

07-988-CD
Bayview Loan vs Playtime Pizza

Bayview Loan vs Playtime Pizza
2007-988-CD

200046584

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

FILED

JUN 22 2007

William A. Shaw
Prothonotary/Clerk of Courts

File no. 4.06497 - 1 CENT - DRAFT w/NOTICE
TO DEFENDANT

Bayview Loan Servicing, LLC, a Delaware : COURT OF COMMON PLEAS
Limited Liability Company : CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5th Floor :
Coral Gables, FL 33146, :

Plaintiff,

Vs.

Playtime Pizza, Inc.
609 Green Glen Drive
Dubois, PA 15801,

Defendant.

: CIVIL ACTION

: NO: 2007-988-CD

TO: Playtime Pizza, Inc.
609 Green Glen Drive
Dubois, PA 15801

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY CONFESSION has been entered against you in the above proceeding and that enclosed herewith is a copy of all documents filed in support of the said judgment.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE

CONTACT: Chrisovalante P. Fliakos, Esquire at this telephone number: (856) 482-1400.


PROTHONOTARY

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

COMPLAINT IN CONFESSION OF JUDGMENT

Plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, by its counsel, Chrisovalante P. Fliakos, Esquire of Milstead & Associates, LLC, by way of Complaint in Confession of Judgment against defendant, Playtime Pizza, Inc., avers and represents as follows:

THE PARTIES

1. The plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, ("Plaintiff"), is a limited liability company, organized and existing under the laws of Delaware with an address of 4425 Ponce DeLeon Boulevard, 5th Floor, Coral Gables, FL 33146.
2. The defendant, Playtime Pizza, Inc., ("Defendant"), is a Pennsylvania Corporation with a mailing address of 609 Green Glen Drive, Dubois, PA 15801 and is the owner of the real property located at 150 McCracken Run Road, Dubois, PA 15801.

JURISDICTION AND VENUE

3. The Court has specific personal jurisdiction over the Defendant because the Defendant does business in the Commonwealth of Pennsylvania and because the Defendant specifically agreed to the specific personal jurisdiction of any court in the Commonwealth of Pennsylvania.

4. Venue is proper in this Court because the Defendant does business in Clearfield County and because the acts and/or omissions giving rise to Plaintiff's cause of action occurred in Clearfield County.

BACKGROUND

5. On or about August 10, 2006, Interbay Funding, LLC, a Delaware Limited Liability Company (the "Originating Lender") agreed to make commercial loans and other financial accommodations to Defendant (collectively, the "Loan") as evidenced by that certain adjustable rate promissory note also dated August 10, 2006 (the "Note") in the principal amount of \$226,800.00. A true and correct copy of the Note is attached hereto, incorporated herein and marked as Exhibit "A". Plaintiff is the successor-in-interest to the Originating Lender by way of name change.

6. Pursuant to the terms of the Note, Defendant agreed to pay the outstanding principal and all accrued unpaid interest due thereunder on September 1, 2021 and to make monthly payments of principal and interest as calculated therein. *See* Exhibit "A".

7. Upon Defendant's failure to pay monthly payments under the terms of the Note, as of April 1, 2007, the Plaintiff has declared an Event of Default as defined under the Note and has accelerated the Loan and declares all amounts due and owing pursuant to and in accordance with the terms of the Note (the "Acceleration"). *See* Exhibit "A".

8. The Note contains a warrant of attorney, which authorizes the entry of judgment by confession against the Defendant at any time after the occurrence of an Event of Default pursuant to the Note. *See*, paragraph 17 of the Note (Exhibit "A").

9. The Defendant is in default of its obligations to Plaintiff under the terms of the Note because, *inter alia*, Defendant has failed to make payments when due pursuant to and in accordance with the terms of the Note.

10. Under the terms of the Note and on account of the Acceleration, all sums due according to the terms thereunder are immediately due and payable.

11. Additionally, reasonable attorneys' fees and costs incurred by Plaintiff to collect and obligation due under the Note are due and owing to Plaintiff pursuant to and in accordance with the terms thereunder.

12. As a result of the aforesaid default and pursuant to the Acceleration, as of June 7, 2007, the total amount due to Plaintiff is \$225,796.43, plus additional attorneys' fees and costs, calculated as follows:

LOAN

Principal:	\$223,499.75
Interest thru 06/07/07:	\$ 5,911.61
Late Charges:	\$ 376.59
Escrow Balance:	(\$5,241.52)

SUBTOTAL:	<u>\$224,546.43</u>
Attorney's Fees and Costs	\$1,250.00

GRAND TOTAL	\$225,796.43 (plus additional attorneys' fees and costs)
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=====

Interest continues to accrue from and after June 7, 2007, on the Grand Total at the *per diem* rate of \$63.53. Attorney's fees and costs also continue to accrue.

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13. This Judgment is not being entered by confession in connection with a consumer credit transaction.

14. None of the provisions of the Note have been waived and/or modified.

15. No conditions precedent to the entry of judgment by confession against Defendant remain unsatisfied.

WHEREFORE, Plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, respectfully requests the entry of judgment in its favor and against Defendant, Playtime Pizza, Inc., in the amount of \$225,796.43, plus interest from and after June 7, 2007 at the *per diem* rate of \$63.53 plus additional attorneys' fees and costs and any other relief deemed just and proper.

Respectfully submitted,
Milstead & Associates, LLC

Dated:

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

200046584

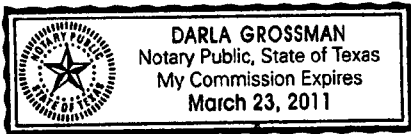
The allegations contained in the Complaint in Confession of Judgment are true and correct to the best of my knowledge, information and belief.


Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company 4425 Ponce DeLeon Boulevard, 5 th Floor Coral Gables, FL 33146,	:	COURT OF COMMON PLEAS CLEARFIELD COUNTY
Plaintiff,	:	CIVIL ACTION
Vs.	:	NO:
Playtime Pizza, Inc. 609 Green Glen Drive Dubois, PA 15801,	:	
Defendant.	:	

JUDGMENT BY CONFESSION

AND NOW, to wit this 22nd day of June, 2007, a

Complaint in Confession of Judgment having been filed and supporting affidavits having been
filed: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, and against
defendant, Playtime Pizza, Inc., in the amount of \$225,796.43, and interest from and after June 7,
2007, at the *per diem* rate of \$63.53.



PROTHONOTARY

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

AFFIDAVIT

STATE OF TEXAS :
COUNTY OF TARRANT : SS.

Karen Griffith, being first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, ("Plaintiff"), the plaintiff herein, and I am authorized to make this affidavit on its behalf.
2. The instrument attached as exhibits to the Complaint in Confession of Judgment filed in this matter are true and correct copies of the original instruments.
3. The defendant, Playtime Pizza, Inc., ("Defendant"), is in default of its obligations under the instrument attached as Exhibits "A" to the Complaint in Confession of Judgment, as more fully set forth in the Complaint in Confession of Judgment.

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4. As a result of the aforesaid default and pursuant to the Acceleration, as of June 7, 2007, the total amount due to Plaintiff is \$225,796.43, plus additional attorneys' fees and costs, calculated as follows:

LOAN

Principal:	\$223,499.75
Interest thru 06/07/07:	\$ 5,911.61
Late Charges:	\$ 376.59
Escrow Balance:	(\$5,241.52)

SUBTOTAL:	<u>\$224,546.43</u>
Attorney's Fees and Costs	\$1,250.00

GRAND TOTAL	\$225,796.43 (plus additional attorneys' fees and costs)
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Interest continues to accrue from and after June 7, 2007, on the Grand Total at the *per diem* rate of \$63.53. Attorney's fees and costs also continue to accrue.

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company 4425 Ponce DeLeon Boulevard, 5 th Floor Coral Gables, FL 33146,	:	COURT OF COMMON PLEAS CLEARFIELD COUNTY
	:	
Plaintiff,	:	CIVIL ACTION
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc. 609 Green Glen Drive Dubois, PA 15801,	:	
	:	
Defendant.	:	

AFFIDAVIT OF ADDRESSES AND NON-MILITARY SERVICE

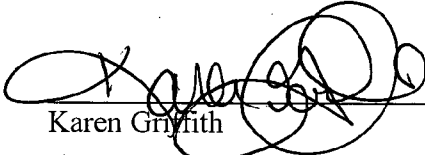
STATE OF TEXAS :
COUNTY OF TARRANT : SS.

Karen Griffith, first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, ("Plaintiff"), the plaintiff herein, and I am authorized to make this affidavit on its behalf.
2. Plaintiff's address is 4425 Ponce DeLeon Boulevard, 5th Floor, Coral Gables, FL 33146.
3. The address of the defendant, Playtime Pizza, Inc., is 609 Green Glen Drive, Dubois, PA 15801.

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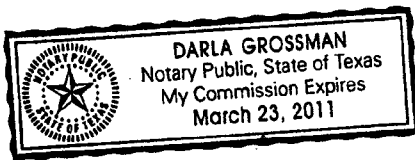
4. The Defendant is a Corporation and therefore not in active service in the armed forces of the United States of America or its allies or subject to the provisions of the Soldiers' and Sailors' Civil Relief Act of 1943, as amended.


Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

AFFIDAVIT OF LENDER

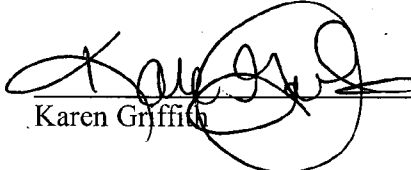
STATE OF TEXAS	:	
	:	SS.
COUNTY OF TARRANT	:	

Karen Griffith, first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, the plaintiff herein, and I am authorized to make this affidavit on its behalf.

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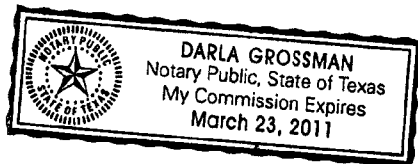
2. This is not an action by a seller, holder or assignee arising out of a retail installment sale contract or account.


Karen Griffith

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

AFFIDAVIT OF BUSINESS TRANSACTION

STATE OF TEXAS	:	
	:	SS.
COUNTY OF TARRANT	:	

Karen Griffith, being first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, the plaintiff herein, and I am authorized to make this affidavit on its behalf.

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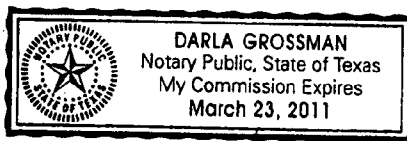
2. The transaction represented by the instrument attached to the Complaint in Confession of Judgment filed in this matter was a business transaction and was not entered into for personal, family or household purposes.


Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company 4425 Ponce DeLeon Boulevard, 5 th Floor Coral Gables, FL 33146,	:	COURT OF COMMON PLEAS CLEARFIELD COUNTY
Plaintiff,	:	CIVIL ACTION
Vs.	:	NO:
Playtime Pizza, Inc. 609 Green Glen Drive Dubois, PA 15801,	:	
Defendant.	:	

ENTRY OF APPEARANCE TO CONFESS JUDGMENT

TO: THE PROTHONOTARY

Pursuant to the authority contained in the Confession of Judgment set forth in the instrument attached as Exhibit "A" in Confession of Judgment filed in this action, I appear for the defendant, Playtime Pizza, Inc., and confess judgment in favor of plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, and against Playtime Pizza, Inc., in the total amount of \$ 225,796.43 plus attorneys' fees and costs, plus interest from and after June 7, 2007, at the *per diem* rate of \$ 63.53.

