

07-1141-CD
Bank of NY vs William Rauch et al

**Bank of New York et al vs William Rauch et
2007-1141-CD**

Date: 7/16/2008

Time: 10:21 AM

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Clearfield County Court of Common Pleas

ROA Report

Case: 2007-01141-CD

User: LMILLER

Current Judge: Fredric Joseph Ammerman

Bank of New York Trust Company, N.A., JP Morgan Chase Bank, N.A., Bank One, N.A. vs. William L. Rauch, Cindy K. Rauch

Mortgage Foreclosures

Date	Judge
7/20/2007	New Case Filed.
	X Filing: Complaint in Mortgage Foreclosure, situated in the Township of Bradford. Paid by: Hallinan, Francis S. (attorney for Bank of New York Trust Company, N.A.) Receipt number: 1919871 Dated: 7/20/2007 Amount: \$85.00 (Check) 4CC shff.
8/30/2007	X Filing: Reinstate Complaint Paid by: Hallinan, Francis S. (attorney for Bank of New York Trust Company, N.A.) Receipt number: 1920473 Dated: 08/30/2007 Amount: \$7.00 (Check) Filed by s/ Francis S. Hallinan, Esquire. 1 Complaint Reinstated to Sheriff
10/10/2007	X Motion For Service Pursuant to Special Order of Court, filed by s/ Daniel G. Schmieg, Esquire. No CC
	X Filing: Praeclipe to Reinstate Civil Action/Mortgage Foreclosure, Paid by: Hallinan, Francis S. (attorney for Bank of New York Trust Company, N.A.) Receipt number: 1921017 Dated: 10/10/2007 Amount: \$7.00 (Check) 1 Cert. with Reinstated Complaint to Atty.
	X Order, filed, 3 Cert. to Atty. Schmieg NOW, this 10th day of October, 2007, Plaintiff granted leave to serve the Complaint upon Cindy K. Rauch by: Publication, 1st class mail, cert. mail and posting the premises.
11/5/2007	X Filing: Reinstate Complaint Paid by: Hallinan, Francis S. (attorney for Bank of New York Trust Company, N.A.) Receipt number: 1921326 Dated: 11/05/2007 Amount: \$7.00 (Check) Filed by s/ Francis S. Hallinan, Esquire. 1 Compl. Reinstated to Sheriff
11/7/2007	X Affidavit of Service of Complaint by Mail Pursuant to Court Order, filed. 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, to Cindy K. Rauch at 1 Hogback Road aka 121 Scooter Lane, Mineral Springs, PA 16855, 1138 Willow Drive, Clearfield, PA 16830 on November 2, 2007 in accordance with the Order of Court Dated October 10, 2007, filed by s/ Francis S. Hallinan Esq. 1CC Atty.
11/8/2007	X Praeclipe to Substitute Verification to Civil Action Complaint in Mortgage Foreclosure, filed. Kindly substitute the attached verification for the verification originally filed with the complaint in the instant matter, filed by s/ Francis S. Hallinan Esq. No CC.
12/18/2007	X Sheriff Return, August 3, 2007 at 11:56 am Served the within Complaint in Mortgage Foreclosure on William L. Rauch by handing to William L. Rauch. December 17, 2007 Returned the within Complaint in Mortgage Foreclosure 'NOT SERVED, TIME EXPIRED" as to Cindy K. Rauch. August 3, 2007 at 11:56 am Served the within Complaint in Mortgage Foreclosure on William L. Rauch by handing to William L. Rauch. December 17, 2007 Returned the within Complaint in Mortgage Foreclosure "NOT SERVED, TIME EXPIRED" as to Cindy K. Rauch. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$88.55 (1st service)
	X Sheriff Return, December 17, 2007 After diligent search I returned the within Complaint in Mortgage Foreclosure "NOT FOUND" as to Cindy K. Rauch. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$21.00 (2nd service)

Date: 7/16/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:21 AM

ROA Report

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Case: 2007-01141-CD

Current Judge: Fredric Joseph Ammerman

Bank of New York Trust Company, N.A., JP Morgan Chase Bank, N.A., Bank One, N.A. vs. William L. Rauch, Cindy K. Rauch

Mortgage Foreclosures

Date	Judge
12/18/2007	<input checked="" type="checkbox"/> Sheriff Return, November 9, 2007 at 11:34 am Posted the within Complaint in Mortgage Foreclosure & Order for Cindy K. Rauch at 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$23.85 (3rd service) No Judge
1/14/2008	<input checked="" type="checkbox"/> Affidavit of Service by Publication in Accordance with Court Order, filed. That service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order in The Progress and the Clearfield County Legal Journal on November 9, 2007, filed by s/ Francis S. Hallinan Esq. No CC. No Judge
1/24/2008	<input checked="" type="checkbox"/> Motion to Direct the Sheriff to File Affidavit of Service, filed by s/ Jenine R. Davey Esq. NO CC. No Judge
	<input checked="" type="checkbox"/> Certificate of Service, filed. That true and correct copies of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service and Brief in Support thereof was served upon Chester A. Hawkins-shff; Peter F. Smith Esq. William L. Rauch and Cindy K. Rauch, filed by s/ Jenine R. Davey Esq. No CC. No Judge
1/28/2008	<input checked="" type="checkbox"/> Order, this 25th day of Jan., 2008, it is Ordered that the Sheriff of Clfd. Co. file an Affidavit of Service of the Complaint within seven days of the date of this Order. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Davey; 1CC Sheriff (without memo) Fredric Joseph Ammerman
2/4/2008	<input checked="" type="checkbox"/> Certificate of Service, filed. That true and correct copies of the January 25, 2008 Order granting Plaintiff's Motion to Direct Sheriff to File Affidavit of Service were served upon Chester A. Hawkins-shff.; Peter F. Smith Esq., William L. Rauch and Cindy K. Rauch, filed by Jenine R. Davey Esq. No CC. No Judge
3/6/2008	<input checked="" type="checkbox"/> Filing: Judgment Paid by: Phelan Hallinan & Schmieg, LLP Receipt number: 1922978 Dated: 3/6/2008 Amount: \$20.00 (Check) Judgment entered against the Defendants in the amount of \$67,908.76 Cert. with notice to Defendants at listed addresses and to Atty. No Judge
3/24/2008	<input checked="" type="checkbox"/> Filing: Writ of Execution / Possession Paid by: Hallinan, Francis S. (attorney for Bank of New York Trust Company, N.A.) Receipt number: 1923239 Dated: 3/24/2008 Amount: \$20.00 (Check) Writ of Execution against Defendants in the amount of \$67,908.76. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & 6 Writs w/prop. descr. to Sheriff No Judge
4/3/2008	<input checked="" type="checkbox"/> Suggestion of Record Change Re: Plaintiff's Name, Francis Hallinan, Esquire, hereby certifies that the plaintiff was erroneously listed in the complaint as: The Bank of New York Trust Company, N.A. as Successor to JP Morgan Chase Bank, N.A. as Trustee. The correct name for the Plaintiff is: The Bank of New York Trust Company, N.A. as Successor to JP Morgan Chase Bank, N.A. as Trustee, Successor to Bank One, N.A. as Trustee. Kindly change the information on the docket. Filed by s/ Francis Hallinan, Esquire. No CC No Judge
	<input checked="" type="checkbox"/> Suggestion of Record Change Re: Paragraph # 3 of the Complaint in Mortgage Foreclosure, filed by s/ Francis S. Hallinan, Esquire. no CC No Judge
4/30/2008	<input checked="" type="checkbox"/> Affidavit of Service Pursuant to Rule 3129, On 4-14-08 copies of the Notice of Sheriff's Sale were served by certificate of mailing to the Recorded Lienholders and any known interested party. Filed by s/ Daniel G. Schmieg, Esquire. No CC No Judge

Juror#	Juror Name	Address Line 1	Address Line 2	Address Line 3	Page	Date Printed
20	107 BLOOM, SONVAL	506 RESTH ST	CLEARFIELD PA 16830		2	04/14/2008
21	2698 BLOUGH, KELLEY	64 MINE RD	LUTHERSBURG PA 15848			
22	4780 BOULAD, FRANK	283 GAME LANDS ROAD	ROCKTON PA 15856			
23	2804 BOND, ALBERT G	1549 BUTERBAUGH RD	P O BOX 272	CHERRY TREE PA 15754		
24	2045 BOWMAN, LILLIAN	1257 TOWNA ROAD	MATTAFFEV PA 15252			
25	1157 BOWSER, ALFRED T	75 SLOPING VIEW DR	DUBOIS PA 15801			
26	3610 BOWSER, ALLEN	1307 RIVERVIEW ROAD	CLEARFIELD PA 16830			
27	442 BRESSLER, RUTH ELLEN	464 PENNSYLVANIA AVENUE	CURWENSVILLE PA 16833			
28	2860 BRANK, GEORGE, JR.	EX- 4-23-08 & BLACK ELK ROAD	IRVONIA PA 16556			
29	4309 BROWNLARRY	EX 4-18-08	619 MOUNTAIN RAILROAD	DUBOIS PA 15801		
30	2325 BROWN, STEPHEN	211 MAIN STREET	TROUTVILLE, PA 15866			
31	555 BRUNO, JACYNB	400 E PARK AVE	DUBOIS PA 15801			
32	1176 BUMBARGER, CINDY JOY	EX- 4-22-08	1680 AIRPORT CUT OFF			
33	2211 BURENHELD, ROBERT	EX- 4-24-08	65 DICKSON			
34	3557 CALDWELL, KATHERINE	PO BOX 101	GOALPORT PA 16627			
35	1191 GALLAGHER, TRACI MARIE	NEW HILLBROOK PA 16861				
36	4327 GARROLLI, RICHARD A	1427 TREASURE LAKE	DUBCIS PA 15801			
37	2896 CARLSON, HAROLD	171 ROLLING STONE RD	KYLTERTOWN, PA 16847			
38	3443 GARR, MARGARET	13 EVERGREEN DRIVE	BENFIELD PA 15849			

