

07-769-CD
HSBC Mortg. Vs F. Mendicino al

HSBC Mortgage vs Frank Mendicino et al
2007-769-CD

MILSTEAD & ASSOCIATES, LLC
BY: Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
File: 22.06344

HSBC Mortgage Services, Inc.
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.
402 Turnpike Avenue
Clearfield, PA 16830,

and

Becky G. Mendicino
402 Turnpike Avenue
Clearfield, PA 16830,

Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

No.: 07-769-CD

CIVIL ACTION
MORTGAGE FORECLOSURE

FILED 4th pd.
85.00
MAY 16 2007 2cc Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

June 7, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

July 26, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

Deputy Prothonotary

NOTICE

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

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

Lawyers Referral and Information Services
Clearfield County Bar Association
Clearfield County Courthouse
230 E. Market Street
Clearfield, NJ 16830
800-692-7375

NOTICE PURSUANT TO FAIR DEBT COLLECTION PRACTICES ACT

1. This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.
2. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after receipt of this notice, the debt will be assumed to be valid by our offices.
3. If you notify our offices in writing within 30 days of receipt of this notice that the debt, or any portion thereof, is disputed, our offices will provide you with verification of the debt or copy of the Judgment against you, and a copy of such verification or judgment will be mailed to you by our offices.

MILSTEAD & ASSOCIATES, LLC
BY:Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff

**HSBC Mortgage Services, Inc.,
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120**

Plaintiff,

Vs.

**Frank J. Mendicino, Jr.
402 Turnpike Avenue
Clearfield, PA 16830,**

and

**Becky G. Mendicino
402 Turnpike Avenue
Clearfield, PA 16830,**

Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, HSBC Mortgage Services, Inc. (the "Plaintiff"), is a Pennsylvania corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 1270 Northland Drive, Suite 200, Mendota Heights, MN 55120.

2. Defendants, Frank J. Mendicino, Jr. and Becky G. Mendicino, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Frank J. Mendicino, Jr., Defendant, resides at 402 Turnpike Avenue, Clearfield, PA 16830. Becky G. Mendicino, Defendant, resides at 402 Turnpike Avenue, Clearfield, PA 16830.

4. On September 28, 2005, in consideration of a loan in the principal amount of \$50,100.00, the Defendants executed and delivered to Decision One Mortgage Company, LLC an adjustable rate note (the "Note") with interest thereon at 9.39 percent per annum, payable as to the principal and interest in equal monthly installments of \$417.26 commencing October 28, 2005.

5. To secure the obligations under the Note, the Defendants executed and delivered to Mortgage Electronic Registration Systems, Inc. as nominee for Decision One Mortgage Company, LLC a mortgage (the "Mortgage") dated September 28, 2005, recorded on October 20, 2005 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200518088. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference. Plaintiff is proper party plaintiff by way of an assignment to be recorded.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): 402 Turnpike Avenue, Clearfield, PA 16830. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their obligations pursuant to the Note and Mortgage because payments of principal and interest due January 28, 2007, and monthly thereafter are due and have not been paid, whereby the whole balance of principal and all interest due thereon have become due and payable forthwith together with late charges, escrow deficit (if any) and costs of collection including title search fees and reasonable attorney's fees.

8. The following amounts are due on the Mortgage and Note:

| | |
|----------------------------------------------------------------------------------------------------------|-------------|
| Balance of Principal | \$49,698.62 |
| Accrued but Unpaid Interest from 12/28/06 to 5/14/07 @ 9.39% per annum (\$12.79 per diem) | \$1,752.23 |
| Accrued Late Charges | \$62.58 |

| | |
|----------------------------------|-------------|
| Escrow Advance | \$100.57 |
| Title Search Fees | \$350.00 |
| Deferred Late Charges..... | \$0.00 |
| Reasonable Attorney's Fees | \$1,250.00 |
| TOTAL as of 05/14/2007 | \$53,214.00 |

Plus, the following amounts accrued after May 14, 2007:


Interest at the Rate of 9.39 per cent per annum (\$12.79 per diem);

Late Charges of \$20.86 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at 402 Turnpike Avenue, Clearfield, PA 16830 as well as to address of residences as listed in paragraph 3 of this document on March 29, 2007, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

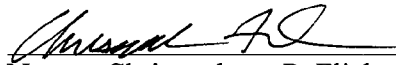
WHEREFORE, Plaintiff demands an in rem judgment against the Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$53,214.00, plus the following amounts accruing after May 14, 2007, to the date of judgment: (a) interest of \$12.79 per day, (b) late charges of \$20.86 per month, (c) plus interest at the legal rate allowed on judgments after the date of judgment, (d) additional attorney's fees (if any) hereafter incurred, (e) and costs of suit.

MILSTEAD & ASSOCIATES, LLC


Chrisovalante P. Flakos, Esquire
Attorney for Plaintiff

VERIFICATION

I, Chrisovalante P. Fliakos, hereby certify that I am an Attorney for Plaintiff and am authorized to make this verification on Plaintiff's behalf. I verify that the facts and statements set forth in the forgoing Complaint in Mortgage Foreclosure are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. ' 4904, relating to unsworn falsification to authorities.



Name: Chrisovalante P. Fliakos, Esquire
Title: Attorney

EXHIBIT A

All that certain lot or parcel of land situate in the Third Ward of the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Beginning at a post at the northwest corner of Turnpike Avenue and Nicholas Street; thence by Nichols Street south eighty nine (89) degrees and fifty three (53) minutes west ninety six and six tenths (96.6) feet to post corner of Lot No. 15; thence by Lot No. 15 North one (1) degree and three (3) minutes east forty eight (48) feet to post on the line of said lot fifteen; thence by residue of lot of which this is a part north eighty nine (89) degrees and fifty three (53) minutes east seventy two and twenty nine one hundredths (72.29) feet to Turnpike Avenue; thence by Turnpike Avenue south twenty six (26) degrees and fifty one (51) minutes east fifty three and seventy four one hundredths (53.74) feet to post and place of beginning. Being the south end of lot number fourteen (14) in Plan of lots as laid out and filed by Emma C. Schryver as an addition to Clearfield Borough.

TAX ID NO: 4-3-K8-206-56

TITLE TO SAID PREMISES VESTED IN: Frank J. Mendicino, Sr. and Becky G. Mendicino

Being the same premises which William T. Norman and Tammy Ann Norman, his wife and Robin L. Hay and Sharon L. Hay, his wife and John G. Manos and Sandra Hay Manos, his wife, by Deed dated September 27, 2005 and recorded October 20, 2005 in Clearfield County in 200518087 Page conveyed unto Frank J. Mendicino, Sr., and Becky G. Mendicino, his wife, in fee.

EXHIBIT A

MILSTEAD & ASSOCIATES, LLC
BY: Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

HSBC Mortgage Services, Inc.,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendant(s).

Attorney for Plaintiff

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

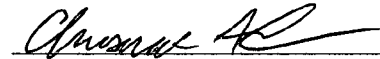
No.: 07-769-CD

Praecipe to Reinstate Complaint in
Mortgage Foreclosure

TO THE PROTHONOTARY:

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

MILSTEAD & ASSOCIATES, LLC



Chrisovalante P. Fliakos, Esquire
Attorney ID No. 94620

FILED

m/j:15cm
JUN 07 2007

William A. Shaw

Prothonotary/Clerk of Courts

icc & i reinstated
Complaint to
Att.
\$7.00 Att

MILSTEAD & ASSOCIATES, L.L.C.
BY: **Chrisovalante P. Fliakos, Esquire**
Attorney ID# 94620
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
ATTORNEY FOR PLAINTIFF

HSBC Mortgage Services, Inc.,

Plaintiff,

vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendants.

Our file No. 22.06344

COURT OF COMMON PLEAS
CIVIL DIVISION

Clearfield County

NO. 07-769-CD

FILED ^{ICC}
m/jl: 47cm ^{Att.}
JUL 16 2007

William A. Shaw
Prothonotary/Clerk of Courts

**MOTION FOR ALTERNATIVE SERVICE PURSUANT TO
PENNSYLVANIA R.C.P. 430**

TO THE HONORABLE JUDGE OF SAID COURT:

AND NOW, comes plaintiff, HSBC Mortgage Services, Inc., by its attorney Chrisovalante P. Fliakos, Esquire and moves this Honorable Court for an Order permitting Alternative Service upon the Defendant, Becky G. Mendicino, by posting and tacking a copy of the Complaint in Mortgage Foreclosure upon the property known as 402 Turnpike Avenue, Clearfield, PA 16830 and by certified and regular mail to Defendant's last known address pursuant to Pennsylvania Rule of Civil Procedure 430 and avers in support thereof:

1. Plaintiff filed suit against the Defendant, Becky G. Mendicino (the "Defendant") (the "Defendant") in Mortgage Foreclosure on or about May 16, 2007.

2. Plaintiff, HSBC Mortgage Services, Inc., ("Plaintiff") is the mortgagee by way of

{00179728}

an assignment to be recorded.

3. Plaintiff has made several attempts to effectuate service of the Complaint in Mortgage Foreclosure upon the Defendant, Becky G. Mendicino. Personal service was attempted on the Defendant at 402 Turnpike Avenue, Clearfield, PA 16830 by the Sheriff. The Sheriff has advised that the property is vacant. However, the Sheriff's Office has indicated that a return of service will not be available for several months due to backlogged returns.

4. Pursuant to Pennsylvania Rule of Civil Procedure 430, Plaintiff has made a good faith effort to locate the Defendant. A copy of the Affidavit of Reasonable Investigation is attached to the Affidavit as Exhibit "A" and made a part hereof. Said investigation provides no new address information for the Defendant.

5. On May 22, 2007, the support staff of Milstead and Associates sent a request to the Postmaster of Clearfield, PA 16830, requesting any information on the whereabouts of the Defendant. The postal was return with a address of 8620 W. Mayo Drive, Apt. 39, Crystal River, FL 34429-9048, but indicated that it was only for the co-Defendant, Frank Mendicino. A copy of this postal return is attached to the Affidavit as Exhibit "B" and made a part hereof.

6. Service was made on co-Defendant, Frank Mendicino on June 25, 2007. Mr. Mendicino was asked if he would accept service for Defendant, Becky G. Mendicino, but he declined, explaining that they are divorced and that she is living in Pennsylvania. A copy of the Process Server's Return is available upon request.

7. Plaintiff has attempted to ascertain the present address of the Defendant, but has been unable to do so.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order
{00179728}

permitting service upon said Defendant, Becky G. Mendicino, by posting and tacking a copy of the Complaint in Mortgage Foreclosure on the property known as 402 Turnpike Avenue, Clearfield, PA 16830 and by certified and regular mail, return receipt requested to the last known addresses for the Defendant.