Milstead & Associates, LLC

Dated: 6/20/2007

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

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

CONFESSION OF JUDGMENT

TO THE PROTHONOTARY:

Pursuant to the authority contained in the provisions of the Note, a copy of which is attached to the Complaint as Exhibit "A", I appear for the Defendant and confess judgment in favor of the Plaintiff and against the Defendant as follows, with additional interest, late charges, fees, prepayment penalties and attorney fees and costs to be added:

LOAN

Principal:	\$223,499.75
Interest thru 06/07/07:	\$ 5,911.61
Late Charges:	\$ 376.59
Escrow Balance:	(\$5,241.52)

SUBTOTAL:	<u>\$224,546.43</u>
Attorney's Fees and Costs	\$1,250.00

GRAND TOTAL	\$225,796.43 (plus additional attorneys' fees and costs)
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danapritchett

200046584

=====

Interest continues to accrue from and after June 7, 2007; on the Grand Total at the *per diem* rate of \$63.53. Attorney's fees and costs also continue to accrue.

Milstead & Associates, LLC

Dated:

6/20/2007

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

VERIFICATION

Karen Griffith states that she is Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, and as such, she is authorized to make this Verification on its behalf, that she has read the statements contained in the foregoing Complaint in Confession of Judgment, and that the statements contained therein are true and correct to the best of her knowledge, information and belief. The undersigned also understands that these statements are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 6-13-2007



Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

NOTICE PURSUANT TO 42 PA C.S.A. §2737.1

TO: Playtime Pizza, Inc.
609 Green Glen Drive
Dubois, PA 15801,

NOTICE IS HEREBY GIVEN THAT JUDGMENT IN THE ABOVE CAPTIONED MATTER HAS BEEN ENTERED AGAINST YOU. THE FOLLOWING IS THE PROCEDURE YOU MUST FOLLOW IN ORDER TO STRIKE JUDGMENT AND/OR SEEK TO HAVE THE JUDGMENT OPENED. PLEASE BE FURTHER ADVISED THAT YOU ARE ENTITLED TO COSTS AND REASONABLE ATTORNEY'S FEES AS DETERMINED BY THE COURT IF YOU HAVE BEEN INCORRECTLY IDENTIFIED.

Rule 2959. Striking Off or Opening Judgment; Pleadings; Procedure

- (a) (1) Relief from a judgment by confession shall be sought by petition. Except as provided in subparagraph (2), all grounds for relief whether to strike off the judgment or to open it must be asserted in a single petition. The petition may be filed in the county in which the judgment was originally entered, in any county to which the judgment has been transferred or in any other county in which the sheriff has received a writ of execution directed to the sheriff to enforce the judgment.

(2) The ground that the waiver of the due process rights of notice and hearing was not voluntary, intelligent and knowing shall be raised only

(i) in support of a further request for a stay of execution where the court has not stayed execution despite the timely filing of a petition for relief from the judgment and the presentation of prima facie evidence of a defense; and

(ii) as provided by Rule 2958.3 or Rule 2973.3.

(3) If written notice is served upon the petitioner pursuant to Rule 2956.1(c)(2) or Rule 2973.1(c), the petition shall be filed within thirty (30) days after such service unless the defendant can demonstrate that there were compelling reasons for the delay, a petition not timely filed shall be denied.

(b) If the petition states prima facie grounds for relief, the court shall issue a rule to show cause and may grant a stay of proceedings. After being served with a copy of the petition, the plaintiff shall file an answer on or before the return day of the rule. The return day of the rule shall be fixed by the court by local rule or special order.

(c) A party waives all defenses and objections which are not included in the petition or answer.

(d) The petition and the rule to show cause and the answer shall be served as provided in Rule 440.

(e) The court shall dispose of the rule on petition and answer, and, on any testimony, depositions, admissions and other evidence. The court for cause shown may stay proceedings on the petition insofar as it seeks to open the judgment pending disposition of the application to strike off the judgment. If evidence is produced which in a jury trial would require the issues to be submitted to the jury, the court shall open the judgment.

(f) The lien of the judgment or any levy or attachment shall be preserved while the proceedings to strike off or open the judgment are pending.

If you have any questions concerning the above, please contact:

Milstead & Associates, LLC

By: Chrisovalante P. Fliakos
Chrisovalante P. Fliakos, Esquire
Attorney ID No.: 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
Attorney for Plaintiff, Bayview Loan Servicing,
LLC, a Delaware Limited Liability Company

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

TO: Playtime Pizza, Inc.
609 Green Glen Drive
Dubois, PA 15801

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a JUDGMENT BY CONFESSION has been entered against you in the above proceeding and that enclosed herewith is a copy of all documents filed in support of the said judgment.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE, PLEASE

CONTACT: Chrisovalante P. Fliakos, Esquire at this telephone number: (856) 482-1400.

PROTHONOTARY

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

COMPLAINT IN CONFESSION OF JUDGMENT

Plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, by its counsel, Chrisovalante P. Fliakos, Esquire of Milstead & Associates, LLC, by way of Complaint in Confession of Judgment against defendant, Playtime Pizza, Inc., avers and represents as follows:

THE PARTIES

1. The plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, ("Plaintiff"), is a limited liability company, organized and existing under the laws of Delaware with an address of 4425 Ponce DeLeon Boulevard, 5th Floor, Coral Gables, FL 33146.

2. The defendant, Playtime Pizza, Inc., ("Defendant"), is a Pennsylvania Corporation with a mailing address of 609 Green Glen Drive, Dubois, PA 15801 and is the owner of the real property located at 150 McCracken Run Road, Dubois, PA 15801.

