG 13 2007
MAILED FROM ZIP CODE 15219

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219		
One piece of ordinary mail addressed to: Bankers Trust Company of CA, N.A. as Custodian or Trustee 3 Park Plaza, 16th Floor Irvine, CA 92614		



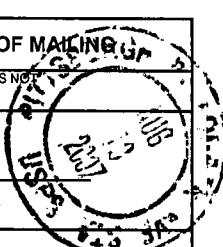
PS Form 3817, January 2001



UNITED STATES POSTAGE

623 JK AUG 13 2007
MAILED FROM ZIP CODE 15219

U.S. POSTAL SERVICE		CERTIFICATE OF MAILING
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER		
Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219		
One piece of ordinary mail addressed to: Deutsche Bank National Trust Co. as Trustee f/k/a Bankers Trust Company of CA, N.A. As Custodian or Trustee by: Chase Home Finance LLC, Successor by merger with Chase Manhattan Mortgage Corp, Attorney in Fact 10790 Rancho Bernardo Rd, Dept. 410 San Diego, CA 92127		



PS Form 3817, January 2001



UNITED STATES POSTAGE

623 JK AUG 13 2007
MAILED FROM ZIP CODE 15219

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

RTR PROPERTIES, LLC, assignee of U.S.
BANK NATIONAL ASSOCIATION, ND,
assignee of FIRTPROCESS BANK,

PLAINTIFF,

No. 07-756-CD

v.

DANIELLE BOBBY,

Type of Pleading:

**PETITION TO SET ASIDE
SHERIFF'S SALE**

Filed By:

**Ralph J. Srock, Jr., and
Ruth K. Srock, Petitioners**

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED
NOV 07 2007
300 AMY Noble
William A. Shaw
Prothonotary/Clerk of Courts
GK

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

RTR PROPERTIES, LLC, assignee of U.S.)
BANK NATIONAL ASSOCIATION, ND,)
assignee of FIRSTPLUS BANK,)
PLAINTIFF,)
v.)
DANIELLE BOBBY,)
DEFENDANT.)

FILED ^{CC}
11/15/2007 Atty Noble
NOV 15 2007
GK

William A. Shaw
Prothonotary/Clerk of Courts

No. 07-756-CD

RULE TO SHOW CAUSE

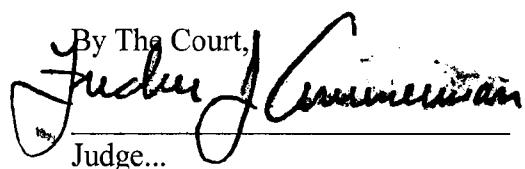
Now, this 14th day of November, 2007, upon consideration of the attached PETITION TO SET ASIDE SHERIFF'S SALE, a RULE is hereby issued upon the Plaintiff, and any other party in interest to SHOW CAUSE why the MOTION should not be granted. RULE RETURNABLE, for filing written response, is set for the 10th day of December, 2007, and hearing will be held on the 21st day of December, 2007, commencing at 10 : 00, A.M., Courtroom No.1, Clearfield County Courthouse.

NOTICE

A PETITION HAS BEEN FILED AGAINST YOU IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PETITION YOU SHOULD DO SO BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE MATTER SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND AN ORDER MAY ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR RELIEF REQUESTED BY THE PETITION. YOU MAY LOSE RIGHTS IMPORTANT TO YOU.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CAN NOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Court Administrator
Second & Market Streets
Clearfield, PA 16830
(814)-765-2641

By The Court,

Judge...

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

RTR PROPERTIES, LLC, assignee of U.S.)
BANK NATIONAL ASSOCIATION, ND,)
assignee of FIRTPROCESS BANK,)
PLAINTIFF,)
v.) No. 07-756-CD
DANIELLE BOBBY,)
DEFENDANT.)

PETITION TO SET ASIDE SHERIFF'S SALE
PURSUANT TO Pa.R.Civ.P 3132

AND now, comes the Petitioners, Ralph J. Srock, Jr., and Ruth K. Srock, being real parties in interest as the successful bidders at the Sheriff's Sale, by and through their counsel of record, Theron G. Noble, Esquire, of Ferraraccio & Noble, who aver as follows in support of their PETITION TO SET ASIDE SHERIFF'S SALE PURSUANT TO Pa.R.Civ.P. 3132:

1. That petitioners are Ralph J. Srock, Jr., and his wife, Ruth K. Srock who do, and at all material times did reside at 3505 Shamokin Trail, Luthersburg, Clearfield County, Pennsylvania 15848.
2. That Petitioners were the successful bidders at the Sheriff's Sale scheduled for and held on October 5, 2007, in the above captioned matter, having paid the total sum of \$59,777.31 as the purchase price and associated costs in two payments of \$5,200 and \$54,577.31.
3. That upon payment of the bid price and costs, Petitioners had a title search performed on the property which revealed numerous irregularities which cause them to request that

said sale be set aside and their money refunded to them, specifically as follows:

- A. The property in question was titled in the names of Daniel F. Bobby and Tina M. Bobby, husband and wife, by deed of Shaffer Mining Corp., dated September 14, 1987 (See Exhibit "A");
- B. That Daniel F. Bobby and Tina M. Bobby were killed in an automobile accident of July 27, 2005 (See Exhibit "B1" and "B2" being copies of the their death certificates);
- C. That from the information available, it appears that the deaths of the Mr. and Mrs. Bobby can not be determined that they were other than simultaneous;
- D. That given the presumption of the simultaneous deaths (See Pa.C.S.A. §8503), each of their estate would be deemed to own a 1/2 interest in all real estate jointly held;
- E. That although estates were probated as to each decedent (1705-444 and 1705-445) in Clearfield County, Pennsylvania, no conveyance from either estate to Defendant Danielle Bobby was filed of record concerning the real property sold at Sheriff's sale;
- F. That the foreclosure action commenced in this matter did not join either estate of the decedents and did not join Danielle Bobby in her capacity as the administrator of either estate;
- G. As such, the owners of the property, being the Estate of Daniel F. Bobby and the Estate of Tina M. Bobby were not joined in the foreclosure action nor received any notice as to the proposed sale;
- H. In addition to the failure to properly join entities holding an ownership interest in the real property, numerous creditors of each decedent filed claims to each estate with the Register of Wills for Clearfield County (See Exhibits "C1-C5" as to Daniel F. Bobby and "D1-D4" as to Tina M. Bobby and "E" as to one claim filed jointly as to each estate);

I. That pursuant to Pa.R.Civ.P. 3129.1, the plaintiff in the mortgage foreclosure action is responsible to file an AFFIDAVIT to advise all parties which might have an interest in the real property subject to sale of the sale (i.e. to give notice);

J. That Plaintiff in this matter did file such an Affidavit, a true and correct copy is attached hereto as Exhibit "F";

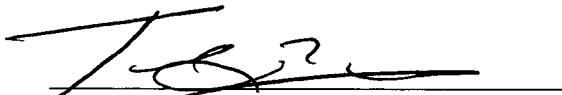
K. That Plaintiff listed Danielle Bobby as the owner of the property when in fact the owners of the property were the Estate of Daniel F. Bobby and the Estate of Tina M. Bobby (See section 1 of Exhibit "F");

L. That Plaintiffs reveal some information as to the record holders of various mortgages against the property (see Section 4 of Exhibit "F") but did not reveal any other person who had (i) a record lien on the property (see Section 5 of Exhibit "F") nor (ii) any person who had an interest of record which might be affected by the sale (see Section 6 of Exhibit "F"); and

M. That none, and certainly not all, entities (i.e. persons) who had claims of record against each of the decedent's estate received notice as required by Pa.R.Civ.P.3129.1 (See sections 5 and 6 of Exhibit "F" and compare with Exhibits "C1-C" and "D1-D4").

WHEREFORE, Petitioners respectfully request that the Sheriff's Sale held on October 5, 2007, be SET ASIDE due to the failure to give due and proper notice to entities holding a valid interest in the ownership of the premises sold or holding a valid lien and or interest of record (i.e. claimants to the Estates of the decedents) and further, that the Sheriff of Clearfield County be directed to return all sums paid by Petitioners on account of such sale, with interest from date of payment.

Respectfully Submitted,



Therop G. Noble, Esquire
Attorney for Petitioners
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

This Deed,

MADE the 14th day of September
in the year nineteen hundred and eighty-seven (1987).

BETWEEN SHAFFER MINING CORP., a Pennsylvania business corporation
with an office and place of business in the Borough of Brookville,
Jefferson County, Pennsylvania, Grantor, party of the first part;

A
N
D

DANIEL F. BOBBY and TINA M. BOBBY, husband and wife, of R. D. DuBois
Clearfield County, Pennsylvania, as tenants by the entireties,
Grantees, parties of the second part.

WITNESSETH, That in consideration of Eighty-Five Hundred (\$8,500.00)

Dollars,

in hand paid, the receipt whereof is hereby acknowledged, the said grantor does hereby grant
and convey to the said grantees,

ALL that certain piece, parcel or tract of land situate, lying and
being in the Shaffer Mining Subdivision in the Township of Union,
Clearfield County, Pennsylvania, bounded and described as follows, to
wit:

BEGINNING at a 1" iron pipe set at the Southwestern most corner
of the land hereby conveyed, said iron pipe also being the North-
western most corner of Lot No. 1 of the aforementioned subdivision
and also on the Eastern right of way line of the Baltimore & Ohio
Railroad and running; thence North 14° 31' West 292.4 feet along
the Eastern right of way of the Baltimore & Ohio Railroad to a 1"
iron pipe set at the Northwestern most corner of the land hereby
conveyed; thence South 79° 34' East 716.7 feet along the land of
Lot No. 3 in the aforementioned subdivision to a point in LR 17029
at the Northeastern most corner of the land hereby conveyed; thence
South 07° 39' West 265.5 feet along LR 17029 to a point at the
Southeastern most corner of the land hereby conveyed; thence North
79° 34' West 606.2 feet along the land of Lot No. 1 in the afore-
mentioned subdivision to a 1" iron pipe set at the Southwestern
most corner of the land hereby conveyed and the point of beginning.
Containing 4.0 acres. Being Lot No. 2 in the Shaffer Mining Sub-
division, plot plan of which is hereto attached and made a part
hereof.

Exhibit "A"

BEING a portion of the same premises which were conveyed to Shaffer
Mining Corp. by deed of Avery Coal Co., Inc., dated April 19, 1985, and
recorded at Clearfield, Pennsylvania, in Deeds and Records Book No.
1008, page 408.

EXCEPTING AND RESERVING unto former grantor, its nominees, grantees,
successors and assigns, to the extent that it has an interest in such
oil and gas, an undivided one-half interest in and to all oil and gas
underlying the above premises and all rights appurtenant thereto,
including, but not limited to, any and all rights necessary to explore
for, drill for, produce and/or store such oil and/or gas.

NOTICE

To comply with the Act of July 17, 1957 (52 P.S. Supp. Section 1551-
1554) notice is hereby given as follows:

VOL 1183 PAGE 113

THIS DOCUMENT MAY NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL, AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND.

662 B

NOTICE

In accordance with the provisions of "The Bituminous Mine Subsidence and Land Conservation Act of 1966", I/we, the undersigned grantee/grantees, hereby certify that I/we know and understand that I/we may not be obtaining the right of protection against subsidence resulting from coal mining operations and that the purchased property may be protected from damage due to mine subsidence by a private contract with the owners of the economic interest in the coal. I/we further certify that this certification is in a color contrasting with that in the deed proper and is printed in twelve point type preceded by the word "notice" printed in twenty-four point type.

