

1206-CD
MAC Mortg. Vs Mark Lewis

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

158268

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD
SUITE 150
HORSHAM, PA 19044-0969

Plaintiff
v.

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

pd \$85.00 Atty
FILED No CC
m/12/27 LM 1cc snff
JUL 30 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. 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

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD
SUITE 150
HORSHAM, PA 19044-0969

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

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

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

3. On 10/04/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to LONG BEACH MORTGAGE COMPANY which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200617355. 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 04/01/2007 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	\$120,349.63
Interest	\$4,537.68
03/01/2007 through 07/26/2007	
(Per Diem \$30.66)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$149.46
10/04/2006 to 07/26/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$126,836.77
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$126,836.77

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 \$126,836.77, together with interest from 07/26/2007 at the rate of \$30.66 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 situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150 feet to the point of beginning.

BEING the same premises that Kathie A. King, single, by deed in lieu of foreclosure dated November 21, 2005, and recorded January 5, 2006, in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200600217, granted and conveyed unto Stearns Bank, N.A., in fee.

Parcel No: 128-A04-000-00128

PROPERTY BEING: 165 FREEDOM 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: 7/26/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103041
NO: 07-1206-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: GMAC MORTGAGE LLC
vs.
DEFENDANT: MARK L. LEWIS

SHERIFF RETURN

NOW, August 03, 2007 AT 12:01 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARK L. LEWIS DEFENDANT AT 165 FREEDOM ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO PEGGY BOJALAD, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

FILED

OCT 02 2007
10/3/07
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103041
NO: 07-1206-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: GMAC MORTGAGE LLC
VS.
DEFENDANT: MARK L. LEWIS

SHERIFF RETURN

NOW, August 02, 2007, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARK L. LEWIS.

NOW, August 08, 2007 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARK L. LEWIS, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103041
NO: 07-1206-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: GMAC MORTGAGE LLC
vs.
DEFENDANT: MARK L. LEWIS

SHERIFF RETURN

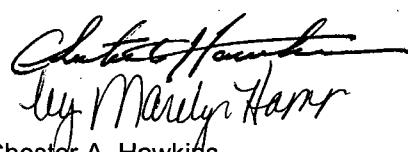
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	615468	20.00
SHERIFF HAWKINS	PHELAN	615468	52.93
JEFFERSON CO.	PHELAN	615484	20.85

Sworn to Before Me This

____ Day of _____ 2007

So Answers,


Chester A. Hawkins
Sheriff

No. 07-1206 C.D.

Now, August 8, 2007 I return the Notice and Complaint in Mortgage Foreclosure for MARK L. LEWIS, Defendant, to the Clearfield County Sheriff's Office marked "not found; there are no living quarters at the property".

Advance Costs Received: \$125.00
My Costs: 18.85 Paid
Prothy: 2.00
Total Costs: 20.85
REFUNDED: \$104.15

Sworn and subscribed
to before me this 9th
day of Aug 2007
By James A. Denka

My Commission Expires the
1st Monday, January 2010

So Answers,


James A. Denka
Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

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

JUL 30 2007

Attest.

Willie A. Brown
Prothonotary,
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
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158268

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD
SUITE 150
HORSHAM, PA 19044-0969

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

NO. 07-1206-CJ

CLEARFIELD COUNTY

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

*We hereby certify the
within to be a true and
correct copy of the
original filed on [redacted]*

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1. Plaintiff is

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD
SUITE 150
HORSHAM, PA 19044-0969

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

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

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

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03/01/2007 through 07/26/2007	
(Per Diem \$30.66)	
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Subtotal	\$126,836.77
Escrow	
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Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$126,836.77

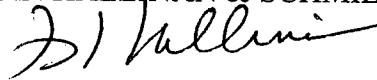
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$126,836.77, together with interest from 07/26/2007 at the rate of \$30.66 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 situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150 feet to the point of beginning.

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Parcel No: 128-A04-000-00128

PROPERTY BEING: 165 FREEDOM 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: 7/26/07

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

GMAC MORTGAGE, LLC,
Plaintiff
vs.
MARK L. LEWIS,
Defendant

ORDER

NOW, this 28th day of September, 2007, the Court noting the difficulties caused relative no Sheriff's Return having yet been filed with the Prothonotary, and in consideration of Pa. R.C.P. 405 (a) and the Plaintiff's Motion to Direct the Sheriff to File Affidavit of Service, it is the ORDER of this Court that the Sheriff cause a Return of Service to be filed with the Prothonotary by no later than 3:30 p.m. on ~~Wednesday~~ ^{Wednesday} ~~Monday~~ ^{Monday}, October 3rd, 2007. The Prothonotary shall notify the Court as to the filing of the return.

BY THE COURT.

~~FREDRIC J. AMMERMAN~~
President Judge

FILED 2c c Atty Bradford
0191054
OCT 02 2007
1cc Sheriff
without memo
William A. Shaw
rothonotary/Clerk of Courts

FILED

OCT 02 2007

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/2/07

You are responsible for serving all appropriate parties.

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

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

Special Instructions:

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

GMAC Mortgage, LLC	:	Court of Common Pleas
500 Enterprise Road, Suite 150	:	
Horsham, PA 19044-0969	:	
Plaintiff	:	Clearfield County
vs.	:	
Mark L. Lewis	:	Civil Division
165 Freedom Road	:	
DuBois, PA 15801-0000	:	
Defendant	:	No. 07-1206-CD

RULE

AND NOW, this _____ day of _____ 2007, a Rule is entered upon the Defendant and/or the Sheriff of Clearfield County to show cause why an Order should not be entered granting Plaintiff's Motion to Direct Sheriff to File Affidavit of Service.

Rule Returnable on the _____ day of _____ 2007, at _____ at the Clearfield County Courthouse, Clearfield Pennsylvania.

BY THE COURT,

J.

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

GMAC Mortgage, LLC	:	Court of Common Pleas
500 Enterprise Road, Suite 150	:	
Horsham, PA 19044-0969	:	
Plaintiff	:	Clearfield County
vs.	:	
Mark L. Lewis	:	Civil Division
165 Freedom Road	:	
DuBois, PA 15801-0000	:	
Defendant	:	No. 07-1206-CD

ORDER

AND NOW, this _____ day of _____, 2007, upon consideration of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service, and any response thereto, it is hereby:

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

BY THE COURT:

J.

U
FILED
m/11/1961
SEP 28 2007
NOCC
GW

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

GMAC Mortgage, LLC :
500 Enterprise Road, Suite 150 :
Horsham, PA 19044-0969 :
Plaintiff :
.....

Court of Common Pleas

vs.
.....
Mark L. Lewis :
165 Freedom Road :
DuBois, PA 15801-0000 :
Defendant :
.....

Clearfield County

Civil Division

No. 07-1206-CD

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on 07/30/07. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".

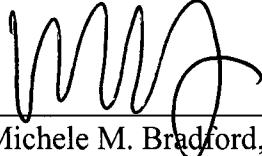
2. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendant.

3. On 9/11/07, the Sheriff's Office verbally advised counsel for Plaintiff that Mark L. Lewis was personally served with the Complaint on 08/03/07.

1. On 09/11/07, Plaintiff sent the Defendant a ten day letter notifying him of its intention to file a default judgment.
2. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on 08/03/07.
3. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary. Interest accrues at the rate of \$30.66 per day on this mortgage account.
4. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service.

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

9/26/07
Date



Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

GMAC Mortgage, LLC : Court of Common Pleas
500 Enterprise Road, Suite 150 :
Horsham, PA 19044-0969 :
Plaintiff :
vs. :
Defendant :
:

Court of Common Pleas
Clearfield County

Mark L. Lewis :
165 Freedom Road :
DuBois, PA 15801-0000 :
Defendant :
:

Civil Division
No. 07-1206-CD

BRIEF IN SUPPORT OF MOTION TO DIRECT THE SHERIFF TO FILE
AFFIDAVIT OF SERVICE

I. PROCEDURAL HISTORY

Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on 07/30/07. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendant. On 9/11/07, the Sheriff's Office verbally advised counsel for Plaintiff that the Complaint was personally served on 08/03/07.

On 09/11/07, Plaintiff sent the Defendant a ten day letter notifying him of its intention to file a default judgment. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on 08/03/07. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary.

Interest accrues at the rate of \$30.66 per day on this mortgage account. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavit of Service.