JURISDICTION AND VENUE

3. The Court has specific personal jurisdiction over the Defendant because the Defendant does business in the Commonwealth of Pennsylvania and because the Defendant specifically agreed to the specific personal jurisdiction of any court in the Commonwealth of Pennsylvania.

4. Venue is proper in this Court because the Defendant does business in Clearfield County and because the acts and/or omissions giving rise to Plaintiff's cause of action occurred in Clearfield County.

BACKGROUND

5. On or about August 10, 2006, Interbay Funding, LLC, a Delaware Limited Liability Company (the "Originating Lender") agreed to make commercial loans and other financial accommodations to Defendant (collectively, the "Loan") as evidenced by that certain adjustable rate promissory note also dated August 10, 2006 (the "Note") in the principal amount of \$226,800.00. A true and correct copy of the Note is attached hereto, incorporated herein and marked as Exhibit "A". Plaintiff is the successor-in-interest to the Originating Lender by way of name change.

6. Pursuant to the terms of the Note, Defendant agreed to pay the outstanding principal and all accrued unpaid interest due thereunder on September 1, 2021 and to make monthly payments of principal and interest as calculated therein. *See* Exhibit "A".

7. Upon Defendant's failure to pay monthly payments under the terms of the Note, as of April 1, 2007, the Plaintiff has declared an Event of Default as defined under the Note and has accelerated the Loan and declares all amounts due and owing pursuant to and in accordance with the terms of the Note (the "Acceleration"). *See* Exhibit "A".

200046584

8. The Note contains a warrant of attorney, which authorizes the entry of judgment by confession against the Defendant at any time after the occurrence of an Event of Default pursuant to the Note. *See*, paragraph 17 of the Note (Exhibit "A").

9. The Defendant is in default of its obligations to Plaintiff under the terms of the Note because, *inter alia*, Defendant has failed to make payments when due pursuant to and in accordance with the terms of the Note.

10. Under the terms of the Note and on account of the Acceleration, all sums due according to the terms thereunder are immediately due and payable.

11. Additionally, reasonable attorneys' fees and costs incurred by Plaintiff to collect and obligation due under the Note are due and owing to Plaintiff pursuant to and in accordance with the terms thereunder.

12. As a result of the aforesaid default and pursuant to the Acceleration, as of June 7, 2007, the total amount due to Plaintiff is \$225,796.43, plus additional attorneys' fees and costs, calculated as follows:

LOAN

Principal:	\$223,499.75
Interest thru 06/07/07:	\$ 5,911.61
Late Charges:	\$ 376.59
Escrow Balance:	(\$5,241.52)

SUBTOTAL:	<u>\$224,546.43</u>
Attorney's Fees and Costs	\$1,250.00

GRAND TOTAL	\$225,796.43(plus additional attorneys' fees and costs)
--------------------	--

=====

Interest continues to accrue from and after June 7, 2007, on the Grand Total at the *per diem* rate of \$63.53. Attorney's fees and costs also continue to accrue.

200046584

13. This Judgment is not being entered by confession in connection with a consumer credit transaction.

14. None of the provisions of the Note have been waived and/or modified.

15. No conditions precedent to the entry of judgment by confession against Defendant remain unsatisfied.

WHEREFORE, Plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, respectfully requests the entry of judgment in its favor and against Defendant, Playtime Pizza, Inc., in the amount of \$225,796.43, plus interest from and after June 7, 2007 at the *per diem* rate of \$63.53 plus additional attorneys' fees and costs and any other relief deemed just and proper.

Respectfully submitted,
Milstead & Associates, LLC

Dated: 6/20/2007

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

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

JUDGMENT BY CONFESSION

AND NOW, to wit this _____ day of _____, 2007, a
Complaint in Confession of Judgment having been filed and supporting affidavits having been
filed: Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, and against
defendant, Playtime Pizza, Inc., in the amount of \$225,796.43, and interest from and after June 7,
2007, at the *per diem* rate of \$63.53.

PROTHONOTARY

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company 4425 Ponce DeLeon Boulevard, 5 th Floor Coral Gables, FL 33146,	:	COURT OF COMMON PLEAS CLEARFIELD COUNTY
Plaintiff,	:	CIVIL ACTION
Vs.	:	NO:
Playtime Pizza, Inc. 609 Green Glen Drive Dubois, PA 15801,	:	
Defendant.	:	

AFFIDAVIT

STATE OF TEXAS :
COUNTY OF TARRANT : SS.

Karen Griffith, being first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, ("Plaintiff"), the plaintiff herein, and I am authorized to make this affidavit on its behalf.
2. The instrument attached as exhibits to the Complaint in Confession of Judgment filed in this matter are true and correct copies of the original instruments.
3. The defendant, Playtime Pizza, Inc., ("Defendant"), is in default of its obligations under the instrument attached as Exhibits "A" to the Complaint in Confession of Judgment, as more fully set forth in the Complaint in Confession of Judgment.

200046584

4. As a result of the aforesaid default and pursuant to the Acceleration, as of June 7, 2007, the total amount due to Plaintiff is \$225,796.43, plus additional attorneys' fees and costs, calculated as follows:

LOAN

Principal:	\$223,499.75
Interest thru 06/07/07:	\$ 5,911.61
Late Charges:	\$ 376.59
Escrow Balance:	(\$5,241.52)

SUBTOTAL:	<u>\$224,546.43</u>
Attorney's Fees and Costs	<u>\$1,250.00</u>

GRAND TOTAL	\$225,796.43 (plus additional attorneys' fees and costs)
--------------------	---

=====

Interest continues to accrue from and after June 7, 2007, on the Grand Total at the *per diem* rate of \$63.53. Attorney's fees and costs also continue to accrue.