Witness:

Daniel G. Babb.....
W.M. Dally.....

This day of

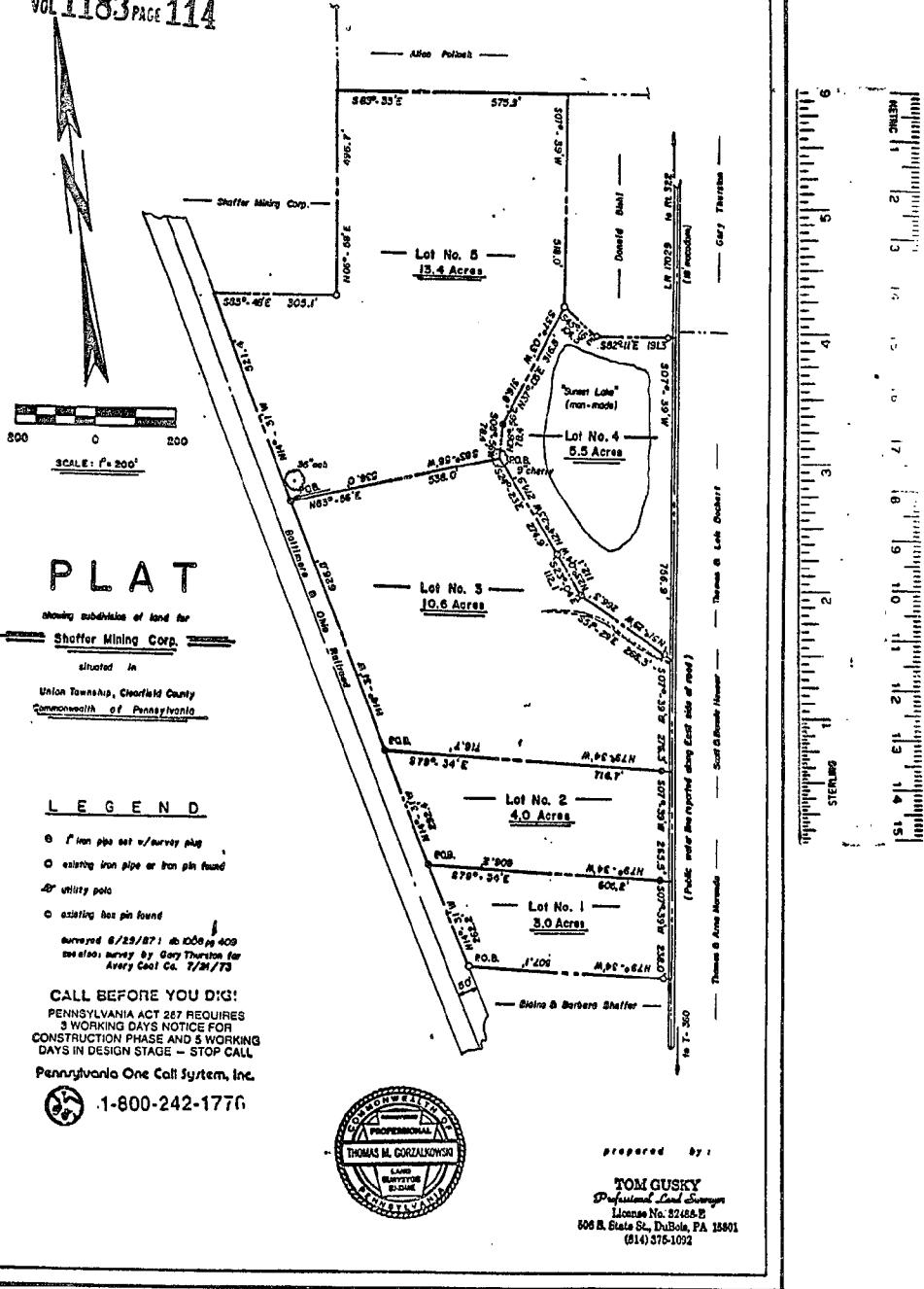
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

REalty TRANSFER SEP 21 1987
TAX PGS 11352

85.00

DUBOIS AREA SCHOOL DISTRICT
1% REALTY TRANSFER TAX
AMOUNT \$ 85.00
PAID 9-21-87 MICHAEL R. LYTHE
Date Agent

VOL 1183 PAGE 114



VOL 1183 PAGE 115

AND the said grantor will GENERALLY WARRANT AND FOREVER DEFEND the property hereby conveyed.

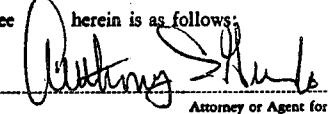
IN WITNESS WHEREOF, the said Grantor has caused this Deed to be signed by its President or a Vice President, and also by its Secretary, or by an Assistant Secretary, or by its Treasurer, or by an Assistant Treasurer, and its Corporate Seal to be hereunto affixed, the day and year first above written.

Attest:

Walter 
By _____ SHAFER MINING CORP.
Secretary _____ President _____
Treasurer _____

CERTIFICATE OF RESIDENCE

I hereby certify, that the precise residence of the grantee *Walter* herein is as follows:
Lot #1, Chapman Village
R. D. DuBois, PA 15801

Walter 
Attorney or Agent for Grantee

Commonwealth of Pennsylvania
County of Clearfield }
} SS:

On this, the 17th day of September, 1987, before me, the undersigned officer, personally appeared *Walter*, who acknowledged himself to be the President of SHAFER MINING CORP., the foregoing corporation, and that as such, he, being authorized by such corporation to do so, executed the foregoing deed for the purpose therein contained by signing his name thereon as such.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Patricia E. Midnight
My Commission Expires 19th
PATRICIA E. MIDNIGHT, Notary Public
DuBois, Clearfield County
My Commission Expires June 27, 1990

VOL 1183 PAGE 116

Commonwealth of Pennsylvania
County of _____ } SS:

I HEREBY CERTIFY that on this _____ day of A.D. 19____, before me, the subscriber, a Notary Public in and for said Commonwealth and County, personally appeared _____, the attorney named in the foregoing Indenture, and by virtue and in pursuance of the authority therein conferred upon him, acknowledged the said INDENTURE to be the act and deed of the said to the intent that the same may be duly recorded.

WITNESS my hand and Notarial Seal the day and year aforesaid.

My Commission Expires

..... SEAL
Notary Public

I HEREBY CERTIFY, that the precise address of the grantee herein is

File Day 8:50 a
Subs 5/22 11:25 a
Gin 5/22 11:25 a

D D

WARRANTY DEED FROM A CORPORATION

Published and Subs by 1

The Pennsylvania Co., Williamsport, Pa. 17701

SHAFER MINING CORP.,

-to-

DANIEL F. BOBBY, et ux.

|||
Dated _____
For _____

Consideration _____
Recorded _____

Entered for Record in the Recorder's
Office of _____ Tax, \$ _____
County, the _____ day of _____
19____ Fees, \$ _____
Recorder _____

ANTHONY S. GUIDO
ATTORNEY AT LAW
P.O. BOX 585
BRODHEAD, PA. 15801

CLEARFIELD COUNTY
ENTERED OF RECORD
TIME 1:54 PM 9-24-87
BY Michael R. Lytle
FEES 15.50
Michael R. Lytle, Recorder

Commonwealth of Pennsylvania
County of CLEARFIELD } SS:

RECORDED in the Office for Recording of Deeds, etc., in and for said County, in
Deed Book No. 1183, Vol. 1183, Page 112

WITNESS my Hand and Official Seal this 21 day of September, 1987

My Commission Expires
First Monday in January, 1988

Michael R. Lytle
Recorder of Deeds

Entered of Record 9/21/1987 1:54 PM Michael R. Lytle, Recorder

WARNING: IT IS ILLEGAL TO ALTER THIS COPY OR
TO DUPLICATE BY PHOTOSTAT OR PHOTOGRAPH.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH VITAL RECORDS

LOCAL REGISTRAR'S CERTIFICATION OF DEATH



Exhibit "B1"

CERT. NO. T 5881723

July 30, 2005

Date of Issue of This Certification

Name of Decedent

Daniel

Middle

Bobby

Sex Male

Social Security No. 171-42-4443

Date of Death July 27, 2005

Date of Birth March 26, 1952 Birthplace

Spangler, PA.

Place of Death

Memorial Med. Center

Cambria

Johnstown

Pennsylvania

Facility Name

County

Borough or Township

Place White

Occupation

Decedent's

Armed Forces? (Yes or No)

No

Marital Status

Widowed

Mailing Address

Number

City, Town

State

Informant

Daniel Bobby

Funeral Director

James E. Kinniger

Name and Address of

Funeral Establishment

Stevens Funeral Homes Inc., 104 N. 5th Ave. Patton, PA.

Interval Between
Onset and Death

(a)

Exsanguination

FILED
OFFICE OF THE REGISTER OF
WILLS OF CLEARFIELD COUNTY

(b)

Ruptured Aorta

AUG 11 2005

(c)

Blunt Force Trauma

KAREN L. STARCK
Register

(d)

Motor Vehicle Accident

Part II: Other Significant Conditions

Manner of Death

Describe how injury occurred:

Motor Vehicle Accident

Natural

Homicide

Accident

Pending Investigation

Suicide

Could not be Determined

Name and Title of Certifier

Jeffrey Lee, D.C., Coroner

(M.D., D.O., Coroner, M.E.)

Address

1100 Franklin St. Suite 700 Johnstown, PA 15901

This is to certify that the information here given is correctly copied from an original certificate
of death duly filed with me as Local Registrar. The original certificate will be forwarded to the
State Vital Records Office for permanent filing.

July 29, 2005

Date Received by Local Registrar

Sarah J. Kirk
Local Registrar/Vital Records
622 Magee Ave. Patton

Street Address

City, Borough, Township

11732
District No.

WARNING: IT IS ILLEGAL TO ALTER THIS COPY OR
TO DUPLICATE BY PHOTOSTAT OR PHOTOGRAPH.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF HEALTH VITAL RECORDS

LOCAL REGISTRAR'S CERTIFICATION OF DEATH

FILED
OFFICE OF THE REGISTER OF
WILLS OF CLEARFIELD COUNTY

AUG 11 2005

KAREN L. STARCK
Register

August 4, 2005
Date of Issue of This Certification

CERT. NO. T 5881783



Exhibit "B2"

Name of Decedent

Tina

M.

Bobby

Sex

Female

Social Security No.

190-48-9688

Date of Death

July 27, 2005

Date of Birth

Oct. 3, 1958

Birthplace

Spanker, PA.

Place of Death

S. R. 36 North

Clearfield

Chest Twp.

Pennsylvania

Facility Name

County

City, Borough or Township

State

Race

White

Occupation

Truck Driver

Armed Forces? (Yes or No)

No

Marital Status

Married

Decedent's

Mailing Address

487 Sunset Lake Rd.

Brockton, PA.

State

Informant

Danielle C. Bobby

Funeral Director

James E. Kriminger

Name and Address of
Funeral Establishment

Stevens Funeral Homes Inc, 1004 N 5th Ave. Patton, PA.

Interval Between
Onset and Death

Part I: Immediate Cause

Fracture of Cervical Spine

Immediate

(a)

Motor Vehicle Accident

(b)

(c)

(d)

Part II: Other Significant Conditions

Blunt Force Trauma to the Chest

Describe how injury occurred:

Passenger in vehicle that
left highway and rolled over.

