

07-1041-CD
Indymac Bank vs Trent Orgden

Indymac Bank vs Trent Orgden et al
2007-1041-CD

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

154799

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

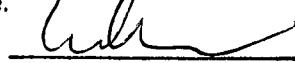
NO. 07-1041-CD

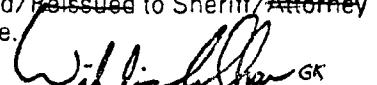
TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

Oct 4, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service. 
Deputy Prothonotary

Oct 4, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service. 
Deputy Prothonotary

File #: 154799

FILED
MJD: 5/20/2008 Sheriff
JUN 29 2008 Atty pd 85.00
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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

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

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

**IF THIS IS THE FIRST NOTICE THAT YOU HAVE
RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

**PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S)
DO SO IN WRITING WITHIN THIRTY (30) DAYS OF
RECEIPT OF THIS PLEADING, COUNSEL FOR
PLAINTIFF WILL OBTAIN AND PROVIDE
DEFENDANT(S) WITH WRITTEN VERIFICATION
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)
THE NAME AND ADDRESS OF THE ORIGINAL
CREDITOR, IF DIFFERENT FROM ABOVE.**

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

2. The name(s) and last known address(es) of the Defendant(s) are:

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 06/13/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR INDYMAC BANK, F.S.B. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200610051. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.

4. The premises subject to said mortgage is described as attached.

5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 12/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$59,874.12
Interest 11/01/2006 through 06/23/2007 (Per Diem \$15.17)	\$3,564.95
Attorney's Fees	\$1,250.00
Cumulative Late Charges 06/13/2006 to 06/23/2007	\$88.72
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$65,327.79
Escrow	
Credit	\$0.00
Deficit	\$210.47
Subtotal	<u>\$210.47</u>
TOTAL	\$65,538.26

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$65,538.26, together with interest from 06/23/2007 at the rate of \$15.17 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP



By: /s/ Francis S. Hallinan
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate in the Township of Lawrence, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in line of right of way of the Clearfield and Mahoning Railroad, where an alley intersects the same; thence by said alley North 24 degrees 18 minutes West, 200 feet to an alley; thence by said alley North 56-1/2 degrees East, 50 feet to a post in line of said alley; thence by land of the Clearfield Creamery Company South 34 degrees 18 minutes East, 200 feet to a post in the right of way of the Clearfield and Mahoning Railway; thence by said right of way South 55-1/2 degrees West, 50 feet to a post, the place of beginning.

PARCEL #123-K08-251-00068.

BEING the same premises granted and conveyed unto Trent Ogden and Christine M. Ogden, husband and wife, by Deed of James L. Keith and J. Veronica Keith, husband and wife, dated July 30, 2004 and recorded August 9, 2004 in Clearfield County Instrument #2004-12919.

UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

FURTHER subject to all restrictions, rights of way, easements for public utilities and building line(s) as may be shown on the recorded plan and in prior instruments of record.

PROPERTY BEING: 113 POPLAR STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 6/23/07

FILED 24

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

INDYMAC BANK, F.S.B.

ATTORNEY FOR PLAINTIFF Prothonotary/Clerk of Courts

AUG 24 2007

112:30 AM

William A. Shaw

1 CERT TO APP

w/ REINSTATE

Complain

Plaintiff	:	COURT OF COMMON PLEAS
	:	CIVIL DIVISION
vs.	:	CLEARFIELD COUNTY
	:	No. 07-1041-CD
Defendants	:	

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: Francis S. Hallinan
FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: August 22, 2007

/jmr, Svc Dept.
File# 154799

FILED
AUG 24 2011
William A. Clegg, Jr.
Prothonotary, Court of Common Pleas
of Allegheny County, Pennsylvania

U
FILED
9/4/00 3:14 AM
AUG 29 2007
60

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Indymac Bank, F.S.B.

:
:
: CIVIL DIVISION
vs. : NO. 07-1041-CD
:
:

Trent Ogden
Christine M. Ogden

:
ORDER

AND NOW, this 28 day of August, 2007, upon consideration of

Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby **ORDERED** and
DECREED that said Motion is **GRANTED**.

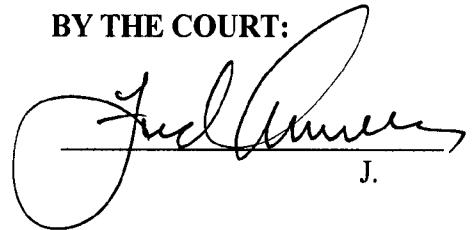
It is further **ORDERED** and **DECREED** that Plaintiff may obtain service of the Complaint
and all future pleadings on the above captioned Defendants, Trent Ogden and Christine M. Ogden,
by:

1. Posting of the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830.
2. First class mail to Trent Ogden and Christine M. Ogden at the mortgaged premises,

113 Poplar Street, Clearfield, PA 16830 and last known address, P.O. Box 113 Plar Avenue,
Clearfield, PA 16830; and

3. Certified mail to Trent Ogden and Christine M. Ogden at the mortgaged premises 113
Poplar Street, Clearfield, PA 16830 and last known address, P.O. Box 113 Plar Avenue,
Clearfield, PA 16830 .

BY THE COURT:

A handwritten signature in black ink, appearing to read "Judge James", is written over a horizontal line. A small "J." is written to the right of the signature.

CA

FILED

AUG 24 2007

8/12/2007

William A. Shaw
Prothonotary/Clerk of Courts

no 4/c

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Indymac Bank, F.S.B.	:	COURT OF COMMON PLEAS
	:	
	:	CIVIL DIVISION
vs.		
Trent Ogden	:	CLEARFIELD COUNTY
Christine M. Ogden		
	:	
	:	NO. 07-1041-CD

MOTION FOR SERVICE PURSUANT TO
SPECIAL ORDER OF COURT

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendants, Trent Ogden and Christine M. Ogden, by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the last known address, P.O. Box 113 Plar Avenue, Clearfield, PA 16830 and the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint in Mortgage Foreclosure Action on June 29, 2007. As indicated by the copy of said complaint attached hereto as Exhibit "A".

2. Said complaint was forwarded to the Office of the Sheriff on or about July 2, 2007 for service to be completed on the Defendants, Trent Ogden and Christine M. Ogden at the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830. Plaintiff was advised by the Sheriff's Office that there was no service made at this address. Plaintiff is unable to append a copy of the Return of Service as a result of a backlog in completing the Affidavit at the Sheriff's Office. Plaintiff's Affidavit of Service is attached hereto and marked as Exhibit "B".

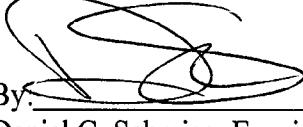
3. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendants. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "C".

4. Plaintiff has reviewed its internal records and has not been contacted by the Defendants as of August 22, 2007 to bring loan current.

5. Plaintiff submits that it has made a good faith effort to locate the Defendants but has been unable to do so.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by posting, first class mail and certified mail.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.


By: _____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: August 22, 2007

FILED
JUN 29 2007
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
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154799

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

Plaintiff
v.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

ATTORNEY FILE COPY
PLEASE RETURN
I hereby certify that
within to be a true and
correct copy of the
original filed of record

PHELAN HALLINAN & SCHMIEG, LLP
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v.

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Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO.

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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460 SIERRA MADRE VILLA
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TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

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3. On 06/13/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR INDYMAC BANK, F.S.B. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200610051. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 12/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

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(Per Diem \$15.17)	
Attorney's Fees	\$1,250.00
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TOTAL	\$65,538.26

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9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$65,538.26, together with interest from 06/23/2007 at the rate of \$15.17 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP



By: /s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate in the Township of Lawrence, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

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PARCEL #123-K08-251-00068.

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UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

FURTHER subject to all restrictions, rights of way, easements for public utilities and building line(s) as may be shown on the recorded plan and in prior instruments of record.