II. LEGAL ANALYSIS

Pennsylvania Rule of Civil Procedure 400(a) requires that original process within the Commonwealth be made only by the Sheriff. Pa.R.C.P. 405(a) provides as follows:

When service of the original process has been made,
the sheriff or other person making service shall make a
return of service forthwith. . .

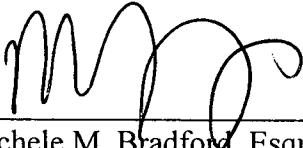
The Plaintiff does not have the ability to use a private process server to serve foreclosure complaints in Clearfield County. The Plaintiff must rely on the Sheriff to do so. In addition, the Sheriff has a duty to file his return of service "forthwith". In the instant case, the Sheriff's Office has not complied with that obligation.

Plaintiff is without an adequate remedy at law and will suffer irreparable harm unless the requested relief is granted. This Court has plenary power to administer equity according to well-settled principals of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A. 779, 116 Pa. Super. 101 (1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them instead of encouraging technical niceties in the modes of procedure and forms of pleading. Gunnet v. Trout, 380 Pa. 504, 112 A.2d

333 (1955). This is certainly a case where the exercise of this Court's equity powers is appropriate and necessary.

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

9/26/07
Date



Michele M. Bradford, Esquire
Attorney for Plaintiff

EXHIBIT A

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

JUL 30 2007

Attest.

William J. Schmid
Prothonotary/
Clerk of Courts

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

158268

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD
SUITE 150
HORSHAM, PA 19044-0969

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

NO. 07-1206-CJ

CLEARFIELD COUNTY

Defendant

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

158268

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD
SUITE 150
HORSHAM, PA 19044-0969

Plaintiff

v.

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

Defendant

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO.

CLEARFIELD COUNTY

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

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD
SUITE 150
HORSHAM, PA 19044-0969

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

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

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

3. On 10/04/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to LONG BEACH MORTGAGE COMPANY which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200617355. 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 04/01/2007 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	\$120,349.63
Interest	\$4,537.68
03/01/2007 through 07/26/2007	
(Per Diem \$30.66)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$149.46
10/04/2006 to 07/26/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$126,836.77
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$126,836.77

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 \$126,836.77, together with interest from 07/26/2007 at the rate of \$30.66 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 situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150 feet to the point of beginning.

BEING the same premises that Kathie A. King, single, by deed in lieu of foreclosure dated November 21, 2005, and recorded January 5, 2006, in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200600217, granted and conveyed unto Stearns Bank, N.A., in fee.

Parcel No: 128-A04-000-00128

PROPERTY BEING: 165 FREEDOM 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: 7/26/07

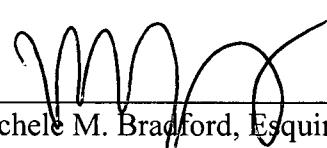
VERIFICATION

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

PHELAN HALLINAN & SCHMIEG, LLP

Date

9/26/17



Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

GMAC Mortgage, LLC :
500 Enterprise Road, Suite 150 :
Horsham, PA 19044-0969 :
Plaintiff :
vs. :
Defendant :
:

Court of Common Pleas
Clearfield County
Civil Division
No. 07-1206-CD

CERTIFICATE OF SERVICE

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

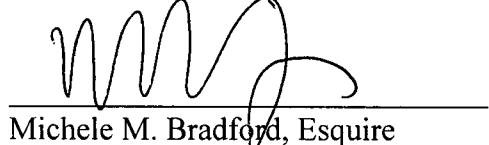
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, Pennsylvania 16830

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

Mark L. Lewis
165 Freedom Road
DuBois, PA 15801-0000

9/26/07
Date

PHELAN HALLINAN & SCHMIEG, LLP



Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED

OCT 12 2007

my 12:25/1

William A. Shaw
Prothonotary/Clerk of Courts

1 C Enc to Rapp

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

GMAC Mortgage, LLC
500 Enterprise Road, Suite 150
Horsham, PA 19044-0969

Plaintiff

Court of Common Pleas

vs.
Mark L. Lewis
165 Freedom Road
DuBois, PA 15801-0000

Defendant

Clearfield County

Civil Division

No. 07-1206-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the 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

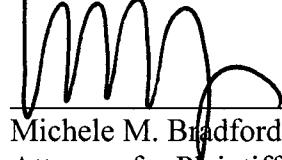
Peter F. Smith, Esquire
30 South 2nd Street
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Mark L. Lewis
165 Freedom Road
DuBois, PA 15801-0000

10/10/07

Date

PHELAN HAKLINAN & SCHMIEG, LLP



Michele M. Bradford, Esquire
Attorney for Plaintiff

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

Attorney for Plaintiff

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD, SUITE 150
HORSHAM, PA 19044-0969

Plaintiff,

v.

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801

Defendant(s).

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 07-1206-CD
:
:
:
:

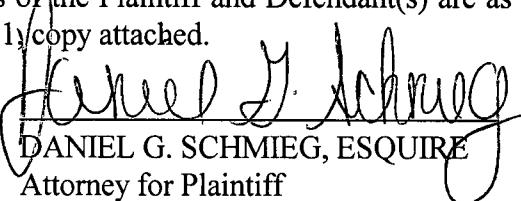
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **MARK L. LEWIS**, 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	\$ 126,836.77
Interest - 07/27/07 - 11/15/07	\$ 3,433.92
TOTAL	<u>\$ 130,270.69</u>

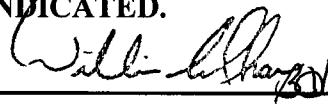
I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) notice has been given in accordance with Rule 237.1, copy attached.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 11/28/07

158268


PRO PROTHY

FILED Atty pd. 20.00
M 11/29/07 ICC Notice
NOV 28 2007 to Def.

William A. Shaw
Prothonotary/Clerk of Court

Statement to

Atty

(60)

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

GMAC MORTGAGE, LLC : COURT OF COMMON PLEAS
Plaintiff : CIVIL DIVISION
Vs. : CLEARFIELD COUNTY
MARK L. LEWIS Defendants : NO. 07-1206-CD

TO: **MARK L. LEWIS**
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

FILE COPY

DATE OF NOTICE: SEPTEMBER 11, 2007

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

IMPORTANT NOTICE

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

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

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

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

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


FRANCIS S. HALLINAN, ESQUIRE
Attorneys for Plaintiff

PHELAN HALLINAN & 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

GMAC MORTGAGE, LLC	:	
500 ENTERPRISE ROAD, SUITE 150	:	
HORSHAM, PA 19044-0969	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CIVIL DIVISION
MARK L. LEWIS	:	
165 FREEDOM ROAD	:	NO. 07-1206-CD
DUBOIS, PA 15801	:	
Defendant(s).	:	
	:	
	:	

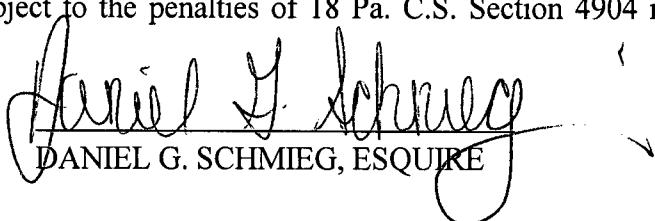
VERIFICATION OF NON-MILITARY SERVICE

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 **MARK L. LEWIS** is over 18 years of age and resides at **165 FREEDOM ROAD, DUBOIS, PA 15801**.

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



DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

GMAC MORTGAGE, LLC :
500 ENTERPRISE ROAD, SUITE 150 :
HORSHAM, PA 19044-0969 :
Plaintiff, :
v. :
CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1206-CD
Defendant(s). :
:

OPY

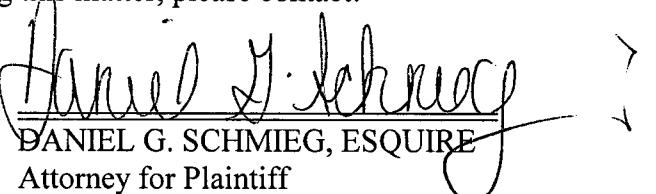
MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801

Defendant(s).

Notice is given that a Judgment in the above captioned matter has been entered against you
on November 28, 2007.