Manner of Death

Natural

Homicide

Accident

Pending Investigation

Suicide

Could not be Determined

Name and Title of Certifier

John M. Bacaipa, Dep. Coroner

(M.D., D.O., Coroner, M.E.)

Address

Box 11

Monalle, PA.

15157

This is to certify that the information here given is correctly copied from an original certificate
of death duly filed with me as Local Registrar. The original certificate will be forwarded to the
State Vital Records Office for permanent filing.

August 4, 2005

Date Received by Local Registrar

Sarah J. Kirk
Local Registrar of Vital Records
622 Magee Ave. Patton
Street Address
11132
Date Received
City, Borough, Township

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION

NOTICE OF CLAIM

In Re: The Estate of:

Court File No: 1705-0444

DANIEL F BOBBY

Deceased

TO: THE CLERK OF THE ORPHANS' COURT DIVISION:

Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 PA.C.S.A. §3532(b)(2).

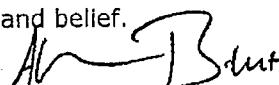
CITICORP CREDIT SERVICES INC (USA)

- 1) Claimant's name: C/O BALOGH BECKER LTD, 4150 OLSON MEMORIAL
- 2) Claimant's address: HWY #200
MINNEAPOLIS, MN 55422
866-234-0513
- 3) Creditor listed below is the owner and holder of a claim in the amount of
\$ 2586.97.
- 4) The facts upon which this claim is based:
This claim is based on an account for credit evidenced by the attached
Affidavit of Account Stated.
- 5) Decedent's address: RD1 BOX 236 ROCKTON, PA 15856
- 6) Date of Death: 07/27/05
- 7) That the claim arose prior to the death of the decedent on or about

- 8) That the claim is secured by _____

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that they Information and representations made herein are true and correct to the best of my knowledge, information and belief.

Dated: 1/25/06


Chelsea Whitley/Angela Horn/Chad Bolinske/Michael Bolinske/Thersia Lee, Atty-in-Fact

Abraham N. Bobst
Attorney-In-Fact

Written notice of claim was given to Personal Representative and/or his/her counsel as stated below:

RICHARD H MILGRUB

Name

211 N SECOND ST

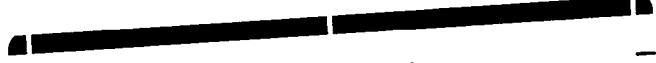
Address

CLEARFIELD, PA 16830

City/State/Zip

211312006

Date notice mailed


Exhibit "C1"

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION

NOTICE OF CLAIM

In Re: The Estate of:

Court File No: 1705-0444

DANIEL F BOBBY

Deceased

TO: THE CLERK OF THE ORPHANS' COURT DIVISION:

Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 P.A.C.S.A. §3532(b)(2).

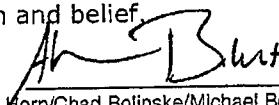
CITICORP CREDIT SERVICES INC (USA)

- 1) Claimant's name: C/O BALOGH BECKER LTD, 4150 OLSON MEMORIAL
- 2) Claimant's address: HWY #200
MINNEAPOLIS, MN 55422
866-234-0513
- 3) Creditor listed below is the owner and holder of a claim in the amount of
\$ 3247.16.
- 4) The facts upon which this claim is based:
This claim is based on an account for credit evidenced by the attached
Affidavit of Account Stated.
- 5) Decedent's address: RD1 BOX 236 ROCKTON, PA 15856
- 6) Date of Death: 07/27/05
- 7) That the claim arose prior to the death of the decedent on or about
_____.
- 8) That the claim is secured by _____

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that they Information and representations made herein are true and correct to the best of my knowledge, information and belief.

Abraham N. Bobst
Attorney-In-Fact

Dated: 1/25/06


Chelsea Whitley/Angela Horn/Chad Bolinske/Michael Bolinske/Thersia Lee, Atty-in-Fact

Written notice of claim was given to Personal Representative and/or his/her counsel as stated below:

RICHARD H MILGRUB

Name

211 N SECOND ST

Address

CLEARFIELD, PA 16830

City/State/Zip

211312006

Date notice mailed

Exhibit "C2"

COMMONWEALTH OF PENNSYLVANIA**COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION****NOTICE OF CLAIM****In Re: The Estate of:**Court File No: 1705-0444DAN BOBBYDeceased**TO: THE CLERK OF THE ORPHANS' COURT DIVISION** Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 P.A.C.S.A. §3532(b)(2).

- 1) Claimant's name: CHASE BANK USA, N.A.
c/o NCO Financial Systems, Inc
- 2) Claimant's address: Probate Department, #450
1804 Washington Boulevard
Baltimore, MD 21230
(443)263-3300
- 3) Creditor listed below is the owner and holder of a claim in the amount of
\$ 2,779.80 Acct# 5895639830085900
- 4) The facts upon which this claim is based is a credit agreement between Creditor and Decedent, identified as account number which is evidenced by the attached affidavit of account stated.
- 5) Decedent's address: 487 SUNSETLAKE RD, ROCKTON PA 15856-9633
- 6) Date of Death: 07/27/05
- 7) That the claim arose prior to the death of the decedent on or about
- 8) That the claim is secured by _____

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that they information and representations made herein are true and correct to the best of my knowledge, information and belief.

Dated: February 2, 2006
Margaret J. Cole, AGENT
Claimant U48566

Written notice of claim was given to Personal Representative and/or his/her counsel as stated below:

DANIEL BOBBY

Name

1166 RTE 40

Address

PUNXSUTANEY, PA 15767

City/State/Zip

FEBRUARY 2, 2006

Date notice mailed

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION

NOTICE OF CLAIM

In Re: The Estate of:

Court File No: 1705-0444

DANIEL F BOBBY

Deceased

TO: THE CLERK OF THE ORPHANS' COURT DIVISION:

Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 PA.C.S.A. §3532(b)(2).

DISCOVER FINANCIAL SERVICES, LLC.

- 1) Claimant's name: C/O BALOGH BECKER LTD, 4150 OLSON MEMORIAL
- 2) Claimant's address: HWY #200
MINNEAPOLIS, MN 55422
877-768-4498
- 3) Creditor listed below is the owner and holder of a claim in the amount of
\$ 7114.56.
- 4) The facts upon which this claim is based:
This claim is based on an account for credit evidenced by the attached
Affidavit of Account Stated.
- 5) Decedent's address: RD1 BOX 236 ROCKTON, PA 15856
- 6) Date of Death: 07/27/05
- 7) That the claim arose prior to the death of the decedent on or about

- 8) That the claim is secured by _____

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that they Information and representations made herein are true and correct to the best of my knowledge, information and belief.

Dated: 11/23/2005



Chelsea Whitley/Angela Horn/Chad Bolinske/Michael Bolinske/Thersia Lee, Atty-in-Fact

Written notice of claim was given to Personal Representative and/or his/her counsel as stated below:

RICHARD H MILGRUB

Name

211 N SECOND ST

Address

CLEARFIELD, PA 16830

City/State/Zip

11/30/05

Date notice mailed

Matthew R. Eichenlaub
Attorney-in-Fact

Exhibit "C4"

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION

NOTICE OF CLAIM

In Re: The Estate of:

Court File No: 1705-0444

DANIEL F BOBBY

Deceased

TO: THE CLERK OF THE ORPHANS' COURT DIVISION:

Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 PA.C.S.A. §3532(b)(2).

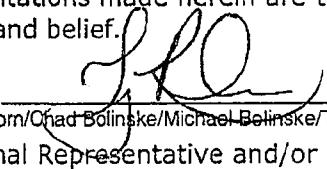
VERIZON WIRELESS

- 1) Claimant's name: VERIZON WIRELESS
- 2) Claimant's address: O/O BALOGH BECKER LTD 4150 OLSON MEM HWY
MINNEAPOLIS, MN 55422
866-285-2417
- 3) Creditor listed below is the owner and holder of a claim in the amount of
\$ 175.57
- 4) The facts upon which this claim is based:
This claim is based on an account for credit evidenced by the attached
Affidavit of Account Stated.
- 5) Decedent's address: RD1 BOX 236 ROCKTON, PA 15856
- 6) Date of Death: 07/27/05
- 7) That the claim arose prior to the death of the decedent on or about

- 8) That the claim is secured by _____

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that they Information and representations made herein are true and correct to the best of my knowledge, information and belief.

Dated: 4/26/06


Chelsea Whitley/Angela Horn/Chad Bolinske/Michael Bolinske/Thersia Lee, Atty-in-Fact

Ty A. Riha
Attorney-in-Fact

Written notice of claim was given to Personal Representative and/or his/her counsel as stated below:

RICHARD H MILGRUB

Name

211 N SECOND ST

Address

CLEARFIELD, PA 16830

City/State/Zip

4/27/06

Date notice mailed

Exhibit "C5"

COMMONWEALTH OF PENNSYLVANIA**COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION****NOTICE OF CLAIM****In Re: The Estate of:**Court File No: 1705-0445TINA BOBBYDeceased**TO: THE CLERK OF THE ORPHANS' COURT DIVISION** Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 P.A.C.S.A. §3532(b)(2).

- 1) Claimant's name: CHASE BANK USA, INC.
c/o NCO Financial Systems, Inc
- 2) Claimant's address: Probate Department, #450
1804 Washington Boulevard
Baltimore, MD 21230
(443)263-3300
- 3) Creditor listed below is the owner and holder of a claim in the amount of \$9,940.63 Acct# 5184450043614407
- 4) The facts upon which this claim is based is a credit agreement between Creditor and Decedent, identified as account number which is evidenced by the attached affidavit of account stated.
- 5) Decedent's address: 487 SUNSET LAKE RD, ROCKTON PA 15856
- 6) Date of Death: 07/27/05
- 7) That the claim arose prior to the death of the decedent on or about _____
- 8) That the claim is secured by _____

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that the information and representations made herein are true and correct to the best of my knowledge, information and belief.

Dated: November 10, 2005

Written notice of claim was given to Personal Representative and/or his/her counsel as stated below:

DANIELLE BOBBY

Name
487 SUNSET LAKE RD

Address
ROCKTON PA 15856

City/State/Zip

NOVEMBER 10, 2005

Date notice mailed

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER	DATE	FILE NUMBER	AMOUNT	RECORDING FEES -	ORPHANS COURT/REGISTER	WILLS	TOTAL	AGENT
200521	DEC 13 2005	1705-0445	\$2.00					
	DEC 10 2005							658515

Exhibit "D1"

IN THE STATE OF Pennsylvania
COUNTY OF Clearfield

IN RE: The Estate of
Tina Bobby, Deceased

PROBATE FILE NO. 1705-0445

STATEMENT OF CLAIM

The undersigned, being duly sworn, deposes and states that:

1. TSYs Total Debt management, Inc., whose address is Post Office Box 6700, Norcross, Georgia 30091-6700, is the attorney-in-fact for JCPENNEY CREDIT SERVICES (hereinafter "Claimant"), whose Account Number is 6008893462223227, and as attorney-in-fact is authorized to submit this Statement of Claim on its behalf.
2. Claimant is the holder of a claim against the Estate of Tina Bobby, deceased, the basis of which is the unpaid balance of charges incurred or authorized by the deceased or on behalf of the deceased in the total amount of \$552.14, as of the date of the death of the deceased.
3. The said sum is now justly due this Claimant; and the claim is not contingent or unliquidated.
4. No payment has been made thereon, and there are no offsets against the same, and the same is not secured by judgment or mortgage upon or expressly charged on the real estate of the deceased or any part thereof.