Respectfully submitted,
MILSTEAD & ASSOCIATES, LLC



Chrisovalante P. Fliakos, Esquire
Attorney ID No.: 94620

MILSTEAD & ASSOCIATES, L.L.C.
BY: **Chrisovalante P. Fliakos, Esquire**
Attorney ID# 94620
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

ATTORNEY FOR PLAINTIFF

Our file No. 22.06344

HSBC Mortgage Services, Inc.,

Plaintiff,

vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendants.

COURT OF COMMON PLEAS
CIVIL DIVISION

Clearfield County

NO. 07-769-CD

**AFFIDAVIT IN SUPPORT OF
MOTION FOR ALTERNATIVE SERVICE**

STATE OF NEW JERSEY

:

SS

COUNTY OF CAMDEN

:

I, Chrisovalante P. Fliakos, Esquire, being duly sworn according to law, hereby depose and say that the facts set forth in the foregoing Motion for Alternative Service are true and correct to the best of my knowledge, information and belief.

1. Plaintiff filed suit against the Defendant, Becky G. Mendicino (the "Defendant") (the "Defendant") in Mortgage Foreclosure on or about May 16, 2007.
2. Plaintiff, HSBC Mortgage Services, Inc., ("Plaintiff") is the mortgagee by way of an assignment to be recorded.
3. Plaintiff has made several attempts to effectuate service of the Complaint in

{00179728}

Mortgage Foreclosure upon the Defendant, Becky G. Mendicino. Personal service was attempted on the Defendant at 402 Turnpike Avenue, Clearfield, PA 16830 by the Sheriff. The Sheriff has advised that the property is vacant. However, the Sheriff's Office has indicated that a return of service will not be available for several months due to backlogged returns.

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7. Plaintiff has attempted to ascertain the present address of the Defendant, but has been unable to do so.

Milstead & Associates, LLC



Chrisovalante P. Fliakos, Esquire
Attorney ID No.: 94620

MILSTEAD & ASSOCIATES, L.L.C.
BY: **Chrisovalante P. Fliakos, Esquire**
Attorney ID# 94620
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
ATTORNEY FOR PLAINTIFF

Our file No. 22.06344

HSBC Mortgage Services, Inc.,

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff,

Clearfield County

vs.

NO. 07-769-CD

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendants.

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR ALTERNATIVE SERVICE**

I. INTRODUCTION

This matter comes before the Court upon the motion of plaintiff, Wells HSBC Mortgage Services, Inc., for an order permitting substituted service of the Complaint in Mortgage Foreclosure pursuant to Pa. R.C.Pro. 430(a) upon the Defendant, Becky G. Mendicino.

II. FACTS

Plaintiff filed suit against the Defendant, Becky G. Mendicino (the "Defendant") (the "Defendant") in Mortgage Foreclosure on or about May 16, 2007. Plaintiff, HSBC Mortgage Services, Inc., ("Plaintiff") is the mortgagee by way of an assignment to be recorded.

Plaintiff has made several attempts to effectuate service of the Complaint in Mortgage Foreclosure upon the Defendant, Becky G. Mendicino. Personal service was attempted on the

Defendant at 402 Turnpike Avenue, Clearfield, PA 16830 by the Sheriff. The Sheriff has advised that the property is vacant. However, the Sheriff's Office has indicated that a return of service will not be available for several months due to backlogged returns.

Pursuant to Pennsylvania Rule of Civil Procedure 430, Plaintiff has made a good faith effort to locate the Defendant. A copy of the Affidavit of Reasonable Investigation is attached to the Affidavit as Exhibit "A" and made a part hereof. Said investigation provides no new address information for the Defendant.

On May 22, 2007, the support staff of Milstead and Associates sent a request to the Postmaster of Clearfield, PA 16830, requesting any information on the whereabouts of the Defendant. The postal was return with a address of 8620 W. Mayo Drive, Apt. 39, Crystal River, Fl 34429-9048, but indicated that it was only for the co-Defendant, Frank Mendicino. A copy of this postal return is attached to the Affidavit as Exhibit "B" and made a part hereof.

Service was made on co-Defendant, Frank Mendicino on June 25, 2007. Mr. Mendicino was asked if he would accept service for Defendant, Becky G. Mendicino, but he declined, explaining that they are divorced and that she is living in Pennsylvania. A copy of the Process Server's Return is available upon request.

Plaintiff has attempted to ascertain the present address of the Defendant, but has been unable to do so.

III LEGAL ARGUMENT

According to Pa. R.C.Pro. 430(a), a plaintiff may petition the court to provide an alternative method of service if the plaintiff cannot effectuate service upon the Defendant. The rule requires the affidavit presented in support of the motion for alternative service to state "the

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nature and extent of the investigation which has been made to determine the whereabouts of the Defendants and the reasons why service cannot be made.” Pa.R.C.Pro. 430(a). The purpose of this procedure is to provide proof that a good faith effort has been made to effect service under normal methods.

Rule 430 provides in pertinent part:

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

Pa.R.Civ.P. 430(a). It is well settled that, pursuant to Pa.R.Civ.P. 430(a), a method of substituted service which is reasonable calculated to give actual notice depending upon “what is reasonable under the circumstances, considering the interest at stake and the burden of providing notice” is acceptable. Romeo v. Looks, 369 Pa. Super. 608, 616 (1987).

The instant matter is a mortgage foreclosure action. Clearly, service upon the Defendant by posting the mortgaged premises, sending certified and regular mail to the Defendant’s last known address is reasonably calculated to provide notice to the Defendant in light of the efforts already made by the Plaintiff to effectuate personal service. Plaintiff has attached an affidavit to its Motion which sets forth the nature and extent of the investigation which has been made to determine the whereabouts of the Defendant. The Motion and the affidavit illustrate that Plaintiff has made a good faith effort to effectuate service under normal methods. Substituted service in the instant matter is appropriate under Pa.R.Civ.P. 430(a).

IV CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests this Honorable Court enter an
{00179728}

Order pursuant to Pennsylvania Rule of Civil Procedure 430 directing service of the Complaint in Mortgage Foreclosure by certified and regular mail to the Defendant's last known address and by posting of the mortgaged premises.

Chrisovalante P. Fliakos, Esquire
Attorney ID No.: 94620

MILSTEAD & ASSOCIATES, L.L.C.
BY: **Chrisovalante P. Fliakos, Esquire**
Attorney ID# 94620
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
ATTORNEY FOR PLAINTIFF

Our file No. 22.06344

HSBC Mortgage Services, Inc.,

Plaintiff,

vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendants.

COURT OF COMMON PLEAS
CIVIL DIVISION


Clearfield County

NO. 07-769-CD

CERTIFICATE OF SERVICE

I, Chrisovalante P. Fliakos, Esquire, counsel for Plaintiff, HSBC Mortgage Services, Inc., hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court was served on the following persons by first class mail, postage pre-paid, on the 13th day of July 2007:

Becky G. Mendicino
402 Turnpike Avenue
Clearfield, PA 16830


Chrisovalante P. Fliakos, Esquire
Attorney ID No. 94620

**Confidential
Investigative
Services, Inc.**

Plaintiff: HSBC Mortgage Services, Inc.

County: Clearfield

vs.

Term #: 07-769-CD

Defendant: Frank J. Mendicino Jr. and Becky G. Mendicino

Locate: Becky G. Mendicino

Address Given: 402 Turnpike Avenue, Clearfield, PA 16830

EXHIBIT A

**ATTENTION: Lisa Thomas
Michael Milstead, LLC
220 Lake Drive, East
Suite # 301
Cherry Hill, NJ 08002
File #: 22.06344**

AFFIDAVIT OF GOOD FAITH INVESTIGATION

LAST KNOWN ADDRESS

1) 402 Turnpike Avenue, Clearfield, PA 16830

INQUIRY OF THE CREDIT BUREAU

The credit bureau reports that the most current address of the subject is 402 Turnpike Avenue, Clearfield, PA 16830.

INQUIRY OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

The Pennsylvania Department of Transportation – Division of Motor Vehicles reports driver's license number 19969322 is issued to Becky G Mendicino of 402 Turnpike Avenue, Clearfield, PA 16830. Note, the subject's license is current and not due to expire June 30, 2009.

INQUIRY OF U.S. POST OFFICE (FOIA)

A request has been forwarded to the Clearfield Post Office. I will forward their response immediately upon my receipt.

SEARCH OF LOCAL TELEPHONE DIRECTORIES & PHONE COMPANY OPERATOR CONTACT

The telephone company operator reports no listings issued in the subject's name at 402 Turnpike Avenue, Clearfield, PA 16830 or the surrounding area.

CONTACTS

1) No neighbors could be contacted to confirm the subject's residency.

I CERTIFY UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

AFFIANT:

DIANE COWAN, CLI

235 South 13th Street
Philadelphia, PA 19107
(215) 546-7400
(800) 503-7400
Fax (215) 985-0169

**SWORN & SUBSCRIBED BEFORE ME THIS
OF _____, 2007**

NOTARY PUBLIC

Inquiry Information:

Date of Inquiry: 05/22/2007
UserID: DIANE

Subject Information: Name: mendicino, becky
SSN: 168-48-3425
Current Address: 402 turnpike AV
clearfield, PA 16830

Report Results

* ADDRESS DISCREPANCY - NO SUBSTANTIAL DIFFERENCE OCCURRED *

* 229 EQUIFAX INFORMATION SERVICES LLC, P O BOX 740241,
, ATLANTA, GA, 30374-0241, 800/685-1111

*MENDICINO, BECKY, G SINCE 02/17/86 FAD 03/19/07 FN-205
402, TURNPIKE, AVE, CLEARFIELD, PA, 16830, CRT RPTD 03/07
PO, BOX 1101, , LECANTO, FL, 34460, TAPE RPTD 02/01
8584, W CANDLEGLOW, ST, CRYSTAL RIVER, FL, 34428, TAPE RPTD 11/01
FN-HOLLEY, BECKY, G
BDS-04/24/1942, SSS-168-48-3425
01 ES-, CRYSTAL RIVER HIGH SCHOOL&

END OF REPORT EQUIFAX AND AFFILIATES - 05/22/07

PAGE 1

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
BUREAU OF DRIVER LICENSING
BASIC DRIVER INFORMATION
MAY 23 2007

DRIVER: BECKY G MENDICINO
402 TURNPIKE AVE
CLEARFIELD, PA 16830

DRIVER LICENSE NO : 19969322
DATE OF BIRTH : JUN 29 1963
SEX : FEMALE
RECORD TYPE : REG LICENSE

DRIVER LICENSE (DL)

LICENSE CLASS : C
LICENSE ISSUE DATE: MAR 31 2006
LICENSE EXPIRES : JUN 30 2009

MED RESTRICTIONS : NONE
LEARNER PERMITS :
LICENSE STATUS :

COMMERCIAL DRIVER LICENSE (CDL)

CDL LICENSE CLASS :
CDL LICENSE ISSUED :
CDL LICENSE EXPIRES:
CDL ENDORSEMENTS : NONE
CDL RESTRICTIONS : NONE
CDL LEARNER PERMITS:
CDL LICENSE STATUS :

SB ENDORSEMENT :

PROBATIONARY LICENSE (PL)

PL LICENSE CLASS :
PL LICENSE ORIG ISS:
PL LICENSE ISSUED :
PL LICENSE EXPIRES :
PL LICENSE STATUS :

OCCUPATIONAL LIMITED LICENSE (OLL)

OLL LICENSE CLASS :
OLL LICENSE ISSUED :
OLL LICENSE EXPIRES:
OLL LICENSE STATUS :

*** END OF RECORD ***

MENDICINO, F J more info

402 Turnpike Ave
Clearfield, PA 16830-1320
(814) 765-3025

no. has been disconnected

HUMMEL, RUBY more info

406 Turnpike Ave
Clearfield, PA 16830-1320
(814) 765-2417

ans. machine

CARNS, M JEAN more info

407 Turnpike Ave
Clearfield, PA 16830-1319
(814) 765-6091

no answer

The telephone co. operator reports no listings
issued the subject in this area.