PROPERTY BEING: 113 POPLAR STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 6-23-07

Exhibit B

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

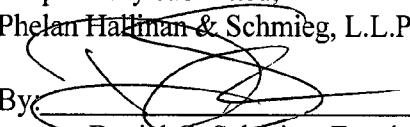
Attorney for Plaintiff

Indymac Bank, F.S.B. : COURT OF COMMON PLEAS
: CIVIL DIVISION
vs.
Trent Ogden : CLEARFIELD COUNTY
Christine M. Ogden : NO. 07-1041-CD

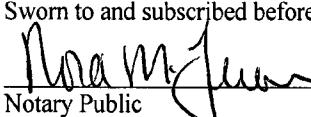
AFFIDAVIT OF SERVICE

Plaintiff's Counsel, Phelan Hallinan & Schmieg, LLP, does hereby swear and subscribe that it contacted the Sheriff's Office of Clearfield County on July 31, 2007 and was advised that the Sheriff was unable to complete personal service on Trent Ogden and Christine M. Ogden at the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830. On August 21, 2007, the Plaintiff, by its Counsel, called the Sheriff's Office inquiring if a Return of Service was complete. The Sheriff's Office advised the Plaintiff's Counsel that they are behind with getting the returns typed up and out the door. However, they did confirm that the Defendants, Trent Ogden and Christine M. Ogden, were not served at the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830 because there was no answer after the four attempts by the deputy.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Sworn to and subscribed before me on this 22nd day of August 2007



Notary Public

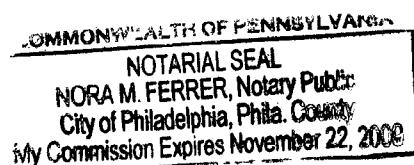


Exhibit C

**FULL SPECTRUM LEGAL SERVICES, INC.
AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 154799

Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**

Subject: Trent Ogden & Christine M. Ogden

Current Address: 113 Poplar Street, Clearfield, PA 16830

Property Address: 113 Poplar Street, Clearfield, PA 16830

Mailing Address: 113 Poplar Street, Clearfield, PA 16830

I, Brendan Booth, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct

Trent Ogde - xxx-xx-5862

Christine M. Ogden - xxx-xx-2253

B. EMPLOYMENT SEARCH

Trent Ogden & Christine M. Ogden - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Trent Ogden & Christine M. Ogden reside(s) at: P.O. Box 113, Plar Avenue, Clearfield, PA 16830.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which indicated that Trent Ogden & Christine M. Ogden reside(s) at: 113 Poplar Street, Clearfield, PA 16830. On 05-16-07 our office made several telephone calls to the subjects' phone number (814) 765-9286 and received the following information: answering machine.

B. On 05-16-07 our office made several telephone calls to the phone number (814) 865-6502 and received the following information: answering machine.

III. INQUIRY OF NEIGHBORS

On 05-16-07 our office made a phone call in an attempt to contact Linda Mays (814) 765-1151, 119 Poplar Avenue, Clearfield, PA 16830: spoke with an unidentified female who confirmed that Trent Ogden & Christine M. Ogden reside(s) at 113 Poplar Street, Clearfield, PA 16830.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 05-16-07 we reviewed the National Address database and found the following information: Trent Ogden & Christine M. Ogden - 113 Poplar Street, Clearfield, PA 16830.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: no addresses on file.

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Trent Ogden & Christine M. Ogden.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 05-16-07 Vital Records and all public databases have no death record on file for Trent Ogden & Christine M. Ogden.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Trent Ogden & Christine M. Ogden residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Trent Ogden - 10-01-1970

Christine M. Ogden - 12-01-1967

B. A.K.A.

Trent T. Ogden

Christine M. Swiatkowski

* Our accessible databases have been checked and cross-referenced for the above named individual(s).

* Please be advised our database information indicates the subject resides at the current address.

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

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.

Brendan Booth

AFFIANT - Brendan Booth
Full Spectrum Legal Services, Inc.

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

Nora M. Ferrer

Sworn to and subscribed before me this 16th day of May, 2007.

VERIFICATION

Daniel G. Schmieg, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements made are subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: _____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: August 22, 2007

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Indymac Bank, F.S.B.	:	COURT OF COMMON PLEAS
	:	CIVIL DIVISION
Trent Ogden	:	CLEARFIELD COUNTY
Christine M. Ogden	:	NO. 07-1041-CD

CERTIFICATION OF SERVICE

I, Daniel G. Schmieg, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court, Memorandum of Law, Proposed Order and attached exhibits have been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

Trent Ogden and Christine M. Ogden
113 Poplar Street
Clearfield, PA 16830

P.O. Box 113 Plar Avenue
Clearfield, PA 16830

The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: _____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: August 22, 2007

PHELAN HALLINAN & SCHMIEG, L.L.P.
Suite 1400
One Penn Center Plaza at Suburban Station
Philadelphia, PA 19103
215-563-7000
Main Fax: 215-563-3826

Jason Ricco, 1482
Service Department

Representing Lenders in
Pennsylvania and New Jersey

August 22, 2007

Office of the Court Administrator
Clearfield County Courthouse
230 East Market Street, Ste 228
Clearfield, PA 15853

Re: Indymac Bank, F.S.B. vs.
Trent Ogden and Christine M. Ogden
Clearfield County, No. 07-1041-CD

To Whom it may concern:

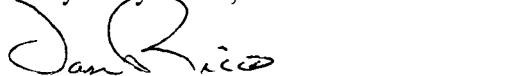
Enclosed is an original Memorandum of Law in accordance with Local Rule 210(a). A copy of the Memorandum of Law has been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

Trent Ogden and Christine M. Ogden
113 Poplar Street
Clearfield, PA 16830

P.O. Box 113 Plar Avenue
Clearfield, PA 16830

Thank you for your cooperation and have a great day.

Very Truly Yours,



Jason Ricco
For Phelan Hallinan & Schmieg, LLP

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Indymac Bank, F.S.B. : COURT OF COMMON PLEAS
: : CIVIL DIVISION
vs.
Trent Ogden : CLEARFIELD COUNTY
Christine M. Ogden : : NO. 07-1041-CD

MEMORANDUM OF LAW

Pa. R.C.P. 430(a) specifically provides:

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

Note: A Sheriff's return of "Not Found" or the fact that a Defendants has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address." Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

An illustration of good faith effort to locate the Defendants includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives neighbors, friends and employers of the Defendants and (3) examinations of local telephone directories, voter registration records, local tax records, and motor vehicle records.

As indicated by the Plaintiff's Affidavit of Service, attached hereto and marked as Exhibit "B", the Sheriff has been unable to serve the Complaint. A good faith effort to discover the whereabouts of the Defendants has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked Exhibit "C".

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by posting, first class mail and certified mail.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel O. Schmieg, Esquire
Attorney for Plaintiff

Date: August 22, 2007

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

INDYMAC BANK, F.S.B.

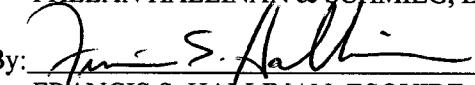
ATTORNEY FOR PLAINTIFF

Plaintiff : COURT OF COMMON PLEAS
vs. : CIVIL DIVISION
: CLEARFIELD COUNTY
TRENT OGDEN : No. 07-1041-CD
CHRISTINE M. OGDEN :
Defendants :
:

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: 
FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: October 3, 2007

/jmr, Svc Dept.
File# 154799

FILED
OCT 8 2007
44y 730
7:00
2Compl. Reinstated
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
OK

PHELAN HALLINAN & SCHMIEG LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Indymac Bank, F.S.B.

Plaintiff

ATTORNEY FOR PLAINTIFF

vs.

Trent Ogden
Christine M. Ogden

Defendants

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 07-1041-CD

**AFFIDAVIT OF SERVICE OF COMPLAINT
BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt requested, to **Trent Ogden and Christine M. Ogden at 113 Polar Street, Clearfield, PA 16830 and PO Box 113 Polar Avenue, Clearfield, PA 16830** on October 3, 2007, in accordance with the Order of Court dated August 28, 2007. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: October 3, 2007


FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

671035/01
OCT 05 2007
FILED
WCC
JM
William A. Shaw
Prothonotary/Clerk of Courts

7160 3901 9845 2007 3472

TO: TRENT OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

SENDER: JMR

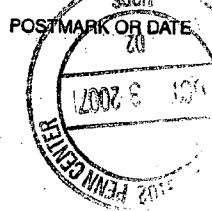
REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.41
Certified Fee		2.65
Return Receipt Fee		2.15
Restricted Delivery		0.00
Total Postage & Fees		5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 2007 3489

TO: CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

SENDER: JMR

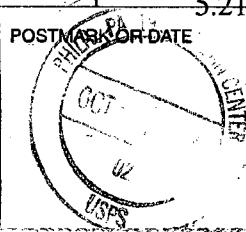
REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.41
Certified Fee		2.65
Return Receipt Fee		2.15
Restricted Delivery		0.00
Total Postage & Fees		5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 2007 3496

TO: TRENT OGDEN
PO BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

SENDER: JMR

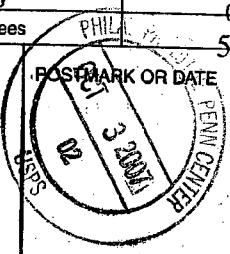
REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.41
Certified Fee		2.65
Return Receipt Fee		2.15
Restricted Delivery		0.00
Total Postage & Fees		5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 2007 3502

TO: CHRISTINE M. OGDEN
PO BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

SENDER: JMR

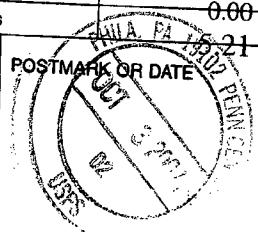
REFERENCE:

PS Form 3800, January 2005

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Certified Fee		2.65
Return Receipt Fee		2.15
Restricted Delivery		0.00
Total Postage & Fees		5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



PHELAN HALLINAN & SCHMIEG LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Indymac Bank, F.S.B.