This 26th day of October, 2005

TSYS Total Debt Management, Inc.

As attorney-in-fact for Claimant

By: Nyla Jacobs

Nyla Jacobs

TSYS Probate Representative

Sworn to and subscribed before me this
26th day of October, 2005. Copy mailed to attorney for Representative or to Representative, if not represented by attorney.

Ophelia J. Spear
Notary Public

this _____ day of _____, 2005
TSYS Probate Representative

Exhibit "D2"

COMMONWEALTH OF PENNSYLVANIA

COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION

NOTICE OF CLAIM

In Re: The Estate of:

Court File No: 1705-0445

TINA BOBBY

Deceased

TO: THE CLERK OF THE ORPHANS' COURT DIVISION:

Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 P.A.C.S.A. §3532(b)(2).

1) Claimant's name: MBNA AMERICA
P.O. BOX 15137

2) Claimant's address: WILMINGTON, DE 19850-5137
877-767-9383

3) Creditor listed below is the owner and holder of a claim in the amount of
\$ 4773.85.

4) The facts upon which this claim is based:
This claim is based on an account for credit evidenced by the attached
Affidavit of Account Stated.

5) Decedent's address: RR 1 BOX 236 ROCKTON, PA 15856

6) Date of Death: 07/27/05

7) That the claim arose prior to the death of the decedent on or about

8) That the claim is secured by _____

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that they Information and representations made herein are true and correct to the best of my knowledge, information and belief.

Dated: 22 March 2005

Leah Schenkenberg/Jessica Lerbs - Authorized Representative-in-Fact For MBNA America

Written notice of claim was given to Personal Representative and/or his/her counsel
as stated below:

RICHARD MILGRUB

Name
211 N 2ND ST

Address
CLEARFIELD, PA 16830

City/State/Zip
11/28/05

Date notice mailed

Exhibit "D3"

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
200520770
RECORDED ON
Dec 01, 2005
11:42:57 AM

FILE NUMBER
1705-0445
Total Pages: 2

RECORDING FEES -	\$20.00
ORPHANS COURT/REGISTER OF	
WILLS	
TOTAL	\$20.00
CUSTOMER	
ESTATE DEPARTMENT	

COMMONWEALTH OF PENNSYLVANIA

**COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY
ORPHANS' COURT DIVISION**

NOTICE OF CLAIM

In Re: The Estate of:

Court File No: 1705-0445

TINA BOBBY

Deceased

TO: THE CLERK OF THE ORPHANS' COURT DIVISION:

Notice of claim by creditor, Pursuant to Section 3532(b)(2) of the Probate, Estates, and Fiduciaries Code, 20 P.A.C.S.A. §3532(b)(2).

MBNA AMERICA

1) Claimant's name: MBIA/AMERICAN
P.O. BOX 15137

2) Claimant's address: WILMINGTON, DE 19850-5137
877-767-9383

3) Creditor listed below is the owner and holder of a claim in the amount of
\$ 4773.85.

4) The facts upon which this claim is based:
This claim is based on an account for credit evidenced by the attached
Affidavit of Account Stated.

5) Decedent's address: RR 1 BOX 236 ROCKTON, PA 15856

6) Date of Death: 07/27/05

7) That the claim arose prior to the death of the decedent on or about
_____.

8) That the claim is secured by _____.

On behalf of the claimant, I do solemnly declare and affirm under the penalties of perjury that the information and representations made herein are true and correct to the best of my knowledge, information and belief.

Dated: 26 January 1946
Lotte Schenkenbach

John Schenckberg/Jessica Lerbs - Authorized Representative-in-Fact For MBNA America

Written notice of claim was given to Personal Representative and/or his/her counsel as stated below:

as stated below:

Name

Name
211 N 2ND ST

Address

ADDRESS
CLEARFIELD, PA 16830

City/State/Zip

City, State, Zip

Date notice mailed

Date Notice Mailed

Exhibit "D4"

KAREN L. STARCK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER	200601833	RECORDED ON	Feb 06, 2006
11:51:09 AM		FILE NUMBER	1705-045
		Total Pages:	2
		RECORDING FEES -	\$20.00
		ORPHANS COURT/REGISTER OF	
		WILLS	
		TOTAL	\$20.00
		CUSTOMER	ESTATE DEPARTMENT

McCABE, WEISBERG AND CONWAY, P.C.
BY: TERRENCE J. McCABE, ESQUIRE
Identification Number 16496
123 South Broad Street, Suite 2080
Philadelphia, PA 19109
(215) 790-1010

Attorney for Plaintiff

Chase Home Finance LLC
v.

Danielle Bobby, Administratrix of the
Estate of Tina M. Bobby, Deceased
Mortagor and Real Owner and
and
Tina M. Bobby - Deceased 7/27/05
and
Daniel F. Bobby - Deceased 7/27/05

Clearfield County
Court of Common Pleas

Number 06-291-CD

FILED
11:30 AM
APR 11 2006
ICCA
William A. Shaw
Prothonotary/Clerk of Courts

Statement
At
GP

ASSESSMENT OF DAMAGES AND ENTRY OF JUDGMENT

TO THE PROTHONOTARY:

Kindly enter judgment by default in favor of Plaintiff and against Defendants in the above-captioned matter for failure to answer Complaint as required by Pennsylvania Rules of Civil Procedure and assess damages as follows:

Principal	\$ 22,890.27
Interest from 11/24/2005 - 04/11/2006	\$ 679.32
 TOTAL	 \$ 23,568.59

T. McCabe
TERRENCE J. McCABE, ESQUIRE

AND NOW, this 11th day of April, 2006, Judgment is entered in favor of Plaintiff, Chase Home Finance LLC, and against Defendants, Danielle Bobby, Administratrix of the Estate of Tina M. Bobby, Deceased Mortagor and Real Owner, and damages are assessed in the amount of \$ 23,568.59, plus interest and costs.

BY THE PROTHONOTARY:

William A. Shaw

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, assignee of U.S.
BANK NATIONAL ASSOCIATION, ND,
assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

**AMENDED AFFIDAVIT PURSUANT
TO RULE 3129.1**

Plaintiff,

Code MORTGAGE FORECLOSURE

vs.

Filed on behalf of
Plaintiff

DANIELLE BOBBY,

Counsel of record for this
party:

Defendants.

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

— Exhibit "F" —

FILED NO CC
M10:38AM
AUG 13 2009
S

William A. Shaw
Prothonotary/Clerk of Courts

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, : NO. 07-756-CD
Plaintiff, :
vs. :
DANIELLE BOBBY, :
Defendant. :

AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1

RTR Properties, LLC, et al, 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 RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856.

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)

Danielle Bobby 487 Sunset Lake Road
Rockton, PA 15856

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)

Same as No. 1 above.

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)

None

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

Name	Address (Please indicate if this cannot be reasonably ascertained)
Advanta Finance Corp.	300 Penn Center Boulevard, Suite 417 Pittsburgh, PA 15235
Advanta Finance Corp.	16875 West Bernardo Drive San Diego, CA 92127
Bankers Trust Company of CA, N.A. as Custodian or Trustee	3 Park Plaza, 16th Floor Irvine, CA 92614
Deutsche Bank National Trust Co. as Trustee f/k/a Bankers Trust Company of CA, N.A. As Custodian or Trustee by: Chase Home Finance LLC, Successor by merger with Chase Manhattan Mortgage Corp, Attorney In Fact	10790 Rancho Bernardo Rd, Dept. 410 San Diego, CA 92127
Chase Home Finance, LLC	10790 Rancho Bernardo Road San Diego, CA 92127
Household Realty Corporation Routes 356 and 58	160 Point Plaza Store 6 Butler, PA 16003

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

Name	Address (Please indicate if this cannot be reasonably ascertained)
None	

6. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

Name	Address (Please indicate if this cannot be reasonably ascertained)
None	

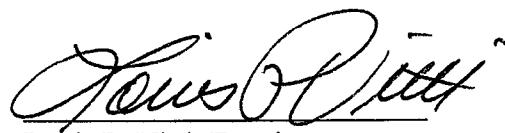
7. Name and address of every other person of whom the Plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Name	Address (Please indicate if this cannot be reasonably ascertained)
Tax Collector of Union Township c/o Judith Laborde Crosswaite	RR 1, Box 35 Rockton, PA 15856
Union Township Municipal Authority	P.O. Box Rockton, PA 15856
Commonwealth of PA -DPW	P.O. Box 8016 Harrisburg, PA 17105
Clerk of Courts Criminal/Civil Division	P.O. Box 549 Clearfield, PA 16830
Tax Claim Bureau of Clearfield County	230 East Market Street Clearfield, PA 16830
Court of Common Pleas of Clearfield County Domestic Relations Division	P.O. Box 549 Clearfield, PA 16830
PA Dept. of Sheriff Sales Bureau of Compliance	Dept. #281230 Harrisburg, PA 17128-1230
Tenant/Occupant	487 Sunset Lake Road Rockton, PA 15856

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

August 10, 2007

Date



Louis P. Vitti, Esquire
Attorney for Plaintiff

SWORN TO and subscribed

before me this 10th day

of August, 2007.

THE COMMONWEALTH OF PENNSYLVANIA	
Notarial Seal	
Helen Boyce, Notary Public	
City Of Pittsburgh, Allegheny County	
My Commission Expires May 4, 2010	
Member, Pennsylvania Association of Notaries	

H. Boyce
Notary Public

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

RTR PROPERTIES, LLC, assignee of U.S.)
BANK NATIONAL ASSOCIATION, ND,)
assignee of FIRTPROCESS BANK,)
PLAINTIFF,)
v.) No. 07-756-CD
DANIELLE BOBBY,)
DEFENDANT.)

ORDER

AND now this _____ day of _____, 2007, upon
consideration of Petitioners Ralph J. Srock, Jr., and Ruth K. Srock, and following hearing
on the same, PETITION TO SET ASIDE SHERIFF'S SALE, held on October 5, 2007,
the same is hereby GRANTED. Furthermore, the Sheriff of Clearfield County is directed
to refund within _____ days hereof all sums paid by the Petitioners to the Sheriff on
account of said sale.

By the Court,

Fredric J. Ammerman, PJ

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

RTR PROPERTIES, LLC, assignee of U.S.)
BANK NATIONAL ASSOCIATION, ND,)
assignee of FIRTPROCESS BANK,)
PLAINTIFF,)
v.) No. 07-756-CD
DANIELLE BOBBY,)
DEFENDANT.)

VERIFICATION

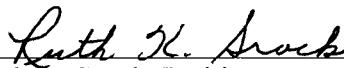
We, Ralph J. Srock, Jr., and Ruth K. Srock, Petitioners, do hereby swear and affirm that we have read the foregoing PETITION TO SET ASIDE SHERIFF'S SALE and that the averments therein contained are true and correct to the best of our knowledge, information and belief. Furthermore, We are over the age of 18 years of age and give this unsworn statement knowing it is to authorities and subject to the penalties of 18 Pa.C.S.A. 4904.

So made this 7th day of November, 2007.

By,



Ralph J. Srock, Jr., Petitioner



Ruth K. Srock, Petitioner

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

RTR PROPERTIES, LLC, assignee of U.S.)
BANK NATIONAL ASSOCIATION, ND,)
assignee of FIRTPPLUS BANK,)
PLAINTIFF,)
v.) No. 07-756-CD
DANIELLE BOBBY,)
DEFENDANT.)