PLUNSKE, NORMAN more info

8515 W Candleglow St
Crystal River, FL 34428-2100
(352) 795-7537

Mr. Plunske is not familiar
with the subject, since he's
fairly new to the neighborhood.

ERMATINGER, KAREN more info

8537 W Candleglow St
Crystal River, FL 34428-2100
(352) 795-0163

no answer

DENNINGTON, BILE & PAT more info

8584 W Candleglow St
Crystal River, FL 34428-2104
(352) 563-1519

Mr. Dennington states
he's been the owner of 8584
for 2 years and the previous
owners were not the Mandicino's
or Holley. Also he advises
the previous owners were here
for 9 years.

telephone co. operator reports no listings
issued the subject in this area.

**Confidential
Investigative
Services, Inc.**

Plaintiff: HSBC Mortgage Services, Inc.

County: Clearfield

vs.

Term #: 07-769-CD

Defendant: Frank J. Mendicino Jr. and Becky G. Mendicino

Locate: Becky G. Mendicino

Address Given: 402 Turnpike Avenue, Clearfield, PA 16830

**ATTENTION: Lisa Thomas
Michael Milstead, LLC
220 Lake Drive, East
Suite # 301
Cherry Hill, NJ 08002
File #: 22.06344**

**AMENDED
AFFIDAVIT OF GOOD FAITH INVESTIGATION**

LAST KNOWN ADDRESS

- 1) 402 Turnpike Avenue, Clearfield, PA 16830
- 2) 8584 W Candleglow Street, Crystal River, FL 34460

INQUIRY OF THE CREDIT BUREAU

The credit bureau reports that the most current address of the subject is 402 Turnpike Avenue, Clearfield, PA 16830.

INQUIRY OF THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

The Pennsylvania Department of Transportation - Division of Motor Vehicles reports driver's license number 19969322 is issued to Becky G Mendicino of 402 Turnpike Avenue, Clearfield, PA 16830. Note, the subject's license is current and not due to expire until June 30, 2009.

INQUIRY OF U.S. POST OFFICE (FOIA)

- 1) The Clearfield Post Office reports the subject has moved from 402 Turnpike Avenue, Clearfield, PA 16830, and left no forwarding address.
- 2) The Crystal River Post Office reports the subject has moved from 8584 W Candleglow Street, Crystal River, FL 34460, and left no forwarding address.

SEARCH OF LOCAL TELEPHONE DIRECTORIES & PHONE COMPANY OPERATOR CONTACT

The telephone company operator reports no listings issued in the subject's name at 402 Turnpike Avenue, Clearfield, PA 16830 or the surrounding area.

CONTACTS

- 1) No neighbors could be contacted to confirm the subject's residency.

I CERTIFY UNDER PENALTY OF PERJURY, THAT THE FOREGOING IS TRUE AND CORRECT, TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT FALSE STATEMENTS HEREIN ARE MADE SUBJECT TO THE PENALTIES RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES.

AFFIANT:

DIANE COWAN, CLI

235 South 13th Street
Philadelphia, PA 19107
(215) 546-7400
(800) 503-7400
Fax (215) 985-0169

**SWORN & SUBSCRIBED BEFORE ME THIS
OF _____, 2007**

NOTARY PUBLIC

B&R

Court Filing

Services for Professionals Inc.
Process Serving

Court Reporting

Station Manager
Clearfield, PA 16830
City, State, ZIP CodeDate: May 29, 2007
Please provide apartment number or
physical address information for post office box,
if applicable**Request for Change of Address or Boxholder
Information Needed for Services of Legal Process**

PLEASE FURNISH THE NEW ADDRESS OR THE NAME AND THE STREET ADDRESS (IF A BOXHOLDER) FOR THE FOLLOWING:

Name: **Becky G Mendicino**Address: **402 Turnpike Avenue**

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

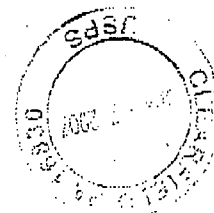
The following information is provided in accordance with 39 CFR 265.8(d)(6)(u). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester is a process server.
2. Statute or regulation that empowers me to serve process is Pennsylvania Rules of Civil Procedure 400.1.
3. The names of all known parties to the litigation: HSBC Mortgage Services, Inc. vs. Frank J. Mendicino and Becky G Mendicino
4. The Court in which the case has been or will be heard: Clearfield County Court of Common Pleas
5. The docket or other identifying number if one has been issued: 07-769-CD
6. The capacity in which this individual is to be served is a defendant.

WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO 410,000 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001)

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT THE ADDRESS INFORMATION IS NEEDED AND WILL BE USED SOLELY FOR SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION.

DC
SignatureDiane Cowan
Printed Name235 South 13th Street
AddressPhiladelphia, PA 19107
City, State, ZIP Code**FOR POST OFFICE USE ONLY**

- ☐ Mail is good as addressed.
☐ Not known at address given.
☒ Moved, left no forwarding address.
☐ No such address.

NEW ADDRESS OR BOXHOLDER'S POSTMARK
NAME AND STREET ADDRESS

B&R

Court Filing

Services for Professionals Inc.
Process Serving

Court Reporting

Station Manager
Crystal River, FL 34460
City, State, ZIP Code

Date: May 29, 2007
Please provide apartment number or
physical address information for post office box,
if applicable

Request for Change of Address or Boxholder Information Needed for Services of Legal Process

PLEASE FURNISH THE NEW ADDRESS OR THE NAME AND THE STREET ADDRESS (IF A BOXHOLDER) FOR THE FOLLOWING:
Name: Becky G Mendicino

Address: 8584 W Candleglow Street

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.8(d)(6)(u). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester is a process server.
2. Statute or regulation that empowers me to serve process is Pennsylvania Rules of Civil Procedure 400.1.
3. The names of all known parties to the litigation: HSBC Mortgage Services, Inc. vs. Frank J. Mendicino and Becky G Mendicino
4. The Court in which the case has been or will be heard: Clearfield County Court of Common Pleas
5. The docket or other identifying number if one has been issued: 07-769-CD
6. The capacity in which this individual is to be served is a defendant.

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I CERTIFY THAT THE ABOVE INFORMATION IS TRUE AND THAT THE ADDRESS INFORMATION IS NEEDED AND WILL BE USED SOLELY FOR SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION.

Diane Cowan
Signature

Diane Cowan
Printed Name

235 South 13th Street
Address

Philadelphia, PA 19107
City, State, ZIP Code



FOR POST OFFICE USE ONLY

- ☐ Mail is good as addressed.
☐ Not known at address given.
☒ Moved, left no forwarding address.
☐ No such address.

NEW ADDRESS OR BOXHOLDER'S POSTMARK
NAME AND STREET ADDRESS

EXHIBIT B

Milstead & Associates, LLC

Attorneys at Law

Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, New Jersey 08002
Tel (856) 482-1400 Fax (856) 482-9190

Michael J. Milstead, Esq.
mjmilstead@milsteadlaw.com

Pina S. Wertzberger, Esq. PA & NJ
pwertzberger@milsteadlaw.com

Lisa Ann Thomas, Foreclosure Administrator
lthomas@milsteadlaw.com

Philadelphia Address:
235 South 13th Street
Philadelphia, PA 19107

Please Reply To: NJ Office
Our File No.: 22.06344

Postmaster
Clearfield, PA 16830

May 22, 2007

**Request for Change of Address or Boxholder
Information Needed for Service of Legal Process**

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: Frank J Mendicino Jr. and Becky G. Mendicino

Address: 402 Turnpike Avenue, Clearfield, PA 16830

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address as required for boxholder information.

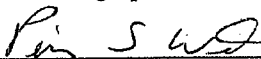
The Following information is provided in accordance with 39 CFR 265.6(d) (6) (ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d) (1) and (2) and corresponding Administrative Support Manual 352.44a and b.

1. Capacity of requester: **Attorney**
2. Statue or regulation that empowers me to serve process: **N/A**
3. The names of all known parties to the litigation: **HSBC Mortgage Services, Inc. vs. Frank J Mendicino Jr. and Becky G. Mendicino**
4. The court in which the case has been or will be heard: **Clearfield**
5. The docket or other identifying number if one has been issued: **07-769-CD**
6. The capacity in which this individual is to be served: **Defendant**

WARNING

THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.


Pina S. Wertzberger, Esquire

Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002

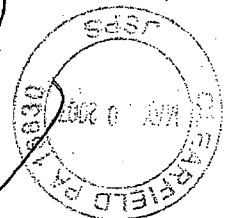
FOR POST OFFICE USE ONLY

- ☒ No change of address order on file.
☐ Not known at address given.
☐ Moved, left no forwarding address.
☐ No such address.

**NEW ADDRESS or BOXHOLDER'S
NAME and STREET ADDRESS**

POSTMARK

Frank - only
8600 W Mayo Dr Apt 39
Crystal River FL 34429-9048



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

HSBC MORTGAGE SERVICES, INC.
Plaintiff

vs.

FRANK J. MENDICINO, JR. and
BECKY G. MENDICINO,
Defendants

*
*
*
*
*
*

NO. 07-769-CD

ORDER

NOW, this 18th day of July, 2007, the Court being in receipt of and having reviewed the Motion for Alternative Service Pursuant to Pennsylvania R.C.P. 430, relative Defendant Becky G. Mendicino; the Court notes the following:

1. The Plaintiff is attempting to serve Defendant Becky G. Mendicino at the address of 402 Turnpike Ave, Clearfield, Pa 16830 and is indicating that the premises are vacant.
2. The Court has reviewed public records at the Clearfield County Courthouse which indicate that Becky G. Mendicino's address as of May 2007 is 409 Newport Road, Duncannon, Pennsylvania 17020.
3. The Courts notes that the Affidavit of Good Faith Investigation and Amended Affidavit of Good Faith Investigation included by the Plaintiff with said Motion are not dated or notarized.

In consideration of the above information, it is the ORDER of this Court that the Plaintiff's Motion for Alternative Service Pursuant to Pennsylvania R.C.P. 430 be and is hereby DENIED. The Plaintiff is advised to take the above information into consideration and re-attempt service.