BY John M. Schmieg DEPUTY
3d

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


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

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

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

COPY

GMAC Mortgage, LLC
Plaintiff(s)

No.: 2007-01206-CD

Real Debt: \$130,270.69

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Mark L. Lewis
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: November 28, 2007

Expires: November 28, 2012

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



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

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

Plaintiff/Attorney

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1206-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	
	\$130,270.69

Interest from 11/16/07 - to Sale

Per diem \$21.41

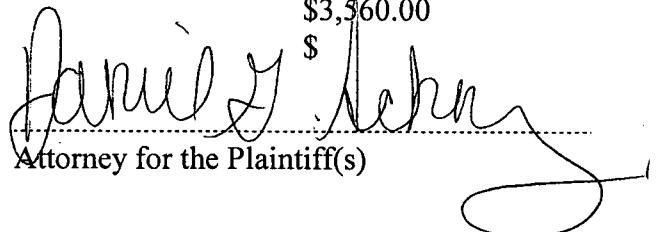
Add'l Costs

Writ Total

Prothonotary costs \$ 125.00

\$3,560.00

\$


Attorney for the Plaintiff(s)

Note: Please attach description of Property.

158268

FILED Atty pd. 20.00
11/16/2007 1cc & wnts
NOV 28 2007
w/prop desc.
William A. Shaw
Prothonotary/Clerk of Courts
to Sheriff
(6K)

No. 07-1206-CD..... Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

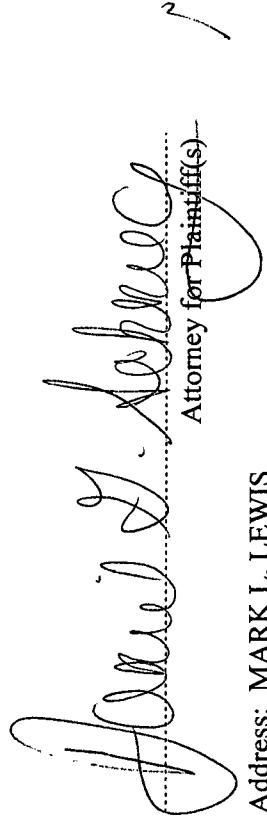
GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



Mark L. Lewis
Attorney for Plaintiff(s)

Address: MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground, Hereditaments and Appurtenances, SITUATE in the Township of Nether Providence, County of Delaware and State of Pennsylvania, described according to a Plan of Property for Baird and Bird, made by Damon and Foster, Civil Engineers, Sharon Hill, Pennsylvania, dated August 22, 1963 and last revised November 20, 1963, as follows, to wit:

BEGINNING at a point on the Northeasterly side of Beechwood Road (40 feet wide), which point is measured the (9) following courses and distances from the intersection of the Southwesterly side of East Parkridge Drive (51 feet wide at this point) with the center line of Beatty Road; (1) from said point of intersection and along the said side of Beechwood Road, South 37 degrees, 28 minutes 56 seconds East 540 feet to a point; thence (2) North 52 degrees 31 minutes 4 seconds East 1 foot to a point on the said side of East Parkridge Drive (50 feet wide at this point); thence (3) extending along same, South 37 degrees 28 minutes 56 seconds East 85 feet to a point of curve; thence (4) on a Southeastwardly line curving to the right having a radius of 500 feet, the arc distance of 43.62 feet to a point of tangent; thence (5) South 32 degrees 29 minutes East 311.90 feet to a point of curve; thence (6) on a line curving to the left having a radius of 350 feet, the arc distance of 141.55 feet to a point; thence (7) leaving said East Parkridge Drive, South 34 degrees 20 minutes 42 seconds West 221.13 feet to appoint; thence (8) South 38 degrees 40 minutes East 26.60 feet to a point; and thence (9) South 51 degrees 20 minutes West 29.26 feet to a point and place of beginning, thence from said point of beginning and along the Northeasterly side of Beechwood Road and crossing the bed of a certain 20 feet wide proposed driveway easement Northeastwardly along the arc of a circle curving to the right having a radius of 90 feet, the arc distance of 106.12 feet to a point, thence leaving said Beechwood Road and extending North 51 degrees 20 minutes East 33.16 feet to a point, thence extending South 38 degrees 40 minutes East crossing the bed of a stream, 100.37 feet to a point; thence extending North 15 degrees 32 minutes 25 seconds East 190.39 feet to a point; thence extending North 88 degrees 19 minutes 26 seconds West 112.53 feet to a point; thence extending North 55 degrees 29 minutes 18 seconds West 24 feet to a point; thence extending South 43 degrees 44 minutes 52 seconds West 64.64 feet to appoint; thence extending South 51 degrees 20 minutes West 29.26 feet to the first mentioned point and place of beginning.

BEING Folio #34-00-00193-02

TITLE TO SAID PREMISES IS VESTED IN CATHERINE L. QUINN, THEIR HEIRS AND ASSIGNS, BY DEED FROM ROBERT C. MILLER DATED 9/21/2005, RECORDED 9/21/2005 IN DEED BOOK 3602, PAGE 653.

PREMISES BEING: 708 A BEECHWOOD ROAD, MEDIA, PA 19063
PREMISES BEING FOLIO NO. 34-00-00193-02

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD, SUITE 150
HORSHAM, PA 19044-0969

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS

Plaintiff,

: CIVIL DIVISION

v.

:
: NO. 07-1206-CD

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801

:
:

Defendant(s).

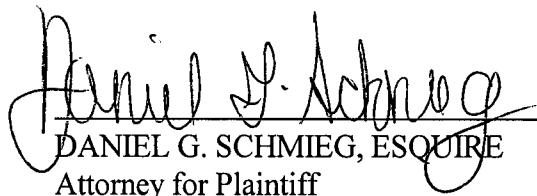
:
:
:

CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

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



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

**GMAC MORTGAGE, LLC
500 ENTERPRISE ROAD, SUITE 150
HORSHAM, PA 19044-0969**

**Plaintiff,
v.**

**MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801**

Defendant(s).

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1206-CD**

**AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)**

GMAC MORTGAGE, LLC, 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 **165 FREEDOM ROAD, DUBOIS, PA 15801**.

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

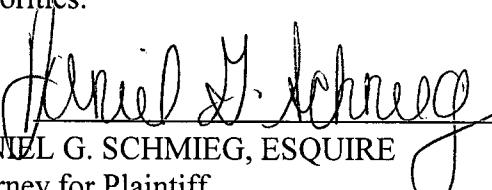
NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
MARK L. LEWIS	165 FREEDOM ROAD DUBOIS, PA 15801

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.

NOVEMBER 15, 2007
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

GMAC MORTGAGE, LLC	:	
500 ENTERPRISE ROAD, SUITE 150	:	
HORSHAM, PA 19044-0969	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CIVIL DIVISION
	:	
MARK L. LEWIS	:	NO. 07-1206-CD
165 FREEDOM ROAD	:	
DUBOIS, PA 15801	:	
	:	
Defendant(s).	:	
	:	
	:	

AFFIDAVIT PURSUANT TO RULE 3129

GMAC MORTGAGE, LLC , 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 **165 FREEDOM ROAD, DUBOIS, PA 15801**.

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

**165 FREEDOM ROAD
DUBOIS, PA 15801**

**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**

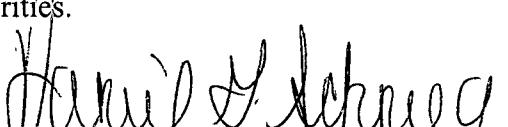
**Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program**

**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.

NOVEMBER 15, 2007

Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-1206-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 165 FREEDOM ROAD, DUBOIS, PA 15801
(See Legal Description attached)

Amount Due \$130,270.69

Interest from 11/16/07 - to Sale \$ _____

Per diem \$21.41

Add'l Costs

Writ Total

\$3,560.00

Prothonotary costs \$

\$

125.00

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

Dated 11/28/07
(SEAL)

158268

No. 07-1206-CD..... Term 20 ..A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE LLC

152

MARK L. LEWIS

WRIT OF EXECUTION (Mortgage Foreclosure)

Costs

Real Debt \$ 130,270.69

Int. from 11/16/07 -
To Date of Sale (\$21.41 per diem)

Costs

Prothv Pd

125.00

Sheriff - Mull - Mulligan
Attorney for Plaintiff(s)

Address: MARK L. LEWIS
165 FREEDOM R.