Date: 7/16/2008

Clearfield County Court of Common Pleas

User: LMILLER

Time: 10:21 AM

ROA Report

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Case: 2007-01141-CD

Current Judge: Fredric Joseph Ammerman

Bank of New York Trust Company, N.A., JP Morgan Chase Bank, N.A., Bank One, N.A. vs. William L. Rauch, Cindy K. Rauch

Mortgage Foreclosures

Date		Judge
7/7/2008	✓ Plaintiff's Motion to Reassess Damages, filed by s/Michele M. Bradford, Esq. No CC	No Judge
7/10/2008	✓ Rule, this 11th day of July, 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 23rd day of July, 2008, at 2:15 p.m. By The court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Bradford	Fredric Joseph Ammerman

7-21-08 ✓ Certification of Service
7-23-08 ✓ Order, dated 7-23-08

List of Jurors for

Criminal Court

Scheduled for Monday, May 12, 2008 at 8:45AM in Courtroom 1

Number of Jurors Selected 265 Session # 14

Juror# Juror Name Address Line 1 Address Line 2 Address Line 3

Date Printed 04/14/2008

Page 1

1 1078 ADDLEMAN, JAMES O. ~~Deceased~~ 917 CLAWENNSVILLE GRAMPIAN HWY GRAMPIAN PA 16838

2 4272 ANTHONY, BRIAN 371 TREASURE LAKE DUBOIS PA 15801

3 516 ANTHONY, MICHELE 316 N THIRD ST DUBOIS PA 15801

4 2437 ARDERY, CATHERINE 715 WOODS HOLLOW RD WEST DECATUR PA 16878

5 89 BAGGETT, BRUCE ~~Ex. 4-18-08~~ 101 E CHERRY ST CLEARFIELD PA 168306 1098 BAILEY, SAMUEL L. ~~Ex. 4-22-08~~ 515 HILL ST PHILIPSBURG PA 168667 3067 BAINY, CHRISTINA ~~Ex. 4-29-08~~ 149 SCOTT ST, ANE PHILIPSBURG PA 168668 2172 BATH, WILLIAM RUSSELL ~~Ex. 4-17-08~~ 448 SPRUCE ST MADEIRA PA 166619 3593 BARTON, GARRY N ~~Ex. 4-22-08~~ 1003 MARTIN ST. ~~Ex. 4-22-08~~ CLEARFIELD PA 16830

10 1117 BEARD, F DOUGLAS 201 BEAVER RIDGE LN CURWENSVILLE PA 16833

11 3367 BEERS, MEINDA ~~Ex. 4-22-08~~ 1340 VIOLA PIKE SMITHVILLE PA 1668012 536 BENNETT, TAMMIE ~~Ex. 5-5-08~~ 106 1/2 EVERGREEN ST DUBOIS PA 15801

13 4290 BERGMAN, KERRY LYNN 1399 TREASURE LAKE DUBOIS PA 15801

14 2831 BERGUM, PATRICK R D BOX 276-A WEST DECATUR PA 16878

15 3930 BETTLER, WALTER PO BOX 15 AIRPORT PA 16821

16 3214 BILLOTTE, GERALD ~~Deceased~~ STAR ROLITE BOX 14 FRENCHVILLE PA 1683617 1137 BILLOFF, LEAH ~~Ex. 4-23-08~~ 2508 CENTER CIR. CLEARFIELD PA 1683018 403 BLOOM, LORSE ~~Ex. 4-22-08~~ 4-30-08 407 THOMPSON ST CURWENSVILLE PA 1683319 4137 BLOOM, MONROE ~~Ex. 4-22-08~~ 706 RIDGE AVENUE CURWENSVILLE PA 16833

16

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

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS
N.A. AS SUCCESSOR TO JPMORGAN CHASE :
BANK, N.A. AS TRUSTEE : CIVIL DIVISION
Plaintiff :
vs. : CLEARFIELD COUNTY
WILLIAM L. RAUCH : No. 07-1141-CD
CINDY K. RAUCH :
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: August 29, 2007

/jmr, Svc Dept.
File# 155761

FILED *No cc*
M 12 4 36 PM Atty pd. 7.00
AUG 30 2007
Complaint
Reinstated to
Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
6K

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 155761

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM

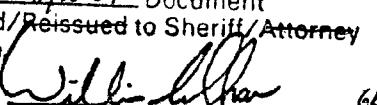
NO. 07-1141-CD

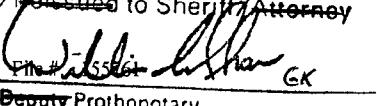
CLEARFIELD COUNTY

Plaintiff
v.
WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

Nov 5, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service

Deputy Prothonotary

Aug 30, 2007 Document
Reinstated/Reissued to Sheriff/Attorney
for service

Deputy Prothonotary

FILED *pd \$85.00 Atty*
4CCShff
11:15 am
JUL 20 2007
lm

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. 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

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

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

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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

3. On 10/06/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200015176. By Assignment of Mortgage recorded 09/04/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200113910. 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 02/01/2007 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	\$57,564.30
Interest 01/01/2007 through 07/19/2007 (Per Diem \$17.51)	\$3,502.00
Attorney's Fees	\$1,250.00
Cumulative Late Charges 10/06/2000 to 07/19/2007	\$115.16
Cost of Suit and Title Search	\$750.00
Subtotal	\$63,181.46
Escrow	
Credit	\$0.00
Deficit	\$700.00
Subtotal	<u>\$700.00</u>
TOTAL	\$63,881.46

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 \$63,881.46, together with interest from 07/19/2007 at the rate of \$17.51 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 piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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: 7-19-07

5
FILED
M 10:54 AM
OCT 10 2007
NO CC
6K

William A. Shaw
Prothonotary/Clerk of Courts

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

The Bank of New York Trust
Company, N.A., as Successor to
JP Morgan Chase Bank, N.A., as
Trustee

COURT OF COMMON PLEAS

:

CIVIL DIVISION

vs.
William L. Rauch
Cindy K. Rauch

CLEARFIELD COUNTY

:

NO. 07-1141-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 Defendant, Cindy K. Rauch, 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, 1138 Willow Drive, Clearfield, PA 16830 and the mortgaged premises, 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint if Mortgage Foreclosure Action on July 20, 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 23, 2007 for service to be completed on the Defendant, Cindy K. Rauch, at the mortgaged premises, 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 and 1138 Willow Drive, Clearfield, PA 16830. Plaintiff was advised by the Sheriff's Office that there was no service made at either of these addresses. 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 Defendant. 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 Defendant as of October 9, 2007 to bring loan current.

5. Plaintiff submits that it has made a good faith effort to locate the Defendant 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: October 9, 2007

Exhibit A

8/30/07 Document
Reinstated/Reissued to Sheriff/Attorney
for service

Colleen Chase
Colleen Chase
Deputy Prothonotary

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

155761

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

Plaintiff
v.
WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

Attest:

Colleen Chase
Colleen Chase
Deputy Prothonotary
Clerk of Courts

ATTORNEY FILE COPY
PLEASE RETURN

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

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

155761

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO.

CLEARFIELD COUNTY

Plaintiff
v.
WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

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

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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

3. On 10/06/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200015176. By Assignment of Mortgage recorded 09/04/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200113910. 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 02/01/2007 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	\$57,564.30
Interest	\$3,502.00
01/01/2007 through 07/19/2007	
(Per Diem \$17.51)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$115.16
10/06/2000 to 07/19/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$63,181.46
Escrow	
Credit	\$0.00
Deficit	\$700.00
Subtotal	<u>\$700.00</u>
TOTAL	\$63,881.46

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 \$63,881.46, together with interest from 07/19/2007 at the rate of \$17.51 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 piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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: 7-19-07

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

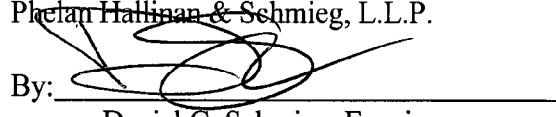
Attorney for Plaintiff

The Bank of New York Trust : COURT OF COMMON PLEAS
Company, N.A., as Successor to JP :
Morgan Chase Bank, N.A., as Trustee :
vs. : CIVIL DIVISION
William L. Rauch : CLEARFIELD COUNTY
Cindy K. Rauch :
: NO. 07-1141-CD

AFFIDAVIT OF SERVICE

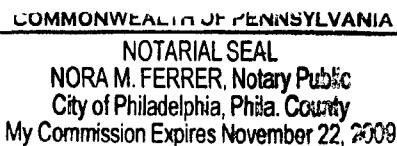
Plaintiff's Counsel, Phelan Hallinan & Schmieg, LLP, does hereby swear and subscribe that it contacted the Sheriff's Office of Clearfield County on August 10, 2007 and was advised that the Sheriff was unable to complete personal service on Cindy K. Rauch at the mortgaged premises, 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 because she no longer resides here. And, on September 10, 2007 the Sheriff's Office advised there was no service made at 1138 Willow Drive, Clearfield, PA 16830 because there was no answer after the Deputy made three attempts. On September 11, 2007 and October 9, 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 Defendant, Cindy K. Rauch, was not served at the mortgaged premises, 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 or 1138 Willow Drive, Clearfield, PA 16830.

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

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Sworn to and subscribed before me on this 1st day of March 2006


Notary Public



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

File Number: 155761

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

Subject: William L. Rauch & Cindy K. Rauch

Current Address: 121 Scootr General Delivery Lane, Mineral Springs, PA 16855

Property Address: 1 Hogback Road, Mineral Springs, PA 16855

Mailing Address: 121 Scootr General Delivery Lane, Mineral Springs, PA 16855

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

William L. Rauch - xxx-xx-5144

Cindy K. Rauch - xxx-xx-xxxx

B. EMPLOYMENT SEARCH

William L. Rauch & Cindy K. Rauch - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that William L. Rauch & Cindy K. Rauch reside(s) at: 121 Scootr General Delivery Lane, Mineral Springs, PA 16855.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which had no listing for William L. Rauch & Cindy K. Rauch.