FILED

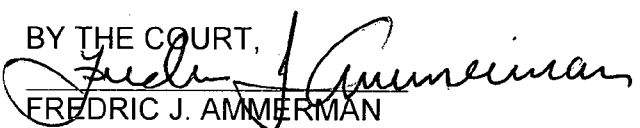
0/40081
JUL 19 2007

3cc
Atty Flakos

(GR)

William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

MILSTEAD & ASSOCIATES, LLC
BY: Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

HSBC Mortgage Services, Inc.,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendant(s).

Attorney for Plaintiff

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.: 07-769-CD

**Praecepte to Reinstate Complaint in
Mortgage Foreclosure**

TO THE PROTHONOTARY:

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

MILSTEAD & ASSOCIATES, LLC



Chrisovalante P. Fliakos, Esquire
Attorney ID No. 94620

FILED 1 cc to **AM**
m/3:30 pm 1 reinstated
JUL 26 2007 Complaint to
Shff.
William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **102804**

HSBC MORTGAGE SERVICES, INC.

Case # 07-769-CD

VS.

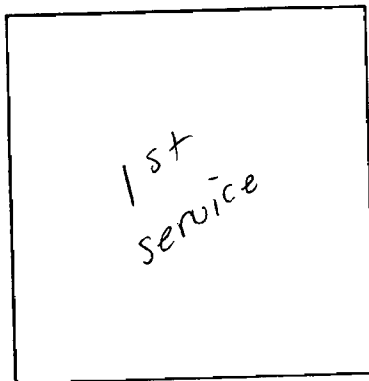
FRANK J. MENDICINO, JR. and BECKY G. MENDICINO

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW October 08, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO FRANK J. MENDICINO JR., DEFENDANT. 402 TURNPIKE AVE., CLEARFIELD, PA. "VACANT".

SERVED BY: /



FILED
0/2:55/34
OCT 08 2007

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket # **102804**

HSBC MORTGAGE SERVICES, INC.

Case # 07-769-CD

VS.

FRANK J. MENDICINO, JR. and BECKY G. MENDICINO

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW October 08, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO BECKY G. MENDICINO, DEFENDANT. 402 TURNPIKE AVE., CLEARFIELD, PA. "VACANT".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102804
NO: 07-769-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.

vs.

DEFENDANT: FRANK J. MENDICINO, JR. and BECKY G. MENDICINO

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|----------|---------|--------|
| SURCHARGE | MILSTEAD | 33126 | 20.00 |
| SHERIFF HAWKINS | MILSTEAD | 33126 | 21.00 |

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

MILSTEAD & ASSOCIATES, LLC
BY: Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
File: 22.06344

HSBC Mortgage Services, Inc.
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.
402 Turnpike Avenue
Clearfield, PA 16830,

and

Becky G. Mendicino
402 Turnpike Avenue
Clearfield, PA 16830,

Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

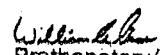
No.: 07-769-CD

CIVIL ACTION
MORTGAGE FORECLOSURE

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

MAY 16 2007

Attest.


Prothonotary/
Clerk of Courts

NOTICE

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

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

Lawyers Referral and Information Services
Clearfield County Bar Association
Clearfield County Courthouse
230 E. Market Street
Clearfield, NJ 16830
800-692-7375

NOTICE PURSUANT TO FAIR DEBT COLLECTION PRACTICES ACT

1. This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.
2. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after receipt of this notice, the debt will be assumed to be valid by our offices.
3. If you notify our offices in writing within 30 days of receipt of this notice that the debt, or any portion thereof, is disputed, our offices will provide you with verification of the debt or copy of the Judgment against you, and a copy of such verification or judgment will be mailed to you by our offices.

MILSTEAD & ASSOCIATES, LLC
BY:Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff

**HSBC Mortgage Services, Inc.,
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120**

Plaintiff,

Vs.

**Frank J. Mendicino, Jr.
402 Turnpike Avenue
Clearfield, PA 16830,**

and

**Becky G. Mendicino
402 Turnpike Avenue
Clearfield, PA 16830,**

Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, HSBC Mortgage Services, Inc. (the "Plaintiff"), is a Pennsylvania corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 1270 Northland Drive, Suite 200, Mendota Heights, MN 55120.

2. Defendants, Frank J. Mendicino, Jr. and Becky G. Mendicino, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Frank J. Mendicino, Jr., Defendant, resides at 402 Turnpike Avenue, Clearfield, PA 16830. Becky G. Mendicino, Defendant, resides at 402 Turnpike Avenue, Clearfield, PA 16830.

4. On September 28, 2005, in consideration of a loan in the principal amount of \$50,100.00, the Defendants executed and delivered to Decision One Mortgage Company, LLC an adjustable rate note (the "Note") with interest thereon at 9.39 percent per annum, payable as to the principal and interest in equal monthly installments of \$417.26 commencing October 28, 2005.

5. To secure the obligations under the Note, the Defendants executed and delivered to Mortgage Electronic Registration Systems, Inc. as nominee for Decision One Mortgage Company, LLC a mortgage (the "Mortgage") dated September 28, 2005, recorded on October 20, 2005 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200518088. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference. Plaintiff is proper party plaintiff by way of an assignment to be recorded.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): 402 Turnpike Avenue, Clearfield, PA 16830. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their obligations pursuant to the Note and Mortgage because payments of principal and interest due January 28, 2007, and monthly thereafter are due and have not been paid, whereby the whole balance of principal and all interest due thereon have become due and payable forthwith together with late charges, escrow deficit (if any) and costs of collection including title search fees and reasonable attorney's fees.

8. The following amounts are due on the Mortgage and Note:

| | |
|----------------------------------------------------------------------------------------------------------|-------------|
| Balance of Principal | \$49,698.62 |
| Accrued but Unpaid Interest from 12/28/06 to 5/14/07 @ 9.39% per annum (\$12.79 per diem) | \$1,752.23 |
| Accrued Late Charges | \$62.58 |

Escrow Advance\$100.57
Title Search Fees\$350.00
Deferred Late Charges.....\$0.00
Reasonable Attorney's Fees\$1,250.00
TOTAL as of 05/14/2007\$53,214.00

Plus, the following amounts accrued after May 14, 2007:

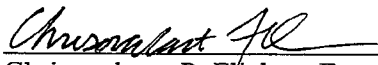
Interest at the Rate of 9.39 per cent per annum (\$12.79 per diem);

Late Charges of \$20.86 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at 402 Turnpike Avenue, Clearfield, PA 16830 as well as to address of residences as listed in paragraph 3 of this document on March 29, 2007, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

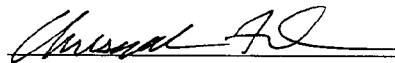
WHEREFORE, Plaintiff demands an in rem judgment against the Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$53,214.00, plus the following amounts accruing after May 14, 2007, to the date of judgment: (a) interest of \$12.79 per day, (b) late charges of \$20.86 per month, (c) plus interest at the legal rate allowed on judgments after the date of judgment, (d) additional attorney's fees (if any) hereafter incurred, (e) and costs of suit.

MILSTEAD & ASSOCIATES, LLC


Chrisovalante P. Fliakos, Esquire
Attorney for Plaintiff

VERIFICATION

I, Chrisovalante P. Fliakos, hereby certify that I am an Attorney for Plaintiff and am authorized to make this verification on Plaintiff's behalf. I verify that the facts and statements set forth in the forgoing Complaint in Mortgage Foreclosure are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. ' 4904, relating to unsworn falsification to authorities.



Name: Chrisovalante P. Fliakos, Esquire

Title: Attorney

EXHIBIT A

All that certain lot or parcel of land situate in the Third Ward of the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Beginning at a post at the northwest corner of Turnpike Avenue and Nicholas Street; thence by Nichols Street south eighty nine (89) degrees and fifty three (53) minutes west ninety six and six tenths (96.6) feet to post corner of Lot No. 15; thence by Lot No. 15 North one (1) degree and three (3) minutes east forty eight (48) feet to post on the line of said lot fifteen; thence by residue of lot of which this is a part north eighty nine (89) degrees and fifty three (53) minutes east seventy two and twenty nine one hundredths (72.29) feet to Turnpike Avenue; thence by Turnpike Avenue south twenty six (26) degrees and fifty one (51) minutes east fifty three and seventy four one hundredths (53.74) feet to post and place of beginning. Being the south end of lot number fourteen (14) in Plan of lots as laid out and filed by Emma C. Schryver as an addition to Clearfield Borough.

TAX ID NO: 4-3-K8-206-56

TITLE TO SAID PREMISES VESTED IN: Frank J. Mendicino, Sr. and Becky G. Mendicino

Being the same premises which William T. Norman and Tammy Ann Norman, his wife and Robin L. Hay and Sharon L. Hay, his wife and John G. Manos and Sandra Hay Manos, his wife, by Deed dated September 27, 2005 and recorded October 20, 2005 in Clearfield County in 200518087 Page conveyed unto Frank J. Mendicino, Sr., and Becky G. Mendicino, his wife, in fee.

EXHIBIT A

MILSTEAD & ASSOCIATES, LLC
BY: Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
File: 22.06344

HSBC Mortgage Services, Inc.
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.
402 Turnpike Avenue
Clearfield, PA 16830,

and

Becky G. Mendicino
402 Turnpike Avenue
Clearfield, PA 16830,

Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

No.: 07-769-CD

CIVIL ACTION
MORTGAGE FORECLOSURE

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

MAY 16 2007

Attest.


Prothonotary/
Clerk of Courts

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3. If you notify our offices in writing within 30 days of receipt of this notice that the debt, or any portion thereof, is disputed, our offices will provide you with verification of the debt or copy of the Judgment against you, and a copy of such verification or judgment will be mailed to you by our offices.

MILSTEAD & ASSOCIATES, LLC
BY:Chrisovalante P. Fliakos, Esquire
ID No. 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff

**HSBC Mortgage Services, Inc.,
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120**

Plaintiff,

Vs.

**Frank J. Mendicino, Jr.
402 Turnpike Avenue
Clearfield, PA 16830,**

and

**Becky G. Mendicino
402 Turnpike Avenue
Clearfield, PA 16830,**

Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, HSBC Mortgage Services, Inc. (the "Plaintiff"), is a Pennsylvania corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 1270 Northland Drive, Suite 200, Mendota Heights, MN 55120.

2. Defendants, Frank J. Mendicino, Jr. and Becky G. Mendicino, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Frank J. Mendicino, Jr., Defendant, resides at 402 Turnpike Avenue, Clearfield, PA 16830. Becky G. Mendicino, Defendant, resides at 402 Turnpike Avenue, Clearfield, PA 16830.

4. On September 28, 2005, in consideration of a loan in the principal amount of \$50,100.00, the Defendants executed and delivered to Decision One Mortgage Company, LLC an adjustable rate note (the "Note") with interest thereon at 9.39 percent per annum, payable as to the principal and interest in equal monthly installments of \$417.26 commencing October 28, 2005.