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of ground, Hereditaments and Appurtenances, SITUATE in the Township of Nether Providence, County of Delaware and State of Pennsylvania, described according to a Plan of Property for Baird and Bird, made by Damon and Foster, Civil Engineers, Sharon Hill, Pennsylvania, dated August 22, 1963 and last revised November 20, 1963, as follows, to wit:

BEGINNING at a point on the Northeasterly side of Beechwood Road (40 feet wide), which point is measured the (9) following courses and distances from the intersection of the Southwesterly side of East Parkridge Drive (51 feet wide at this point) with the center line of Beatty Road; (1) from said point of intersection and along the said side of Beechwood Road, South 37 degrees, 28 minutes 56 seconds East 540 feet to a point; thence (2) North 52 degrees 31 minutes 4 seconds East 1 foot to a point on the said side of East Parkridge Drive (50 feet wide at this point); thence (3) extending along same, South 37 degrees 28 minutes 56 seconds East 85 feet to a point of curve; thence (4) on a Southeastwardly line curving to the right having a radius of 500 feet, the arc distance of 43.62 feet to a point of tangent; thence (5) South 32 degrees 29 minutes East 311.90 feet to a point of curve; thence (6) on a line curving to the left having a radius of 350 feet, the arc distance of 141.55 feet to a point; thence (7) leaving said East Parkridge Drive, South 34 degrees 20 minutes 42 seconds West 221.13 feet to appoint; thence (8) South 38 degrees 40 minutes East 26.60 feet to a point; and thence (9) South 51 degrees 20 minutes West 29.26 feet to a point and place of beginning, thence from said point of beginning and along the Northeasterly side of Beechwood Road and crossing the bed of a certain 20 feet wide proposed driveway easement Northeastwardly along the arc of a circle curving to the right having a radius of 90 feet, the arc distance of 106.12 feet to a point, thence leaving said Beechwood Road and extending North 51 degrees 20 minutes East 33.16 feet to a point, thence extending South 38 degrees 40 minutes East crossing the bed of a stream, 100.37 feet to a point; thence extending North 15 degrees 32 minutes 25 seconds East 190.39 feet to a point; thence extending North 88 degrees 19 minutes 26 seconds West 112.53 feet to a point; thence extending North 55 degrees 29 minutes 18 seconds West 24 feet to a point; thence extending South 43 degrees 44 minutes 52 seconds West 64.64 feet to appoint; thence extending South 51 degrees 20 minutes West 29.26 feet to the first mentioned point and place of beginning.

BEING Folio #34-00-00193-02

TITLE TO SAID PREMISES IS VESTED IN CATHERINE L. QUINN, THEIR HEIRS AND ASSIGNS, BY DEED FROM ROBERT C. MILLER DATED 9/21/2005, RECORDED 9/21/2005 IN DEED BOOK 3602, PAGE 653.

PREMISES BEING: 708 A BEECHWOOD ROAD, MEDIA, PA 19063
PREMISES BEING FOLIO NO. 34-00-00193-02

PHELAN HALLINAN & SCHMIEG, LLP
BY: DANIEL G. SCHMIEG, ESQUIRE
ATTORNEY I.D. NO. 62205
ONE PENN CENTER AT SUBURBAN
STATION, SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

GMAC MORTGAGE, LLC

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION
NO: **07-1206-CD**

v.

MARK L. LEWIS

CLEARFIELD COUNTY

Praecipe to Substitute Legal Description
Attached to Writ of Execution
NUNC PRO TUNC

TO THE PROTHONOTARY:

Kindly substitute the attached legal description for the legal description originally filed with the writ of execution in the instant matter.

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DATE: January 7, 2008

FILED *1/10/53/08* NOCC
JAN 10 2008
WAS
William A. Shaw
Prothonotary/Clerk of Courts

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150.00 feet to the point of beginning.

BEING the same premises which were conveyed to the within named Grantor by Deed of Kathie A. King, single, dated November 21, 2005, and recorded in the Office of Recorder of Deeds of Clearfield County, Pennsylvania, at Instrument No. 200600217.

BEING known as Lot Number 22 in the Liberty Hills Plat of Lots and CONTAINING 16,032 square feet.

TITLE TO SAID PREMISES IS VESTED IN Mark L. Lewis, by Deed from Stearns Bank, N.A., A National Banking, dated 08/11/2006, recorded 10/16/2006, in Deed Mortgage Inst# 200617354.

Premises being: 165 FREEDOM ROAD
DUBOIS, PA 15801

Tax Parcel No. 128-A04-000-00128

SALE DATE: FEBRUARY 8, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

GMAC MORTGAGE, LLC

No.: 07-1206-CD

vs.

MARK L. LEWIS

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

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

165 FREEDOM ROAD, DUBOIS, PA 15801.

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: January 7, 2008

158268

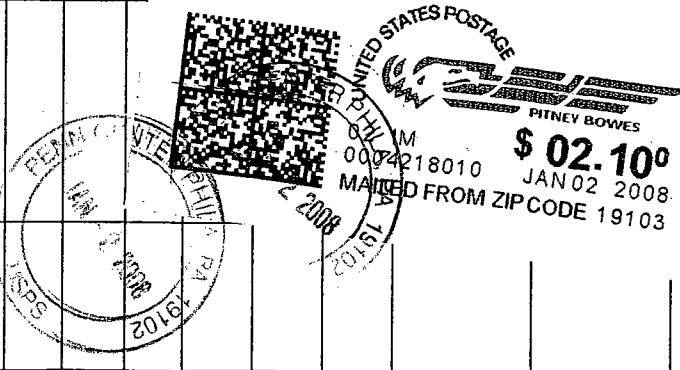
FILED NO CC
M 10:50 AM
JAN 10 2008
S
William A. Shaw
Prothonotary/Clerk of Courts

Name and
Address
of Sender

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

COS

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 165 FREEDOM ROAD DUBOIS, PA 15801		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET		
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, Will Oak Building, Harrisburg, PA 17105		
7				
8				
9				
10				
11				
12		Re: MARK L. LEWIS 158268 TEAM 4 LCLD		
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.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20695
NO: 07-1206-CD

PLAINTIFF: GMAC MORTGAGE, LLC

VS.

DEFENDANT: MARK L. LEWIS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 11/28/2007

LEVY TAKEN 12/21/2007 @ 12:46 PM

POSTED 12/21/2007 @ 12:46 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 7/31/2008

DATE DEED FILED **NOT SOLD**

FILED
03:38 PM
JUL 31 2008
WAS

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

1/25/2008 @ 11:06 AM SERVED MARK L. LEWIS

SERVED MARK L. LEWIS, DEFENDANT, AT HIS RESIDENCE 165 FREEDOM ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO PEGGY BOJALAND, GIRLFRIEND/ADULT AT RESIDENCE

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

@ SERVED

NOW, JANUARY 31, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR FEBRUARY 1, 2008 TO APRIL 4, 2008.

@ SERVED

NOW, APRIL 1, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR APRIL 4 TO JUNE 6, 2008.

@ SERVED

NOW, JUNE 2, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR JUNE 6, 2008; DUE TO LOSS MITIGATION.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20695
NO: 07-1206-CD

PLAINTIFF: GMAC MORTGAGE, LLC

vs.

DEFENDANT: MARK L. LEWIS

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$280.28

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
By *Cynthia Butler Aughorday*
Chester A. Hawkins
Sheriff

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-1206-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 165 FREEDOM ROAD, DUBOIS, PA 15801

(See Legal Description attached)

Amount Due	\$.130,270.69
Interest from 11/16/07 - to Sale	\$ _____.
Per diem \$21.41	
Add'l Costs	\$ 3,560.00
Writ Total	

Prothonotary costs \$

195.00

Willie L. Lewis

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

Dated 11/28/07
(SEAL)

158268

Received this writ this 28th day
of November A.D. 2007
At 2:00 A.M./P.M.

Chesler A. Hawke
Sheriff Sgt. Cynthia Butler-Cleghorn

No. 07-1206-CD Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	\$ 130,270.69
Costs	_____
Prothy Pd.	<u>125.00</u>

Int. from 11/16/07 -
To Date of Sale (\$21.41 per diem)

Costs _____

Prothy Pd.


Sheriff 
Mark L. Lewis
Attorney for Plaintiff(s)

Address: MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801

Yab Mark L. Lewis C.A. Mark L. Lewis
M.S. A. Mark L. Lewis

ALL THAT CERTAIN piece or parcel of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150 feet to the point of beginning.