Plaintiff

vs.

Trent Ogden
Christine M. Ogden

Defendant(s)

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 07-1041-CD

FILED
OCT 23 2007
11:30 AM
William A. Shaw
Prothonotary/Clerk of Courts
No 4C

**AMENDED AFFIDAVIT OF SERVICE OF COMPLAINT
BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage
Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt
requested, to **Trent Ogden and Christine M. Ogden at 113 Poplar Street, Clearfield, PA 16830**
and P.O. Box 113 Plar Avenue, Clearfield, PA 16830 on October 18, 2007, in accordance with
the Order of Court dated August 28, 2007. The undersigned understands that this statement is
made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: October 18, 2007


FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

7160 3901 9845 2007 2253

TO: CHRISTINE M. OGDEN
P.O. BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

SENDER: JMR

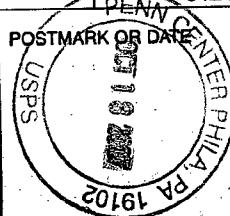
REFERENCE:

PS Form 3800, January 2005

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	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 2007 2239

TO: TRENT OGDEN
P.O. BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

SENDER: JMR

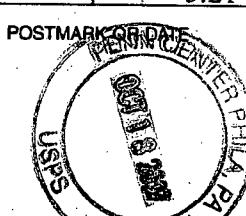
REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.41
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	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 2007 2222

TO: CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

SENDER: JMR

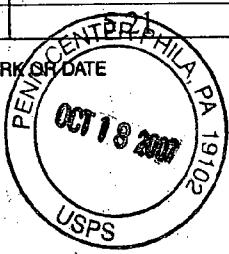
REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.41
	Certified Fee	2.65
	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 2007 2246

TO: TRENT OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

SENDER: JMR

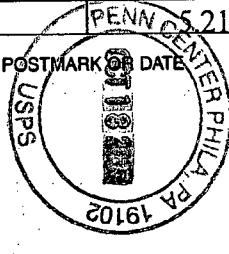
REFERENCE:

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	.41
	Certified Fee	2.65
	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



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NOV 20 2001 GPC

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
By: Michele M. Bradford, Esquire, Atty. I.D. No. 69849 ATTORNEY FOR PLAINTIFF
One Penn Center at Suburban Station
1617 J.F.K. Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

IndyMac Bank, FSB : Court of Common Pleas
460 Sierra Madre Villa :
Pasadena, CA 91107 :
Plaintiff :
vs. :
Civil Division

Trent Ogden : Clearfield County
Christine M. Ogden :
113 Poplar Street :
Clearfield, PA 16830 :
Defendants :
No. 07-1041-CD

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on June 29, 2007. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".

2. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendants.

3. As the Sheriff was unable to serve the Defendants personally, Plaintiff filed a Motion for Service Pursuant to Special Order of Court, which the Honorable Frederic J.

Ammerman granted August 28, 2007 directing Service of the Complaint by first class and certified mail, and posting at the mortgaged premises. A true and correct copy of the Order is attached hereto, made part hereof, and marked as Exhibit "B".

4. The Sheriff of Clearfield County was requested to post the Complaint at the premises pursuant to the Court Order.

5. Plaintiff served the Complaint on Defendants by first class and certified mail on October 18, 2007, and filed an Affidavit of the same with the Prothonotary.

6. On October 18, 2007, the Sheriff's office verbally advised counsel for Plaintiff that the Complaint was posted at the premises on the same day.

7. On November 14, 2007, Plaintiff sent the Defendants a ten day letter notifying them of its intention to file a default judgment.

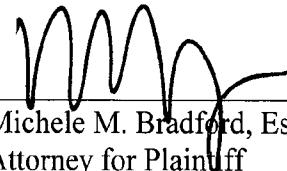
8. To date, the Clearfield County Sheriff's Office has not filed the Affidavit of Service, which was made on October 18, 2007.

9. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$15.17 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

10. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order directing the Sheriff of Clearfield County to file the Affidavit of Service of the Complaint with the Prothonotary within seven days.

11/19/07
Date



Michele M. Bradford, Esquire
Attorney for Plaintiff

EXHIBIT A

FILED
JUN 29 2007
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

154799

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

Plaintiff

v.

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1041-C

CLEARFIELD COUNTY

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

ATTORNEY FILE COPY
PLEASE RETURN
We hereby certify the
within to be a true and
correct copy of the
original filed of record

NOTICE

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

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

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

**IF THIS IS THE FIRST NOTICE THAT YOU HAVE
RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

**PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S)
DO SO IN WRITING WITHIN THIRTY (30) DAYS OF
RECEIPT OF THIS PLEADING, COUNSEL FOR
PLAINTIFF WILL OBTAIN AND PROVIDE
DEFENDANT(S) WITH WRITTEN VERIFICATION
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)
THE NAME AND ADDRESS OF THE ORIGINAL
CREDITOR, IF DIFFERENT FROM ABOVE.**

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

2. The name(s) and last known address(es) of the Defendant(s) are:

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 06/13/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR INDYMAC BANK, F.S.B. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200610051. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 12/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$59,874.12
Interest 11/01/2006 through 06/23/2007 (Per Diem \$15.17)	\$3,564.95
Attorney's Fees	\$1,250.00
Cumulative Late Charges 06/13/2006 to 06/23/2007	\$88.72
Cost of Suit and Title Search	\$550.00
Subtotal	\$65,327.79
Escrow	
Credit	\$0.00
Deficit	\$210.47
Subtotal	<u>\$210.47</u>
TOTAL	\$65,538.26

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$65,538.26, together with interest from 06/23/2007 at the rate of \$15.17 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:


/s/ Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate in the Township of Lawrence, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in line of right of way of the Clearfield and Mahoning Railroad, where an alley intersects the same; thence by said alley North 24 degrees 18 minutes West, 200 feet to an alley; thence by said alley North 56-1/2 degrees East, 50 feet to a post in line of said alley; thence by land of the Clearfield Creamery Company South 34 degrees 18 minutes East, 200 feet to a post in the right of way of the Clearfield and Mahoning Railway; thence by said right of way South 55-1/2 degrees West, 50 feet to a post, the place of beginning.

PARCEL #123-K08-251-00068.

BEING the same premises granted and conveyed unto Trent Ogden and Christine M. Ogden, husband and wife, by Deed of James L. Keith and J. Veronica Keith, husband and wife, dated July 30, 2004 and recorded August 9, 2004 in Clearfield County Instrument #2004-12919.

UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

FURTHER subject to all restrictions, rights of way, easements for public utilities and building line(s) as may be shown on the recorded plan and in prior instruments of record.

PROPERTY BEING: 113 POPLAR STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 6/23/07

EXHIBIT B

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Indymac Bank, F.S.B.

:

:

:

vs.

:

:

:

CIVIL DIVISION
NO. 07-1041-CD

Trent Ogden
Christine M. Ogden

ORDER

AND NOW, this 28 day of August, 2007, upon consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby ORDERED and DECREED that said Motion is GRANTED.

It is further ORDERED and DECREED that Plaintiff may obtain service of the Complaint and all future pleadings on the above captioned Defendants, Trent Ogden and Christine M. Ogden, by:

1. Posting of the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830.
2. First class mail to Trent Ogden and Christine M. Ogden at the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830 and last known address, P.O. Box 113 Plar Avenue, Clearfield, PA 16830; and

3. Certified mail to Trent Ogden and Christine M. Ogden at the mortgaged premises 113
Poplar Street, Clearfield, PA 16830 and last known address, P.O. Box 113 Main Avenue,
Clearfield, PA 16830 .

BY THE COURT:

/S/ Fredric J Ammerman

J.