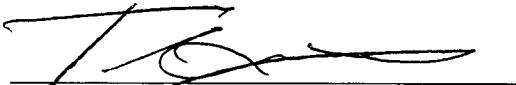
CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire of Ferraraccio & Noble, counsel for Petitioners, does hereby certify this 7th day of November, 2007, that I did serve upon the Plaintiff in this case as well as the Sheriff of Clearfield County, to the below indicated persons, being the Sheriff and counsel of record for Plaintiff, via United States Mail, first class, postage prepaid, the PETITION TO SET ASIDE SHERIFF'S SALE, as follows:

Chester A. Hawkins, Sheriff
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830

Louis P. Vitti, Esquire
c/o Louis P. Vitti & Associates
916 Fifth Avenue
Pittsburgh, PA 15219

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Petitioners
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

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

RTR PROPERTIES, LLC, assignee of U.S. :
BANK NATIONAL ASSOCIATION, ND, :
assignee of FIRTPROB BANK, :
PLAINTIFF, :
v. :
DANIELLE BOBBY, :
:

No. 07-756-CD

Type of Pleading:

NOTICE OF SERVICE

Filed By:
Ralph J. Srock, Jr., and
Ruth K. Srock, Petitioners
Counsel of Record:
THERON G. NOBLE, ESQUIRE
FERRARACCIO & NOBLE
301 EAST PINE STREET
CLEARFIELD, PA 16830
(814)-375-2221
PA I.D.#: 55942

FILED NOCC
NOV 10 2007
NOV 20 2007
William A. Shaw
Prothonotary/Clerk of Courts

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

RTR PROPERTIES, LLC, assignee of U.S.)
BANK NATIONAL ASSOCIATION, ND,)
assignee of FIRTPPLUS BANK,)
PLAINTIFF,)
v.) No. 07-756-CD
DANIELLE BOBBY,)
DEFENDANT.)

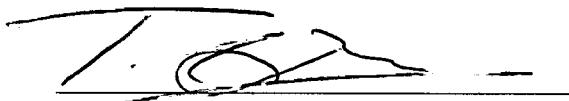
CERTIFICATE OF SERVICE

I, Theron G. Noble, Esquire of Ferraraccio & Noble, counsel for Petitioners, does hereby certify this 19th day of November, 2007, that I did serve upon the Plaintiff/Respondent in this case as well as the Sheriff of Clearfield County, to the below indicated persons, being the Sheriff and counsel of record for Plaintiff/Respondent, via United States Mail, first class, postage prepaid, the RULE RETURNABLE issued upon the PETITION TO SET ASIDE SHERIFF'S SALE, as follows:

Chester A. Hawkins, Sheriff
c/o Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830

Louis P. Vitti, Esquire
c/o Louis P. Vitti & Associates
916 Fifth Avenue
Pittsburgh, PA 15219

Respectfully Submitted,



Theron G. Noble, Esquire
Attorney for Petitioners
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D. #: 55942

REC'D 12/13/2007
12:30 PM
William A. Shaw
Prothonotary/Clerk of Courts
no clear case

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, Assignee of
U.S. BANK NATIONAL ASSOCIATION,
ND, Assignee of FIRSTPLUS BANK,

CIVIL DIVISION

No. 07-756-CD

**ANSWER TO PETITION TO SET
ASIDE SHERIFF'S SALE**

Plaintiff,

Filed on behalf of
Plaintiff/Respondent

DANIELLE BOBBY,

Counsel of record for this
party:

Defendant.

Louis P. Vitti, Esquire
PA I.D. #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

Counsel of Record for Ralph J. Srock, Jr.
and Ruth K. Srock, Petitioners:

Theron G. Noble, Esquire
PA I.D. #55942
301 East Pine Street
Clearfield, PA 16830
(814) 375-2221

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

RTR PROPERTIES, LLC, Assignee of U.S. :
BANK NATIONAL ASSOCIATION, ND, :
Assignee of FIRSTPLUS BANK, :
Plaintiff :
vs. : No. 07-756-CD
DANIELLE BOBBY, :
Defendant. :

ANSWER TO PETITION TO SET ASIDE SHERIFF'S SALE

AND NOW comes the Plaintiff/Respondent by and through its attorneys Louis P. Vitti & Associates, P.C. and Louis P. Vitti, Esquire and in response to the Petition to Set Aside Sheriff's Sale, respectfully sets forth the following:

1. Admitted.
2. Admitted.
3. Admitted in part and denied in part. It is denied as an incorrect conclusion of law that there were irregularities regarding the sheriff's sale or the property.

3.A. Admitted.

3.B. Admitted.

3.C. Denied. It is denied that, from the information available, it appears that the deaths of Mr. and Mrs. Bobby cannot be determined to be other than simultaneous; to the contrary, the public record reflects that Tina M. Bobby (hereinafter "Wife") died before Daniel F. Bobby (hereinafter "Husband") for the following reasons:

- i. Wife's death certificate – which appears of record in the Register of Wills' office of Clearfield County at No. 1705-0445 – reflects "Marital Status" to be "Married" and "Interval Between Onset and Death" to be "Immediate;" and
- ii. Husband's death certificate – which appears of record in the Register of Wills' office of Clearfield County at No. 1705-0444 – reflects "Marital Status" to be "Widowed" and "Interval Between Onset and Death" is unspecified.

3.D. Denied. It is denied that there is a presumption of simultaneous death; to the contrary, Wife died before Husband; Plaintiff incorporates herein by reference its response to Paragraph 3.C.; the remaining contents of Paragraph 3.D. constitute a conclusion of law that requires no response.

3.E. Admitted in part and denied in part. It is denied as an incorrect conclusion of law that a conveyance from either estate to Defendant was required; to the contrary, upon Wife's death, her undivided one-half interest passed to Husband by operation of law as surviving tenant by the entirety; upon Husband's death, title to the subject real property vested in Defendant by operation of law as sole heir by authority of Section 301(b) of the Probate, Estates and Fiduciaries Code, 20 Pa.C.S.A. §301(b).

3.F. Admitted in part and denied in part. It is denied as an incorrect conclusion of law that an estate of a decedent is a proper party defendant to an action in mortgage foreclosure; to the contrary, an estate is not a proper party defendant by authority of Pennsylvania Rule of Civil Procedure No. 1144(a). It is denied as an incorrect conclusion of law that Defendant need be joined in her capacity as personal representative of either estate; to the contrary, Paragraph 13 of the Complaint in Mortgage Foreclosure releases from liability for the debt secured by the mortgage, inter alia, any personal representative, therefore no such personal representative need be joined as a party defendant by authority of Rule 1144(b).

3.G. Denied. It is denied as an incorrect conclusion of law that the estates of Husband or Wife were owners of the mortgaged property after the dates of death; to the contrary, Plaintiff incorporates herein by reference its response to Paragraph 3.E. It is denied as an incorrect conclusion of law that the estates of either Husband or Wife were entitled to notice of the sheriff's sale; to the contrary, the persons entitled to notice of a sheriff's sale are governed by Rule 3129.1(b) and the estates of neither Husband nor Wife are described therein.

3.H. Admitted in part and denied in part. It is denied that Plaintiff failed to join entities holding an ownership interest in the real estate; to the contrary, Plaintiff incorporates herein by reference its responses to Paragraphs 3.E. through 3.G. It is denied as an incorrect conclusion of law that, as implied, a creditor of either estate has an interest in the property within the meaning of Rule 3129.1(b).

3.I. Paragraph 3.I. is a conclusion of law that requires no response.

3.J. Admitted.

3.K. Admitted in part and denied in part. It is denied that either the estate of Husband or the estate of Wife is an owner of the subject property; to the contrary, Plaintiff incorporates herein by reference its responses to Paragraphs 3.E. through 3.H.

3.L. Admitted in part and denied in part. It is denied that Plaintiff's amended affidavit pursuant to Rule 3129.1 did not reveal any other person who had (i) a record lien on the property or (ii) any person who had an interest of record which might be affected by the sale; to the contrary, said affidavit correctly reflects that there are no such persons.

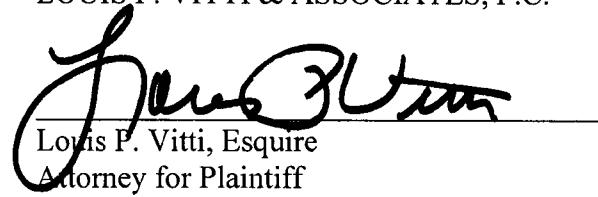
3.M. Admitted in part and denied in part. It is denied as an incorrect conclusion of law that creditors of a decedent's estate are persons having an interest in the property within the meaning of Rule 3129.1; to the contrary, Plaintiff incorporates herein by reference its response to Paragraph 3.H.

WHEREFORE, Plaintiff prays this Honorable Court to deny the Petition to Set Aside Sheriff's Sale.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

BY:



Louis P. Vitti, Esquire
Attorney for Plaintiff

CERTIFICATION OF SERVICE

I, Louis P. Vitti, Esquire, hereby certify that on the 12th day of December, 2007, a true and correct copy of the within Answer to Petition to Set Aside Sheriff's Sale was served by Regular U.S. Mail upon:

(List name and address of all counsel of record and unrepresented parties. Specify "Pro Se" for unrepresented parties.)

Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

Peter F. Smith, Esquire, Solicitor
30 South Second Street
PO Box 130
Clearfield, PA 16830

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.



Louis P. Vitti, Esquire

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

RTR PROPERTIES, LLC, Assignee of U.S. :
BANK NATIONAL ASSOCIATION, ND, :
Assignee of FIRSTPLUS BANK, :
Plaintiff :
:
vs. : No. 07-756-CD
:
DANIELLE BOBBY, :
Defendant. :
:

ORDER OF COURT

AND NOW, to wit, this _____ day of _____, 2007, upon consideration
of Petitioner's Petition to Set Aside Sheriff's Sale, it is hereby Ordered, Adjudged, and Decreed
that said Petition is denied.

It is further Ordered that the Rule issued November 14, 2007 is hereby discharged.

BY THE COURT:

_____, J.

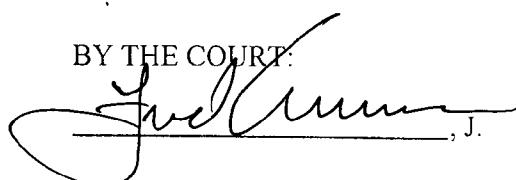
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

RTR PROPERTIES, LLC, Assignee of U.S. BANK NATIONAL ASSOCIATION, ND, Assignee of FIRSTPLUS BANK,		No. 07-756-CD
Plaintiff,		
vs.		
DANIELLE BOBBY,		
Defendant.		

ORDER OF COURT

Now, this 18th day of December, 2007, it is hereby Ordered, Adjudged and Decreed that the argument on the within Rule to Show Cause presently scheduled for the 21st day of December at 10 o'clock a.m., Courtroom No. 1, Clearfield County Courthouse, is hereby continued until the 24th day of January, 2008, commencing at 2:00 p.m., Courtroom No. 1, Clearfield County Courthouse.

BY THE COURT:



FILED 3cc
014:00 PM Atty with
DEC 21 2007
WM
William A. Shaw
Prothonotary/Clerk of Courts

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, LLC, Assignee of
U.S. BANK NATIONAL ASSOCIATION,
ND, Assignee of FIRSTPLUS BANK,

Plaintiff,

vs.