5. To secure the obligations under the Note, the Defendants executed and delivered to Mortgage Electronic Registration Systems, Inc. as nominee for Decision One Mortgage Company, LLC a mortgage (the "Mortgage") dated September 28, 2005, recorded on October 20, 2005 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200518088. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference. Plaintiff is proper party plaintiff by way of an assignment to be recorded.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): 402 Turnpike Avenue, Clearfield, PA 16830. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their obligations pursuant to the Note and Mortgage because payments of principal and interest due January 28, 2007, and monthly thereafter are due and have not been paid, whereby the whole balance of principal and all interest due thereon have become due and payable forthwith together with late charges, escrow deficit (if any) and costs of collection including title search fees and reasonable attorney's fees.

8. The following amounts are due on the Mortgage and Note:

| | |
|----------------------------------------------------------------------------------------------------------|-------------|
| Balance of Principal | \$49,698.62 |
| Accrued but Unpaid Interest from 12/28/06 to 5/14/07 @ 9.39% per annum (\$12.79 per diem) | \$1,752.23 |
| Accrued Late Charges | \$62.58 |

Escrow Advance\$100.57
Title Search Fees\$350.00
Deferred Late Charges.....\$0.00
Reasonable Attorney's Fees\$1,250.00
TOTAL as of 05/14/2007\$53,214.00

Plus, the following amounts accrued after May 14, 2007:

Interest at the Rate of 9.39 per cent per annum (\$12.79 per diem);

Late Charges of \$20.86 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at 402 Turnpike Avenue, Clearfield, PA 16830 as well as to address of residences as listed in paragraph 3 of this document on March 29, 2007, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

WHEREFORE, Plaintiff demands an in rem judgment against the Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$53,214.00, plus the following amounts accruing after May 14, 2007, to the date of judgment: (a) interest of \$12.79 per day, (b) late charges of \$20.86 per month, (c) plus interest at the legal rate allowed on judgments after the date of judgment, (d) additional attorney's fees (if any) hereafter incurred, (e) and costs of suit.

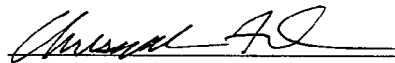
MILSTEAD & ASSOCIATES, LLC



Chrisovalante P. Flakos, Esquire
Attorney for Plaintiff

VERIFICATION

I, Chrisovalante P. Fliakos, hereby certify that I am an Attorney for Plaintiff and am authorized to make this verification on Plaintiff's behalf. I verify that the facts and statements set forth in the forgoing Complaint in Mortgage Foreclosure are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. '4904, relating to unsworn falsification to authorities.



Name: Chrisovalante P. Fliakos, Esquire

Title: Attorney

EXHIBIT A

All that certain lot or parcel of land situate in the Third Ward of the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Beginning at a post at the northwest corner of Turnpike Avenue and Nicholas Street; thence by Nichols Street south eighty nine (89) degrees and fifty three (53) minutes west ninety six and six tenths (96.6) feet to post corner of Lot No. 15; thence by Lot No. 15 North one (1) degree and three (3) minutes east forty eight (48) feet to post on the line of said lot fifteen; thence by residue of lot of which this is a part north eighty nine (89) degrees and fifty three (53) minutes east seventy two and twenty nine one hundredths (72.29) feet to Turnpike Avenue; thence by Turnpike Avenue south twenty six (26) degrees and fifty one (51) minutes east fifty three and seventy four one hundredths (53.74) feet to post and place of beginning. Being the south end of lot number fourteen (14) in Plan of lots as laid out and filed by Emma C. Schryver as an addition to Clearfield Borough.

TAX ID NO: 4-3-K8-206-56

TITLE TO SAID PREMISES VESTED IN: Frank J. Mendicino, Sr. and Becky G. Mendicino

Being the same premises which William T. Norman and Tammy Ann Norman, his wife and Robin L. Hay and Sharon L. Hay, his wife and John G. Manos and Sandra Hay Manos, his wife, by Deed dated September 27, 2005 and recorded October 20, 2005 in Clearfield County in 200518087 Page conveyed unto Frank J. Mendicino, Sr., and Becky G. Mendicino, his wife, in fee.

EXHIBIT A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103034
NO: 07-769-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.

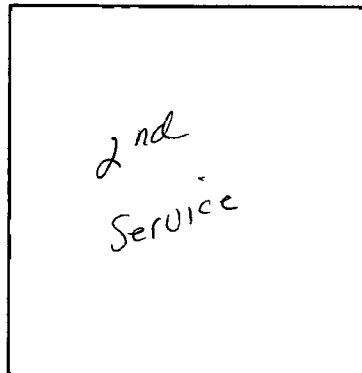
vs.

DEFENDANT: FRANK J. MENDICINO, JR. and BECKY G. MENDICINO

SHERIFF RETURN

NOW, July 30, 2007, SHERIFF OF PERRY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON BECKY G. MENDICINO.

NOW, August 06, 2007 AT 11:30 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON BECKY G. MENDICINO, DEFENDANT. THE RETURN OF PERRY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.



FILED
9/3/55811
OCT 08 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103034
NO: 07-769-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.

vs.

DEFENDANT: FRANK J. MENDICINO, JR. and BECKY G. MENDICINO

SHERIFF RETURN

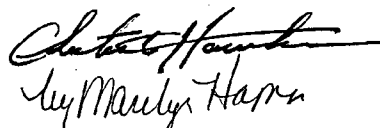
RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|----------|---------|--------|
| SURCHARGE | MILSTEAD | 35257 | 10.00 |
| SHERIFF HAWKINS | MILSTEAD | 35257 | 12.00 |
| PERRY CO. | MILSTEAD | 35258 | 52.10 |

Sworn to Before Me This

_____ Day of _____ 2007

So Answers,



Chester A. Hawkins
Sheriff

HSBC Mortgage Services, Inc

**IN THE COURT OF COMMON PLEAS OF
THE 41st JUDICIAL DISTRICT OF PENNSYLVANIA,
PERRY COUNTY BRANCH**

Versus

Becky G. Mendicino

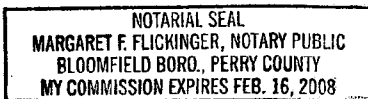
No. 2007-769 Clearfield Co.

SHERIFF'S RETURN

And now August 6, 2007 : Served the within name Becky G. Mendicino
the defendant(s) named herin, personally at her place of residence in Sheriffs Office-New
Bloomfield, PA
Perry County, PA, on August 6, 3:20 at 11:30 o'clock PM
by handing to Becky G. Weldon, fka Mendicino, Defendant 1 true and attested
copy(ies) of the within Complaint in Mortgage Foreclosure
and made known to her the contents thereof

Sworn and subscribed to before me this 6th
day of August, 2007

Margaret F. Flickinger
Deputy Sheriff ~~Prothonotary~~



So answers

Donald E. Smith

Donald E. Smith

Deputy Sheriff of Perry County



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641 EXT. [REDACTED]

FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 103034

HSBC MORTGAGE SERVICES, INC.

vs.

FRANK J. MENDICINO, JR. and BECKY G. MENDICINO

TERM & NO. 07-769-CD

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 08/25/07

HEARING:

MAKE REFUND PAYABLE TO MILSTEAD & ASSOC.

SERVE: BECKY G. MENDICINO

ADDRESS: 409 NEWPORT ROAD, DUNCANNON, PA 17020

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF PERRY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, July 30, 2007.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

MILSTEAD & ASSOCIATES, LLC

Attorneys at Law

Woodland Falls Corporate Park
220 Lake Drive East, Ste 301
Cherry Hill, New Jersey 08002
TEL (856) 482-1400 FAX (856) 482-9190

Michael J. Milstead, Esq.
michael@milsteadlaw.com

Pina S. Wertzberger, Esq. PA & NJ
pwertzberger@milsteadlaw.com

Lisa Ann Thomas, Foreclosure Administrator
lthomas@milsteadlaw.com

Philadelphia Address:
235 South 13th Street
Philadelphia, PA 19107

Please Reply To: NJ Office
Our File No. 22.06344

July 24, 2007

Office of the Sheriff
Perry County Courthouse
Center Square
New Bloomfield, PA 17068

Re: HSBC Mortgage v. Mendicino;
Case No.: 07-769-CD
Service of Complaint

Dear Sir/Madam:

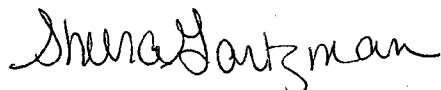
Enclosed please find the reinstate mortgage foreclosure complaint in the above reference matter. Please accept this letter as a request for service of the complaint. Upon completion of the service, please complete and forward your return of service to our office in the enclosed elf-addressed stamped envelope. I have enclosed a check to cover your charges.

Service request for:
Becky G. Mendicino at 409 Newport Road, Duncannon, PA 17020

***Service has been deputized from Clearfield County**

Thank you for your attention to this matter.

Very truly yours,



Sheera Gartzman

Legal Assistant

MILSTEAD & ASSOCIATES, L.L.C.
BY: **Chrisovalante P. Fliakos, Esquire**
Attorney ID# 94620
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
ATTORNEY FOR PLAINTIFF

Our file No. 22.06344

HSBC Mortgage Services, Inc.,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Case No.: 07-769-CD

FILED acc
013:3161 Any
OCT 30 2007 Lhotz
William A. Shaw (local)
Prothonotary/Clerk of Courts

**MOTION TO COMPEL SHERIFF TO RETURN ANY AND ALL SERVICE FORMS
TO THE PROTHONOTARY**

TO THE HONORABLE JUDGE OF SAID COURT:

AND NOW, comes plaintiff, HSBC Mortgage Services, Inc., by its attorney Chrisovalante P. Fliakos, Esquire and moves this Honorable Court for an Order to Compel the Sheriff to Return any and all Service Forms to the Prothonotary's Office to be filed for this case and avers in support thereof:

1. Plaintiff filed a Complaint in Mortgage Foreclosure against the Defendants on or about May 16, 2007.
2. Plaintiff was advised by the Sheriff's Department via telephone that the Defendant, Becky G. Mendicino was served with the Complaint on August 6, 2007.
3. On August 31, 2007, Plaintiff sent out Notice pursuant to Pa.R.C.P. Rule 237.1 to the

Defendants.

4. To date, Defendants have not filed an Answer to the Eviction Complaint.

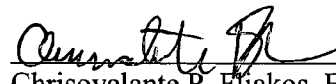
5. In an attempt to continue with the proceedings, Plaintiff sent a Praecipe for Default Judgment and Assessment of Damages to the Prothonotary's Office for filing on September 12, 2007.

6. Counsel for Plaintiff received a telephone call from the Prothonotary's Office stating that the Judgment could not be filed, as the Sheriff has not made a return of service to the Prothonotary's Office.