B. On 06-04-07 our office made a telephone call to the phone number (814) 857-7356 and received the following information: spoke with William L. Rauch who confirmed that he & Cindy K. Rauch reside(s) at: 121 Scootr General Delivery Lane, Mineral Springs, PA 16855.

III. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 06-04-07 we reviewed the National Address database and found the following information: William L. Rauch & Cindy K. Rauch - 1 Hogback Road, Mineral Springs, PA 16855.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

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

IV. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on William L. Rauch & Cindy K. Rauch.

V. OTHER INQUIRIES

A. DEATH RECORDS

As of 06-04-07 Vital Records and all public databases have no death record on file for William L. Rauch & Cindy K. Rauch.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for William L. Rauch & Cindy K. Rauch residing at: last registered address.

VI. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

William L. Rauch - 1953

Cindy K. Rauch - 04-1956

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

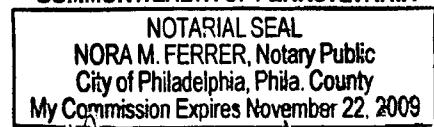
* Please be advised our database information indicates the subject resides at the current address.

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.



Sworn to and subscribed before me this 4th day of June, 2007.

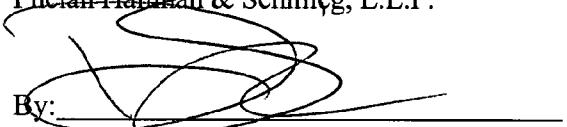
The above information is obtained from available public records
and we are only liable for the cost of the affidavit.

IND

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: October 9, 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

The Bank of New York Trust Company, N.A., as Successor to JP Morgan Chase Bank, N.A., as Trustee	:	COURT OF COMMON PLEAS
	:	CIVIL DIVISION
vs.	:	
William L. Rauch	:	CLEARFIELD COUNTY
Cindy K. Rauch	:	
	:	NO. 07-1141-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.

William L. Rauch and Cindy K. Rauch
1 Hogback Road a/k/a 121 Scooter Lane
Mineral Springs, PA 16855

1138 Willow Drive
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: October 9, 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

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS
N.A. AS SUCCESSOR TO JPMORGAN CHASE :
BANK, N.A. AS TRUSTEE : CIVIL DIVISION
Plaintiff :
vs. : CLEARFIELD COUNTY
WILLIAM L. RAUCH : No. 07-1141-CD
CINDY K. RAUCH :
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 9, 2007

/jmr, Svc Dept.
File# 155761

②
FILED
m/2/2007 Atty pd. 7.00
OCT 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

1CC & 1 Complaint
Reinstated to Atty J

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

THE BANK OF NEW YORK TRUST COMPANY *
N.A., as SUCCESSOR TO JP MORGAN CHASE BANK, N.A.*
as TRUSTEE, *
Plaintiff *
vs. *
WILLIAM L. RAUCH NO. 07-1141-CD
CINDY K. RAUCH *
Defendants *

ORDER

NOW, this 10th day of October, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant **CINDY K. RAUCH** by:

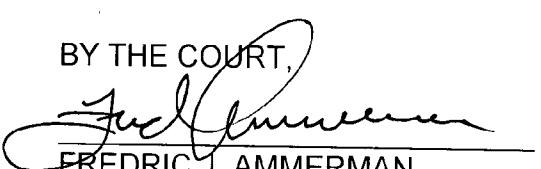
1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 and last known address of 1138 Willow Drive, Clearfield, PA 16830;
3. By certified mail, return receipt requested to 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 and last known address of 1138 Willow Drive, Clearfield, PA 16830; and
4. By posting the mortgaged premises known in this herein action as 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

FILED
03:54 PM OCT 10 2007

William A. Shaw
Prothonotary/Clerk of Courts

300
BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED

OCT 10 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
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS
N.A. AS SUCCESSOR TO JPMORGAN CHASE :
BANK, N.A. AS TRUSTEE : CIVIL DIVISION
Plaintiff :
vs. : CLEARFIELD COUNTY

WILLIAM L. RAUCH : No. 07-1141-CD
CINDY K. RAUCH :
vs.

Defendants :
vs.

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: November 2, 2007

/jmr, Svc Dept.
File# 155761

FILED Atty ad. 7.00
M 10.31.07 NOV 05 2007 Compl. Reinstated
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

(64)

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

The Bank of New York Trust Company, N.A.
as Successor to JP Morgan Chase Bank,
N.A., as Trustee
Plaintiff

vs.

William L. Rauch
Cindy K. Rauch

Defendant(s)

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

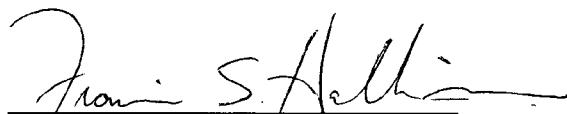
: Clearfield COUNTY

: NO. 07-1141-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 **Cindy K. Rauch at 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs,
PA 16855, 1138 Willow Drive, Clearfield, PA 16830** on November 2, 2007, in accordance with
the Order of Court dated October 10, 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: November 2, 2007



FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

FILED ICC Atty.
m/10:40 am
NOV - 7 2007


William A. Shaw
Prothonotary/Clerk of Courts

7160 3901 9845 2010 1663

TO: CINDY K. RAUCH
1138 WILLOW DRIVE
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 2010 1656

TO: CINDY K. RAUCH
1 HOGBACK ROAD
A/K/A 121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

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**

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Do Not Use for International Mail



11/03/07
FILED
NOV 08 2007
S

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney For Plaintiff

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE

COURT OF COMMON PLEAS
CIVIL DIVISION

v.

CLEARFIELD COUNTY

WILLIAM L. RAUCH
CINDY K. RAUCH

NO. 07-1141-CD

PRAECIPE TO SUBSTITUTE VERIFICATION
TO CIVIL ACTION COMPLAINT
IN MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly substitute the attached verification for the verification originally filed with the
complaint in the instant matter.

Phelan Hallinan and Schmieg, LLP
By: Francis S. Hallinan
Francis S. Hallinan, Esquire
Lawrence T. Phelan, Esquire
Daniel G. Schmieg, Esquire

Dated: 11/6/07
File #: 155761

PHELAN HALLINAN & SCHMIEG, LLP
BY: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney For Plaintiff

THE BANK OF NEW YORK TRUST COMPANY,
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COURT OF COMMON PLEAS
CIVIL DIVISION

v.

CLEARFIELD COUNTY

WILLIAM L. RAUCH
CINDY K. RAUCH

NO. 07-1141-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praeclipe to Substitute
Verification was sent via first class mail to the following on the date listed below:

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Francis S. Hallinan

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

Dated: 11/16/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103009
NO: 07-1141-CD
SERVICE # 1 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY N.A. as successor
vs.
DEFENDANT: WILLIAM L. RAUCH & CINDY K. RAUCH

SHERIFF RETURN

NOW, August 03, 2007 AT 11:56 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM L. RAUCH DEFENDANT AT 121 SCOOTERS LANE, MINERAL SPRING, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WILLIAM L. RAUCH, DEFENDANT A TRUE AND ATTESTED COPY OF THE CRIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

NO SUCH ADDRESS AS 1 HOGBACK ROAD, MINERAL SPRINGS, PA.

SERVED BY: HUNTER / DEHAVEN

FILED
09-07-07
DEC 18 2007
WAS
William A. Shaw
Prothonotary/Clerk of Courts

1st
service

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 4 Services

Sheriff Docket #

103009

THE BANK OF NEW YORK TRUST COMPANY N.A. as successor

Case #

07-1141-CD

vs.

WILLIAM L. RAUCH & CINDY K. RAUCH

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW December 17, 2007 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO CINDY K. RAUCH, DEFENDANT. NOT ENOUGH TIME TO TRY 1138 WILLOW DR., CLFD. PA.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103009
NO: 07-1141-CD
SERVICE # 3 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY N.A. as successor
vs.
DEFENDANT: WILLIAM L. RAUCH & CINDY K. RAUCH

SHERIFF RETURN

NOW, August 03, 2007 AT 11:56 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM L. RAUCH DEFENDANT AT 121 SCOOTER LANE, MINERAL SPRINGS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO WILLIAM L. RAUCH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

0

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 4 of 4 Services

Sheriff Docket # **103009**

THE BANK OF NEW YORK TRUST COMPANY N.A. as successor

Case # 07-1141-CD

vs.

WILLIAM L. RAUCH & CINDY K. RAUCH

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW December 17, 2007 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO CINDY K. RAUCH, DEFENDANT. NOT ENOUGH TIME TO TRY 1138 WILLOW DR., CLFD. PA.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103009
NO. 07-1141-CD
SERVICES 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY N.A. as successor

vs.

DEFENDANT: WILLIAM L. RAUCH & CINDY K. RAUCH

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	613541	40.00
SHERIFF HAWKINS	PHELAN	613541	48.55

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

155761

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

Plaintiff

v.

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1141-C

CLEARFIELD COUNTY

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

JUL 20 2007

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

Attest:

William L. Rauch
Prothonotary/
Clerk of Courts

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

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

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

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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

3. On 10/06/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200015176. By Assignment of Mortgage recorded 09/04/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200113910. 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 02/01/2007 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	\$57,564.30
Interest 01/01/2007 through 07/19/2007 (Per Diem \$17.51)	\$3,502.00
Attorney's Fees	\$1,250.00
Cumulative Late Charges 10/06/2000 to 07/19/2007	\$115.16
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$63,181.46
Escrow	
Credit	\$0.00
Deficit	\$700.00
Subtotal	<u>\$700.00</u>
TOTAL	\$63,881.46

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 mcrtgage 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 \$63,881.46, together with interest from 07/19/2007 at the rate of \$17.51 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 piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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: 7-19-07

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

155761

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

Plaintiff

v.