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

AUG 29 2007

Attest,



William L. Ammerman
Prothonotary/
Clerk of Courts

VERIFICATION

Michele M. Bradford, Esquire hereby states that she is the attorney for the Plaintiff in this action, that she is authorized to make this Verification, and that the statements made in the foregoing Motion to Direct Sheriff to file Affidavit of Service and Brief in support thereof are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

11/19/07
Date

PHELAN HALLINAN & SCHMIEG, LLP



Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED *Nov 11, 2007*
NOV 20 2007 *JS*
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

By: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
One Penn Center at Suburban Station
1617 J.F.K. Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

IndyMac Bank, FSB
460 Sierra Madre Villa
Pasadena, CA 91107

Plaintiff

Court of Common Pleas

vs.
Trent Ogden
Christine M. Ogden
113 Poplar Street
Clearfield, PA 16830
Defendants

Civil Division

Clearfield County

No. 07-1041-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Direct Sheriff to File
Affidavit of Service and Brief in Support thereof were served upon the following interested
parties via first class mail on the date indicated below:

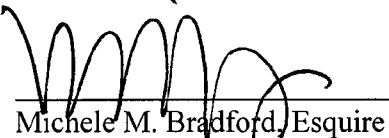
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, Pennsylvania 16830

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

Trent Ogden
Christine M. Ogden
113 Poplar Street
Clearfield, PA 16830

11/19/07
Date

PHELAN HALLINAN & SCHMIEG, LLP


Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED014:00 2007 2cc
NOV 20 2007 Atty
BradfordWilliam A. Shaw
Prothonotary/Clerk of Courts(ICC Sheriff
without memo)

(OK)

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

IndyMac Bank, FSB	:	Court of Common Pleas
460 Sierra Madre Villa	:	
Pasadena, CA 91107	:	
Plaintiff	:	Civil Division
vs.	:	
Trent Ogden	:	Clearfield County
Christine M. Ogden	:	
113 Poplar Street	:	No. 07-1041-CD
Clearfield, PA 16830	:	
Defendants	:	

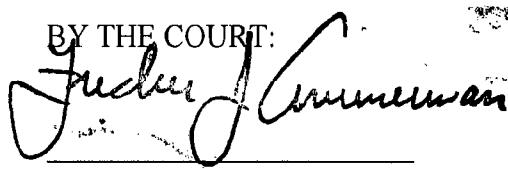
ORDER

AND NOW, this 20th day of November, 2007, upon consideration of

Plaintiff's Motion to Direct Sheriff to File Affidavit of Service, and any response thereto, it is
hereby:

ORDERED and DECREED that the Sheriff of Clearfield County is hereby directed to
complete and file an Affidavit of Service of the foreclosure Complaint within seven days of the
date of this Order.

BY THE COURT:



J.

FILED

NOV 20 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/20/07

You are responsible for serving all appropriate parties,

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney Other

Special Instructions:

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **102961**

INDYMAC BANK, F.S.B.

Case # 07-1041-CD

vs.

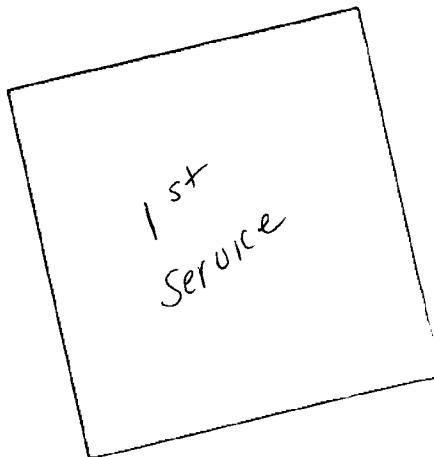
TRENT OGDEN & CHRISTINE M. OGDEN

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW November 26, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO TRENT OGDEN, DEFENDANT. SEVERAL ATTEMPTS.

SERVED BY: /



FILED

0/3:50pm

NOV 26 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 #

102961

INDYMAC BANK, F.S.B.

Case # 07-1041-CD

VS.

TRENT OGDEN & CHRISTINE M. OGDEN

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW November 26, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO CHRISTINE M. OGDEN, DEFENDANT. SEVERAL ATTEMPTS.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 102961
NO: 07-1041-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: INDYMAC BANK, F.S.B.
vs.
DEFENDANT: TRENT OGDEN & CHRISTINE M. OGDEN

SHERIFF RETURN

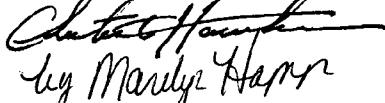
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	606956	20.00
SHERIFF HAWKINS	PHELAN	606956	25.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2007



Chester A. Hawkins
Sheriff

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

154799

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

Plaintiff

v.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

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

JUN 29 2007

File #: 154799

Attest,

William L. Hause
Prothonotary/
Clerk of Courts

NOTICE

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

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

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.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

**IF THIS IS THE FIRST NOTICE THAT YOU HAVE
RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

**PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S)
DO SO IN WRITING WITHIN THIRTY (30) DAYS OF
RECEIPT OF THIS PLEADING, COUNSEL FOR
PLAINTIFF WILL OBTAIN AND PROVIDE
DEFENDANT(S) WITH WRITTEN VERIFICATION
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)
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CREDITOR, IF DIFFERENT FROM ABOVE.**

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FOLLOWING FIRST CONTACT WITH YOU BEFORE
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THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

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INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

2. The name(s) and last known address(es) of the Defendant(s) are:

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 06/13/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR INDYMAC BANK, F.S.B. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200610051. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 12/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$59,874.12
Interest	\$3,564.95
11/01/2006 through 06/23/2007	
(Per Diem \$15.17)	
Attorney's Fees	\$1,250.00
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Subtotal	<u>\$210.47</u>
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7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$65,538.26, together with interest from 06/23/2007 at the rate of \$15.17 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: /s/ Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

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PARCEL #123-K08-251-00068.

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UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

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PROPERTY BEING: 113 POPLAR STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

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Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 6/23/07

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
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ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

154799

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

Plaintiff

v.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

JUN 29 2007

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

Attest.

William L. Bane
Prothonotary/
Clerk of Courts

NOTICE

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**PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S)
DO SO IN WRITING WITHIN THIRTY (30) DAYS OF
RECEIPT OF THIS PLEADING, COUNSEL FOR
PLAINTIFF WILL OBTAIN AND PROVIDE
DEFENDANT(S) WITH WRITTEN VERIFICATION
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)
THE NAME AND ADDRESS OF THE ORIGINAL
CREDITOR, IF DIFFERENT FROM ABOVE.**

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

2. The name(s) and last known address(es) of the Defendant(s) are:

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 06/13/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR INDYMAC BANK, F.S.B. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200610051. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 12/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$59,874.12
Interest	\$3,564.95
11/01/2006 through 06/23/2007	
(Per Diem \$15.17)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$88.72
06/13/2006 to 06/23/2007	
Cost of Suit and Title Search	\$550.00
Subtotal	\$65,327.79
Escrow	
Credit	\$0.00
Deficit	\$210.47
Subtotal	<u>\$210.47</u>
TOTAL	\$65,538.26

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$65,538.26, together with interest from 06/23/2007 at the rate of \$15.17 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: /s/ Francis S. Hallinan
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate in the Township of Lawrence, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in line of right of way of the Clearfield and Mahoning Railroad, where an alley intersects the same; thence by said alley North 24 degrees 18 minutes West, 200 feet to an alley; thence by said alley North 56-1/2 degrees East, 50 feet to a post in line of said alley; thence by land of the Clearfield Creamery Company South 34 degrees 18 minutes East, 200 feet to a post in the right of way of the Clearfield and Mahoning Railway; thence by said right of way South 55-1/2 degrees West, 50 feet to a post, the place of beginning.

PARCEL #123-K08-251-00068.

BEING the same premises granted and conveyed unto Trent Ogden and Christine M. Ogden, husband and wife, by Deed of James L. Keith and J. Veronica Keith, husband and wife, dated July 30, 2004 and recorded August 9, 2004 in Clearfield County Instrument #2004-12919.

UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

FURTHER subject to all restrictions, rights of way, easements for public utilities and building line(s) as may be shown on the recorded plan and in prior instruments of record.

PROPERTY BEING: 113 POPLAR STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 6/23/07

FILED

NOV 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103272
NO: 07-1041-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE &

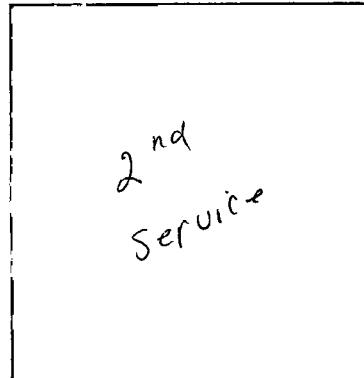
ORDER

PLAINTIFF: INDYMAC BANK, F.S.B.
vs.
DEFENDANT: TRENT OGDEN and CHRISTINE M. OGDEN

SHERIFF RETURN

NOW, October 08, 2007 AT 10:50 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT 113 POPLAR AVE.not ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA. (TRENT OGDEN)

SERVED BY: HUNTER / DEHAVEN



FILED

03:50pm
NOV 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103272
NO: 07-1041-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: INDYMAC BANK, F.S.B.
vs.
DEFENDANT: TRENT OGDEN and CHRISTINE M. OGDEN

SHERIFF RETURN

NOW, October 08, 2007 AT 10:51 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER AT 113 POPLAR AVE. not ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA. (CHRISTINE OGDEN)

SERVED BY: HUNTER / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103272
NO: 07-1041-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: INDYMAC BANK, F.S.B.

vs.