7. The Sheriff's refusal to return the Service Forms to the Prothonotary's Office for filing has greatly prejudiced the Plaintiff in their attempt to proceed with the Mortgage Foreclosure action.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order to Compel the Sheriff to return any and all Service Forms to the Prothonotary's Office within 10 days of the issuance of a court order.

Respectfully submitted,
MILSTEAD & ASSOCIATES, LLC



Chrisovalante P. Fliakos, Esquire
Attorney ID No.: 94620

FILED

OCT 30 2007

William A. Shaw
Prothonotary/Clerk of Courts

MILSTEAD & ASSOCIATES, L.L.C.
BY: **Chrisovalante P. Fliakos, Esquire**
Attorney ID# 94620
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
ATTORNEY FOR PLAINTIFF

Our file No. 22.06344

HSBC Mortgage Services, Inc.,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendants.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

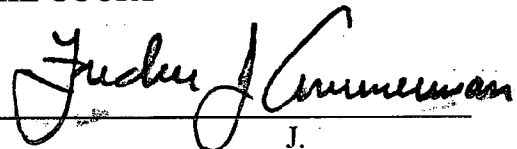
Case No.: 07-769-CD

ORDER

This matter being opened to the Court by Chrisovalante P. Fliakos, Esquire, attorney for Plaintiff, HSBC Mortgage Services, Inc., upon a Motion to Compel Sheriff to Return Service Forms to the Prothonotary for filing, and the Court having reviewed and considered the pleading submitted in connection with this matter and good cause shown:

IT IS on this 31st day of October, 2007 ORDERED that the Motion to Compel Sheriff's Department to Return Service Forms to the Prothonotary for filing is GRANTED and IT IS FURTHER ORDERED that the Sheriff shall return any and all Service Forms in regards to this case to the Prothonotary's Office to be filed within 10 days of this order.

BY THE COURT


J.

{00200225}

FILED

OCT 31 2007

William A. Shaw
Prothonotary/Clerk of Courts

ICC Sheriff
(without memo) GK

FILED

DATE: 10/31/07

OCT 31 2007

X You are responsible for serving all appropriate parties.

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

William A. Shaw Plaintiff(s) _____ Attorney _____ Other

Prothonotary/Clerk of Courts Defendant(s) _____ Attorney

____ Defendant(s) _____ Defendant(s) Attorney

____ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

HSBC MORTGAGE SERVICES, INC.,
Plaintiff,

v.

FRANK J. MENDICINO, JR. and
BECKY G. MENDICINO,
Defendants.

No. 07-769-CD

Type of Pleading: ENTRY OF APPEARANCE

Filed on behalf of Plaintiff:
HSBC Mortgage Services, Inc.

Counsel of record for Plaintiff:

Chrisovalante P. Fliakos, Attorney at Law
MILSTEAD & ASSOCIATES, L.L.C.
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
Pa. I.D. #94620

Co-counsel of record for Plaintiff:

John R. Lhota, Attorney at Law
JOHN R. LHOTA, P.C.
110 North Second Street
Clearfield, PA 16830
(814) 765-9611
Pa. I.D. #22492

FILED 1cc
01/31/07
NOV 01 2007
Atty Lhota

William A. Shaw
Prothonotary/Clerk of Courts

(60)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

HSBC MORTGAGE SERVICES, INC.,
Plaintiff,

v.

FRANK J. MENDICINO, JR. and
BECKY G. MENDICINO,
Defendants.

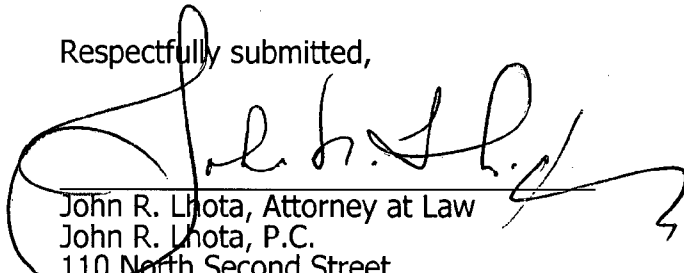
No. 07-769-CD

ENTRY OF APPEARANCE

TO: William A. Shaw, Prothonotary:

Please enter my appearance as co-counsel to HSBC Mortgage Services, Inc., plaintiff
in the above-captioned matter.

Respectfully submitted,



John R. Lhota, Attorney at Law
John R. Lhota, P.C.
110 North Second Street
Clearfield, PA 16830
(814) 765-9611
Pa. I. D. No. 22492

Dated: November 1, 2007

C:\clients\MISC\MILSTEADENTRY.OFAPPEARANCE

FILED

NOV 01 2007

William A. Shaw
Prothonotary/Clerk of Courts

Lap over margin

JOHN R. LHOTA, P.C.
ATTORNEY AT LAW
110 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

MILSTEAD & ASSOCIATES, L.L.C.
BY: **Chrisovalante P. Fliakos, Esquire**
Attorney ID# 94620
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
ATTORNEY FOR PLAINTIFF

Our file No. 22.06344

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| HSBC Mortgage Services, Inc., Plaintiff, Vs. Frank J. Mendicino, Jr., and Becky G. Mendicino, Defendants. | COURT OF COMMON PLEAS CLEARFIELD COUNTY Case No.: 07-769-CD |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|

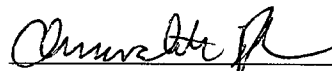
CERTIFICATE OF SERVICE

I, Chrisovalante P. Fliakos, Esquire, counsel for Plaintiff, HSBC Mortgage Services, Inc.,
hereby certify that a copy of the foregoing Motion to Compel the Sheriff to Return Any and All
Service Forms to the Prothonotary's Office for filing was served on the following persons by first
class mail, postage pre-paid, on the 25th day of October 2007:

Sheriff of Clearfield County
230 E. Market Street
Clearfield, PA 16830

Frank J. Mendicino, Jr.
8620 W. Mayo Drive, Apt. 39
Crystal River, FL 34429

Becky G. Mendicino
409 Newport Road
Duncannon, PA 17020



Chrisovalante P. Fliakos, Esquire
Attorney ID No. 94620

{00200225}

FILED

013:16/01
NOV 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

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JOHN R. LHOTA, P.C.
ATTORNEY AT LAW
110 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

HSBC MORTGAGE SERVICES, INC.,
Plaintiff,

v.

FRANK J. MENDICINO, JR. and
BECKY G. MENDICINO,
Defendants.

No. 07-769-CD

Type of Pleading: CERTIFICATE OF SERVICE

Filed on behalf of Plaintiff:
HSBC Mortgage Services, Inc.

Counsel of record for Plaintiff:

Chrisovalante P. Fliakos, Attorney at Law
MILSTEAD & ASSOCIATES, L.L.C.
Woodland Falls Corporate Park
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
Pa. I.D. #94620

Co-counsel of record for Plaintiff:

John R. Lhota, Attorney at Law
JOHN R. LHOTA, P.C.
110 North Second Street
Clearfield, PA 16830
(814) 765-9611
Pa. I.D. #22492

FILED
013-11661
NOV 02 2007
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

HSBC MORTGAGE SERVICES, INC.,
Plaintiff,

v.

FRANK J. MENDICINO, JR. and
BECKY G. MENDICINO,
Defendants.

No. 07-769-CD

CERTIFICATE OF SERVICE

I, John R. Lhota, Attorney at Law, co-counsel to the above captioned plaintiff, HSBC Mortgage Services, Inc. hereby certify that a copy of an Order dated October 31, 2007, which has been issued in the above-captioned matter, was served on the following persons by first class mail, postage prepaid, on November 2, 2007:

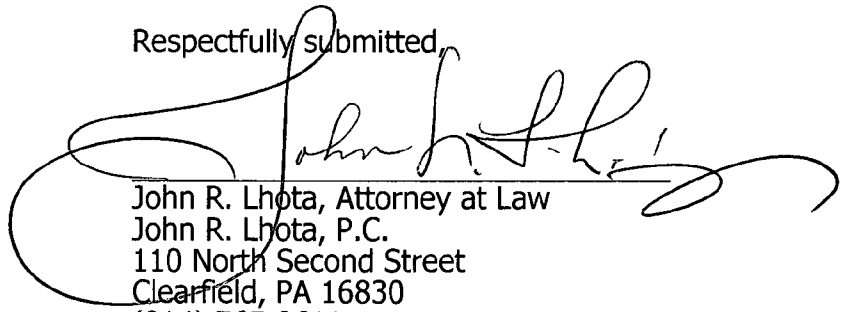
Mr. Frank J. Mendicino, Jr.
8620 W. Mayo Drive
Apartment 39
Crystal River, FL 34429

Ms. Becky G. Mendicino
409 Newport Road
Duncannon, PA 17020

and upon the following county official by hand delivery on November 2, 2007:

Chester A. Hawkins, Sheriff
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 16830

Respectfully submitted,


John R. Lhota, Attorney at Law
John R. Lhota, P.C.
110 North Second Street
Clearfield, PA 16830
(814) 765-9611
Pa. I. D. No. 22492

Dated: November 2, 2007

C:\clients\MISC\CERTIFICATE.OFSERVICE

FILED

NOV 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

Lap over margin

JOHN R. LHOTA, P.C.
ATTORNEY AT LAW
110 NORTH SECOND STREET
CLEARFIELD, PENNSYLVANIA 16830

MILSTEAD & ASSOCIATES, LLC
BY: **CHRISOVALANTE P. FLIAKOS, ESQUIRE**
Attorney ID# 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorneys for Plaintiff

HSBC Mortgage Services, Inc.
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120,
Plaintiff,

: **COURT OF COMMON PLEAS**
: **CLEARFIELD COUNTY**
:
:
: **No.: 07-769-CD**

Vs.

Frank J. Mendicino, Jr.
8620 W. Mayo Drive, Apt. 39
Crystal River, FL 34429

Becky G. Mendicino
409 Newport Road
Duncannon, PA 17020,

Defendants.

FILED *pd \$20.00*
m/2:10pm *icc notice*
NOV 21 2007 *to depts*
icc + statement
to Atty.
William A. Shaw
Prothonotary/Clerk of Courts

PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES

TO THE PROTHONOTARY:

Kindly enter Judgment in favor of Plaintiff and against **Frank J. Mendicino, Jr. and Becky G. Mendicino**, Defendants for failure to file an Answer on Plaintiff's Complaint within 20 days from service thereof and for Foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

| | |
|--------------------------------|--------------------|
| As set forth in Complaint | \$53,214.00 |
| Interest – 5/15/07 to 11/20/07 | 2,430.10 |
| Late Charges | 125.16 |
| Additional Corporate Advance | 4,177.50 |
| TOTAL | \$59,946.76 |

I hereby certify that (1) the addresses of the Plaintiff and Defendants are as shown above and (2) that notice has been given in accordance with Rule 237.1. copy attached.