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION

TERM

NO. 07-1141-CD

CLEARFIELD COUNTY

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

JUL 20 2007

Attest.

William L. Rauch
Prothonotary/
Clerk of Courts

We hereby certify that
within to be a true and
correct copy of the
original filed in the
Court of Common Pleas of Clearfield
County, Pennsylvania.

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WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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3. On 10/06/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200015176. By Assignment of Mortgage recorded 09/04/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200113910. 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.

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(Per Diem \$17.51)	
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Subtotal	\$63,181.46
Escrow	
Credit	\$0.00
Deficit	\$700.00
Subtotal	<u>\$700.00</u>
TOTAL	\$63,881.46

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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.

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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 piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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: 7-19-07

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket #

103150

THE BANK OF NEW YORK TRUST COMPANY N.A. As Successor

Case # 07-1141-CD

vs.

WILLIAM L. RAUCH and CINDY K. RAUCH

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW December 17, 2007 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO CINDY K. RAUCH, DEFENDANT. DEFENDANT UNKNOWN @ 1138 WILLOW DR., CLEARFIELD.

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	624331	10.00
SHERIFF HAWKINS	PHELAN	624331	11.00

FILED
09-07-07
DEC 18 2007
[Handwritten signature]

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before me This

So Answers,

____ Day of _____ 2007

2nd

Service

Chester A. Hawkins
Chester A. Hawkins

Sheriff

8130107 Document
Reinstated/Rescued to Sheriff ~~Attorney~~
for service.
Will Rauch
Prothonotary

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

155761

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

Plaintiff

v.
WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1141-CD

CLEARFIELD COUNTY

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

JUL 20 2007

Will Rauch
Prothonotary/
Clerk of Courts

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

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

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

155761

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO.

Plaintiff
v.
WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

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

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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

3. On 10/06/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200015176. By Assignment of Mortgage recorded 09/04/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200113910. 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 02/01/2007 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	\$57,564.30
Interest 01/01/2007 through 07/19/2007 (Per Diem \$17.51)	\$3,502.00
Attorney's Fees	\$1,250.00
Cumulative Late Charges 10/06/2000 to 07/19/2007	\$115.16
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$63,181.46
Escrow	
Credit	\$0.00
Deficit	\$700.00
Subtotal	<u>\$700.00</u>
TOTAL	\$63,881.46

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 \$63,881.46, together with interest from 07/19/2007 at the rate of \$17.51 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 piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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: 7-19-07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103391
NO: 07-1141-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A.

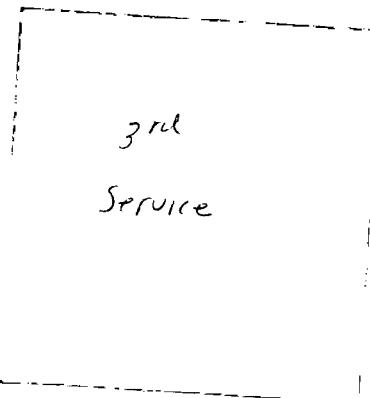
vs.

DEFENDANT: WILLIAM L. RAUCH and CINDY K. RAUCH

SHERIFF RETURN

NOW, November 09, 2007 AT 11:34 AM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER FOR CINDY K. RAUCH AT 1 HOGBACK ROAD aka 121 SCOOTER LANE, MINERAL SPRINGS, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: HUNTER / DEHAVEN



FILED

09/07/07
DEC 18 2007

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103391
NO: 07-1141-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A.

vs.

DEFENDANT: WILLIAM L. RAUCH and CINDY K. RAUCH

SHERIFF RETURN

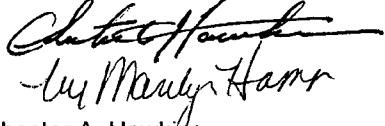
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	640622	10.00
SHERIFF HAWKINS	PHELAN	640622	13.85

Sworn to Before Me This

So Answers,

____ Day of _____ 2007



Chester A. Hawkins
Sheriff

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

ATTORNEY FOR PLAINTIFF

The Bank of New York Trust Company, N.A.
as Successor to JPMorgan Chase Bank, N.A.
as Trustee

vs.

William L. Rauch
Cindy K. Rauch

: Court Of Common Pleas
: Civil Division
: Clearfield County
: No. 07-1141-CD

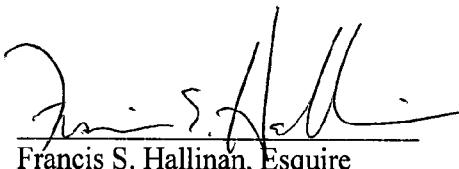
FILED *no cc*
MT 10/3/08
JAN 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE BY
PUBLICATION IN ACCORDANCE WITH COURT ORDER

I hereby certify that service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order dated October 10, 2007 as indicated below:

By publication as provided by Pa. R.C.P. Rule 430(b)(1)
in The Progress on November 5, 2007 and the Clearfield County Legal Journal on November 9, 2007. Proofs of the said publications are attached hereto.

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


Francis S. Hallinan, Esquire

Date: January 11, 2008

Jason Ricco
Phs 155761

NOTICE OF ACTION
IN MORTGAGE FORECLOSURE
IN THE COURT
OF COMMON PLEAS OF
CLEARFIELD COUNTY,
PENNSYLVANIA
CIVIL ACTION-LAW
COURT OF
COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY
NO. 07-1141-CD

The Bank of
New York Trust Company,
N.A., as Successor
to JP Morgan Chase Bank,
N.A. as Trustee

Vs:

William L. Rauch
Cindy K. Rauch

NOTICE

TO Cindy K. Rauch:
You are hereby notified that on
July 20, 2007, Plaintiff, The Bank
of New York Trust Company N.A.,
as Successor to JP Morgan Chase
Bank, N.A. as Trustee, filed a Mort-
gage Foreclosure Complaint en-
dorsed with a Notice to Defend,
against you in the Court of Common
Pleas of Clearfield County Pennsyl-
vania, docketed to No.
07-1141-CD. Wherein Plaintiff
seeks to foreclose on the mortgage
secured on your property located
at 1 Hogback Road a/k/a 121
Scooter Lane, Mineral Springs, PA
16855 whereupon your property
would be sold by the Sheriff of
Clearfield County.

You are hereby notified to plead to
the above referenced Complaint on
or before 20 days from the date of
this publication or a Judgment will
be entered against you.

NOTICE

If you wish to defend, you must
enter a written appearance personally
or by attorney and file your de-
fenses or objections in writing with
the Court. You are warned that if
you fail to do so the case may pro-
ceed without you and a judgment
may be entered against you without
further notice for the relief re-
quested by the Plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS NO-
TICE 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 HIR-
ING 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 LE-
GAL 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, Ext. 5982
PENNSYLVANIA LAWYER
REFERRAL SERVICE
PENNSYLVANIA
BAR ASSOCIATION
100 SOUTH STREET
P.O. BOX 186,
HARRISBURG, PA 17108
800-692-7375

11:5-1d-b

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

SS:

COUNTY OF CLEARFIELD

On this 13th day of November, A.D. 20 07,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of November 5, 2007.
And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison
Notary Public
Clearfield, Pa.

My Commission Expires
October 31, 2011

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Cheryl J. Robison, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Oct. 31, 2011
Member, Pennsylvania Association of Notaries

Gary A. Knaresboro
Gary A. Knaresboro, Esquire
Editor

scribed to before me the day and year aforesaid.

Riley
Expires

Notary Public
Clearfield, PA
October 7, 2011

Full Spectrum Legal Services
400 Fellowship Road Suite 220
Mt Laurel NJ 08054

FILED

JAN 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

before January 8, 2008.
If you fail to file the required statement
of intention to proceed within the required
time period, the case will be terminated.
By the Court, Daniel J. Nelson, Court
Administrator

98-0665-CD, Roger L. Peace Vs. Zella
A. Peace
01-1036-CD, State Farm Insurance
Companies as subrogee of Scott and Debra
Behel Vs. Warner-Lambert Consumer Group
01-1157-CD, Braden C. Stone Vs. Linda
Stone
01-1193-CD, Erie Insurance Group, as
subrogee of James E. Clinger Vs. Richard
Clinger
01-1482-CD, Allstate Insurance Com-
pany, Subrogee of George S. Holencik Vs.
Tim Ryder
01-1514-CD, S & T Bank Vs. David S.

Mortgage Corporation Vs. Bernard J.
Reinhardt a/k/a Bernard Reinhardt and Mari
A. Reinhardt
02-0967-CD, Providian National Bank
Vs. Brian R. Maines
02-1010-CD, Deposit Bank Vs. Gary J.
Sierzega and Catherine A. Sierzega
02-1153-CD, Jeri Ann Raddings Vs.
Stuart Raddings
02-1190-CD, Frank Schall a/k/a Frank
S. Schall and Julianne Schall, Richard
Close, and Barbara D. Hopkins Vs. Lynda K.
Fernichio, a/k/a Lynda K. Kerr
02-1218-CD, Kimberly Hendershot Vs.
Randy Hendershot
02-1330-CD, Martin A. Hinchliffe, Jr. Vs.
William A. Beers
02-1361-CD, CitiFinancial Services, Inc.
Vs. John V. Spencer, Patricia M. Spencer,
and Betty Lansberry
02-1388-CD, Baker Hughes Oilfield
Operations, Inc. d/b/a Baker Hughes Mining
Tools Vs. K & J Coal Co., Inc.
02-1393-CD, Craig A. Luzier and Dawn
Luzier Vs. Kelly Foods, Inc., t/d/b/a County
Market
02-1523-CD, Joel W. Thomas, Sr. and
Sandra D. Thomas Vs. P. Joseph
Valigorsky, II
02-1612-CD, Opal E. Diery Vs. Charles
E. Diery
02-1701-CD, OSSR, Indira and
Rajendra Shah Vs. Spanky's Restaurant and
Mona Rauch
02-1988-CD, Citizens Bank of
Pennsylvania, successor in interest to
Mellon Bank, N.A. Vs. Ralph T. Davis and
Barbara A. Davis
03-0115-CD, Grove Energy Vs. Chad E.
Novak and Stella Novak
03-0308-CD, Mary Ellen Holden Vs.
James T. Holden
03-0316-CD, First Commonwealth
Bank, formerly Deposit Bank Vs. Jake M.
Heilbrun
03-0453-CD, Valgene D. Bartlebaugh
Vs. James C. Lee
03-0574-CD, Leonard D. Bennett Vs.
Jeff Dietzel
03-0625-CD, Beneficial Consumer
Discount Company d/b/a Beneficial
Mortgage Co. of Pennsylvania Vs. Sheila M.
Clutter