BEING the same premises that Kathie A. King, single, by deed in lieu of foreclosure dated November 21, 2005, and recorded January 5, 2006, in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania, as Instrument No. 200600217, granted and conveyed unto Stearns Bank, N.A., in fee.

Parcel No: 128-A04-000-00128

Premises being: 165 Freedom Road, DuBois, PA

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME MARK L. LEWIS

NO. 07-1206-CD

NOW, July 31, 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 June 06, 2008, I exposed the within described real estate of Mark L. Lewis to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	15.00
MILEAGE	15.00
LEVY	18.43
MILEAGE	15.00
POSTING	18.43
CSDS	15.00
COMMISSION	10.00
POSTAGE	0.00
HANDBILLS	6.56
DISTRIBUTION	15.00
ADVERTISING	25.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	36.86
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	15.00
CONTINUED SALES	40.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$280.28

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	130,270.69
INTEREST @ 21.4100	4,346.23
FROM 11/16/2007 TO 06/06/2008	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$134,636.92

COSTS:

ADVERTISING	1,252.89
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	280.28
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
TOTAL COSTS	\$2,082.17

DEED COSTS:

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

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-5534

Stephen Ames, Ext.1244
Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

January 31, 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: GMAC MORTGAGE, LLC v.
MARK L. LEWIS
Court No. 07-1206-CD

Dear Sir/Madam:

Please Postpone the Sheriff's Sale of the above referenced property, which is scheduled for February 1, 2008 due to the following: Service Of Nos.

The Property is to be relisted for the April 4, 2008 Sheriff's Sale.

Thank you for your correspondence in this matter.

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

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

Stephen Ames, Ext.1244
Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

April 1, 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: GMAC MORTGAGE, LLC v.
MARK L. LEWIS
165 FREEDOM ROAD DUBOIS, PA 15801-0000
Court No. 07-1206-CD

Dear Sir/Madam:

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

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

Thank you for your correspondence in this matters.

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

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

June 2, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: GMAC MORTGAGE, LLC v.
MARK L. LEWIS
165 FREEDOM ROAD DUBOIS, PA 15801-0000
Court No. 07-1206-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for June 6, 2008 due to the following: Loss Mitigation.

Please be advised that no funds were reported to be received.

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

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

Thank you for your correspondence in this matters.

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

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1206-CD

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	
Interest from 11/16/2007 to Sale	\$130,270.69
Per diem \$21.41	145.00
Add'l Costs	\$ _____
Writ Total	\$ 6,696.00
	\$

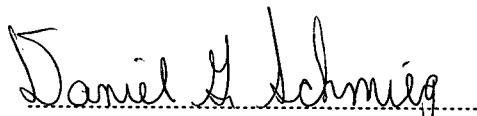
Prothonotary costs

\$145.00

\$ _____

\$ 6,696.00

\$


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Note: Please attach description of Property.

158268

FILED Atty pd. 20.00
m 11:03 2009
MAR 20 2009
S William A. Shaw
Prothonotary/Clerk of Courts
100 Calowans
W) prop. desc.
to Sheriff

60

No. 07-1206-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

GMAC MORTGAGE, LLC

MAR 20 2009

William A. Shaw
Prothonotary/Clerk of Courts

vs.

MARK L. LEWIS

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

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

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
500 ENTERPRISE DRIVE SUITE 150
HORSHAM, PA 19044-0969

Plaintiff,
v.

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

Defendant(s).

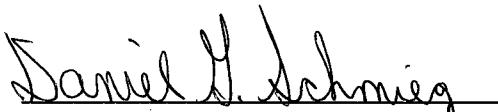
:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 07-1206-CD
:
:
:
:
:

CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

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



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

GMAC MORTGAGE, LLC
500 ENTERPRISE DRIVE SUITE 150
HORSHAM, PA 19044-0969

Plaintiff,

v.

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

Defendant(s).

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 07-1206-CD

:

:

:

AFFIDAVIT PURSUANT TO RULE 3129.1

GMAC MORTGAGE, LLC, 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 **165 FREEDOM ROAD, DUBOIS, PA 15801-0000**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
MARK L. LEWIS	165 FREEDOM ROAD DUBOIS, PA 15801-0000

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.A §4904 relating to unsworn falsification to authorities.

MARCH 18, 2009
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

GMAC MORTGAGE, LLC
500 ENTERPRISE DRIVE SUITE 150
HORSHAM, PA 19044-0969

Plaintiff,

v.

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

Defendant(s).

:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 07-1206-CD**
:
:
:

AFFIDAVIT PURSUANT TO RULE 3129.1

GMAC MORTGAGE, LLC, 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 **165 FREEDOM ROAD, DUBOIS, PA 15801-0000**.

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	165 FREEDOM ROAD DUBOIS, PA 15801-0000
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.A. §4904 relating to unsworn falsification to authorities.

MARCH 18, 2009
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

COPY

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

GMAC MORTGAGE, LLC.

vs.

MARK L. LEWIS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.

No. 07-1206-CD.

No.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 165 FREEDOM ROAD, DUBOIS, PA 15801-0000
(See Legal Description attached)

Amount Due	\$130,270.69
Interest from 11/16/2007 to Sale	
Per diem \$21.41	
Add'l Costs	\$6,696.00
Writ Total	
Prothonotary costs	\$ 145.00

Dated 3/20/09
(SEAL)

Willie L. Shan

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

No. 07-1206-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$130,270.69

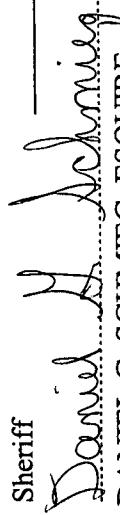
Int. from 11/16/2007
To Date of Sale (\$ per diem)

Costs

Prothy Pd.

145.00

Sheriff



DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

Address: MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150.00 feet to the point of beginning.

BEING known as Lot Number 22 in the Liberty Hills Plat of Lots and CONTAINING 16,032 square feet.

TITLE TO SAID PREMISES IS VESTED IN Mark L. Lewis, by Deed from Stearns Bank, N.A., A National Banking, dated 08/11/2006, recorded 10/16/2006, in Deed Mortgage Inst# 200617354.

Premises being: 165 FREEDOM ROAD
DUBOIS, PA 15801-0000

Tax Parcel No. 128-A04-000-00128

AFFIDAVIT OF SERVICE

PLAINTIFF GMAC MORTGAGE, LLC

CLEARFIELD County

No. 07-1206-CD

Our File #: 158268

DEFENDANT(S) MARK L. LEWIS

Type of Action

- Notice of Sheriff's Sale

Please serve upon: MARK L. LEWIS

Sale Date: JUNE 5, 2009

SERVE AT: 165 FREEDOM ROAD
DUBOIS, PA 15801-0000

SERVED

Served and made known to MARK L. LEWIS, Defendant, on the 13th day of APRIL, 2009, at 2:30, o'clock P.m., at 165 FREEDOM RD., DUBOIS, PA 15801,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

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

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

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

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

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

Other: _____

Description: Age 18 Height 5'2" Weight 120 Race White Sex F Other

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

Sworn to and subscribed
before me this 14th day
of APRIL, 2009.

Notary: Marilyn A. Campbell
COMMONWEALTH OF PENNSYLVANIA

By: Dm Ellis

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

NOT SERVED

ATTEMPT SERVICE NLT THREE (3) TIMES***

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

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

Notary: _____ By: _____

Attorney for Plaintiff

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

FILED
m10:54 AM
APR 28 2009
NO CC
S. J. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

FILED

APR 28 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20950
NO: 07-1206-CD

PLAINTIFF: GMAC MORTGAGE, LLC

vs.

DEFENDANT: MARK L. LEWIS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 3/20/2009

LEVY TAKEN 3/27/2009 @ 12:47 PM

POSTED 3/27/2009 @ 12:47 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 6/24/2009

DATE DEED FILED NOT SOLD

FILED

0/8,30LM
JUN 24 2009

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

5/28/2009 @ SERVED MARK L. LEWIS

SERVED MARK L. LEWIS, DEFENDANT BY REG & CERT MAIL TO 165 FREEDOM ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA . CERT #700803230000335907266 CERT RETURNED UCLAIMED 6/22/09

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

@ SERVED

NOW, JUNE 5, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR JUNE 5, 2009 DUE TO BANKRUPTCY FILING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20950
NO: 07-1206-CD

PLAINTIFF: GMAC MORTGAGE, LLC

VS.