200046584

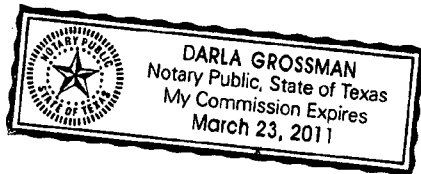
The allegations contained in the Complaint in Confession of Judgment are true and correct to the best of my knowledge, information and belief.


Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

AFFIDAVIT OF ADDRESSES AND NON-MILITARY SERVICE

STATE OF TEXAS :
COUNTY OF TARRANT : SS.

Karen Griffith, first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, ("Plaintiff"), the plaintiff herein, and I am authorized to make this affidavit on its behalf.
2. Plaintiff's address is 4425 Ponce DeLeon Boulevard, 5th Floor, Coral Gables, FL 33146.
3. The address of the defendant, Playtime Pizza, Inc., is 609 Green Glen Drive, Dubois, PA 15801.

200046584

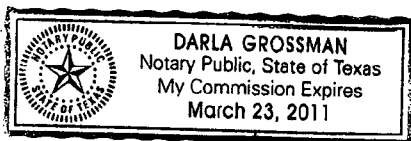
4. The Defendant is a Corporation and therefore not in active service in the armed forces of the United States of America or its allies or subject to the provisions of the Soldiers' and Sailors' Civil Relief Act of 1943, as amended.


Karen Griffith
Karen Griffith

Assistant Vice President
Bayview Loan Servicing, LLC

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

AFFIDAVIT OF LENDER

STATE OF TEXAS :
COUNTY OF TARRANT : SS.

Karen Griffith, first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, the plaintiff herein, and I am authorized to make this affidavit on its behalf.

200046584

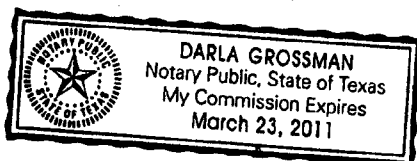
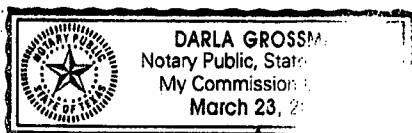
2. This is not an action by a seller, holder or assignee arising out of a retail installment sale contract or account.


Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

AFFIDAVIT OF BUSINESS TRANSACTION

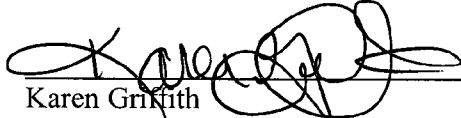
STATE OF TEXAS :
COUNTY OF TARRANT : SS.

Karen Griffith, being first duly sworn upon her oath according to law, deposes and says:

1. I am Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, the plaintiff herein, and I am authorized to make this affidavit on its behalf.

200046584

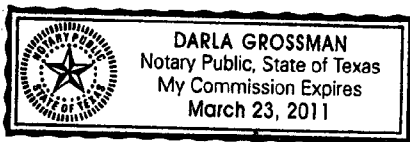
2. The transaction represented by the instrument attached to the Complaint in Confession of Judgment filed in this matter was a business transaction and was not entered into for personal, family or household purposes.


Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

SWORN TO and SUBSCRIBED
before me this 14th day
of June, 2007.


NOTARY PUBLIC



200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company 4425 Ponce DeLeon Boulevard, 5 th Floor Coral Gables, FL 33146,	:	COURT OF COMMON PLEAS CLEARFIELD COUNTY
Plaintiff,	:	CIVIL ACTION
Vs.	:	NO:
Playtime Pizza, Inc. 609 Green Glen Drive Dubois, PA 15801,	:	
Defendant.	:	

ENTRY OF APPEARANCE TO CONFESS JUDGMENT

TO: THE PROTHONOTARY

Pursuant to the authority contained in the Confession of Judgment set forth in the instrument attached as Exhibit "A" in Confession of Judgment filed in this action, I appear for the defendant, Playtime Pizza, Inc., and confess judgment in favor of plaintiff, Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, and against Playtime Pizza, Inc., in the total amount of \$ 225,796.43 plus attorneys' fees and costs, plus interest from and after June 7, 2007, at the *per diem* rate of \$ 63.53.

Milstead & Associates, LLC

Dated:

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

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

CONFESSION OF JUDGMENT

TO THE PROTHONOTARY:

Pursuant to the authority contained in the provisions of the Note, a copy of which is attached to the Complaint as Exhibit "A", I appear for the Defendant and confess judgment in favor of the Plaintiff and against the Defendant as follows, with additional interest, late charges, fees, prepayment penalties and attorney fees and costs to be added:

LOAN

Principal:	\$223,499.75
Interest thru 06/07/07:	\$ 5,911.61
Late Charges:	\$ 376.59
Escrow Balance:	(\$5,241.52)

SUBTOTAL:	<u>\$224,546.43</u>
Attorney's Fees and Costs	<u>\$1,250.00</u>

GRAND TOTAL	\$225,796.43 (plus additional attorneys' fees and costs)
--------------------	---

200046584

=====

Interest continues to accrue from and after June 7, 2007, on the Grand Total at the *per diem* rate of \$63.53. Attorney's fees and costs also continue to accrue.