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

The Bank of New York Trust Company, NA, as :
Successor to JP Morgan Chase Bank, NA as Trustee :
9275 Sky Park Court, 3rd Floor :
San Diego, CA 92123 :
Plaintiff :
vs. :
William L. Rauch :
Cindy K. Rauch :
1 Hogback Road :
Mineral Springs, PA 16855 :
Defendants :

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1141-CD

FILED NuCC.
m/12:00pm
JAN 24 2008
WMS

William A. Shaw
Prothonotary/Clerk of Courts

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)

William L. Rauch
Cindy K. Rauch
1 Hogback Road
Mineral Springs, PA 16855

Cindy K. Rauch
1138 Willow Drive
Clearfield, PA 16830

William L. Rauch
121 Scooter Lane
Mineral Springs, PA 16855

1/23/08
Date

PHELAN HALLINAN & SCHMIEG, LLP

Jenine R. Davey
Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

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

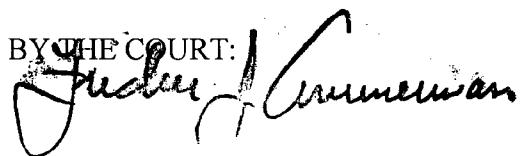
The Bank of New York Trust Company, NA, as	:	Court of Common Pleas
Successor to JP Morgan Chase Bank, NA as Trustee	:	
9275 Sky Park Court, 3rd Floor	:	
San Diego, CA 92123	:	Civil Division
Plaintiff	:	
vs.	:	Clearfield County
William L. Rauch	:	
Cindy K. Rauch	:	No. 07-1141-CD
1 Hogback Road	:	
Mineral Springs, PA 16855	:	
Defendants	:	

ORDER

AND NOW, this 25th day of January, 2008, 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. A. Kumerow

FILED acc Atty Davey
01/09/2008
JAN 28 2008
1cc Sheriff
William A. Shaw
Prothonotary/Clerk of Courts (without memo)

(6)

DATE: 1/28/08

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:

FILED

JAN 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED *No cc.*

m/12:00 pm
JAN 24 2008

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

The Bank of New York Trust Company, NA, as :
Successor to JP Morgan Chase Bank, NA as Trustee:
9275 Sky Park Court, 3rd Floor :
San Diego, CA 92123 :
Plaintiff :
:

vs. :
:

William L. Rauch :
Cindy K. Rauch :
1 Hogback Road :
Mineral Springs, PA 16855 :
Defendants :
:

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1141-CD

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on July 20, 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. On August 10, 2007, the Sheriff's office verbally advised counsel for Plaintiff that mortgaged premises address does not exist. However, William L. Rauch personally accepted service on August 3, 2007 at 121 Scooter Lane, Mineral Springs, PA 16855.

4. On September 10, 2007, the Sheriff's office verbally advised counsel for Plaintiff that the Sheriff unsuccessfully attempted to serve Cindy K. Rauch at 1138 Willow Drive, Clearfield, PA 16830.

5. As the Sheriff was unable to serve Cindy K. Rauch personally, Plaintiff filed a Motion for Service Pursuant to Special Order of Court, which the Honorable Frederic J. Ammerman granted on October 10, 2007 directing Service of the Complaint by publication, 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. On January 8, 2008, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment.

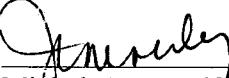
5. To date, the Clearfield County Sheriff's office has not filed the Affidavit of Service on William L. Rauch, which was made on August 3, 2007.

6. 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 on William L. Rauch with the Prothonotary. Interest accrues at the rate of \$17.51 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

7. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service on William L. Rauch.

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 on William L. Rauch with the Prothonotary within seven days.

1/23/08
Date



Michele M. Bradford, Esquire
Jerine R. Davey, Esquire
Attorneys for Plaintiff

EXHIBIT A

8/30/07 Document
Reinstated/Reissued to Sheriff/Attorney
for service
Off. of the Sheriff
Deputy Prothonotary

10/10/07 Document
Reinstated/Reissued to Sheriff/Attorney
for service
Off. of the Sheriff
Deputy Prothonotary

11/5/07 Document
Reinstated/Reissued to Sheriff/Attorney
for service
Off. of the Sheriff
Deputy Prothonotary

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

155761

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

Plaintiff

v.
WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

Attest

William L. Rauch
Prothonotary/
Clerk of Courts

JUL 20 2007

ATTORNEY FILE COPY
PLEASE RETURN

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

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

155761

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO.

CLEARFIELD COUNTY

Plaintiff

v.

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by 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

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

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

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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

3. On 10/06/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200015176. By Assignment of Mortgage recorded 09/04/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200113910. 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 02/01/2007 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	\$57,564.30
Interest	\$3,502.00
01/01/2007 through 07/19/2007 (Per Diem \$17.51)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges 10/06/2000 to 07/19/2007	\$115.16
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$63,181.46
Escrow	
Credit	\$0.00
Deficit	\$700.00
Subtotal	<u>\$700.00</u>
TOTAL	\$63,881.46

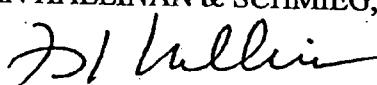
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$63,881.46, together with interest from 07/19/2007 at the rate of \$17.51 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 piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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: 7-19-07

EXHIBIT B

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

THE BANK OF NEW YORK TRUST COMPANY *
N.A., as SUCCESSOR TO JP MORGAN CHASE BANK, N.A. *
as TRUSTEE, *

Plaintiff *

vs. *

WILLIAM L. RAUCH *
CINDY K. RAUCH *

NO. 07-1141-CD

Defendants *

ORDER

NOW, this 10th day of October, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant CINDY K. RAUCH by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 and last known address of 1138 Willow Drive, Clearfield, PA 16830;
3. By certified mail, return receipt requested to 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 and last known address of 1138 Willow Drive, Clearfield, PA 16830; and
4. By posting the mortgaged premises known in this herein action as 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

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

OCT 10 2007

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

Attest.

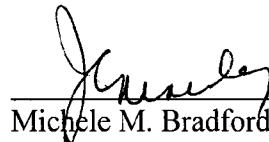
William L. Rauch
Prothonotary/
Clerk of Courts

VERIFICATION

The undersigned hereby state that they are the attorneys for the Plaintiff in this action, that they are 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 their 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.

PHELAN HALLINAN & SCHMIEG, LLP

1/23/08
Date



Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

FILED
FEB 04 2008
S

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEYS FOR PLAINTIFF

The Bank of New York Trust Company, NA, as	:	Court of Common Pleas
Successor to JP Morgan Chase Bank, NA as Trustee	:	
9275 Sky Park Court, 3rd Floor	:	
San Diego, CA 92123	:	Civil Division
Plaintiff	:	
	:	
vs.	:	Clearfield County
	:	
William L. Rauch	:	
Cindy K. Rauch	:	No. 07-1141-CD
1 Hogback Road	:	
Mineral Springs, PA 16855	:	
Defendants	:	

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the January 25, 2008 Order granting Plaintiff's 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 South 2nd Street
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

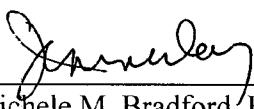
William L. Rauch
Cindy K. Rauch
1 Hogback Road
Mineral Springs, PA 16855

Cindy K. Rauch
1138 Willow Drive
Clearfield, PA 16830

William L. Rauch
121 Scooter Lane
Mineral Springs, PA 16855

5/1/08
Date

PHELAN HALLINAN & SCHMIEG, LLP



Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

(Rule of Civil Procedure No. 236 - Revised)

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

THE BANK OF NEW YORK TRUST COMPANY, :
N.A. AS SUCCESSOR TO JPMORGAN CHASE :
BANK, N.A. AS TRUSTEE : CLEARFIELD COUNTY
9275 SKY PARK COURT : COURT OF COMMON PLEAS
THIRD FLOOR :
SAN DIEGO, CA 92123 : CIVIL DIVISION

Plaintiff, : NO. 07-1141-CD

v.

WILLIAM L. RAUCH :
1 HOGBACK ROAD :
A/K/A 121 SCOOTER LN :
MINERAL SPRINGS, PA 16855 :
:

CINDY K. RAUCH
1 HOGBACK ROAD
A/K/A 121 SCOOTER LN
MINERAL SPRINGS, PA 16855
AND
1138 WILLOW DRIVE
CLEARFIELD, PA 16830

Defendant(s).

Notice is given that a Judgment in the above captioned matter has been entered against you
on March 6, 2008.

BY  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.

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

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR
TO JPMORGAN CHASE BANK, N.A.
AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

FILED

MAR 06 2008

M/1-30(w)

William A. Shaw

Prothonotary/Clerk of Courts

CFRT w/ NOTICE
TO DEFAT AT LISTED
ADDRESS & ATT'y

Plaintiff,

v.

WILLIAM L. RAUCH
CINDY K. RAUCH

: CLEARFIELD COUNTY COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 07-1141-CD

:
:
:
:
:
:

Defendant(s).

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 WILLIAM L. RAUCH and CINDY K. RAUCH, 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	\$ 63,881.46
Interest - 7/20/07 TO 3/5/08	\$ 4,027.30
TOTAL	<u>\$ 67,908.76</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: 3-6-08


PRO PROTHY

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

**THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS
TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123**

:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 07-1141-CD**

Plaintiff,

v.