DANIELLE BOBBY,

Defendants.

CIVIL DIVISION

No. 07-756-CD

**MOTION TO CONTINUE
ARGUMENT**

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
PA Attorney ID No. 01072

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

RTR PROPERTIES, LLC, Assignee of U.S. BANK NATIONAL ASSOCIATION, ND, Assignee of FIRSTPLUS BANK,		No. 07-756-CD
	Plaintiff,	
vs.		
DANIELLE BOBBY,		
	Defendant.	

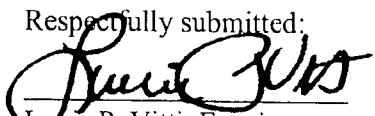
MOTION TO CONTINUE ARGUMENT

Now, comes the Petitioner, RTR Properties, LLC, Respondent to Petition to Set Aside Sheriff Sale, and files this Motion to Continue Argument whereof the following is a statement:

1. Petitioner is RTR Properties, LLC, Plaintiff in the foreclosure sale of the Defendants, Danielle Bobby, et al.
2. The parties to the sale have engaged in extensive discussion and conference in an attempt to reach an accommodation.
3. The parties appear to be prepared to accept the settlement proposal to which both parties agree; however, information upon which the conclusion will be based is to be determined from an attorney not a party to the action.
4. The attorney not involved in the within action is the holder of the first mortgage and has been contacted for a payoff amount which amount will accommodate the settlement between the parties herein.
5. Both attorney for the Plaintiff and attorney for Defendant agree to the continuation of the argument since the settlement of the issue will avoid prejudice to either party that may occur from ruling on the Petition to Set Aside Sheriff Sale.

Wherefore, Petitioner, with the consent of counsel for the Defendants, requests this Honorable Court continue the argument for a period not less than thirty days to some future date that accommodates the schedule of the Honorable Court.

Respectfully submitted:


Louis P. Vitti, Esquire
PA Attorney ID No. 01072
Attorney for RTR Properties, LLC

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue
Pittsburgh, PA 15219
(412) 281-1725

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Motion to Continue Argument are true and correct to the best of his knowledge, information and 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.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 12/18/2007

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

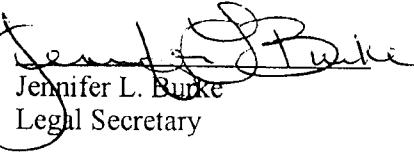
RTR PROPERTIES, LLC, Assignee of U.S. BANK NATIONAL ASSOCIATION, ND, Assignee of FIRSTPLUS BANK,		No. 07-756-CD
Plaintiff,		
vs.		
DANIELLE BOBBY,		
Defendant.		

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served or caused to be served, on the 18th day of December, 2007, as a courtesy, a copy of the above Motion to Continue Argument filed herewith upon each of the following persons and parties in interest at the addresses shown below:

Theron G. Noble, Esquire
(814) 375-2221

Method of Service: facsimile


Jennifer L. Burke
Legal Secretary

Louis P. Vitti & Associates, P.C.
916 Fifth Avenue
Pittsburgh, PA 15219
(412) 281-1725

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

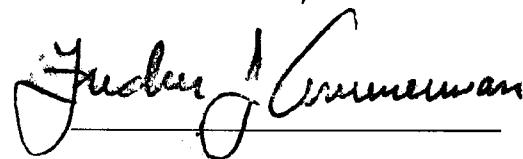
CIVIL DIVISION

RTR PROPERTIES, INC., LLC, :
assignee of U.S. BANK NATIONAL :
ASSOCIATION, ND, assignee of :
FIRSTPLUS BANK :
VS. : NO. 07-756-CD
DANIELLE BOBBY :
O R D E R

AND NOW, this 24th day of January, 2008, the Court
hereby ORDERS as follows:

1. The Sheriff of Clearfield County shall prepare and present an appropriate deed in accordance with the sheriff's sale within twenty (20) days hereof; and
2. Petitioners' objection to said sheriff's sale are hereby withdrawn, conditioned upon Plaintiff providing Petitioners with a policy of title insurance under the terms and conditions as contained in Plaintiff's counsel letter to Petitioners' counsel dated January 18, 2008.

BY THE COURT,



President Judge

FILED
010-5157
JAN 28 2008

CC Atty Vitti

CC Atty Noble

CC Def. D. Bobby

487 Sunset Lake Road
Rockton, PA 15856

William A. Shaw
Prothonotary/Clerk of Courts

CC Sheriff
(without memo)

6K

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20626
NO: 07-756-CD

PLAINTIFF: RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND, ASSIGNEE OF FIRSTPLUS BANK

vs.

DEFENDANT: DANIELLE BOBBY

Execution REAL ESTATE

FILED

018:54 AM
FEB 20 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

DATE RECEIVED WRIT: 7/24/2007

LEVY TAKEN 8/13/2007 @ 12:00 PM

POSTED 8/13/2007 @ 12:00 PM

SALE HELD 10/5/2007

SOLD TO RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 2/20/2008

DATE DEED FILED 2/19/2008

PROPERTY ADDRESS RR #1, BOX 236 A/K/A 487 SUNSET LAKE ROAD ROCKTON , PA 15856

SERVICES

SEE ATTACHED SHEET(S) OF SERVICES

SHERIFF HAWKINS \$283.97

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2007

Chester A. Hawkins
Deputy Sheriff - Augmented
Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20626

NO: 07-756-CD

PLAINTIFF: RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND, ASSIGNEE OF FIRSTPLUS BANK

VS.

DEFENDANT: DANIELLE BOBBY

Execution REAL ESTATE

SHERIFF RETURN

SERVICES

8/20/2007 @ 9:13 AM SERVED DANIELLE BOBBY

SERVED DANIELLE BOBBY, DEFENDANT, AT HER RESIDENCE RR #1, BOX 236 A/K/A 487 SUNSET LAKE ROAD, ROCKTON, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DANIELLE BOBBY

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, OCTOBER 5, 2007 SHERIFF SALE WAS HELD AND THE PROPERTY SOLD TO RALPH J. SROCK, JR AND RUTH K. SROCK; RALPH SROCK MADE THE DEPOSIT.

@ SERVED

NOW, OCTOBER 15, 2007 BILLED RALPH J. SROCK, JR. AND RUTH K. SROCK FOR BALANCE DUE ON PROPERTY PURCHASED AT OCTOBER 5, 2007 SHERIFF SALE AND OCTOBER 25, 2007 RECEIVED BALANCE DUE ON SHERIFF SALE FROM RALPH AND RUTH SROCK.

@ SERVED

NOW, NOVEMBER 1, 2007 RECEIVED A LETTER FROM PETER F. SMITH, ESQ., SHERIFF'S OFFICE SOLICITOR INFORMING THE SHERIFF OFFICE OF DEFECTS IN THE FORECLOSURE ACTION AND THAT A PETITION TO SET ASIDE THE SALE WILL BE FILED.

@ SERVED

NOW, NOVEMBER 7, 2007 RECEIVED PETITION TO SET ASIDE SHERIFF'S SALE

@ SERVED

NOW, JANUARY 31, 2008 RECEIVED AN ORDER OF COURT TO PREPARE A SHERIFF'S SALE DEED FOR PLAINTIFF.

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

RTR Properties, LLC, assignee of
U.S. Bank National Association ND, assignee of
FirstPlus Bank,

Vs.

NO.: 2007-00756-CD

Danielle Bobby,

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

(1) Shaffer Mining Subdivision, Union Twp. Clearfield Cty & Cmwlth of PA. HET a dwy k/a RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856. Parcel No. 129-E07-000-0062

AMOUNT DUE/PRINCIPAL: \$45,204.99
INTEREST FROM: \$07/21/07-Sale Date
ATTY'S COMM: \$
DATE: 07/23/2007

PROTH. COSTS PAID: \$125.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 24th day
of July A.D. 2007
At 3:00 A.M./P.M.

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Avenue
Pittsburgh, PA 15219
412-281-1725

Chester A. Henklein
Sheriff by Cynthia Better-Deighenback

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

RTR PROPERTIES, LLC, assignee of U.S. BANK :
NATIONAL ASSOCIATION ND, assignee of :
FIRSTPLUS BANK, :
Plaintiff, : NO. 07-756-CD
vs. :
DANIELLE BOBBY, :
Defendant. :

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the Shaffer Mining Subdivision in the Township of Union, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a 1" iron pipe set at the Southwestern most corner of the land hereby conveyed, said iron pipe also being the Northwestern most corner of Lot No. 1 of the aforementioned subdivision and also on the Eastern right of way line of the Baltimore & Ohio Railroad and running; thence North 14° 31' West 292.4 feet along the Eastern right of way of the Baltimore & Ohio Railroad to a 1" iron pipe set at the Northwestern most corner of the land hereby conveyed; thence South 79° 34' East 716.7 feet along the land of Lot No. 3 in the aforementioned subdivision to a point in LR 17029 at the Northeastern most corner of the land conveyed ; thence South 07° 39' West 265.5 feet along LR 17029 to a point at the Southeastern most corner of the land hereby conveyed; thence North 79° 34' West 606.2 feet along the land of Lot No. 1 in the aforementioned subdivision to a 1" iron pipe set at the Southwestern most corner of the land hereby conveyed and the point of beginning. Containing 4.0 acres. Being Lot No. 2 in the Shaffer Mining Subdivision, plot plan of which is hereto attached and made a part hereof.

HAVING erected thereon a dwelling known as RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856.

PARCEL NO. 129-E07-000-00062

BEING the same premises which Shaffer Mining Corp. by deed dated 09/14/1987 and recorded on 09/21/1987 in Clearfield County, Pennsylvania, Recorder of Deeds Office in Deed Book Volume 1183, page 112, granted and conveyed unto Daniel F. Bobby and Tina M. Bobby, husband and wife.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME DANIELLE BOBBY

NO. 07-756-CD

NOW, February 19, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on October 05, 2007, I exposed the within described real estate of Danielle Bobby to public venue or outcry at which time and place I sold the same to RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	15.00
MILEAGE	15.00
LEVY	12.61
MILEAGE POSTING	15.00
CSDS	15.00
COMMISSION	10.00
POSTAGE	0.00
HANDBILLS	4.92
DISTRIBUTION	15.00
ADVERTISING	25.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	15.00
ADD'L MILEAGE	37.83
ADD'L LEVY	5.00
BID AMOUNT	1.00
RETURNS/DEPUTIZE COPIES	15.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	5.00
MISCELLANEOUS	20.00
TOTAL SHERIFF COSTS	\$283.97

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.00
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$29.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	45,204.99
INTEREST @ %	0.00
FROM 07/23/2007 TO 10/05/2007	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$45,224.99

COSTS:

ADVERTISING	982.20
TAXES - COLLECTOR	
TAXES - TAX CLAIM	2,121.10
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	283.97
LEGAL JOURNAL COSTS	126.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	1,109.55
TOTAL COSTS	\$4,921.82

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

RALPH J. SROCK, JR.
RUTH K. SROCK

60-682443
1232836213

1699

DATE Oct-2007

PAY TO THE
ORDER OF

Charles G. Gandy Check \$ 2000.00

 FIRST
Commonwealth
Bank

First Commonwealth Bank
Central Offices: Indiana, PA 15701-0000
Dubois Mail Office