Chrisovalante P. Fliakos, Esquire
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: November 21, 2007

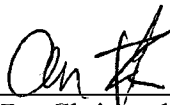

PROTHONOTARY

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to 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 paper to your lawyer at once. If you do not have a lawyer, go to or telephone the office set forth below. This office can provide you with information about hiring a lawyer. If you cannot afford to hire a lawyer, this office may be able to provide you with information about agencies that may offer legal services to eligible persons at a reduced fee or no fee.

LAWYERS REFERRAL AND INFORMATION SERVICES
CLEARFIED COUNTY BAR ASSOCIATION
CLEARFIELD COUNTY COURTHOUSE
230 E. MARKET STREET
CLEARFIELD, NJ 16830
800-692-7375

MILSTEAD & ASSOCIATES, LLC



By: Chrisovalante P. Fliakos, Esquire
ID No. 94620
Attorney for Plaintiff

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

COPY

HSBC Mortgage Services, Inc.
Plaintiff(s)

No.: 2007-00769-CD

Real Debt: \$59,946.76

Atty's Comm: \$

Costs: \$

Int. From: \$

Entry: \$20.00

Vs.

Frank J. Mendicino Jr.
Becky G. Mendicino
Defendant(s)

Instrument: Default Judgment

Date of Entry: November 21, 2007

Expires: November 21, 2012

Certified from the record this November 21, 2007



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

Attorneys for Plaintiff

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY

: No.: 07-769-CD

• • • • •

FILED *Noce.*
m/2:10um
NOV 21 2007
um
William A. Shaw
Prothonotary/Clerk of Courts

Defendants.

{00191353}

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

HSBC Mortgage Services, Inc.
Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Vs.

NO.: 07-769-CD

Frank J. Mendicino, Jr.
Becky G. Mendicino
Defendant(s)

FILED

NOV 21 2007

W/ 2:30 PM

William A. Shaw
Prothonotary/Clerk of Courts

1 Clerk w/ 6 units
to 5th fl

To the Prothonotary:

Issue Writ of Execution in the above matter:

AMOUNT DUE \$59,946.76

INTEREST

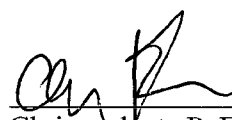
From 11/21/07 to Date of \$
Sale at \$9.85 per diem

(Costs to be added) \$

TOTAL DUE: \$

Prothonotary costs \$139.00

Date: November 20, 2007



Chrisovalante P. Fliakos, Esquire
Attorney for Plaintiff
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
Attorney ID No.: 94620

Note: Please furnish description of Property.

All that certain lot or parcel of land situate in the Third Ward of the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Beginning at a post at the northwest corner of Turnpike Avenue and Nicholas Street; thence by Nichols Street south eighty nine (89) degrees and fifty three (53) minutes west ninety six and six tenths (96.6) feet to post corner of Lot No. 15; thence by Lot No. 15 North one (1) degree and three (3) minutes east forty eight (48) feet to post on the line of said lot fifteen; thence by residue of lot of which this is a part north eighty nine (89) degrees and fifty three (53) minutes east seventy two and twenty nine one hundredths (72.29) feet to Turnpike Avenue; thence by Turnpike Avenue south twenty six (26) degrees and fifty one (51) minutes east fifty three and seventy four one hundredths (53.74) feet to post and place of beginning. Being the south end of lot number fourteen (14) in Plan of lots as laid out and filed by Emma C. Schryver as an addition to Clearfield Borough.

Being known as 402 Turnpike Avenue, Clearfield, PA 16830

Tax Parcel Number: 4-3-K8-206-56

SEIZED, taken in execution to be sold as the property of Frank J. Mendicino, Jr. and Becky G. Mendicino, at the suit of HSBC Mortgage Services, Inc. Judgment No. 07-769-CD.

HSBC Mortgage Services, Inc.
Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

Vs.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Frank J. Mendicino, Jr.
Becky G. Mendicino
Defendant(s)

NO.: 07-769-CD

WRIT OF EXECUTION (MORTGAGE FORECLOSURE)
P.R.C.P. 3180 TO 3183 AND Rule 3257

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

402 Turnpike Avenue, Clearfield, PA 16830
(see legal description attached)

AMOUNT DUE \$59,946.76

INTEREST

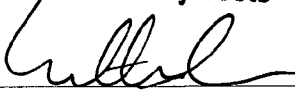
From 11/21/07 to Date of \$
Sale at \$9.85 per diem

TOTAL DUE: \$

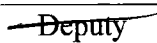
Plus costs per endorsement
hereon

Prothonotary costs \$139.00

Dated: 11-21-07


Prothonotary

(SEAL)

By: 
~~Deputy~~

All that certain lot or parcel of land situate in the Third Ward of the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Beginning at a post at the northwest corner of Turnpike Avenue and Nicholas Street; thence by Nichols Street south eighty nine (89) degrees and fifty three (53) minutes west ninety six and six tenths (96.6) feet to post corner of Lot No. 15; thence by Lot No. 15 North one (1) degree and three (3) minutes east forty eight (48) feet to post on the line of said lot fifteen; thence by residue of lot of which this is a part north eighty nine (89) degrees and fifty three (53) minutes east seventy two and twenty nine one hundredths (72.29) feet to Turnpike Avenue; thence by Turnpike Avenue south twenty six (26) degrees and fifty one (51) minutes east fifty three and seventy four one hundredths (53.74) feet to post and place of beginning. Being the south end of lot number fourteen (14) in Plan of lots as laid out and filed by Emma C. Schryver as an addition to Clearfield Borough.

Being known as 402 Turnpike Avenue, Clearfield, PA 16830
Tax Parcel Number: 4-3-K8-206-56

SEIZED, taken in execution to be sold as the property of Frank J. Mendicino, Jr. and Becky G. Mendicino, at the suit of HSBC Mortgage Services, Inc. Judgment No. 07-769-CD.

MILSTEAD & ASSOCIATES, LLC

By: Chrisovalante P. Fliakos, Esquire

Attorney ID# 94620

Woodland Falls Corporate Park

220 Lake Drive East, Suite 301

Cherry Hill, NJ 08002

(856) 482-1400

Attorney for Plaintiff

HSBC Mortgage Services, Inc.
Plaintiff

vs.

Frank J. Mendicino, Jr.
Becky G. Mendicino

Defendant(s)

: COURT OF COMMON PLEAS

: CLEARFIELD COUNTY

:

: No.: 07-769-CD

:

: AFFIDAVIT PURSUANT

: TO RULE 3129.1

:

:

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

HSBC Mortgage Services, Inc., Plaintiff in the above entitled cause of action, sets forth as of the date the praecipe for writ of execution was filed the following information concerning the real property located at 402 Turnpike Avenue, Clearfield, PA 16830:

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

Frank J. Mendicino, Jr.
8620 W. Mayo Drive, Apt. 39
Crystal River, FL 34429

Becky G. Mendicino
409 Newport Road
Duncannon, PA 17020

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

Same as above

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

None Known

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

HSBC Mortgage Services, Inc.
(Plaintiff herein)
1270 Northland Drive, Suite 200
Mendota Heights, MN 55120

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

None Known

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

None Known

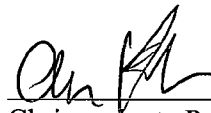
7. Name and address of every person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Tenant/Occupant
402 Turnpike Avenue
Clearfield, PA 16830

Department of Domestic Relations
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830

Commonwealth of Pennsylvania
Department of Welfare
P.O. Box 2675
Harrisburg, PA 17105

I verify that the statements made in the 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.



Chrisovalante P. Fliakos, Esquire
Attorney for Plaintiff

Date: November 20, 2007

MILSTEAD & ASSOCIATES, LLC

By: Chrisovalante P. Fliakos, Esquire

Attorney ID# 94620

Woodland Falls Corporate Park

220 Lake Drive East, Suite 301

Cherry Hill, NJ 08002

(856) 482-1400

Attorney for Plaintiff

HSBC Mortgage Services, Inc.
Plaintiff

vs.

Frank J. Mendicino, Jr.
Becky G. Mendicino

Defendant(s)

: COURT OF COMMON PLEAS

: CLEARFIELD COUNTY

:

: No.: 07-769-CD

:

:

: CERTIFICATION

:

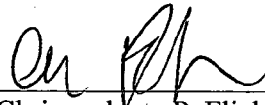
:

CERTIFICATION

Chrisovalante P. Fliakos, Esquire, hereby verifies that she is attorney for the Plaintiff in the above captioned matter, and that the premises are not subject to the provisions of Act 91 because it is:

- ☐ An FHA Mortgage
- ☐ Non-owner occupied
- ☐ Vacant
- ☒ Act 91 Procedures have been fulfilled

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



Chrisovalante P. Fliakos, Esquire
Attorney for Plaintiff

Date: November 20, 2007

MILSTEAD & ASSOCIATES, LLC
BY: Heidi R. Spivak, Esquire
ID No. 74770
220 Lake Drive, East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff

HSBC Mortgage Services, Inc.,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendant(s).

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.: 07-769-CD

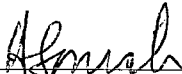
Entry of Appearance


ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Plaintiff, **HSBC Mortgage Services, Inc.**,
in the above captioned matter.

MILSTEAD & ASSOCIATES, LLC


Heidi R. Spivak, Esquire
Attorney ID No. 74770

FILED NoCC
m/1:45 am
FEB 11 2008


William A. Shaw
Prothonotary/Clerk of Courts

MILSTEAD & ASSOCIATES, LLC
BY: Heidi R. Spivak, Esquire
ID No. 74770
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff

HSBC Mortgage Services, Inc.,

Plaintiff,

Vs.

Frank J. Mendicino, Jr.,

and

Becky G. Mendicino,

Defendant(s).

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

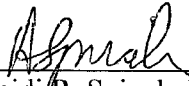
No.: 07-769-CD

**Praeceptum to Vacate Judgment and
Discontinue and End Action**

TO THE PROTHONOTARY:

Kindly vacate the Default Judgment filed on September 13, 2007 in the amount of \$59,946.76 and Discontinue and End the above captioned Mortgage Foreclosure action without Prejudice.

MILSTEAD & ASSOCIATES, LLC


Heidi R. Spivak, Esquire
Attorney ID No. 74770

FILED *PA #7.00*
m/11-45cm ICC + 1 cert
FEB 11 2008 *OF SET ISSUED*
to Atty Spivak
William A. Shaw
Prothonotary/Clerk of Courts

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2007-00769-CD

Debt: \$59,946.76

Atty's Comm.:

Cost: \$7.00

Certified from the record this 11th day of February, A.D. 2008.

Will. L. Shan LM
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

HSBC Mortgage Services, Inc.

Vs.

No. 2007-00769-CD

Frank J. Mendicino Jr.