DEFENDANT: TRENT OGDEN and CHRISTINE M. OGDEN

SHERIFF RETURN

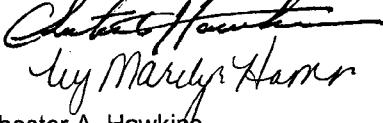
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	632483	20.00
SHERIFF HAWKINS	PHELAN	632483	17.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2007


Chester A. Hawkins
Sheriff

FILED

NOV 26 2007

William A. Shaw
Prothonotary/Clerk of Courts

FILED

DEC 05 2007

WILLIAM A. SHAW
Prothonotary/Clerk of Courts

L C Pano

(610)

ATTY

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Attorney ID No. 69849
One Penn Center at Suburban Station
1617 J.F.K. Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

IndyMac Bank, FSB : Court of Common Pleas
460 Sierra Madre Villa :
Pasadena, CA 91107 :
Plaintiff :

vs. :

Trent Ogden :
Christine M. Ogden :
113 Poplar Street : No. 07-1041-CD
Clearfield, PA 16830 :
Defendants :

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1041-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Order granting Motion to Direct Sheriff to
File Affidavit of Service were served upon the following interested parties via first class mail on
the date indicated below:

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

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

Trent Ogden
Christine M. Ogden
113 Poplar Street
Clearfield, PA 16830

PHELAN HALLINAN & SCHMIEG, LLP

12/3/07
Date

Michele M. Bradford
Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG
By: DANIEL G. SCHMIEG
Identification No. 62205
One Penn Center at Suburban Station - Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

FILED *Att'y pd. 20.00*
MJ 11/31/07
DEC 31 2007 ICC & Notice to Defs.

William A. Shaw *Statement to Atty*
Prothonotary/Clerk of Courts

INDYMAC BANK, F.S.B
460 SIERRA MADRE VILLA AVENUE,
SUITE 101
PASADENA, CA 91107

Plaintiff,

v.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

Defendant(s).

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 07-1041-CD

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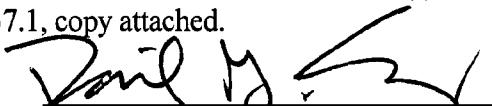
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **TRENT OGDEN and CHRISTINE M. OGDEN**, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in the Complaint	\$ 65,538.26
Interest - 6/24/07 TO 12/27/07	\$ 2,836.79
TOTAL	<u>\$ 68,375.05</u>

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


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 12/31/07


PRO PROTHY

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

INDYMAC BANK, FSB

Plaintiff

Vs.

TRENT OGDEN

CHRISTINE M. OGDEN

Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 07-1041-CD

TO: CHRISTINE M. OGDEN
113 POLAR STREET
CLEARFIELD, PA 16830

FILE COPY

DATE OF NOTICE: NOVEMBER 14, 2007

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

IMPORTANT NOTICE

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

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

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

CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375



FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

INDYMAC BANK, FSB

Plaintiff

ATTORNEY FOR PLAINTIFF

Vs.

TRENT OGDEN

CHRISTINE M. OGDEN

Defendants

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 07-1041-CD

TO: **TRENT OGDEN**
113 POLAR STREET
CLEARFIELD, PA 16830

DATE OF NOTICE: NOVEMBER 14, 2007

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

IMPORTANT NOTICE

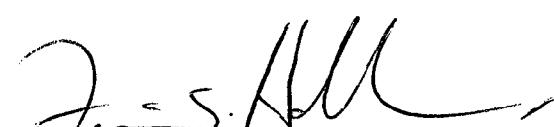
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

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CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x 5982

PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186
HARRISBURG, PA 17108
800-692-7375


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff



PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

INDYMAC BANK, F.S.B

460 SIERRA MADRE VILLA AVENUE,

SUITE 101

PASADENA, CA 91107

:

:

:

:

:

:

CLEARFIELD COUNTY

COURT OF COMMON PLEAS

CIVIL DIVISION

v.

NO. 07-1041-CD

TRENT OGDEN

CHRISTINE M. OGDEN

113 POPLAR STREET

CLEARFIELD, PA 16830

:

:

:

:

Defendant(s).

:

VERIFICATION OF NON-MILITARY SERVICE

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

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant **TRENT OGDEN** is over 18 years of age and resides at **113 POPLAR STREET, CLEARFIELD, PA 16830**.

(c) that defendant **CHRISTINE M. OGDEN** is over 18 years of age, and resides at **113 POPLAR STREET, CLEARFIELD, PA 16830**.

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



Daniel G. Schmieg, Esquire

(Rule of Civil Procedure No. 236 - Revised)

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

COPY

INDYMAC BANK, F.S.B :
460 SIERRA MADRE VILLA AVENUE, :
SUITE 101 :
PASADENA, CA 91107 :

Plaintiff, :
v. :

TRENT OGDEN :
CHRISTINE M. OGDEN :
113 POPLAR STREET :
CLEARFIELD, PA 16830 :

Defendant(s). :
:

Notice is given that a Judgment in the above captioned matter has been entered against you
on December 31, 2007

BY Willie H. Gray DEPUTY

If you have any questions concerning this matter, please contact:



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

This firm is a debt collector attempting to collect a debt. Any information we obtain will be used for that purpose. If you have previously received a discharge in bankruptcy, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

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

Indymac Bank, F.S.B.
Plaintiff(s)

No.: 2007-01041-CD

Real Debt: \$68,375.05

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Trent Ogden
Christine M. Ogden
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: December 31, 2007

Expires: December 31, 2012

Certified from the record this 31st day of December, 2007.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

INDYMAC BANK, F.S.B.

VS.

TRENT, OGDEN

CHRISTINE M. OGDEN

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1041-CD Term 20.....

**PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)**

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due \$68,375.05

Interest from 12/28/07 to Sale \$

Per diem \$11.24

Add'l Costs

Writ Total

\$3,753.34

\$

139.00

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

154799

FILED Atty pd. 20.00
m.13:37 BOL JAN 16 2008 1CC @levents
w/prop. desc.
William A. Shaw
Prothonotary/Clerk of Courts to Sheriff

No. 07-1041-CD Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

INDYMAC BANK, F.S.B

FILED

JAN 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

vs.

TRENT OGDEN
CHRISTINE M. OGDEN

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff(s)

Address: TRENT OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B

460 SIERRA MADRE VILLA AVENUE,

SUITE 101

PASADENA, CA 91107

:

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

:

CIVIL DIVISION

:

NO. 07-1041-CD

TRENT OGDEN

CHRISTINE M. OGDEN

113 POPLAR STREET

CLEARFIELD, PA 16830

:

:

:

:

Defendant(s).

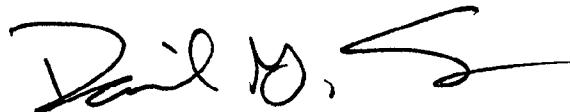
:

CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the 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. sec.4904 relating to unsworn falsification to authorities.



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

INDYMAC BANK, F.S.B	:	
460 SIERRA MADRE VILLA AVENUE,	:	
SUITE 101	:	CLEARFIELD COUNTY
PASADENA, CA 91107	:	COURT OF COMMON PLEAS
Plaintiff,		
v.		
TRENT OGDEN		
CHRISTINE M. OGDEN		
113 POPLAR STREET		
CLEARFIELD, PA 16830		
Defendant(s).		

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

INDYMAC BANK, F.S.B, Plaintiff in the above action, by its attorney, **DANIEL G. SCHMIEG, ESQUIRE**, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **113 POPLAR STREET, CLEARFIELD, PA 16830**.

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

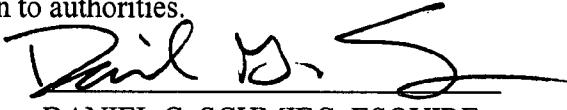
NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
TRENT OGDEN	113 POPLAR STREET CLEARFIELD, PA 16830
CHRISTINE M. OGDEN	113 POPLAR STREET CLEARFIELD, PA 16830

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
Same as Above	

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

DECEMBER 27, 2007
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

INDYMAC BANK, F.S.B	:	
460 SIERRA MADRE VILLA AVENUE,	:	
SUITE 101	:	CLEARFIELD COUNTY
PASADENA, CA 91107	:	COURT OF COMMON PLEAS
Plaintiff,		
v.		
		CIVIL DIVISION
		NO. 07-1041-CD
TRENT OGDEN	:	
CHRISTINE M. OGDEN	:	
113 POPLAR STREET	:	
CLEARFIELD, PA 16830	:	
Defendant(s).		

AFFIDAVIT PURSUANT TO RULE 3129

INDYMAC BANK, F.S.B, Plaintiff in the above action, by its attorney, **DANIEL G. SCHMIEG, ESQUIRE**, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **113 POPLAR STREET, CLEARFIELD, PA 16830**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	
4. Name and address of the last recorded holder of every mortgage of record:

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	
5. Name and address of every other person who has any record lien on the property:

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	
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:

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None	

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

NAME

LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

TENANT/OCCUPANT

**113 POPLAR STREET
CLEARFIELD, PA 16830**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

**CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830**

**COMMONWEALTH OF
PENNSYLVANIA**

**DEPARTMENT OF WELFARE
PO BOX 2675
HARRISBURG, PA 17105**

**Commonwealth of Pennsylvania
Bureau of Individual Tax
Inheritance Tax Division**

**6th Floor, Strawberry Sq., Dept 28061
Harrisburg, PA 17128**

**Internal Revenue Service
Federated Investors Tower**

**13TH Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222**

**Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program**

**P.O. Box 8486
Willow Oak Building
Harrisburg, PA 17105**

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

DECEMBER 27, 2007
Date



**DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff**

COPY

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183 and Rule 3257

INDYMAC BANK, F.S.B

vs.