Milstead & Associates, LLC

Dated: 6/20/2007

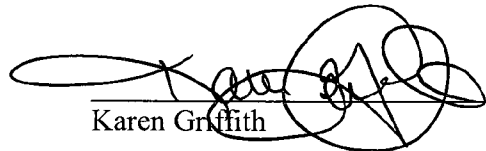
By: Chrisovalante
Chrisovalante P. Fliakos, Esquire
Attorney ID No.: 94620
Attorney for Plaintiff

200046584

VERIFICATION

Karen Griffith states that she is Assistant Vice-President of Loan Servicing for Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, and as such, she is authorized to make this Verification on its behalf, that she has read the statements contained in the foregoing Complaint in Confession of Judgment, and that the statements contained therein are true and correct to the best of her knowledge, information and belief. The undersigned also understands that these statements are made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

Dated: 6-13-2007



Karen Griffith

Karen Griffith
Assistant Vice President
Bayview Loan Servicing, LLC

200046584

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

File no. 4.06497

Bayview Loan Servicing, LLC, a Delaware	:	COURT OF COMMON PLEAS
Limited Liability Company	:	CLEARFIELD COUNTY
4425 Ponce DeLeon Boulevard, 5 th Floor	:	
Coral Gables, FL 33146,	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
Vs.	:	
	:	NO:
Playtime Pizza, Inc.	:	
609 Green Glen Drive	:	
Dubois, PA 15801,	:	
	:	
Defendant.	:	

NOTICE PURSUANT TO 42 PA C.S.A. §2737.1

TO: Playtime Pizza, Inc.
609 Green Glen Drive
Dubois, PA 15801,

NOTICE IS HEREBY GIVEN THAT JUDGMENT IN THE ABOVE CAPTIONED MATTER HAS BEEN ENTERED AGAINST YOU. THE FOLLOWING IS THE PROCEDURE YOU MUST FOLLOW IN ORDER TO STRIKE JUDGMENT AND/OR SEEK TO HAVE THE JUDGMENT OPENED. PLEASE BE FURTHER ADVISED THAT YOU ARE ENTITLED TO COSTS AND REASONABLE ATTORNEY'S FEES AS DETERMINED BY THE COURT IF YOU HAVE BEEN INCORRECTLY IDENTIFIED.

Rule 2959. Striking Off or Opening Judgment; Pleadings; Procedure

- (a) (1) Relief from a judgment by confession shall be sought by petition. Except as provided in subparagraph (2), all grounds for relief whether to strike off the judgment or to open it must be asserted in a single petition. The petition may be filed in the county in which the judgment was originally entered, in any county to which the judgment has been transferred or in any other county in which the sheriff has received a writ of execution directed to the sheriff to enforce the judgment.

(2) The ground that the waiver of the due process rights of notice and hearing was not voluntary, intelligent and knowing shall be raised only

(i) in support of a further request for a stay of execution where the court has not stayed execution despite the timely filing of a petition for relief from the judgment and the presentation of prima facie evidence of a defense; and

(ii) as provided by Rule 2958.3 or Rule 2973.3.

(3) If written notice is served upon the petitioner pursuant to Rule 2956.1(c)(2) or Rule 2973.1(c), the petition shall be filed within thirty (30) days after such service unless the defendant can demonstrate that there were compelling reasons for the delay, a petition not timely filed shall be denied.

(b) If the petition states prima facie grounds for relief, the court shall issue a rule to show cause and may grant a stay of proceedings. After being served with a copy of the petition, the plaintiff shall file an answer on or before the return day of the rule. The return day of the rule shall be fixed by the court by local rule or special order.

(c) A party waives all defenses and objections which are not included in the petition or answer.

(d) The petition and the rule to show cause and the answer shall be served as provided in Rule 440.

(e) The court shall dispose of the rule on petition and answer, and, on any testimony, depositions, admissions and other evidence. The court for cause shown may stay proceedings on the petition insofar as it seeks to open the judgment pending disposition of the application to strike off the judgment. If evidence is produced which in a jury trial would require the issues to be submitted to the jury, the court shall open the judgment.

(f) The lien of the judgment or any levy or attachment shall be preserved while the proceedings to strike off or open the judgment are pending.

If you have any questions concerning the above, please contact:

Milstead & Associates, LLC

By: Chrisovalante P. Fliakos
Chrisovalante P. Fliakos, Esquire
Attorney ID No.: 94620
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400
Attorney for Plaintiff, Bayview Loan Servicing,
LLC, a Delaware Limited Liability Company

FILED
JUN 22 2007
Prothonotary/Clerk of Courts
William A. Shaw

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

**Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company**
Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NO.: 2007-988-CD

Vs.

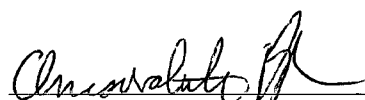
Playtime Pizza, Inc.
Defendant(s)

To the Prothonotary:

Issue Writ of Execution in the above matter:


AMOUNT DUE	\$225,796.43
INTEREST	
From 6/8/07 to Date of	\$
Sale at \$37.12 per diem	
Prothonotary costs	40.00
(Costs to be added)	\$
TOTAL DUE:	\$

Date: August 16, 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.

{00186301}

FILED Aug pd-20.00
m12:37/50
AUG 20 2007 -ICC & 6 writs
w/ prop desc
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts


All those certain pieces, parcels or tracts of land situate, lying and being situate in the City of DuBois, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

The First Thereof:

Beginning at an iron pin corner, the Northwest corner of Parcel No. 5, said corner being also in the Easterly right of way of McCracken Run Road; thence by the Easterly line of McCracken Run Road, North 6° 10' 09" East 105.0 feet to an iron pin, the Southwest corner of Parcel No. 7; thence by the Southerly line of Parcel No. 7, South 83° 52' 00" East 491.87 feet to a point in the Westerly line of land now or formerly of David C. DuBois; thence by the Westerly line of land now or formerly of David C. DuBois, South 8° 14' 54" West 89.79 feet to a point; thence by same, South 13° 31' 54" West 64.46 feet to a point, the Northeast corner of Parcel No. 5; thence by the Northerly line of Parcel No. 5, North 78° 05' 00" West 482.78 feet to an iron pin corner and the place of beginning recorded May 3, 1995 in Map # 1109, Instrument No. 199504501.