DEFENDANT: MARK L. LEWIS

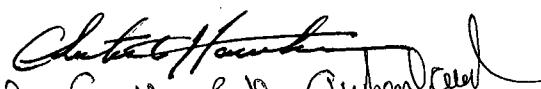
Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$307.66

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


by Cynthia Bitter - Authorized
Chester A. Hawkins
Sheriff

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.

No. 07-1206-CD

No.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

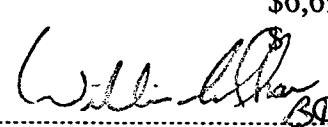
County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 165 FREEDOM ROAD, DUBOIS, PA 15801-0000
(See Legal Description attached)

Amount Due	\$130,270.69
Interest from 11/16/2007 to Sale	145.00
Per diem \$21.41	\$ _____.
Add'l Costs	\$6,696.00
Writ Total	

Prothonotary costs \$ _____.


.....
OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 3/20/09
(SEAL)

158268

Received this writ this 20th day
of March A.D. 2009
at 3:00 A.M./P.M.

Chesler A. Henklein
aff'd by Amber Butler-Cayphord

No. 07-1206-CD.....

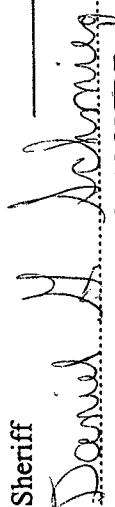
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs	\$130,270.69
Real Debt	
Int. from 11/16/2007 To Date of Sale (\$ per diem)	
Costs	
Protho Pd.	<u>145.00</u>
Sheriff	
DANIEL G. SCHMIEG, ESQUIRE	
Attorney for Plaintiff	

Address: MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

recd _____ 1st flr 1st flr
A.D. _____
A.W.B.W. _____

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150.00 feet to the point of beginning.

BEING known as Lot Number 22 in the Liberty Hills Plat of Lots and CONTAINING 16,032 square feet.

TITLE TO SAID PREMISES IS VESTED IN Mark L. Lewis, by Deed from Stearns Bank, N.A., A National Banking, dated 08/11/2006, recorded 10/16/2006, in Deed Mortgage Inst# 200617354.

Premises being: 165 FREEDOM ROAD
DUBOIS, PA 15801-0000

Tax Parcel No. 128-A04-000-00128

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME MARK L. LEWIS

NO. 07-1206-CD

NOW, June 23, 2009, 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 June 05, 2009, I exposed the within described real estate of Mark L. Lewis to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00	DEBT-AMOUNT DUE	130,270.69
SERVICE	15.00	INTEREST @ 21.4100	12,139.47
MILEAGE	20.90	FROM 11/16/2007 TO 06/05/2009	
LEVY	15.00	ATTORNEY FEES	
MILEAGE	20.90	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	6,696.00
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	11.36	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	20.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
DEED		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	104.50	MISCELLANEOUS	
ADD'L LEVY			
BID/SETTLEMENT AMOUNT		TOTAL DEBT AND INTEREST	\$149,126.16
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	1,308.24
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES		TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$307.66	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	
ACKNOWLEDGEMENT		DEED COSTS	0.00
REGISTER & RECORDER		SHERIFF COSTS	307.66
TRANSFER TAX 2%	0.00	LEGAL JOURNAL COSTS	243.00
TOTAL DEED COSTS	\$0.00	PROTHONOTARY	145.00
		MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
		TOTAL COSTS	\$2,143.90

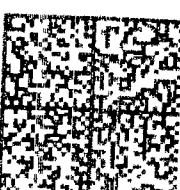
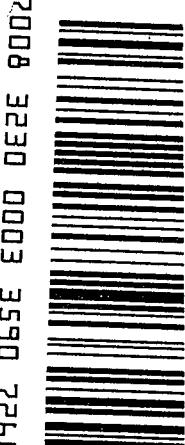
DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff



CHESTER A. HAWKINS
SHERIFF

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



Hasler

\$ 05.710
05/26/2009
Mailed From 16830

US POSTAGE
CLEARFIELD, PA 16830

Rec'd 7/10/09

C4

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801

MARK L. LEWIS

NAME
6-03-09
2nd Notice
6-13-09
RECEIVED

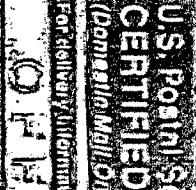
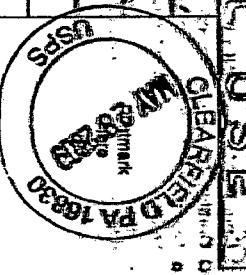
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 16830247201

0595-01662-19-26
16830247201

16830247201

7286 3590 0003 3230 2008

U.S. POSTAL SERVICE CERTIFIED MAIL RECEIPT COMMERCIAL MAIL RECEIPT Commercial Mail Receipt	
	
	
U.S. POSTAL SERVICE CLEARFIELD, PA 16830	
<input type="checkbox"/> Mail Receipt <input type="checkbox"/> Priority Mail <input type="checkbox"/> Commercial Mail <input type="checkbox"/> Business Reply Mail <input type="checkbox"/> Business Reply Mail (Endorsement Required) <input type="checkbox"/> Retarded Delivery Fee (Endorsement Required)	
Total Postage & Fees \$ 5.71	
Sent To MARK L. LEWIS 165 FREEDOM ROAD DUBOIS, PA 15801 Street Apt. No.: _____ or PO Box No.: _____ City, State: 21644	
Prepared for Distribution	

**SENDER: COMPLETE THIS SECTION****COMPLETE THIS SECTION ON DELIVERY**

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

1. Article Addressed to:

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801

A. Signature	<input checked="" type="checkbox"/> Agent
X	<input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery

D. Is delivery address different from item 1?	<input type="checkbox"/> Yes
	<input type="checkbox"/> No

3. Service-Type

<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.

4. Restricted Delivery? (Extra Fee)

<input type="checkbox"/> Yes

2. Article Number

(Transfer from service label)

7008 3230 0003 3590 7266

102595-02-M-1540

- RS Form 3811, February 2004

Domestic Return Receipt

Thank you for your correspondence in this matter.

Very Truly Yours,
KATHERINE TRAUTZ for
Phelan Hallinan & Schmiege, LLP

convenience.

Please return the original Writ of Execution to the Prothonotary as soon as possible. In addition, please forward a copy of the cost sheet pertaining to this sale to our office via facsimile to 215-567-0072 or regular mail at your earliest convenience.

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

Please be advised that no funds were reported to be received.

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for June 5, 2009 due to the following: Bankruptcy.

Dear Sir/Madam:

Court No. 07-1206-CD

165 FREEDOM ROAD DUBOIS, PA 15801-0000

MARK L. LEWIS

Re: GMAC MORTGAGE, LLC v.

Fax Number: 814-765-5915

Attn: Real Estate Department

Clearfield, PA 16830

1 North Second Street

Clearfield County Courthouse

Office of the Sheriff

June 5, 2009

Foreclosure Manager

Pennsylvania and New Jersey
Representing Lenders in

Fax: (215) 563-7009

(215) 563-7000

Philadelphia, PA 19103-1814

Suite 1400

1617 John F. Kennedy Boulevard

One Penn Center at Suburban Station

Phelan Hallinan & Schmiege, L.L.P.

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1206-CD
CLEARFIELD COUNTY

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	\$130,270.69
Prothonotary costs	165.00
Interest from 11/16/2007 to Sale	\$ _____
Per diem \$21.41	
Add'l Costs	\$7,596.00
Writ Total	\$ _____



Attorney for Plaintiff

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
- Michele M. Bradford, Esq., Id. No. 69849
- Judith T. Romano, Esq., Id. No. 58745
- Sheetal R. Shah-Jani, Esq., Id. No. 81760
- Jenine R. Davey, Esq., Id. No. 87077
- Lauren R. Tabas, Esq., Id. No. 93337
- Vivek Srivastava, Esq., Id. No. 202331
- Jay B. Jones, Esq., Id. No. 86657
- Peter J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Note: Please attach description of Property.