MEMO

1043306826: 1232 5362131699

Signature
Indicates
Signature Date

MP

Ralph Srock

Signature
Indicates
Signature Date

MP

3,700 in Cash
2,000 check
~~\$5,700~~ Deposit

10-5-07

THIS DOCUMENT HAS AN ARTIFICIAL WATERMARK PRINTED ON THE BACK. THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE. ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

17983 / M-1584312

LENB BANK

MEMBER FDIC

3-83632

CLEARFIELD, PA 16830
0313

DATE 10/19/07

PAY TO THE
ORDER OF: CLEARFIELD COUNTY SHERIFF'S OFFICE

THE \$54,577.31

\$54,577.31
DOLLARS

CASHIER'S CHECK

VICE-PRESIDENT AND CASHIER

PURCHASE BOBBY PROPERTY ON SUNSET LAKE
REMITTER

Payable Through -
US Bank, St. Paul, MN BY RALPH AND RUTH SROCK DJG#64

EXECUTIVE VICE PRESIDENT
AND CASHIER

10

John B. Srock

10/25/07

John B. Srock

10/25/07

PETER F. SMITH
ATTORNEY
30 SOUTH SECOND STREET
P.O. BOX 130
CLEARFIELD, PENNSYLVANIA 16830

(814) 765-5595
FAX (814) 765-6662

E-mail
pfsatty@verizon.net

November 1, 2007

HAND DELIVER

Attn: Cynthia Aughenbaugh
Clearfield County Sheriff's Office
Clearfield County Courthouse
Clearfield, PA 16830

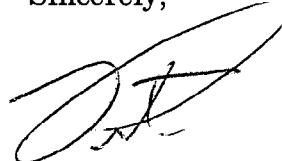
Re: RTR Properties vs. Bobby
Docket No. 2007-756-CD

Dear Cindy:

I write to confirm our telephone call yesterday. Blaise Ferraraccio contacted me. He represents the gentlemen who purchased the Danielle Bobby property at Sheriff Sale at the beginning of October.

Mr. Ferraraccio advises that he found defects in the preceding foreclosure action. He plans to file a Petition to Set Aside the Sale. Therefore, you should make no distribution or prepare and deliver a deed for this property until Mr. Ferraraccio's Petition is decided by the Court.

Sincerely,



Peter F. Smith

PFS/jac

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

RTR PROPERTIES, LLC, assignee of U.S.
BANK NATIONAL ASSOCIATION, ND,
assignee of FIRTPPLUS BANK,

PLAINTIFF,

No. 07-756-CD

v.

DANIELLE BOBBY,

Type of Pleading:

**PETITION TO SET ASIDE
SHERIFF'S SALE**

Filed By:

**Ralph J. Srock, Jr., and
Ruth K. Srock, Petitioners**

Counsel of Record:

Theron G. Noble, Esquire
Ferraraccio & Noble
301 East Pine Street
Clearfield, PA 16830
(814)-375-2221
PA I.D.#: 55942

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

NOV 07 2007

Attest,

William L. Brown
Prothonotary/
Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

RTR PROPERTIES, INC., LLC, :
assignee of U.S. BANK NATIONAL :
ASSOCIATION, ND, assignee of :
FIRSTPLUS BANK :
VS. : NO. 07-756-CD
DANIELLE BOBBY :

O R D E R

AND NOW, this 24th day of January, 2008, the Court
hereby ORDERS as follows:

1. The Sheriff of Clearfield County shall prepare and present an appropriate deed in accordance with the sheriff's sale within twenty (20) days hereof; and
2. Petitioners' objection to said sheriff's sale are hereby withdrawn, conditioned upon Plaintiff providing Petitioners with a policy of title insurance under the terms and conditions as contained in Plaintiff's counsel letter to Petitioners' counsel dated January 18, 2008.

BY THE COURT,

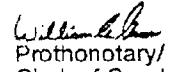
/S/ Fredric J Ammerman

President Judge

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

JAN 28 2008

Attest.


Prothonotary

FILED

MAR 10 2008

0/8:30 AM
William A. Shaw

Prothonotary/Clerk of Courts

(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, INC., LLC, assignee of
U.S. BANK NATIONAL ASSOCIATION,
ND, assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

**MOTION TO STRIKE SHERIFF'S
DEED**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

DANIELLE BOBBY,

Defendant.

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

NOTICE

TO: Sheriff of Clearfield County
P.O. Box 549
Clearfield, PA 16830

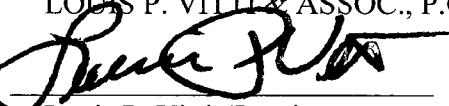
Recorder of Deeds Clearfield County
P.O. Box 361
Clearfield, PA 16830

Ralph J. Srock, Jr
C/O Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

Ruth K. Srock
C/O Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

TAKE NOTICE that the within Motion to Strike Sheriff's Deed will be presented before the Motions Judge, Clearfield County, Pennsylvania, as unopposed unless a responsive pleading is filed.

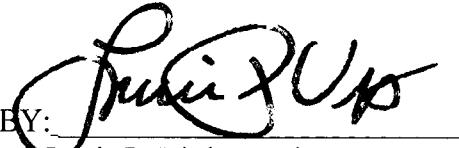
LOUIS P. VITTI & ASSOC., P.C.

BY: 

Louis P. Vitti, Esquire
Attorney for Plaintiff

CERTIFICATION

I hereby certify that a true and correct copy of the within Motion was mailed to the above, this 6th day of March, 2008.

BY: 

Louis P. Vitti, Esquire

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

RTR PROPERTIES, INC., LLC, assignee)
Of U.S. BANK NATIONAL) No. 07-756-CD
ASSOCIATION, ND, assignee of)
FIRSTPLUS BANK,)
)
Plaintiff,)
)
)
vs)
)
DANIELLE BOBBY,)
)
Defendant.)

MOTION

NOW, comes the Petitioner, RTR Properties, Inc., LLC, by and through its counsel, Louis P. Vitti & Associates, P.C., and Louis P. Vitti, Esquire, and files this Motion to Strike Sheriff's Deed, whereof the following is a statement:

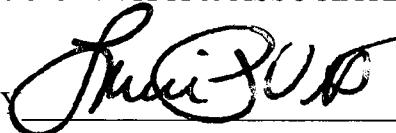
1. Sheriff sale was conducted in the above captioned property on October 5, 2007.
2. Pursuant to said sheriff sale a bid was entered by Ralph J. Srock, Jr. and Ruth K. Srock.
3. On or about November 7, 2007 a Petition to Set Aside Sheriff Sale was presented to the Court on behalf of the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock.
4. On the 24th day of January, 2008 the Court did enter an order to prepare and present an appropriate deed with accordance of the sheriff sale. Exhibit "A"
5. Contrary to the order of court a deed was prepared to RTR Properties and recorded in the Office of the Recorder of Deeds of Clearfield County.

6. In accord with such deed and recording thereof the Sheriff Office did refund the sale proceeds provided to the Office of the Sheriff to the successful bidders Ralph J. Srock, Jr. and Ruth K. Srock.
7. By virtue of the order of court the deed from the Sheriff Office should be to the successful bidders or their designee and the deed to RTR Properties is in opposition to the directions of the order of court entered January 24, 2008.
8. In accord with the Order of Court, the proceeds paid in are to be distributed to RTR Properties upon provision of a Title Policy after recording of the Sheriff Deed to the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock.

WHEREFORE, Petitioner prays this Honorable Court strike the deed recorded at instrument 200802188, copy of which is attached hereto as exhibit "B" and have the Sheriff prepare a deed to the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock upon payment to the sheriff of the amount of the successful bid at the sheriff sale of October 5, 2007 and that such repayment to the Sheriff be accomplished by the successful bidders.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

BY 

Louis P. Vitti, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

RTR PROPERTIES, INC., LLC, :
assignee of U.S. BANK NATIONAL :
ASSOCIATION, ND, assignee of :
FIRSTPLUS BANK :
VS. : NO. 07-756-CD
DANIELLE BOBBY :

O R D E R

AND NOW, this 24th day of January, 2008, the Court
hereby ORDERS as follows:

1. The Sheriff of Clearfield County shall prepare and present an appropriate deed in accordance with the sheriff's sale within twenty (20) days hereof; and
2. Petitioners' objection to said sheriff's sale are hereby withdrawn, conditioned upon Plaintiff providing Petitioners with a policy of title insurance under the terms and conditions as contained in Plaintiff's counsel letter to Petitioners' counsel dated January 18, 2008.

BY THE COURT,

/S/ Fredric J Ammerman

President Judge

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

FEB 2008 A

JAN 28 2008

Attest.

William L. Ammerman
Prothonotary
Clearfield County

CLEARFIELD COUNTY RECORDER OF DEEDS

Maurene E. Inlow, Recorder
Betty L. Lansberry - Chief Deputy
P.O. Box 361
1 North Second Street, Suite 103
Clearfield, Pennsylvania 16830

AFFIDAVIT No. 40847

***RETURN DOCUMENT TO:**
CLEARFIELD CO SHERIFF

Instrument Number - 200802188

Recorded On 2/19/2008 At 11:49:17 AM

* Instrument Type - DEED

* Total Pages - 5

Invoice Number - 180750

* Grantor - CLEARFIELD CO SHERIFF

* Grantee - RTR PROPERTIES

* Customer - CLEARFIELD CO SHERIFF

*** FEES**

STATE WRIT TAX	\$0.50
JCS/ACCESS TO JUSTICE	\$10.00
RECORDING FEES -	\$13.50
RECORDER	
RECORDER IMPROVEMENT	\$3.00
FUND	
COUNTY IMPROVEMENT FUND	\$2.00
TOTAL PAID	\$29.00

I hereby CERTIFY that this document
is recorded in the Recorder's Office of
Clearfield County, Pennsylvania.



Maurene E. Inlow

Maurene E. Inlow
Recorder of Deeds

THIS IS A CERTIFICATION PAGE

Do Not Detach

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

* - Information denoted by an asterisk may change during the verification process and may not be reflected on this page.

REC'D - B

Know all Men by these Presents,

That I, **Chester A. Hawkins**, High Sheriff of the County of Clearfield, in the State of Pennsylvania, for and in consideration of the sum of \$1.00 plus costs, to me in hand, do hereby grant and convey to **RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND**, the following described property, to wit:

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the Shaffer Mining Subdivision in the Township of Union, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a 1" iron pipe set at the Southwestern most corner of the land hereby conveyed, said iron pipe also being the Northwestern most corner of Lot No. 1 of the aforementioned subdivision and also on the Eastern right of way line of the Baltimore & Ohio Railroad and running; thence North 14° 31' West 292.4 feet along the Eastern right of way of the Baltimore & Ohio Railroad to a 1" iron pipe set at the Northwestern most corner of the land hereby conveyed; thence South 79° 34' East 716.7 feet along the land of Lot No. 3 in the aforementioned subdivision to a point in LR 17029 at the Northeastern most corner of the land conveyed ; thence South 07° 39' West 265.5 feet along LR 17029 to a point at the Southeastern most corner of the land hereby conveyed; thence North 79° 34' West 606.2 feet along the land of Lot No. 1 in the aforementioned subdivision to a 1" iron pipe set at the Southwestern most corner of the land hereby conveyed and the point of beginning. Containing 4.0 acres. Being Lot No. 2 in the Shaffer Mining Subdivision, plot plan of which is hereto attached and made a part hereof.

HAVING erected thereon a dwelling known as RR 1, Box 236, Rockton, PA 15856 a/k/a 487 Sunset Lake Road, Rockton, PA 15856.