TRENT OGDEN

CHRISTINE M. OGDEN

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-1041-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 113 POPLAR STREET, CLEARFIELD, PA 16830
(See Legal Description attached)

Amount Due	\$68,375.05
------------	-------------

Interest from 12/28/07 to Sale	\$ _____.
--------------------------------	-----------

Per diem \$11.24

Add'l Costs

Writ Total

\$3,753.34

\$

Prothonotary costs *W.L. Shahan Jr.* \$ 139.00

(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

Dated 11/16/08
(SEAL)

154799

No. 07-1041-CD Term 20 ...A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

INDYMAC BANK, F.S.B

vs.

TRENT OGDEN
CHRISTINE M. OGDEN

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

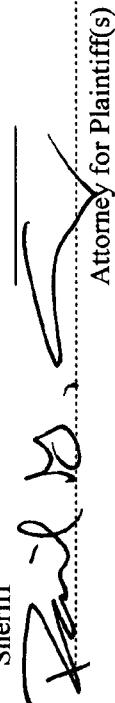
Real Debt \$68,375.05

Int. from
To Date of Sale (\$11.24 per diem)

Costs _____

Prothy Pd. 139.00

Sheriff 

 Attorney for Plaintiff(s)

Address: TRENT OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate in the Township of Lawrence, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in line of right of way of the Clearfield and Mahoning Railroad, where an alley intersects the same; thence by said alley North 24 degrees 18 minutes West, 200 feet to an alley; thence by said alley North 56-1/2 degrees East, 50 feet to a post in line of said alley; thence by land of the Clearfield Creamery Company South 34 degrees 18 minutes East, 200 feet to a post in the right of way of the Clearfield and Mahoning Railway; thence by said right of way South 55-1/2 degrees West, 50 feet to a post, the place of beginning.

PARCEL #123-K08-251-00068.

BEING the same premises granted and conveyed unto Trent Ogden and Christine M. Ogden, husband and wife, by Deed of James L. Keith and J. Veronica Keith, husband and wife, dated July 30, 2004 and recorded August 9, 2004 in Clearfield County Instrument #2004-12919.

UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

FURTHER subject to all restrictions, rights of way, easements for public utilities and building line(s) as may be shown on the recorded plan and in prior instruments of record.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Trent Ogden and Christine M. Ogden, h/w, by Deed from James L. Keith and J. Veronica Keith, h/w, dated 07/30/2004, recorded 08/09/2004, in Deed Mortgage Inst# 200417919.

Premises being: 113 POPLAR STREET
CLEARFIELD, PA 16830

Tax Parcel No. K08-251-00068

WA
FILED NOCC
M 12:30 P.M.
FEB 08 2008
GR

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs.	:	CLEARFIELD County
TRENT OGDEN	:	No. 07-1041-CD
CHRISTINE M. OGDEN	:	
Defendants	:	

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorney, Michele M. Bradford, Esquire, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on June 29, 2007, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on December 31, 2007 in the amount of \$68,375.05. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

3. Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

4. The Property is listed for Sheriff's Sale on April 4, 2008.

5. Additional sums have been incurred or expended on Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	\$59,874.12
Interest Through April 4, 2008	\$7,891.53
Per Diem \$15.17	
Late Charges	\$310.84
Legal fees	\$2,460.00
Cost of Suit and Title	\$1,262.34
Sheriff's Sale Costs	\$0.00
Property Inspections	\$15.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium / Private Mortgage Insurance	\$0.00
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,139.15
 TOTAL	 \$72,952.98

6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

7. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

8. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

DATE: 2/6/08

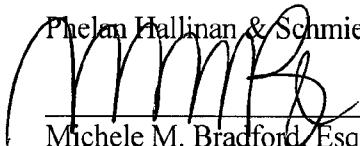
By: 
Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

FILED
JUN 29 2007
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

154799

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

Plaintiff

v.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN
I hereby certify the
within to be a true and
correct copy of the
original filed of record

NOTICE

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

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

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.

Lawyer Referral Service:
Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
PO Box 186
Harrisburg, PA 17108
800-692-7375

Notice to Defend:
David S. Meholic, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

**IF THIS IS THE FIRST NOTICE THAT YOU HAVE
RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

**PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S)
DO SO IN WRITING WITHIN THIRTY (30) DAYS OF
RECEIPT OF THIS PLEADING, COUNSEL FOR
PLAINTIFF WILL OBTAIN AND PROVIDE
DEFENDANT(S) WITH WRITTEN VERIFICATION
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)
THE NAME AND ADDRESS OF THE ORIGINAL
CREDITOR, IF DIFFERENT FROM ABOVE.**

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

INDYMAC BANK, F.S.B.
460 SIERRA MADRE VILLA
AVENUE, SUITE 101
PASADENA, CA 91107

2. The name(s) and last known address(es) of the Defendant(s) are:

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 06/13/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR INDYMAC BANK, F.S.B. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200610051. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 12/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

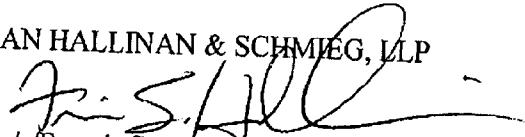
Principal Balance	\$59,874.12
Interest	\$3,564.95
11/01/2006 through 06/23/2007	
(Per Diem \$15.17)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$88.72
06/13/2006 to 06/23/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$65,327.79
Escrow	
Credit	\$0.00
Deficit	\$210.47
Subtotal	<u>\$210.47</u>
TOTAL	\$65,538.26

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$65,538.26, together with interest from 06/23/2007 at the rate of \$15.17 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: /s/ Francis S. Hallinan
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate in the Township of Lawrence, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in line of right of way of the Clearfield and Mahoning Railroad, where an alley intersects the same; thence by said alley North 24 degrees 18 minutes West, 200 feet to an alley; thence by said alley North 56-1/2 degrees East, 50 feet to a post in line of said alley; thence by land of the Clearfield Creamery Company South 34 degrees 18 minutes East, 200 feet to a post in the right of way of the Clearfield and Mahoning Railway; thence by said right of way South 55-1/2 degrees West, 50 feet to a post, the place of beginning.

PARCEL #123-K08-251-00068.

BEING the same premises granted and conveyed unto Trent Ogden and Christine M. Ogden, husband and wife, by Deed of James L. Keith and J. Veronica Keith, husband and wife, dated July 30, 2004 and recorded August 9, 2004 in Clearfield County Instrument #2004-12919.

UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

FURTHER subject to all restrictions, rights of way, easements for public utilities and building line(s) as may be shown on the recorded plan and in prior instruments of record.

PROPERTY BEING: 113 POPLAR STREET

VERIFICATION

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that he is authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of its knowledge, information and belief. Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.



Francis S. Hallinan, Esquire
Attorney for Plaintiff

DATE: 6-23-07

Exhibit “B”

**INDYMAC BANK, F.S.B
460 SIERRA MADRE VILLA AVENUE,
SUITE 101
PASADENA, CA 91107**

V. *Alouatta palliata* (Linnaeus)

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

Defendant(s)

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

CIVIL DIVISION

NO. 07-1041-CD

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

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against TRENT OGDEN and CHRISTINE M. OGDEN, Defendant(s), for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in the Complaint	\$ 65,538.26
Interest - 6/24/07 TO 12/27/07	\$ 2,836.79
TOTAL	\$ 68,375.05

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

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 12/31/07

PROPERTY

FILED
DEC. 31 2007

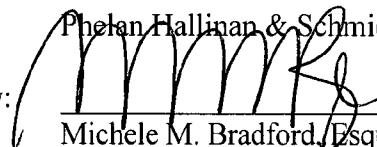
154799

William A. Shaw
Prothonotary/Clerk of Courts

VERIFICATION

Michele M. Bradford, Esquire, hereby states that she is the attorney for Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: 2/6/08

By: 
Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.

Plaintiff

: Court of Common Pleas

vs.

: Civil Division

TRENT OGDEN

CHRISTINE M. OGDEN

: CLEARFIELD County

: No. 07-1041-CD

Defendants

CERTIFICATION OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to the following individuals on the date indicated below.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

TRENT OGDEN
PO BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

DATE: 2/6/08

By:

Rhelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

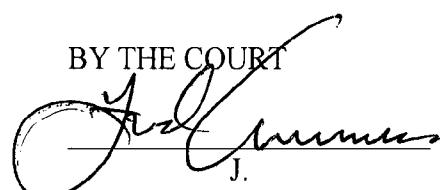
INDYMAC BANK, F.S.B. : Court of Common Pleas
Plaintiff :
vs. : Civil Division
TRENT OGDEN : CLEARFIELD County
CHRISTINE M. OGDEN : No. 07-1041-CD
Defendants :
:

RULE

AND NOW, this 12 day of Feb 2008, a Rule is entered upon the
Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to
Reassess Damages.