**WILLIAM L. RAUCH
CINDY K. RAUCH**

:
:
:
:
:
:

Defendant(s).

VERIFICATION OF NON-MILITARY SERVICE

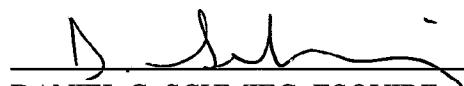
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 **WILLIAM L. RAUCH** is over 18 years of age and resides at **1 HOGBACK ROAD A/K/A 121 SCOOTER LN, MINERAL SPRINGS, PA 16855**.

(c) that defendant **CINDY K. RAUCH** is over 18 years of age, and resides at **1 HOGBACK ROAD A/K/A 121 SCOOTER LN, MINERAL SPRINGS, PA 16855**.

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

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

ATTORNEY FOR PLAINTIFF

THE BANK OR NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE : CIVIL DIVISION
Plaintiff : CLEARFIELD COUNTY
Vs. : NO. 07-1141-CD

WILLIAM L. RAUCH
CINDY K. RAUCH
Defendants

TO: **WILLIAM L. RAUCH**
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

DATE OF NOTICE: **JANUARY 8, 2008**

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

ATTORNEY FOR PLAINTIFF

THE BANK OR NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE : CIVIL DIVISION
Plaintiff : CLEARFIELD COUNTY
Vs. : NO. 07-1141-CD

WILLIAM L. RAUCH
CINDY K. RAUCH
Defendants

FILE COPY

TO: CINDY K. RAUCH
1 HOGBACK ROAD A/K/A 121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

DATE OF NOTICE: JANUARY 8, 2008

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.

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

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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

ATTORNEY FOR PLAINTIFF

THE BANK OR NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS

N.A. AS SUCCESSOR TO JPMORGAN CHASE

BANK, N.A. AS TRUSTEE

: CIVIL DIVISION

Plaintiff

: CLEARFIELD COUNTY

Vs.

: NO. 07-1141-CD

WILLIAM L. RAUCH

CINDY K. RAUCH

Defendants

FILE COPY

TO: CINDY K. RAUCH
1138 WILLOW DRIVE
CLEARFIELD, PA 16830

DATE OF NOTICE: JANUARY 8, 2008

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.

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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

FILED
MAR 06 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

THE BANK OF NEW YORK
TRUST COMPANY, N.A. AS
SUCCESSOR TO JPMORGAN
CHASE BANK, N.A. AS TRUSTEE

vs.

WILLIAM L. RAUCH

CINDY K. RAUCH

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1141-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	\$67,908.76
Interest from 3/6/08 TO SALE DATE	\$ _____.
Per diem \$11.16	
Add'l Costs	\$4,228.82
Writ Total	\$ 146.00

Prothonotary costs

D. L. _____

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

155761

FILED Atty pd. 20.00
m/10/3564
MAR 24 2008 1CC & 6 wnts
w/ prop. desc. to
William A. Shaw
Prothonotary/Clerk of Courts Sheriff

(6P)

No. 07-1141-CD Term 20

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE

\$113
vs.
William L. Rauch

WILLIAM L. RAUCH
CINDY K. RAUCH

PRAECLPICE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

D. J. M.

William A. Shaw
Prothonotary/Clerk of Courts

CINDY K. RAUCH
1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

Attorney for Plaintiff(s)

0008
MAR 24 2008
FILED

THE BANK OF NEW YORK TRUST COMPANY, N.A.
AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A.
AS TRUSTEE
9275 SKY PARK COURT, 3RD FLOOR
SAN DIEGO, CA 92123

Plaintiff, :
v. :
CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1141-CD

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

**THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE**, 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 **1 HOGBACK ROAD A/K/A 121 SCOOTER LANE, MINERAL SPRINGS, PA 16855**.

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

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

WILLIAM L. RAUCH 1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

CINDY K. RAUCH 1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

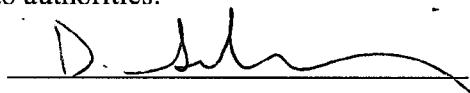
2. Name and address of Defendant(s) in the judgment:

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.

3/19/08
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

**THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR
TO JPMORGAN CHASE BANK, N.A.
AS TRUSTEE
9275 SKY PARK COURT, 3RD FLOOR
SAN DIEGO, CA 92123** : **CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION**

Plaintiff, : NO. 07-1141-CD

v.

**WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855**

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129

**THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE**, 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 **1 HOGBACK ROAD A/K/A 121 SCOOTER LANE, MINERAL SPRINGS, PA 16855**.

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

1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

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.

3/19/08

Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Co.

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

THE BANK OF NEW YORK
TRUST COMPANY, N.A. AS
SUCCESSOR TO JPMORGAN
CHASE BANK, N.A. AS TRUSTEE

vs.

WILLIAM L. RAUCH

CINDY K. RAUCH

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: 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE, MINERAL SPRINGS, PA 16855
(See Legal Description attached)

Amount Due	\$67,908.76
Interest from 3/6/08 TO SALE DATE	\$ _____.
Per diem \$11.16	
Add'l Costs	\$4,228.82
Writ Total	\$

Prothonotary costs \$ 146.00

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

Dated 3/24/08
(SEAL)

155761

No. 07-1141-CD Term 20

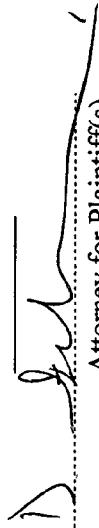
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE

vs.

WILLIAM L. RAUCH
CINDY K. RAUCH

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	\$67,908.76
Int. from 3/6/08 To Date of Sale (\$11.16 per diem)	
Costs	_____
Protho Pd.	<u>146.00</u>
Sheriff	

Attorney for Plaintiff(s)

Address: WILLIAM L. RAUCH
1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855
CINDY K. RAUCH
1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

LEGAL DESCRIPTION

ALL that certain piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

TITLE TO SAID PREMISES IS VESTED IN William L. Rauch, by Deed from William L. Rauch and Cindy Kay Rauch, husband and wife, dated 10/06/2000, recorded 10/10/2000, in Deed Mortgage Inst# 200015175.

Premises being: 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

Tax Parcel No. 106-MP-35

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
215-563-7000
Fax: 215-563-4491
victoria.snigareva@fedphe.com

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR
TO JP MORGAN CHASE BANK, N.A.
AS TRUSTEE

Plaintiff

vs.

WILLIAM L. RAUCH
CINDY K. RAUCH

Defendant(s)

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
: No. 07-1141-CD

NOTES ON THE USE OF

9

1

•

2

8

•

1

2

2

FILED *No cc*
m 12:58 PM
APR 13 2000 (GP)

William A. Shaw
Prothonotary/Clerk of Courts

SUGGESTION OF RECORD CHANGE
RE: PLAINTIFF'S NAME

TO THE PROTHONOTARY:

FRANCIS HALLINAN, ESQUIRE, attorney for the Plaintiff, hereby certifies that, to the best of his knowledge, information and belief the plaintiff' was erroneously listed in the complaint as:

THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR
TO JP MORGAN CHASE BANK, N.A. AS TRUSTEE

The correct name for the Plaintiff is:

THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR
TO JP MORGAN CHASE BANK, N.A. AS TRUSTEE, SUCCESSOR TO
BANK ONE, N.A. AS TRUSTEE

Kindly change the information on the docket.

Date: March 28, 2008

docket. *S/DP*

Francis Hallinan, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
BY: FRANCIS S. HALLINAN, ESQUIRE
Identification No. 62695
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR
TO JP MORGAN CHASE BANK, N.A.
AS TRUSTEE

Plaintiff

: COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
: No. 07-1141-CD

:

Vs.

:

WILLIAM L. RAUCH
CINDY K. RAUCH

Defendant(s)

:

: PHS # 155761

FILED NO
MJD: 58201
APR 13 2000 GP

William A. Shaw
Prothonotary/Clerk of Courts

SUGGESTION OF RECORD CHANGE
RE: PARAGRAPH #3 OF THE COMPLAINT IN MORTGAGE FORECLOSURE

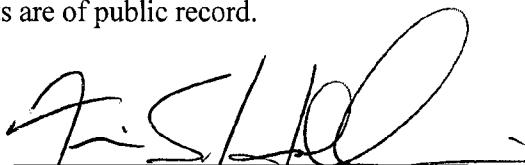
TO THE PROTHONOTARY:

FRANCIS S. HALLINAN, ESQUIRE, attorney for the Plaintiff, hereby certifies that, to the best of his knowledge, information and belief that the information in paragraph #3 of the Complaint in Mortgage Foreclosure is:

On 10/06/2000 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No. 200015176. By Assignment of Mortgage recorded 9/04/2001 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200113910. 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.

Kindly change the information on the docket.

Date: April 1, 2008


Francis S. Hallinan, Esquire
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK TRUST COMPANY, N.A.	:	CLEARFIELD COUNTY
AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A.	:	COURT OF COMMON PLEAS
AS TRUSTEE	:	
Plaintiff,	:	CIVIL DIVISION
v.	:	
	:	NO. 07-1141-CD
WILLIAM L. RAUCH	:	
CINDY K. RAUCH	:	
Defendant(s)	:	

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

I, DANIEL G. SCHMIEG, ESQUIRE, attorney for THE BANK OF NEW YORK TRUST COMPANY, N.A.
AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE hereby verifies that on
4/14/08 a true and Correct copies of the Notice of Sheriff's Sale were served
by certificate of mailing to the Recorded Lienholder(s) and any known interested party.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: 4/28/08

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

FILED NO CC
MAY 07 2008
APR 30 2008 (GD)

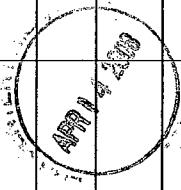
William A. Shaw
Prothonotary/Clerk of Courts

Name and
Address
of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE MINERAL SPRINGS, PA 16855		
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		CINDY K. RAUCH 1138 WILLOW DRIVE, CLEARFIELD, PA 16830		
8		CINDY K. RAUCH 1 HOGBACK ROAD A/K/A 121 SCOOTER LN MINERAL SPRINGS, PA 16855		
9				
10				
11				
12		Re: WILLIAM L. RAUCH	155761	TEAM 4
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	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.