PARCEL NO. 129-E07-000-00062

BEING the same premises which Shaffer Mining Corp. by deed dated 09/14/1987 and recorded on 09/21/1987 in Clearfield County, Pennsylvania, Recorder of Deeds Office in Deed Book Volume 1183, page 112, granted and conveyed unto Daniel F. Bobby and Tina M. Bobby, husband and wife.

SEIZED, taken in execution and sold as the property of DANIELLE BOBBY, at the suit of **RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND, ASSIGNEE OF FIRSTPLUS BANK.** JUDGMENT NO. 07-756-CD

Now, February 15, 2008 the said having beer sold by me to the said grantee on _____
05, 2007 after due advertisement according to law, under and by virtue of writ of execution
issued on July 23, 2007 out of the Court of Common Pleas of said County of Clearfield as of
case number 07-756-CD at the suit of

RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND,
ASSIGNEE OF FIRSTPLUS BANK

against

DANIELLE BOBBY

IN WITNESS WHEREOF, I have hereunto affixed by signature the day February 15, 2008


SEAL
Sheriff

State of Pennsylvania
County of Clearfield

On February 15, 2008 before me a Notary Public in the State of Pennsylvania known to me, (or appeared, **Chester A. Hawkins**, Sheriff of the State of Pennsylvania known to me, (or satisfactory proven) to be the person described in the foregoing instrument, and acknowledged that he executed the same in the capacity reinstated and for the purposes therein contained.

In witness whereof, I have hereunto set my hand and official seal.

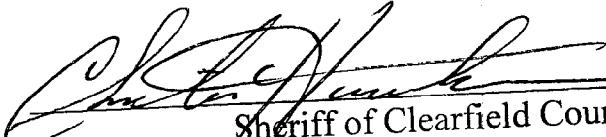


William A. Shaw
Prothonotary, Title of Officer

WILLIAM A. SHAW
Prothonotary
My Commission Expires
1st Monday in Jan. 2010
Clearfield Co., Clearfield, PA

CERTIFICATE OF RESIDENCE

"I hereby Certify that the precise Residence of the Grantee or Grantees is,



Chester A. Hawkins
Sheriff of Clearfield County

RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION AND
1750 REGAL ROW
DALLAS, TEXAS 75235

Deen - Hall

No.

Chesster A. Hawkins
High Sheriff of Clearfield County
TO

RTR PROPERTIES, LLC, ASSIGNEE OF U.S. BANK NATIONAL ASSOCIATION ND
1750 REGAL ROW
DALLAS, TEXAS 75235

S H E R I F F D E E D

Dated February 15, 2008

For \$1.00 + COSTS

Sold as the property of

DANIELLE BOBBY

Sold on 07-756-CD

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Motion are true and correct to the best of his knowledge, information and 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.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the Court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 3-6-08

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

RTR PROPERTIES, INC., LLC, assignee)
Of U.S. BANK NATIONAL) No. 07-756-CD
ASSOCIATION, ND, assignee of)
FIRSTPLUS BANK,)
)
Plaintiff,)
)
vs)
)
DANIELLE BOBBY,)
)
Defendant.)

ORDER OF COURT

AND NOW, this _____ day of _____, 2008, upon consideration of the foregoing motion of Petitioner in the above matter, it is hereby ORDERED, ADJUDGED AND DECREED that the deed recorded at instrument number 200802188 is hereby stricken.

Successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock, shall return the bid amount to the Sheriff of Clearfield County.

Sheriff of Clearfield County shall prepare a deed to the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock or their designee.

All other requirements of the order of January 24, 2008 shall remain in full force and effect.

BY THE COURT:

J.

CA

FILED

MAR 12 2008

11:50 AM

William A. Shaw
Prothonotary/Clerk of Courts

1 cent to Attn

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, INC., LLC, assignee of
U.S. BANK NATIONAL ASSOCIATION,
ND, assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

**MOTION TO WITHDRAW MOTION
TO STRIKE SHERIFF'S DEED**

Plaintiff,

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

DANIELLE BOBBY,

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

NOTICE

TO: Sheriff of Clearfield County
P.O. Box 549
Clearfield, PA 16830

Recorder of Deeds Clearfield County
P.O. Box 361
Clearfield, PA 16830

Ralph J. Srock, Jr
C/O Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

Ruth K. Srock
C/O Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

TAKE NOTICE that the within Motion to Withdraw Motion to Strike Sheriff's Deed will be presented before the Motions Judge, Clearfield County, Pennsylvania, as unopposed unless a responsive pleading is filed.

LOUIS P. VITTI & ASSOC., P.C.

BY:


Louis P. Vitti, Esquire
Attorney for Plaintiff

CERTIFICATION

I hereby certify that a true and correct copy of the within Motion was mailed to the above, this 11th day of March, 2008.


BY: _____
Louis P. Vitti, Esquire

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

RTR PROPERTIES, INC., LLC, assignee)
Of U.S. BANK NATIONAL) No. 07-756-CD
ASSOCIATION, ND, assignee of)
FIRSTPLUS BANK,)
)
 Plaintiff,)
)
 vs)
)
 DANIELLE BOBBY,)
)
 Defendant.)

MOTION

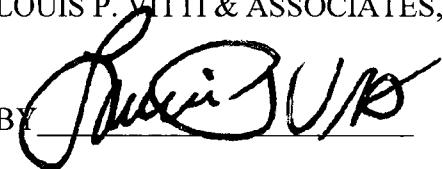
NOW, comes the Petitioner, RTR Properties, Inc., LLC, by and through its counsel, Louis P. Vitti & Associates, P.C., and Louis P. Vitti, Esquire, and files this Motion to Withdraw Motion to Strike Sheriff's Deed, whereof the following is a statement:

1. On March 6, 2008, Plaintiff, RTR Properties, Inc. directed a Motion to Strike Sheriff's Deed to the Courts. Exhibit "A"
2. Plaintiff, RTR Properties, Inc., has come to an agreement regarding the property and is requesting that the Motion to Strike Sheriff's Deed be withdrawn.

WHEREFORE, Petitioner prays this Honorable Court withdraw the Motion to Strike Sheriff's Deed.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

BY 

Louis P. Vitti, Esquire
Attorney for Plaintiff

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

RTR PROPERTIES, INC., LLC, assignee of
U.S. BANK NATIONAL ASSOCIATION,
ND, assignee of FIRSTPLUS BANK,

CIVIL DIVISION

NO. 07-756-CD

Plaintiff,

**MOTION TO STRIKE SHERIFF'S
DEED**

vs.

Code - MORTGAGE FORECLOSURE

DANIELLE BOBBY,

Filed on behalf of
Plaintiff

Defendant.

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

EXHIBIT A

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

NOTICE

TO: Sheriff of Clearfield County
P.O. Box 549
Clearfield, PA 16830

Recorder of Deeds Clearfield County
P.O. Box 361
Clearfield, PA 16830

Ralph J. Srock, Jr
C/O Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

Ruth K. Srock
C/O Theron G. Noble, Esquire
301 East Pine Street
Clearfield, PA 16830

TAKE NOTICE that the within Motion to Strike Sheriff's Deed will be presented before the Motions Judge, Clearfield County, Pennsylvania, as unopposed unless a responsive pleading is filed.

LOUIS P. VITTI & ASSOC., P.C.
BY: **COPY**
Louis P. Vitti, Esquire
Attorney for Plaintiff

CERTIFICATION

I hereby certify that a true and correct copy of the within Motion was mailed to the above, this _____ day of _____, 2008.

BY: **COPY**
Louis P. Vitti, Esquire

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

RTR PROPERTIES, INC., LLC, assignee)
Of U.S. BANK NATIONAL) No. 07-756-CD
ASSOCIATION, ND, assignee of)
FIRSTPLUS BANK,)
)
Plaintiff,)
)
vs)
)
DANIELLE BOBBY,)
)
Defendant.)

MOTION

NOW, comes the Petitioner, RTR Properties, Inc., LLC, by and through its counsel, Louis P. Vitti & Associates, P.C., and Louis P. Vitti, Esquire, and files this Motion to Strike Sheriff's Deed, whereof the following is a statement:

1. Sheriff sale was conducted in the above captioned property on October 5, 2007.
2. Pursuant to said sheriff sale a bid was entered by Ralph J. Srock, Jr. and Ruth K. Srock.
3. On or about November 7, 2007 a Petition to Set Aside Sheriff Sale was presented to the Court on behalf of the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock.
4. On the 24th day of January, 2008 the Court did enter an order to prepare and present an appropriate deed with accordance of the sheriff sale. Exhibit "A"
5. Contrary to the order of court a deed was prepared to RTR Properties and recorded in the Office of the Recorder of Deeds of Clearfield County.

6. In accord with such deed and recording thereof the Sheriff Office did refund the sale proceeds provided to the Office of the Sheriff to the successful bidders Ralph J. Srock, Jr. and Ruth K. Srock.
7. By virtue of the order of court the deed from the Sheriff Office should be to the successful bidders or their designee and the deed to RTR Properties is in opposition to the directions of the order of court entered January 24, 2008.
8. In accord with the Order of Court, the proceeds paid in are to be distributed to RTR Properties upon provision of a Title Policy after recording of the Sheriff Deed to the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock.

WHEREFORE, Petitioner prays this Honorable Court strike the deed recorded at instrument 200802188, copy of which is attached hereto as exhibit "B" and have the Sheriff prepare a deed to the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock upon payment to the sheriff of the amount of the successful bid at the sheriff sale of October 5, 2007 and that such repayment to the Sheriff be accomplished by the successful bidders.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

BY COPY

Louis P. Vitti, Esquire
Attorney for Plaintiff

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Motion are true and correct to the best of his knowledge, information and 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.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the Court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.

COPY

Louis P. Vitti

Dated: _____

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

RTR PROPERTIES, INC., LLC, assignee)
Of U.S. BANK NATIONAL) No. 07-756-CD
ASSOCIATION, ND, assignee of)
FIRSTPLUS BANK,)
)
Plaintiff,)
)
vs)
)
DANIELLE BOBBY,)
)
Defendant.)

ORDER OF COURT

AND NOW, this _____ day of _____, 2008, upon consideration of the foregoing motion of Petitioner in the above matter, it is hereby ORDERED, ADJUDGED AND DECREED that the deed recorded at instrument number 200802188 is hereby stricken.

Successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock, shall return the bid amount to the Sheriff of Clearfield County.

Sheriff of Clearfield County shall prepare a deed to the successful bidders, Ralph J. Srock, Jr. and Ruth K. Srock or their designee.

All other requirements of the order of January 24, 2008 shall remain in full force and effect.

BY THE COURT:

COPY

J.

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Motion are true and correct to the best of his knowledge, information and 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.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the Court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 3-11-08

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

RTR PROPERTIES, INC., LLC, assignee)
Of U.S. BANK NATIONAL) No. 07-756-CD
ASSOCIATION, ND, assignee of)
FIRSTPLUS BANK,)
)
Plaintiff,)
)
vs)
)
DANIELLE BOBBY,)
)
Defendant.)

FILED 1CC Atty
03/30/08 V. Atty
MAR 13 2008 (62)

William A. Shaw
Prothonotary/Clerk of Courts

ORDER OF COURT

AND NOW, this 12 day of March, 2008, upon consideration of the foregoing motion of Petitioner in the above matter, it is hereby ORDERED, ADJUDGED AND DECREED that the Motion to Strike Sheriff's Deed is hereby withdrawn.

BY THE COURT:



J.