PHS # 158268

FILED *Atty pd.*
MAY 13 2010 *20.00*
William A. Shaw
Prothonotary/Clerk of Courts *W/prop. desc.*
ICC & Lewirts
to Sheriff
(60)

No. 07-1206-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- Lawrence T. Phelan, Esq., Id. No. 322227
- Francis S. Hallinan, Esq., Id. No. 62695
- Daniel G. Schmieg, Esq., Id. No. 62205
- Michele M. Bradford, Esq., Id. No. 69849
- Judith T. Romano, Esq., Id. No. 58745
- Sheetal R. Shah-Jani, Esq., Id. No. 81760
- Jenine R. Davey, Esq., Id. No. 87077
- Lauren R. Tabas, Esq., Id. No. 933337
- Vivek Srivastava, Esq., Id. No. 202331
- Jay B. Jones, Esq., Id. No. 86657
- Peter J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliaikos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-5245

FILED
MAY 13 2010
William A. Shaw
Prothonotary/Clerk of Courts

GMAC MORTGAGE, LLC

Plaintiff

v.

MARK L. LEWIS

Defendant(s)

: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 07-1206-CD**
: **CLEARFIELD COUNTY**

AFFIDAVIT PURSUANT TO RULE 3129.1

GMAC MORTGAGE, LLC, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **165 FREEDOM ROAD, DUBOIS, PA 15801-5245**.

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

Name

Address (if address cannot be reasonably ascertained, please so indicate)

MARK L. LEWIS

**165 FREEDOM ROAD
DUBOIS, PA 15801-5245**

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

Name

Address (if address cannot be reasonably ascertained, please so indicate)

SAME AS ABOVE

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please 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

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

TENANT/OCCUPANT

**165 FREEDOM ROAD
DUBOIS, PA 15801-5245**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

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

**Commonwealth of Pennsylvania
Department of Welfare**

**P.O. Box 2675
Harrisburg, PA 17105**

**United States Internal Revenue
Special Procedures Branch
Federated Investors Tower**

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

**U.S. Department of Justice
Michael C. Colville, Esquire,
United States Attorney**

**Western District of PA
633 U.S. Post Office & Courthouse
Pittsburgh, PA 15219**

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

May 10, 2010

By: 

Attorney for Plaintiff

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
- Michele M. Bradford, Esq., Id. No. 69849
- Judith T. Romano, Esq., Id. No. 58745
- Sheetal R. Shah-Jani, Esq., Id. No. 81760
- Jenine R. Davey, Esq., Id. No. 87077
- Lauren R. Tabas, Esq., Id. No. 93337
- Vivek Srivastava, Esq., Id. No. 202331
- Jay B. Jones, Esq., Id. No. 86657
- Peter J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Phelan Hallinan & Schmieg, LLP

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

Attorneys for Plaintiff

GMAC MORTGAGE, LLC

Plaintiff

v.

MARK L. LEWIS

Defendant(s)

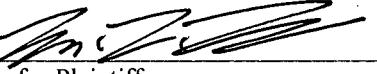
: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 07-1206-CD**
: **CLEARFIELD COUNTY**
:

CERTIFICATION

The undersigned attorney hereby states that he/she is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because:

- () the mortgage is an FHA Mortgage
- () the premises is non-owner occupied
- () the premises is vacant
- (X) Act 91 procedures have been fulfilled

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

By: 
Attorney for Plaintiff

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
- Michele M. Bradford, Esq., Id. No. 69849
- Judith T. Romano, Esq., Id. No. 58745
- Sheetal R. Shah-Jani, Esq., Id. No. 81760
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- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

COPY

COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1206-CD
CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 165 FREEDOM ROAD, DUBOIS, PA 15801-5245
(See Legal Description attached)

Amount Due	
Interest from 11/16/2007 to Sale	\$130,270.69
Per diem \$21.41	
Add'l Costs	\$7,596.00
Writ Total	\$

Prothonotary costs \$ 165.00

\$

5-14-08
OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 5/13/10
(SEAL)

PHS # 158268

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	<u>Costs</u>
Int. from	\$130,270.69
To Date of Sale (\$21.41 per diem)	
Costs	<u>145.00</u>
Prothry Pd.	
Sheriff	

Filed


Attorney for Plaintiff
Phelan Hallinan & Schmieg, LLP
 Lawrence T. Phelan, Esq., Id. No. 322227
 Francis S. Hallinan, Esq., Id. No. 62695
 Daniel G. Schmieg, Esq., Id. No. 62205
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 Joshua I. Goldman, Esq., Id. No. 205047
 Courtenay R. Dunn, Esq., Id. No. 206779
 Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:
MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-5245

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150.00 feet to the point of beginning.

BEING known as Lot Number 22 in the Liberty Hills Plat of Lots and CONTAINING 16,032 square feet.

EXCEPTING AND RESERVING the gas and oil thereunder, a 10-foot right-of-way along all boundaries for public water lines, electric lines, and public sewage, and subject to other reservations and restrictions as may appear of record.

TITLE TO SAID PREMISES IS VESTED IN Mark L. Lewis, by Deed from Stearns Bank, N.A., A National Banking, dated 08/11/2006, recorded 10/16/2006, in Deed Mortgage Inst# 200617354.

Premises being: **165 FREEDOM ROAD**
DUBOIS, PA 15801-5245

Tax Parcel No. **A04-000-00128**

PHELAN HALLINAN & SCHMIEG, LLP
BY: Vivek Srivastava, Esq.
Attorney I.D. No.: 202331
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

GMAC MORTGAGE, LLC

Plaintiff : **CLEARFIELD COUNTY**

v.

COURT OF COMMON PLEAS

MARK L. LEWIS

CIVIL DIVISION

NO. 07-1206-CD

Defendant

:

:

:

:

:

FILED NO
M 11/14/2010
SUN 30 2010
S
William A. Shaw
Prothonotary/Clerk of Courts
(601)

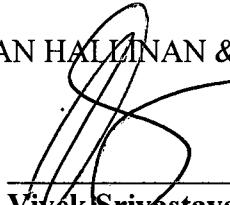
**MOTION FOR SERVICE OF NOTICE OF SALE
PURSUANT TO SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP, petitions this Honorable Court for an Order directing service of the Notice of Sale upon the above-captioned Defendant, **MARK L. LEWIS**, by certified mail and regular mail to 165 FREEDOM ROAD, DUBOIS, PA 15801-5245, and posting 165 FREEDOM ROAD, DUBOIS, PA 15801-5245 and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **AUGUST 6, 2010**.
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendant be served with a notification of Sheriff's Sale at least thirty (30) days prior to the scheduled sale date.

3. Attempts to serve Defendant with the Notice of Sale have been unsuccessful, as indicated by the Return of Service attached hereto as Exhibit "A".
4. 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 therefrom is attached hereto as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 165 FREEDOM ROAD, DUBOIS, PA 15801-5245, and posting 165 FREEDOM ROAD, DUBOIS, PA 15801-5245.

PHELAN HALINAN & SCHMIEG, LLP

By: _____
Vivek Srivastava, Esq.
Attorney for Plaintiff

AFFIDAVIT OF SERVICE

PLAINTIFF
GMAC MORTGAGE, LLC

CLEARFIELD COUNTY

PHS # 158268

DEFENDANT
MARK L. LEWIS

SERVICE TEAM/ kxc

SERVE MARK L. LEWIS AT:
165 FREEDOM ROAD
DUBOIS, PA 15801-5245

COURT NO.: 07-1206-CD
TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: 08/06/2010

SERVED

Served and made known to _____, Defendant on the ___ day of _____, 20 __, at
_____, o'clock __. M., at _____, in the manner described below:
____ Defendant personally served.

Adult family member with whom Defendant(s) reside(s).

Relationship is _____.

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

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

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

_____ an officer of said Defendant's company.

Other: _____.

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

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

Sworn to and subscribed
before me this ____ day
of _____, 20 ____.

Notary: _____ By: _____

NOT SERVED

On the 8th day of JUN E, 2010, at 10:30 o'clock A. M., Defendant NOT FOUND because:

Vacant Bad Address Moved Does Not Reside (Not Vacant)

No Answer on _____ at _____; _____ at _____

Service Refused

Other:

Sworn to and subscribed
before me this 9th day
of June, 2010.