Rule Returnable on the 5th day of March 2008, at 2:45 ^{p.m.} in the Clearfield
County Courthouse, Clearfield, Pennsylvania. Ct. Rm # 1

BY THE COURT



154799

FILED
02/12/2008 Atty Bradford
FEB 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED

FEB 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/20/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
Plaintiff

: Court of Common Pleas

vs.

: Civil Division

TRENT OGDEN
CHRISTINE M. OGDEN

: CLEARFIELD County

Defendants

: No. 07-1041-CD

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's February 12, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

TRENT OGDEN
PO BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

DATE: 2/19/08

By:

Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED NO
FEB 21 2008
cc
FEB 21 2008
LJM

William A. Shaw
Prothonotary/Clerk of Courts

SALE DATE: **APRIL 4, 2008**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

INDYMAC BANK, F.S.B

No.: 07-1041-CD

vs.

**TRENT OGDEN
CHRISTINE M. OGDEN**

**AFFIDAVIT PURSUANT TO RULE 3129.1
AND RETURN OF SERVICE PURSUANT TO
Pa. R.C.P. 405 OF NOTICE OF SALE**

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at:

113 POPLAR STREET, CLEARFIELD, PA 16830.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the attached Affidavit No. 2 (previously filed) and Amended Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: February 22, 2008

154799

FILED
M 10/17/08
FEB 25 2008
NOCC
©

William A. Shaw
Prothonotary/Clerk of Courts

Name and
Address
of Sender

CQS
PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station, Suite 1400
1617 John J. Kennedy Boulevard
Philadelphia, PA 19103-1814

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 113 POPLAR STREET CLEARFIELD, PA 16830		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 TH Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7				
8				
9				
10				
11				
12	kxl	Re: TRENT OGDEN	154799 TEAM 4	
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per Name of Receiving Employee)	<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.</p>	



FILED *acc
Q1Q 43 2008 Atty Hallinan
MAR 06 2008
GW*

William A. Shaw
Prothonotary/Clerk of Courts

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

INDYMAC BANK, F.S.B.	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs.	:	CLEARFIELD County
TRENT OGDEN	:	No. 07-1041-CD
CHRISTINE M. OGDEN	:	
Defendants		

ORDER

AND NOW, this 5th day of March, 2008 the Prothonotary is ORDERED to

amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	\$59,874.12
Interest Through April 4, 2008	\$7,891.53
Per Diem \$15.17	
Late Charges	\$310.84
Legal fees	\$2,460.00
Cost of Suit and Title	\$1,262.34
Sheriff's Sale Costs	\$0.00
Property Inspections	\$15.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,139.15</u>

TOTAL	\$72,952.98
--------------	--------------------

Plus interest from April 4, 2008 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT



J.

154799

FILED

MAR 06 2008

William A. Shaw
Prothonotary/Clerk of Courts

3/6/08

DATE: 3/6/08 You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other
 Defendant(s) Defendant(s) Attorney

Special Instructions:

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Attorney I.D. No.: 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102
(215) 563-7000

Attorney for Plaintiff

INDYMAC BANK, FSB

Plaintiff,

v.

TRENT OGDEN
CHRISTINE M. OGDEN

Defendant(s).

: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 07-1041-CD**
:

AFFIDAVIT OF SERVICE OF NOTICE OF SHERIFF'S SALE
PURSUANT TO P.R.C.P., 404(2)/403

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **TRENT OGDEN & CHRISTINE M. OGDEN** on **FEBRUARY 7, 2008** at **113 POPLAR STREET, CLEARFIELD, PA 16830** & **P.O. BOX 113 PLAR AVENUE, CLEARFIELD, PA 16830** in accordance with the Order of Court dated **AUGUST 28, 2007**. The property was posted on **MARCH 3, 2008**.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. 4904 relating to the unsworn falsification to authorities.

PHELAN HALLINAN & SCHMIEG, LLP

By:

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

Dated: March 11, 2008

FILED
3/12/08
12:45 PM
MAR 12 2008
WCC

William A. Shaw
Prothonotary/Clerk of Courts

7160 3901 9845 3883 6571

TO: TRENT OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

SENDER: KXL

REFERENCE: 154799

PS Form 3800, January 2005

RETURN	Postage	.41
RECEIPT	Certified Fee	2.65
SERVICE	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 3883 6588

TO: TRENT OGDEN
P.O. BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

SENDER: KXL

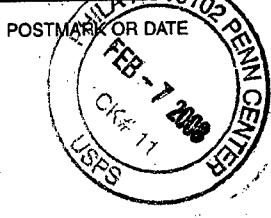
REFERENCE: 154799

PS Form 3800, January 2005

RETURN	Postage	.41
RECEIPT	Certified Fee	2.65
SERVICE	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 3883 6557

TO: CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

SENDER: KXL

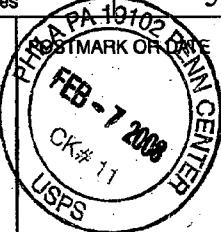
REFERENCE: 154799

PS Form 3800, January 2005

RETURN	Postage	.41
RECEIPT	Certified Fee	2.65
SERVICE	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



7160 3901 9845 3883 6564

TO: CHRISTINE M. OGDEN
P.O. BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

SENDER: KXL

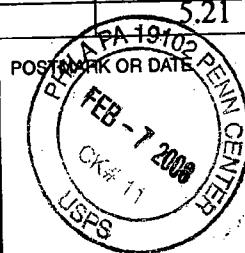
REFERENCE: 154799

PS Form 3800, January 2005

RETURN	Postage	.41
RECEIPT	Certified Fee	2.65
SERVICE	Return Receipt Fee	2.15
	Restricted Delivery	0.00
	Total Postage & Fees	5.21

US Postal Service
**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do Not Use for International Mail



IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

Indymac Bank, F.S.B.

vs.

CIVIL DIVISION
NO. 07-1041-CD

Trent Ogden
Christine M. Ogden

ORDER

AND NOW, this 28 day of August, 2007, upon consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby ORDERED and DECREED that said Motion is GRANTED.

It is further ORDERED and DECREED that Plaintiff may obtain service of the Complaint and all future pleadings on the above captioned Defendants, Trent Ogden and Christine M. Ogden, by:

1. Posting of the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830.
2. First class mail to Trent Ogden and Christine M. Ogden at the mortgaged premises, 113 Poplar Street, Clearfield, PA 16830 and last known address, P.O. Box 113 Blair Avenue, Clearfield, PA 16830; and

3. Certified mail to Trent Ogden and Christine M. Ogden at the mortgaged premises 113
Poplar Street, Clearfield, PA 16830 and last known address, P.O. Box 113 Blair Avenue,
Clearfield, PA 16830 .

BY THE COURT:

/S/ Fredric J Ammerman

J.

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

AUG 29 2007

Attest.



William L. Chan
Prothonotary/
Clerk of Courts

AFFIDAVIT OF SERVICE

PLAINTIFF INDYMAC BANK, F.S.B

CLEARFIELD County
No. 07-1041-CD
Our File #: 154799DEFENDANT(S) TRENT OGDEN
CHRISTINE M. OGDENType of Action
- Notice of Sheriff's Sale

Please post premises with Notice of Sheriff's Sale per court order

AT: 113 POPLAR STREET
CLEARFIELD, PA 16830

Sale Date: APRIL 4, 2008

Served and made known to TRENT + CHRISTINE OGDEN Defendant, on the 3RD day of MARCH,
2008, at 4:10, o'clock P.m., at 113 POPLAR ST., CLEARFIELD, PA 16830

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

Adult family member with whom Defendant(s) reside(s). Relationship is _____.

Adult in charge of Defendant(s)'s residence who refused to give name or relationship.

Manager/Clerk of place of lodging in which Defendant(s) reside(s).

Agent or person in charge of Defendant(s)'s office or usual place of business.

_____ an officer of said Defendant(s)'s company.

Other: POSTED

Description: Age _____ Height _____ Weight _____ Race _____ Sex _____ Other _____

I, D.M. ELLIS, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed
before me this 4th day
of MARCH, 2008

By: D.M. ELLIS
Dmellis

Marilyn A. Campbell
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Marilyn A. Campbell, Notary Public
City Of Altoona, Blair County
My Commission Expires Dec. 6, 2011
Member, Pennsylvania Association of Notaries

NOT SERVED
ATTEMPT SERVICE NLT THREE (3) TIMES

On the _____ day of _____, 200_____, at _____ o'clock _____.m., Defendant NOT FOUND because:

Moved Unknown No Answer Vacant
1st attempt Date: _____ Time: _____, 2nd attempt Date: _____ Time: _____, 3rd
attempt Date: _____ Time: _____
Other: _____

Sworn to and subscribed
before me this _____ day
of _____, 200_____.
Notary:

By:

Attorney for Plaintiff
DANIEL G. SCHMIEG, Esquire - I.D. No. 62205
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

INDYMAC BANK, F.S.B.
Plaintiff

: Court of Common Pleas

vs.