UNITED STATES POSTAL SERVICE
PRINTED BY GOVERNMENT
\$ 02.800
02 1M 0004218010 APR14 2008
MAILED FROM ZIP CODE 19103



EEA

FILED NO
m 10:30 AM
JUL 21 2008
S

William A. Shaw
Prothonotary/Clerk of Courts

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

THE BANK OF NEW YORK TRUST : Court of Common Pleas
COMPANY, N.A. AS SUCCESSOR TO :
JPMORGAN CHASE BANK, N.A. AS TRUSTEE : Civil Division
Plaintiff : CLEARFIELD County
vs. : No. 07-1141-CD

WILLIAM L. RAUCH
CINDY K. RAUCH

Defendants

CERTIFICATION OF SERVICE

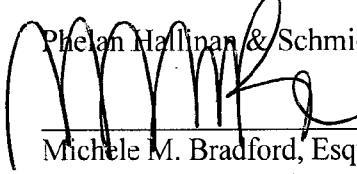
I hereby certify that a true and correct copy of the Court's July 11, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
A/K/A 121 SCOOTER LN
MINERAL SPRINGS, PA 16855

WILLIAM L. RAUCH
CINDY K. RAUCH
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

DATE: 7/15/08

By:


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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

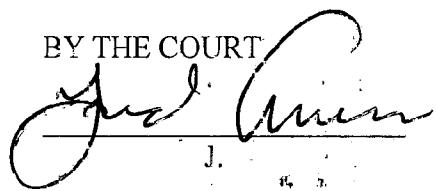
THE BANK OF NEW YORK TRUST : Court of Common Pleas
COMPANY, N.A. AS SUCCESSOR TO :
JPMORGAN CHASE BANK, N.A. AS TRUSTEE : Civil Division
Plaintiff :
vs. : CLEARFIELD County
WILLIAM L. RAUCH : No. 07-1141-CD
CINDY K. RAUCH :
Defendants

RULE

AND NOW, this 11 day of July 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 23rd day of July 2008, at 2:15 PM in the Clearfield
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



155761

FILED ^{rec}
07-5964 Atty Bradford
JUL 10 2008
⑥

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/10/08

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:

FILED

JUL 10 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED ^{ICC}
07/23/2008 *Atty Bradford*
JUL 23 2008 ⁶¹⁰

William A. Shaw
Prothonotary, Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK TRUST : Court of Common Pleas
COMPANY, N.A. AS SUCCESSOR TO :
JPMORGAN CHASE BANK, N.A. AS TRUSTEE : Civil Division
Plaintiff : CLEARFIELD County
vs. : No. 07-1141-CD

WILLIAM L. RAUCH
CINDY K. RAUCH

Defendants

ORDER

AND NOW, this 23 day of July, 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	\$57,564.30
Interest Through August 1, 2008	\$10,119.86
Per Diem \$17.51	
Late Charges	\$518.24
Legal fees	\$2,110.00
Cost of Suit and Title	\$2,403.82
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$1,419.25
Appraisal/Brokers Price Opinion	\$205.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,547.00</u>

TOTAL \$75,887.47

Plus interest from August 1, 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.

155761

FILED

JUL 23 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/23/08

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:

FILED NOCC
M 111837
JUL 07 2008

W. 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

THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE Plaintiff	:	Court of Common Pleas
	:	Civil Division
	:	CLEARFIELD County
vs.	:	No. 07-1141-CD
WILLIAM L. RAUCH CINDY K. RAUCH	:	
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 July 20, 2007, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on March 6, 2008 in the amount of \$57,908.76. 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 August 1, 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	\$57,564.30
Interest Through August 1, 2008	\$10,119.86
Per Diem \$17.51	
Late Charges	\$518.24
Legal fees	\$2,110.00
Cost of Suit and Title	\$2,403.82
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$1,419.25
Appraisal/Brokers Price Opinion	\$205.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,547.00
 TOTAL	 \$75,887.47

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: 7/3/08

By:

 Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

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

155761

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1141-CD

CLEARFIELD COUNTY

v.
WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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

Defendants

JUL 20 2007

CIVIL ACTION - LAW Attest.
COMPLAINT IN MORTGAGE FORECLOSURE

William E. Schaeffer
Prothonotary/
Clerk of Courts

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

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

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

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
MINERAL SPRINGS, PA 16855

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

3. On 10/06/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC., A WYOMING CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200015176. By Assignment of Mortgage recorded 09/04/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200113910. 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 02/01/2007 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	\$57,564.30
Interest	\$3,502.00
01/01/2007 through 07/19/2007	
(Per Diem \$17.51)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$115.16
10/06/2000 to 07/19/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$63,181.46
Escrow	
Credit	\$0.00
Deficit	\$700.00
Subtotal	<u>\$700.00</u>
TOTAL	\$63,881.46

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 \$63,881.46, together with interest from 07/19/2007 at the rate of \$17.51 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: Francis S. Hallinan
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

BEING the same real estate conveyed by William S. Rauch and Gloria V. Rauch, husband and wife, to William L. Rauch, one of the grantors herein, by deed dated May 29, 1975, and recorded in Clearfield County Deed Book Volume 701, page 168.

PARCEL#: M09-000-00035

PROPERTY BEING: 1 HOGBACK ROAD

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: 7-19-07

Exhibit “B”

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

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

MAR 06 2008

Attest:

William
Prothonotary/
Clerk of Courts

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR
TO JPMORGAN CHASE BANK, N.A.
AS TRUSTEE
9275 SKY PARK COURT
THIRD FLOOR
SAN DIEGO, CA 92123

:
CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1141-CD

ATTORNEY FILE COPY
PLEASE RETURN

Plaintiff,

v.

WILLIAM L. RAUCH
CINDY K. RAUCH

155761

Defendant(s).

ATTORNEY FILE COPY
PLEASE RETURN

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 WILLIAM L. RAUCH and CINDY K. RAUCH, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days after service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

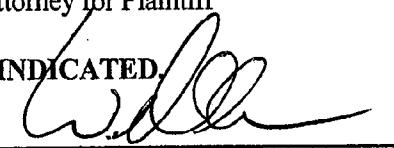
As set forth in the Complaint	\$ 63,881.46
Interest - 7/20/07 TO 3/5/08	\$ 4,027.30
TOTAL	\$ 67,908.76

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: 3-6-08


PRO PROTHY

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: 7/3/08

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 ATTORNEY FOR PLAINTIFF
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

THE BANK OF NEW YORK TRUST : Court of Common Pleas
COMPANY, N.A. AS SUCCESSOR TO :
JPMORGAN CHASE BANK, N.A. AS TRUSTEE : Civil Division
Plaintiff :
vs. : CLEARFIELD County
: No. 07-1141-CD

WILLIAM L. RAUCH
CINDY K. RAUCH

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.

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
A/K/A 121 SCOOTER LN
MINERAL SPRINGS, PA 16855

WILLIAM L. RAUCH
CINDY K. RAUCH
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

DATE: 7/3/08

By:

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

FILED
M 1:23 PM GK
AUG 04 2008
NO CC

William A. Shaw
Prothonotary/Clerk of Courts *SN*

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

THE BANK OF NEW YORK TRUST : Court of Common Pleas
COMPANY, N.A. AS SUCCESSOR TO :
JPMORGAN CHASE BANK, N.A. AS TRUSTEE : Civil Division
Plaintiff :
vs. : CLEARFIELD County
: No. 07-1141-CD

WILLIAM L. RAUCH
CINDY K. RAUCH

Defendants

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's July 23, 2008 Order was served upon the following individuals on the date indicated below.

WILLIAM L. RAUCH
CINDY K. RAUCH
1 HOGBACK ROAD
A/K/A 121 SCOOTER LN
MINERAL SPRINGS, PA 16855

WILLIAM L. RAUCH
CINDY K. RAUCH
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

DATE: 8/1/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20751

NO: 07-1141-CD

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK,
N.A. AS TRUSTEE

vs.

DEFENDANT: WILLIAM L. RAUCH AND CINDY K. RAUCH

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 3/24/2008

LEVY TAKEN 4/10/2008 @ 2:05 PM

POSTED 4/10/2008 @ 2:05 PM

SALE HELD 8/1/2008

SOLD TO THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 9/23/2008

DATE DEED FILED 9/23/2008

PROPERTY ADDRESS 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE MINERAL SPRINGS , PA 16855

SERVICES

4/15/2008 @ 9:01 AM SERVED WILLIAM L. RAUCH

SERVED WILLIAM L. RAUCH, DEFENDANT, AT CLEARFIELD COUNTY COURTHOUSE, 1 NORTH SECOND STREET, SUITE 116,
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO WILLIAM L. RAUCH

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.

4/16/2008 @ 2:25 PM SERVED CINDY K. RAUCH

SERVED CINDY K. RAUCH, DEFENDANT, AT THE CLEARFIELD COUNTY COURTHOUSE, 1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO CINDY K. RAUCH

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.

4/15/2008 @ SERVED CINDY K. RAUCH

SERVED CINDY K. RAUCH, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 1138 WILLOW DRIVE, CLEARFIELD, CLEARFIELD
COUNTY, PENNSYLVANIA. CERT#70060810000145074173. REG & CERT MAIL RETURNED UNCLAIMED 4/24/08

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

4/28/2008 @ SERVED CINDY K. RAUCH

SERVED CINDY K. RAUCH, DEFENDANT, BY REG. & CERT MAIL PER COURT ORDER TO 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE,
MINERAL SPRINGS, CLEARFIELD COUNTY, PENNSYLVANIA. CERT #70060810000145074180 SIGNED FOR BY JUSTIN RAUCH, AGENT FOR
DEFENDANT

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

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

FILED *18-5-08*
SEP 23 2008
6/3/08/c
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20751
NO: 07-1141-CD

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK,
N.A. AS TRUSTEE

VS.