The Second Thereof:

Beginning at an iron pin corner, the Northwest corner of Parcel No. 6, said corner being also in the Easterly right of way of McCracken Run Road; thence by the Easterly line of McCracken Run Road, North 6° 10' 09" East 105.0 feet to an iron pin, the Southwest corner of Parcel No. 8; thence by the Southerly line of Parcel No. 8, South 83° 52' 00" East 492.78 feet to a point in the Westerly line of land now or formerly of David C. DuBois; thence by the Westerly line of land now or formerly of David C. DuBois, South 06° 00' 05" East 12.05 feet to a point; thence by same, South 08° 14' 54" West 93.29 feet to a point, the Northwest corner of parcel No. 6; thence by the Northerly line of Parcel No. 6, North 83° 52' 00" West 491.87 feet to an iron pin corner and the place of beginning.

Tax ID No. 7-3-025-8397 and 7-3-025-8398.

Being known as 150 McCracken Run Road, Dubois, PA 15801

SEIZED, taken in execution to be sold as the property of Playtime Pizza, Inc., at the suit of Bayview Loan Servicing, LLC, a Delaware Limited Liability Company.
Judgment No. 2007-988-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

**Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company
Plaintiff**

vs.

Playtime Pizza, Inc.

Defendant(s)

**: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY**

:

: No.: 2007-988-CD

:

: AFFIDAVIT PURSUANT

: TO RULE 3129.1

:

:

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

Bayview Loan Servicing, LLC, a Delaware Limited Liability Company, 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 150 McCracken Run Road, Dubois, PA 15801:

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

Playtime Pizza, Inc.
609 Green Glen Drive
Dubois, PA 15801

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:

Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company
(Plaintiff herein)
4425 Ponce DeLeon Boulevard
Coral Gables, FL 33146

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

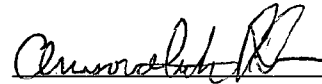
7. Name and address of every person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Tenant/Occupant
150 McCracken Run Road
Dubois, PA 15801

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: August 16, 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

**Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company
Plaintiff**

vs.

Playtime Pizza, Inc.

Defendant(s)

: COURT OF COMMON PLEAS

: CLEARFIELD COUNTY

:

: No.: 2007-988-CD

:

:

: CERTIFICATION

:

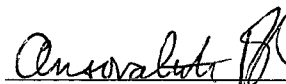
:

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: August 16, 2007

{00186301}

Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company
Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

Vs.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Playtime Pizza, Inc.
Defendant(s)

NO.: 2007-988-CD

COPY

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:

150 McCracken Run Road, Dubois, PA 15801
(see legal description attached)

AMOUNT DUE \$225,796.43
INTEREST

From 6/8/07 to Date of \$
Sale at \$37.12 per diem
Prothonotary costs 40.00

TOTAL DUE: \$
Plus costs per endorsement
hereon

Dated: 8/20/07

William L. Hagan
BD

Prothonotary

(SEAL)

By: Deputy

All those certain pieces, parcels or tracts of land situate, lying and being situate in the City of DuBois, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

The First Thereof:

Beginning at an iron pin corner, the Northwest corner of Parcel No. 5, said corner being also in the Easterly right of way of McCracken Run Road; thence by the Easterly line of McCracken Run Road, North 6° 10' 09" East 105.0 feet to an iron pin, the Southwest corner of Parcel No. 7; thence by the Southerly line of Parcel No. 7, South 83° 52' 00" East 491.87 feet to a point in the Westerly line of land now or formerly of David C. DuBois; thence by the Westerly line of land now or formerly of David C. DuBois, South 8° 14' 54" West 89.79 feet to a point; thence by same, South 13° 31' 54" West 64.46 feet to a point, the Northeast corner of Parcel No. 5; thence by the Northerly line of Parcel No. 5, North 78° 05' 00" West 482.78 feet to an iron pin corner and the place of beginning recorded May 3, 1995 in Map # 1109, Instrument No. 199504501.

The Second Thereof:

Beginning at an iron pin corner, the Northwest corner of Parcel No. 6, said corner being also in the Easterly right of way of McCracken Run Road; thence by the Easterly line of McCracken Run Road, North 6° 10' 09" East 105.0 feet to an iron pin, the Southwest corner of Parcel No. 8; thence by the Southerly line of Parcel No. 8, South 83° 52' 00" East 492.78 feet to a point in the Westerly line of land now or formerly of David C. DuBois; thence by the Westerly line of land now or formerly of David C. DuBois, South 06° 00' 05" East 12.05 feet to a point; thence by same, South 08° 14' 54" West 93.29 feet to a point, the Northwest corner of parcel No. 6; thence by the Northerly line of Parcel No. 6, North 83° 52' 00" West 491.87 feet to an iron pin corner and the place of beginning.

Tax ID No. 7-3-025-8397 and 7-3-025-8398.

Being known as 150 McCracken Run Road, Dubois, PA 15801

SEIZED, taken in execution to be sold as the property of Playtime Pizza, Inc., at the suit of Bayview Loan Servicing, LLC, a Delaware Limited Liability Company.
Judgment No. 2007-988-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

**Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company,**

Plaintiff,

Vs.

Playtime Pizza, Inc.,

Defendant(s).

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

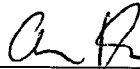
No.: 2007-988-CD

**Praeceptum to Satisfy Confessed Judgment
and Discontinue and End**

TO THE PROTHONOTARY:

Kindly Satisfy the Judgment by Confession that was filed on June 22, 2007 in the amount of \$225,796.43 and Discontinue and End the above captioned Mortgage Foreclosure action without Prejudice.

MILSTEAD & ASSOCIATES, LLC



Chrisovalante P. Fliakos, Esquire
Attorney ID No. 94620

FILED pd #7.00 Atty
m/11:40am ICC d 1 cert of
NOV 28 2007 Sat issued to
Fliakos
(LM)

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

Bayview Loan Servicing, LLC

No.: 2007-00988-CD

Vs.

Debt: \$225,796.43

Playtime Pizza, Inc.


Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Wednesday, November 28, 2007 , directions for satisfaction having been received,
and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 28th day of November, A.D. 2007.


Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20648
NO: 07-988-CD

PLAINTIFF: BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY
vs.
DEFENDANT: PLAYTIME PIZZA, INC.

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 8/20/2007

LEVY TAKEN 10/3/2007 @ 12:10 PM

POSTED 10/3/2007 @ 12:10 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/28/2008

DATE DEED FILED **NOT SOLD**

FILED
01/03/08
JAN 28 2008
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

10/3/2007 @ 12:10 PM SERVED PLAYTIME PIZZA, INC.

SERVED PLAYTIME PIZZA, INC., DEFENDANT, AT 609 GREEN GLEN DRIVE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY
HANDING TO JOSEPH L. KRUCKOW, II, PRESIDENT OF PLAYTIME PIZZA

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, NOVEMBER 1, 2007 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR
NOVEMBER 2, 2007. MORTGAGE WAS PAID IN FULL; \$297,687.71 WAS RECEIVED IN CONSIDERATION FOR THE STAY.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20648

NO: 07-988-CD

PLAINTIFF: BAYVIEW LOAN SERVICING, LLC, A DELAWARE LIMITED LIABILITY COMPANY
vs.

DEFENDANT: PLAYTIME PIZZA, INC.


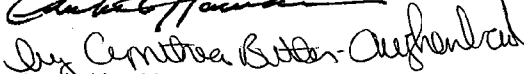
Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$5,429.82

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


By 
Chester A. Hawkins
Sheriff

Bayview Loan Servicing, LLC, a Delaware
Limited Liability Company
Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA

Vs.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Playtime Pizza, Inc.
Defendant(s)

NO.: 2007-988-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:

150 McCracken Run Road, Dubois, PA 15801
(see legal description attached)

AMOUNT DUE	\$225,796.43
INTEREST	
From 6/8/07 to Date of	\$
Sale at \$37.12 per diem	
Prothonotary costs	40.00
TOTAL DUE:	\$
Plus costs per endorsement	
hereon	

Dated: 8/20/07



Prothonotary

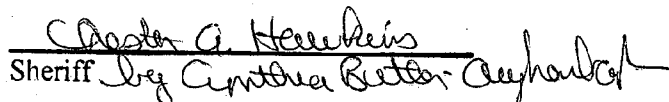
(SEAL)

By: _____

Deputy
day

Received this writ this 20th
of August A.D. 2007
At 3:00 A.M./P.M.

{00186301}


Sheriff by Cynthia Butler

2

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

20-111

All those certain pieces, parcels or tracts of land situate, lying and being situate in the City of DuBois, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows, to wit:

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Beginning at an iron pin corner, the Northwest corner of Parcel No. 5, said corner being also in the Easterly right of way of McCracken Run Road; thence by the Easterly line of McCracken Run Road, North $6^{\circ} 10' 09''$ East 105.0 feet to an iron pin, the Southwest corner of Parcel No. 7; thence by the Southerly line of Parcel No. 7, South $83^{\circ} 52' 00''$ East 491.87 feet to a point in the Westerly line of land now or formerly of David C. DuBois; thence by the Westerly line of land now or formerly of David C. DuBois, South $8^{\circ} 14' 54''$ West 89.79 feet to a point; thence by same, South $13^{\circ} 31' 54''$ West 64.46 feet to a point, the Northeast corner of Parcel No. 5; thence by the Northerly line of Parcel No. 5, North $78^{\circ} 05' 00''$ West 482.78 feet to an iron pin corner and the place of beginning recorded May 3, 1995 in Map # 1109, Instrument No. 199504501.

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Tax ID No. 7-3-025-8397 and 7-3-025-8398.

Being known as 150 McCracken Run Road, Dubois, PA 15801

SEIZED, taken in execution to be sold as the property of Playtime Pizza, Inc., at the suit of Bayview Loan Servicing, LLC, a Delaware Limited Liability Company.
Judgment No. 2007-988-CD.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME PLAYTIME PIZZA, INC.

NO. 07-988-CD

NOW, November 05, 2007, 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 November 02, 2007, I exposed the within described real estate of Playtime Pizza, Inc. to public venue or outcry at which time and place I sold the same to MILSTEAD & ASSOCIATES, LLC he/she being the highest bidder, for the sum of \$250,000.00 and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00
SERVICE	15.00
MILEAGE	18.43
LEVY	15.00
MILEAGE	18.43
POSTING	15.00
CSDS	10.00
COMMISSION	5,000.00
POSTAGE	4.92
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	250,000.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	238.04
TOTAL SHERIFF COSTS	\$5,429.82

DEED COSTS:

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

DEBT-AMOUNT DUE	225,796.43
INTEREST @ 37.1200	5,456.64
FROM 06/08/2007 TO 11/02/2007	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	

TOTAL DEBT AND INTEREST	\$231,273.07
-------------------------	--------------

COSTS:

ADVERTISING	1,238.70
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	5,429.82
LEGAL JOURNAL COSTS	180.00
PROTHONOTARY	40.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	

TOTAL COSTS	\$7,028.52
-------------	------------

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

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:	Cindy	FROM:	Greg Wilkins
COMPANY:	Clearfield County Sheriff's Office	DATE:	November 1, 2007
FAX NUMBER:	814-765-5915	TOTAL NO. OF PAGES INCLUDING COVER:	1
PHONE NUMBER:		SENDER'S REFERENCE NUMBER:	4.06497
RE:	Playtime Pizza	YOUR REFERENCE NUMBER:	2007-988-CD

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

Comments

Please accept this fax as authorization to stay the sale set for 11/2/07. The mortgage has been paid in full; \$297,687.71 was 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**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INTENDED RECIPIENT(S) NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS LISTED ABOVE VIA UNITED STATES POSTAL SERVICE.