: Civil Division

TRENT OGDEN
CHRISTINE M. OGDEN

: CLEARFIELD County

Defendants

:
No. 07-1041-CD

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's March 5, 2008 Order was served upon the following individuals on the date indicated below.

TRENT OGDEN
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

TRENT OGDEN
PO BOX 113 PLAR AVENUE
CLEARFIELD, PA 16830

DATE: 3/11/08

By:

Rhelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED NO
m 11:36 AM
MAR 13 2008
W.A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20719
NO: 07-1041-CD

PLAINTIFF: INDYMAC BANK, F.S.B.

VS.

DEFENDANT: TRENT OGDEN AND CHRISTINE M. OGDEN

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 1/17/2008

LEVY TAKEN 1/31/2008 @ 1:18 PM

POSTED 1/31/2008 @ 1:18 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 10/17/2008

DATE DEED FILED NOT SOLD

FILED

OCT 17 2008

5 William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

2/4/2008 @ SERVED TRENT OGDEN

SERVED TRENT OGDEN, DEFENDANT, AT HIS RESIDENCE 113 POPLAR STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHRISTINE M. OGDEN, WIFE/ADULT AT RESIDENCE

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.

2/4/2008 @ 11:15 AM SERVED CHRISTINE M. OGDEN

SERVED CHRISTINE M. OGDEN, DEFENDANT, AT HER RESIDENCE 113 POPLAR STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CHRISTINE M. OGDEN

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, APRIL 3, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR APRIL 4, 2008 TO JUNE 6, 2008 DUE TO BANKRUPTCY FILING.

@ SERVED

NOW, AUGUST 2, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR JUNE 6, 2008 TO AUGUST 1, 2008 DUE TO BANKRUPTCY.

@ SERVED

NOW, JULY 30, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR AUGUST 1, 2008 DUE TO BANKRUPTCY FILING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20719
NO. 07-1041-CD

PLAINTIFF: INDYMAC BANK, F.S.B.

VS.

DEFENDANT: TRENT OGDEN AND CHRISTINE M. OGDEN

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$218.38

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,


By *Amber Butler-Chefner*
Chester A. Hawkins
Sheriff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183 and Rule 3257

INDYMAC BANK, F.S.B

vs.

TRENT OGDEN

CHRISTINE M. OGDEN

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-1041-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 113 POPLAR STREET, CLEARFIELD, PA 16830
(See Legal Description attached)

Amount Due \$68,375.05

Interest from 12/28/07 to Sale \$ _____

Per diem \$11.24

Add'l Costs \$3,753.34

Writ Total

Prothonotary costs \$ 139.00

(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

Dated 1/16/08
(SEAL)

154799

Received this writ this 17th day
of JANUARY A.D. 2008
At 2:00 A.M. (P.M.)

Chester A. Hawke
Sheriff by Christopher Butcher-Aughenbaugh

No. 07-1041-CD Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

INDYMAC BANK, F.S.B

vs.

TRENT OGDEN
CHRISTINE M. OGDEN

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	\$68,375.05
Costs	_____
Prothy Pd.	<u>139.00</u>

Int. from
To Date of Sale (\$11.24 per diem)


Sheriff 
Attorney for Plaintiff(s)

Address: TRENT OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830
CHRISTINE M. OGDEN
113 POPLAR STREET
CLEARFIELD, PA 16830

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate in the Township of Lawrence, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post in line of right of way of the Clearfield and Mahoning Railroad, where an alley intersects the same; thence by said alley North 24 degrees 18 minutes West, 200 feet to an alley; thence by said alley North 56-1/2 degrees East, 50 feet to a post in line of said alley; thence by land of the Clearfield Creamery Company South 34 degrees 18 minutes East, 200 feet to a post in the right of way of the Clearfield and Mahoning Railway; thence by said right of way South 55-1/2 degrees West, 50 feet to a post, the place of beginning.

PARCEL #123-K08-251-00068.

BEING the same premises granted and conveyed unto Trent Ogden and Christine M. Ogden, husband and wife, by Deed of James L. Keith and J. Veronica Keith, husband and wife, dated July 30, 2004 and recorded August 9, 2004 in Clearfield County Instrument #2004-12919.

UNDER and subject to coal, oil, gas, mineral and mining rights and privileges incident to the mining of coal heretofore conveyed of record.

FURTHER subject to all restrictions, rights of way, easements for public utilities and building line(s) as may be shown on the recorded plan and in prior instruments of record.

RECORD OWNER

TITLE TO SAID PREMISES IS VESTED IN Trent Ogden and Christine M. Ogden, h/w, by Deed from James L. Keith and J. Veronica Keith, h/w, dated 07/30/2004, recorded 08/09/2004, in Deed Mortgage Inst# 200417919.

Premises being: 113 POPLAR STREET
CLEARFIELD, PA 16830

Tax Parcel No. K08-251-00068

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME TRENT OGDEN

NO. 07-1041-CD

NOW, October 16, 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 , I exposed the within described real estate of Trent Ogdern And Christine M. Ogden 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	2.00
LEVY	15.00
MILEAGE	2.00
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	7.38
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	2.00
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$218.38

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	59,874.12
INTEREST @ 15.1700	0.00
FROM TO	
ATTORNEY FEES	2,460.00
PROTH SATISFACTION	
LATE CHARGES AND FEES	310.84
COST OF SUIT-TO BE ADDED	1,262.34
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	1,139.15
PROPERTY INSPECTIONS	15.00
INTEREST	7,891.53
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$72,992.98

COSTS:

ADVERTISING	400.66
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	218.38
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	139.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,182.04

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

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Stephen Ames, Ext.1244
Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

April 3, 2008

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: INDYMAC BANK, F.S.B. v.
TRENT OGDEN and CHRISTINE M. OGDEN
113 POPLAR STREET CLEARFIELD, PA 16830
Court No. 07-1041-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for April 4, 2008 due to the following: Bankruptcy.

The Property is to be relisted for the June 6, 2008 Sheriff's Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,
CHRISTINE SCHOFFLER for
Phelan Hallinan & Schmieg, LLP

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

June 2, 2008

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: INDYMAC BANK, F.S.B. v.
TRENT OGDEN and CHRISTINE M. OGDEN
113 POPLAR STREET CLEARFIELD, PA 16830
Court No. 07-1041-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for June 6, 2008 due to the following: Bankruptcy.

The Property is to be relisted for the August 1, 2008 Sheriff Sale.

Thank you for your correspondence in this matters.

Very Truly Yours,
CHRISTINE SCHOFFLER for
Phelan Hallinan & Schmieg, LLP

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Foreclosure Manager Pennsylvania and New Jersey

July 30, 2008

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **INDYMAC BANK, F.S.B. v.**
TRENT OGDEN and CHRISTINE M. OGDEN
113 POPLAR STREET CLEARFIELD, PA 16830
Court No. 07-1041-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for August 1, 2008 due to the following: Bankruptcy.

Defendants filed a Chapter 13, Bankruptcy Number 08-70353, Bankruptcy on April 3, 2008.

You are hereby directed to immediate discontinue the advertising of the sale and processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as possible.

Thank you for your correspondence in this matter.

Very Truly Yours,
CHRISTINE SCHOFFLER for
Phelan Hallinan & Schmieg, LLP

Phelan Hallinan, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney For Plaintiff

INDYMAC BANK, F.S.B.	:	Court of Common Pleas
Plaintiff	:	
	:	Civil Division
vs	:	
	:	CLEARFIELD County
TRENT OGDEN	:	
CHRISTINE M. OGDEN	A/K/A	No. 07-1041-CD
SWIATKOWSKI M. OGDEN	:	
Defendant	:	

PRAECIPE

TO THE PROTHONOTARY:

- Please withdraw the complaint and mark the action Discontinued and Ended without prejudice.
- Please mark the above referenced case Settled, Discontinued and Ended.
- Please Vacate the judgment entered and mark the action Discontinued and Ended without prejudice.
- Please mark the in rem judgment Satisfied and the action Discontinued and Ended.
- Please Vacate the Judgment entered.

Date: 3/28/13

PHELAN HALLINAN, LLP

By: Meredith Wooters
Meredith Wooters, Esq., Id. No. 307207
Attorney for Plaintiff

PHS # 154799

FILED *PA 7.00 A.M.*
1:50pm
APR 01 2013 *ICC Andy*
Wooters
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

INDYMAC BANK, F.S.B.
Plaintiff

Court of Common Pleas
Civil Division

v.
TRENT OGDEN
CHRISTINE M. OGDEN, A/K/A
SWIATKOWSKI M. OGDEN
Defendant

CLEARFIELD County
No. 07-1041-CD
PHS # 154799

CERTIFICATION OF SERVICE

I hereby certify true and correct copies of the foregoing Plaintiff's Praeclipe was served by regular mail to the person(s) on the date listed below:

TRENT OGDEN
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Date: 3/28/13

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FILED

APR 01 2013

William A. Shaw
Prothonotary/Clerk of Courts