Becky G. Mendicino

CERTIFICATE OF DISCONTINUATION


Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on Febraury 11, 2008, marked:

Discontinued and ended without prejudice

Record costs in the sum of \$146.00 have been paid in full by Milstead & Associates LLC.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 11th day of February A.D. 2008.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20694
NO: 07-769-CD

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.
vs.
DEFENDANT: FRANK J. MENDICINO, JR. AND BECKY G. MENDICINO

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 11/26/2007

LEVY TAKEN 12/6/2007 @ 1:17 PM

POSTED 12/6/2007 @ 1:18 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 4/9/2008

DATE DEED FILED **NOT SOLD**

FILED
018:45/01
APR 09 2008
LSM
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

12/17/2007 @ SERVED FRANK J. MENDICINO, JR.

SERVED FRANK J. MENDICINO, JR, DEFENDANT, BY REG & CERT MAIL TO 8620 W. MAYO DRIVE, APT. 39, CRYSTAL RIVER, FL. 34429.
CERT #70060810000145073534. CERT MAIL RETURNED UNCLAIMED JAN. 14, 2008.

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

1/4/2008 @ 10:15 AM SERVED BECKY G. MENDICINO

12/28/07 DEPUTIZED PERRY COUNTY TO SERVE BECKY G. MENDICINO. PERRY COUNTY SERVED BECKY G. MENDICINO, DEFENDANT, AT HER RESIDECE WEATFIELD TWP-409, NEWPORT RD, DUNCANNON, PA BY HANDING TO SALLY SHUNK, SISTER OF

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, JANUARY 31, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CANCEL THE SHERIFF SALE SCHEDULED FOR FEBRUARY 1, 2008.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20694
NO: 07-769-CD

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.

VS.

DEFENDANT: FRANK J. MENDICINO, JR. AND BECKY G. MENDICINO



Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$185.88

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,



Chester A. Hawkins
Sheriff

HSBC Mortgage Services, Inc.
Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

Vs.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Frank J. Mendicino, Jr.
Becky G. Mendicino
Defendant(s)

NO.: 07-769-CD

WRIT OF EXECUTION (MORTGAGE FORECLOSURE)
P.R.C.P. 3180 TO 3183 AND Rule 3257

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF CLEARFIELD:

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

402 Turnpike Avenue, Clearfield, PA 16830
(see legal description attached)

AMOUNT DUE \$59,946.76

INTEREST

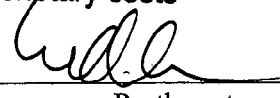
From 11/21/07 to Date of \$
Sale at \$9.85 per diem

TOTAL DUE: \$

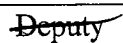
Plus costs per endorsement
hereon

Prothonotary costs \$139.00

Dated: 11-21-07

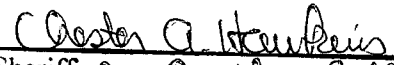
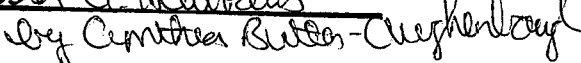

Prothonotary

(SEAL)

By: 
Deputy

{00191353}

Received this writ this 26th day
of November A.D. 2007
At 3:00 A.M./P.M.


Sheriff 

All that certain lot or parcel of land situate in the Third Ward of the Borough of Clearfield, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Beginning at a post at the northwest corner of Turnpike Avenue and Nicholas Street; thence by Nichols Street south eighty nine (89) degrees and fifty three (53) minutes west ninety six and six tenths (96.6) feet to post corner of Lot No. 15; thence by Lot No. 15 North one (1) degree and three (3) minutes east forty eight (48) feet to post on the line of said lot fifteen; thence by residue of lot of which this is a part north eighty nine (89) degrees and fifty three (53) minutes east seventy two and twenty nine one hundredths (72.29) feet to Turnpike Avenue; thence by Turnpike Avenue south twenty six (26) degrees and fifty one (51) minutes east fifty three and seventy four one hundredths (53.74) feet to post and place of beginning. Being the south end of lot number fourteen (14) in Plan of lots as laid out and filed by Emma C. Schryver as an addition to Clearfield Borough.

Being known as 402 Turnpike Avenue, Clearfield, PA 16830
Tax Parcel Number: 4-3-K8-206-56

SEIZED, taken in execution to be sold as the property of Frank J. Mendicino, Jr. and Becky G. Mendicino, at the suit of HSBC Mortgage Services, Inc. Judgment No. 07-769-CD.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME FRANK J. MENDICINO, JR.

NO. 07-769-CD

NOW, April 08, 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 February 01, 2008, I exposed the within described real estate of Frank J. Mendicino, Jr. And Becky G. Mendicino to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

| | |
|----------------------------|-----------------|
| RDR | 15.00 |
| SERVICE | 15.00 |
| MILEAGE | |
| LEVY | 15.00 |
| MILEAGE | 2.00 |
| POSTING | 15.00 |
| CSDS | 10.00 |
| COMMISSION | 0.00 |
| POSTAGE | 9.88 |
| HANDBILLS | 15.00 |
| DISTRIBUTION | 25.00 |
| ADVERTISING | 15.00 |
| ADD'L SERVICE | |
| DEED | |
| ADD'L POSTING | |
| ADD'L MILEAGE | |
| ADD'L LEVY | |
| BID/SETTLEMENT AMOUNT | |
| RETURNS/DEPUTIZE | 9.00 |
| COPIES | 15.00 |
| | 5.00 |
| BILLING/PHONE/FAX | 20.00 |
| CONTINUED SALES | |
| MISCELLANEOUS | |
| TOTAL SHERIFF COSTS | \$185.88 |

DEED COSTS:

| | |
|-------------------------|---------------|
| ACKNOWLEDGEMENT | |
| REGISTER & RECORDER | |
| TRANSFER TAX 2% | 0.00 |
| TOTAL DEED COSTS | \$0.00 |

PLAINTIFF COSTS, DEBT AND INTEREST:

| | |
|--------------------------------|--------------------|
| DEBT-AMOUNT DUE | 59,946.76 |
| INTEREST @ 9.8500 | 709.20 |
| FROM 11/21/2007 TO 02/01/2008 | |
| ATTORNEY FEES | |
| PROTH SATISFACTION | |
| LATE CHARGES AND FEES | |
| COST OF SUIT-TO BE ADDED | |
| FORECLOSURE FEES | |
| ATTORNEY COMMISSION | |
| REFUND OF ADVANCE | |
| REFUND OF SURCHARGE | 40.00 |
| SATISFACTION FEE | |
| ESCROW DEFICIENCY | |
| PROPERTY INSPECTIONS | |
| INTEREST | |
| MISCELLANEOUS | |
| TOTAL DEBT AND INTEREST | \$60,695.96 |

COSTS:

| | |
|---------------------|-----------------|
| ADVERTISING | 270.34 |
| TAXES - COLLECTOR | |
| TAXES - TAX CLAIM | |
| DUE | |
| LIEN SEARCH | |
| ACKNOWLEDGEMENT | |
| DEED COSTS | 0.00 |
| SHERIFF COSTS | 185.88 |
| LEGAL JOURNAL COSTS | 144.00 |
| PROTHONOTARY | 139.00 |
| MORTGAGE SEARCH | |
| MUNICIPAL LIEN | |
| TOTAL COSTS | \$739.22 |

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

POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE NECESSARY IF MAILED IN THE UNITED STATES

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRANK J. MENDICINO, JR.
8620 W. MAYO DRIVE, APT. 39
CRYSTAL RIVER, FL 34429

COMPLETE THIS SECTION ON DELIVERY

A. Signature

☒ X

☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number

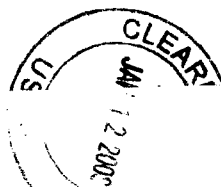
7006 0810 0001 4507 3534

(Transfer from service label)

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



See Reverse for Instructions



Sheriff's Office Clearfield County

OFFICE (814) 765-2641 EXT. 5986

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

CYNTHIA AUGHENBAUGH

OFFICE MANAGER

KAREN BAUGHMAN

CLERK TYPIST

PETER F. SMITH

SOLICITOR

CHESTER A. HAWKINS
SHERIFF

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

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 20694

TERM & NO. 07-769-CD

HSBC MORTGAGE SERVICES, INC.

VS.

FRANK J. MENDICINO, JR. AND BECKY G. MENDICINO

DOCUMENTS TO BE SERVED:

NOTICE OF SALE

WRIT OF EXECUTION

COPY OF LEVY

SERVE BY: FEB. 1, 2008

*Please continue to serve
until Feb. 1, 2008. The sale
will be continued*

**MAKE REFUND PAYABLE TO
RETURN TO BE SENT TO THIS OFFICE**

SERVE: BECKY G. MENDICINO

ADDRESS: 409 NEWPORT ROAD
DUNCANNON, PA 17020

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF PERRY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Friday, December 28, 2007.

RESPECTFULLY,

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

HSBC Mortgage
Services, Inc.

**IN THE COURT OF COMMON PLEAS OF
THE 41st JUDICIAL DISTRICT OF PENNSYLVANIA,
PERRY COUNTY BRANCH**

Versus

Becky G. Mendicino

No. 2007-769 Clearfield Co.

SHERIFF'S RETURN

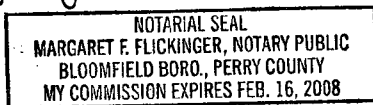
And now January 4, 2008 : Served the within name Becky G. Mendicino
the defendant(s) named herin, personally at her place of residence in Wheatfield Twp-409
Newport Rd.
Duncannon, PA

Perry County, PA, on January 4, 2008 at 10:15 o'clock AM
by handing to Sally Shunk, Def. Sister, Person in Charge 1 true and attested
copy(ies) of the within Notice of Sale&Sale Bill
and made known to her the contents thereof

Sworn and subscribed to before me this 4th

day of January, 2008

Margaret F. Flickinger
Deputy Sheriff ~~Prothonotary~~



So answers

Donald E. Smith

Donald E. Smith
Chief
Deputy Sheriff of Perry County

MILSTEAD & ASSOCIATES, LLC

WOODLAND FALLS CORPORATE PARK
220 LAKE DRIVE EAST, SUITE 301
CHERRY HILL, NJ 08002

(856) 482-1400
fax: (856) 482-9190

FACSIMILE TRANSMITTAL SHEET

| | |
|------------------------------------|-------------------------------------|
| TO: | FROM: |
| Cindy | Greg Wilkins |
| COMPANY: | DATE: |
| Clearfield County Sheriff's Office | January 31, 2008 |
| FAX NUMBER: | TOTAL NO. OF PAGES INCLUDING COVER: |
| 814-765-5915 | 1 |
| PHONE NUMBER: | SENDER'S REFERENCE NUMBER: |
| | 22.06344 |
| RE: | YOUR REFERENCE NUMBER: |
| Frank Mendicino | 07-769-CD |

A follow-up copy ☐ will ☐ not be sent by mail.

Comments

Please accept this fax as authorization to stay the sale set for 2/1/08. My client has requested that the sale be canceled. No funds were received in consideration for the stay.

Thank you for your attention in this matter.

Thanks,


Gregory Wilkins

**IF THERE IS A PROBLEM WITH THIS TRANSMISSION
PLEASE CALL (856) 482-1400**

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