DEFENDANT: WILLIAM L. RAUCH AND CINDY K. RAUCH

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$249.17

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester Hawkins
By Arthur Butler - Aghenay
Chester A. Hawkins
Sheriff

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

THE BANK OF NEW YORK
TRUST COMPANY, N.A. AS
SUCCESSOR TO JPMORGAN
CHASE BANK, N.A. AS TRUSTEE

vs.

WILLIAM L. RAUCH

CINDY K. RAUCH

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEAREFIELD 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: 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE, MINERAL SPRINGS, PA 16855
(See Legal Description attached)

Amount Due	\$67,908.76
Interest from 3/6/08 TO SALE DATE	\$_____.
Per diem \$11.16	
Add'l Costs	\$4,228.82
Writ Total	\$ 146.00

Prothonotary costs
Willie Rauch
(Clerk) Office of the Prothy Support, Common Pleas Court
of CLEAREFIELD County, Penna.

Dated 3/24/08
(SEAL)

Received this writ this 24th day
of March A.D. 2008
At 1:00 A.M./P.M.

155761

Chesler A. Hauke
Sheriff, by Cynthia Butler-Aufderhake

No. 07-1141-CD Term 20

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. AS TRUSTEE

vs.

WILLIAM L. RAUCH
CINDY K. RAUCH

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	\$67,908.76
Costs	_____
Prothy Pd.	<u>140.00</u>

Int. from 3/6/08
To Date of Sale (\$11.16 per diem)

Sheriff


Attorney for Plaintiff(s)

Address: WILLIAM L. RAUCH
1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855
CINDY K. RAUCH
1 HOGBACK ROAD A/K/A
121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

LEGAL DESCRIPTION

ALL that certain piece or parcel of land, including improvements thereon, situate in the Township of Bradford, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a common iron pin corner of land of Gloria V. Rauch, widow of William S. Rauch; Richard A. Rowles and Colleen A. Rowles, husband and wife; and now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife; thence north forty-nine (49) degrees forty-four (44) minutes west along land now or formerly of Kenneth B. Moore and Rebecca W. Moore, husband and wife, one hundred forty and six-tenths (140.6) feet to an iron pin; thence north eight (8) degrees fifty-three (53) minutes east through land of Gloria V. Rauch, widow of William S. Rauch, three hundred twenty-six and four-tenths (326.4) feet to an iron pin; thence south eighty-one (81) degrees seven (7) minutes east still through land of Gloria V. Rauch, widow of William S. Rauch, one hundred twenty (120) feet to an iron pin at land of Richard A. Rowles and Colleen A. Rowles, husband and wife; thence south eight (8) degrees fifty-three (53) minutes west along land of Richard A. Rowles and Colleen A. Rowles, husband and wife, three hundred ninety-nine and six-tenths (399.6) feet to an iron pin and place of beginning. CONTAINING one (1) acre.

TITLE TO SAID PREMISES IS VESTED IN William L. Rauch, by Deed from William L. Rauch and Cindy Kay Rauch, husband and wife, dated 10/06/2000, recorded 10/10/2000, in Deed Mortgage Inst# 200015175.

Premises being: 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE
MINERAL SPRINGS, PA 16855

Tax Parcel No. 106-MP-35

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME WILLIAM L. RAUCH

NO. 07-1141-CD

NOW, September 23, 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 August 01, 2008, I exposed the within described real estate of William L. Rauch And Cindy K. Rauch to public venue or outcry at which time and place I sold the same to THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. AS TRUSTEE he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	15.00
MILEAGE	15.00
LEVY	5.05
MILEAGE POSTING	15.00
CSDS COMMISSION	10.00
POSTAGE	0.00
HANDBILLS	18.07
DISTRIBUTION	15.00
ADVERTISING	25.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE COPIES	15.00
	5.00
BILLING/PHONE/FAX	10.00
CONTINUED SALES	20.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$249.17

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	67,908.76
INTEREST @ 11.1600 %	1,651.68
FROM 03/06/2008 TO 08/01/2008	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$69,600.44
COSTS:	
ADVERTISING	422.98
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	249.17
LEGAL JOURNAL COSTS	126.00
PROTHONOTARY	146.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,118.15

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

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

THE BANK OF NEW YORK TRUST COMPANY *
N.A., as SUCCESSOR TO JP MORGAN CHASE BANK, N.A. *
as TRUSTEE, *
Plaintiff *
vs. *
WILLIAM L. RAUCH NO. 07-1141-CD
CINDY K. RAUCH *
Defendants *

O R D E R

NOW, this 10th day of October, 2007, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant **CINDY K. RAUCH** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 and last known address of 1138 Willow Drive, Clearfield, PA 16830;
3. By certified mail, return receipt requested to 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855 and last known address of 1138 Willow Drive, Clearfield, PA 16830; and
4. By posting the mortgaged premises known in this herein action as 1 Hogback Road a/k/a 121 Scooter Lane, Mineral Springs, PA 16855.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

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

OCT 10 2007

Attest,

William L. Rauch
Prothonotary/
Clerk of Courts

BY THE COURT,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge



**CHESTER A. HAWKINS
SHERIFF**
COURTHOUSE E
11 NORTH SECOND STREET SUITE 116
CLEARFIELD, PENNSYLVANIA 16830



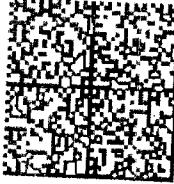
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**ATTENTION
SENDERS**
MAIL TO FORWARDER
CINDY KIRK
1138 WILLOW DRIVE
CLEARFIELD, PA 16830

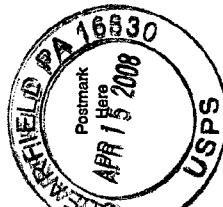
CINDY KRAUCH
1138 WILLOW DRIVE
CLEARFIELD, PA 16830

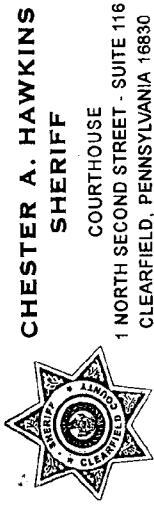
0161H16505405
\$05.380
04/15/2008
Mailed From 16830
US POSTAGE

Hasler



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U.S. Postal Service™ CERTIFIED MAIL <i>(Domestic Mail Only, No Insurance Coverage Provided)</i>		RECEIPT For delivery information, visit our website at www.usps.com	
			
OFFICIAL USE			
Postage	\$		
Certified Fee			
Return Receipt Fee (Endorsement Required)			
Restricted Delivery Fee (Endorsement Required)			
Total Postage & Fees	\$	5.38	
Sent To		Street, Apt. No., or PO Box No. City, State, ZIP+4	
CINDY K. RAUCH 1138 WILLOW DRIVE CLEARFIELD, PA 16830			
See Reverse for Instructions			



CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

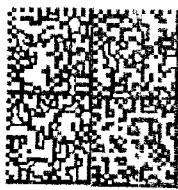
016H16505405

\$00.580

04/15/2008

Rated From 16830

US POSTAGE



CINDY K. RAUCH
1138 WILLOW DRIVE
CLEARFIELD, PENNSYLVANIA 16830

SE 1 25 04/18/08

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 16830347201 *1643-00517-43-44

[REDACTED]

1683047140-2558472

SENDER: COMPLETE THIS SECTION	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	
<p>1. Article Addressed to:</p> <p>CINDY K. RAUCH 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE MINERAL SPRINGS, PA 16855</p>	
<p>2. Article Number (Transfer from service label)</p> <p>7006 0810 0001 4507 4180</p>	
<p>PS Form 3811, February 2004</p>	

U.S. Postal Service CERTIFIED MAIL™ RECEIPT																					
<p><input type="checkbox"/> Domestic Mail Only <input checked="" type="checkbox"/> No Insurance Coverage Provided</p> <p><input type="checkbox"/> For delivery information, visit our website at www.usps.com</p>																					
<p>OFFICIAL USE</p>																					
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<p>A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																					
<p>B. Received by (Printed Name) Jessica Rauch C. Date of Delivery 04-28-08</p>																					
<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>CINDY K. RAUCH 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE MINERAL SPRINGS, PA 16855</p>																					
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>																					
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>																					
<p>Postage \$ 5.38</p>																					
<p>Return Receipt Fee (Endorsement Required)</p>																					
<p>Restricted Delivery Fee (Endorsement Required)</p>																					
<p>Total Postage & Fees \$ 5.38</p>																					
<p>Send To</p> <p>CINDY K. RAUCH 1 HOGBACK ROAD A/K/A 121 SCOOTER LANE MINERAL SPRINGS, PA 16855</p>																					
<p>Street, Apt. No.; or PO Box No.</p>																					
<p>City, State, Zip/4</p>																					
<p><small>PS Form 3800, June 2002</small></p>																					
<p><small>See Reverse for Instructions</small></p>																					



<p>Postage \$ 5.38</p>
<p>Postmark APR 28 2008</p>
<p>1 HOGBACK ROAD A/K/A 121 SCOOTER LANE MINERAL SPRINGS, PA 16855</p>
<p><small>See Reverse for Instructions</small></p>

<p>U.S. Postal Service CERTIFIED MAIL™ RECEIPT</p>
<p><small>(Domestic Mail Only / No Insurance Coverage Provided)</small></p>
<p><small>For delivery information, visit our website at www.usps.com</small></p>

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 6, 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: THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO
JPMORGAN CHASE BANK, N.A. AS TRUSTEE v.
WILLIAM L. RAUCH and CINDY K. RAUCH
1 HOGBACK ROAD A/K/A 121 SCOOTER LN MINERAL SPRINGS, PA 16855
Court No. 07-1141-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: Service Of Nos.

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

Thank you for your correspondence in this matter.

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

PHS # 155761

announced - requested