By: D M. ELLIS
DM Ellis

Notary:

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

ATTORNEY FOR PLAINTIFF

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
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Joshua I. Goldman, Esq., Id. No. 205047
Courtney R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

EXHIBIT B

AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: 158268

Attorney Firm: Phelan, Hallinan & Schmieg, LLP

Subject: Mark L. Lewis

Property Address: 165 Freedom Road, Dubois, PA 15801

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

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct

Mark L. Lewis - xxx-xx-4009

B. EMPLOYMENT SEARCH

Mark L. Lewis - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Mark L. Lewis reside(s) at: 165 Freedom Road, Dubois, PA 15801.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office searched directory assistance databases, which had no listing for Mark L. Lewis.

B. On 06-21-10 our office made a telephone call to a possible phone number of the subject(s) (814) 771-8589 and received the following information: disconnected.

III. INQUIRY OF NEIGHBORS

On 06-21-10 our office made several phone calls in an attempt to contact Viola M. Schaffer (814) 375-0332, 109 Freedom Road, Du Bois, PA 15801: answering machine.

On 06-21-10 our office made several phone calls in an attempt to contact Debbie M. Long (814) 375-9895, 183 Freedom Road, Du Bois, PA 15801: answering machine.

On 06-21-10 our office made several phone calls in an attempt to contact Betty J. Wells (814) 371-4372, 227 Freedom Road, Du Bois, PA 15801: answering machine.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 06-21-10 we reviewed the National Address database and found the following information: Mark L. Lewis - 165 Freedom Road, Du Bois, PA 15801.

EXHIBIT B

B. ADDITIONAL ACTIVE MAILING ADDRESSES

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

V. OTHER INQUIRIES

A. DEATH RECORDS

As of 06-21-10 Vital Records and all public databases have no death record on file for Mark L. Lewis.

VI. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Mark L. Lewis - 03-01-1973

B. A.K.A.

Mark D. Lewis Sr.

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

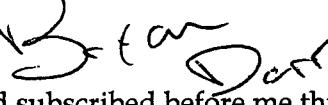
* Please be advised our database information indicates the subject resides at the current address.

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.



AFFIANT



Sworn to and subscribed before me this 24 day of June 2010.

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

IND



ENID ESTRADA
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 12/6/2011

PHELAN HALLINAN & SCHMIEG, LLP
BY: Vivek Srivastava, Esq.
Attorney I.D. No.: 202331
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

GMAC MORTGAGE, LLC

Plaintiff : CLEARFIELD COUNTY
COURT OF COMMON PLEAS

v.

: CIVIL DIVISION

MARK L. LEWIS

: NO. 07-1206-CD

Defendant :

:

:

:

:

PLAINTIFF'S MEMORANDUM OF LAW

Pursuant to Pennsylvania Rule of Civil Procedure, Rule 3129.2, it is necessary in a foreclosure action for the Sheriff or Process Server to serve upon the Defendant Notice of the Sale of the mortgaged premises. Specifically, Pa.R.C.P., Rule 3129.2 (c) provides in applicable part as follows:

The written notice shall be prepared by the plaintiff, shall contain the same information as the handbills or may consist of the handbill and shall be served at least thirty days before the sale on all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1.

- (1) Service of the Notice shall be made:
 - (i) upon a defendant...
 - (A) by the sheriff or by a competent adult in the manner prescribed by Rule 402 (a) for the service of original process upon a defendant, or
 - (B) by the plaintiff mailing a copy of the manner prescribed by Rule 403 to the addresses set forth in the affidavit; or

(C) if service cannot be made as provided in the subparagraph (A) or (B), the notice shall be served pursuant to special order of court as prescribed by Rule 430, except that if original process was served pursuant to a special order of court under Rule 430 upon the defendant in the judgment, the notice may be served upon that defendant in the manner provided by the order for service of original process without further application to the court.

Because the whereabouts of Defendant, MARK L. LEWIS, are unknown, a reasonable investigation of their last known address was made in accordance with Pa.R.C.P. 430(a).

Pennsylvania Rule of Civil Procedure, Rule 430 (a) provides as follows:

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

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

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

As indicated by the attached Affidavit of Return of Service, marked hereto as Exhibit "A", the Process Server has been unable to serve the Notice of Sale.

A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 165 FREEDOM ROAD, DUBOIS, PA 15801-5245 and posting 165 FREEDOM ROAD, DUBOIS, PA 15801-5245.

Respectfully submitted,

PHELAN HALLINAN & SCHMIEG, LLP

By:



Vivek Srivastava, Esq.
Attorney for Plaintiff

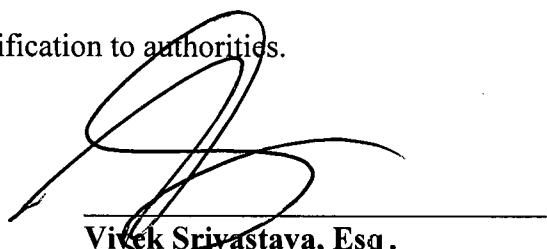
VERIFICATION

Vivek Srivastava, Esquire, hereby states that he is the attorney for the Plaintiff in this action, that he is authorized to take the verification and that the statements made in the foregoing Motion for Service of Notice of Sale pursuant to Special Order of Court are true and correct to the best of his knowledge, information and belief.

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

Date:

06/29/10



Vivek Srivastava, Esq.

PHELAN HALLINAN & SCHMIEG, LLP

BY: Vivek Srivastava, Esq.

Attorney for Plaintiff

Attorney I.D. No.: 202331

One Penn Center Plaza, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

GMAC MORTGAGE, LLC

Plaintiff : CLEARFIELD COUNTY
COURT OF COMMON PLEAS

v.

: CIVIL DIVISION

MARK L. LEWIS

: NO. 07-1206-CD

Defendant

:
:
:
:

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Service of Notice of Sale Pursuant to Special Order of Court, Proposed Order, Memorandum of Law, Certification of Service and Verification in the above captioned matter was sent by first class mail, postage prepaid to the following interested parties on the date indicated below.

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-5245



Vivek Srivastava, Esq.
Attorney for Plaintiff

Date:



06/29/10

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

GMC MORTGAGE, LLC,
Plaintiff

vs

MARK L. LEWIS,
Defendant

* NO. 07-1206-CD

*
*
*
*

O R D E R

NOW, this 1st day of July, 2010, the Plaintiff is granted leave to serve the
NOTICE OF SALE upon the Defendant **MARK L. LEWIS** by:

1. Publication one time in The Courier Express (DuBois) and the Clearfield County Legal Journal;
2. By first class mail to 165 Freedom Road, DuBois, PA 15801-5245;
3. By certified mail, return receipt requested, to 165 Freedom Road, DuBois, PA 15801-5245; and
4. By posting the mortgaged premises known in this herein action as 165 Freedom Road, DuBois, PA 15801-5245;.

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.

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

FILED
OB:4061 3CC
S JUL 02 2010 Atty
William A. Shaw
Prothonotary/Clerk of Courts
Sri Vasava
(24)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

Plaintiff,

v.

MARK L. LEWIS

Defendant(s)

: CLEARFIELD COUNTY

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: No. 07-1206-CD

FILED No CC.

5 01/10:38cm
JUL 09 2010

LM

COMMONWEALTH OF PENNSYLVANIA)

PHILADELPHIA COUNTY)

SS:

William A. Shaw
Prothonotary/Clerk of Courts

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

W

- Lawrence T. Phelan, Esq., Id. No. 32227
- Francis S. Hallinan, Esq., Id. No. 62695
- Daniel G. Schmieg, Esq., Id. No. 62205
- Michele M. Bradford, Esq., Id. No. 59849
- Judith T. Romano, Esq., Id. No. 58745
- Sheetal R. Shah-Jani, Esq., Id. No. 81760
- Jenine R. Davey, Esq., Id. No. 87077
- Lauren R. Tabas, Esq., Id. No. 93337
- Vivek Srivastava, Esq., Id. No. 20233!
- Jay B. Jones, Esq., Id. No. 86657
- Peter J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

Date: 7/8/10

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.

Name and
Address
Of Sender

Phelan Hallinan & Schmies, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

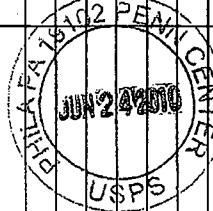


JOT/JSC -

Line	Article Number	Name of Addressee, Street, and Post Office Address	SALE	Post
1	****	TENANT/OCCUPANT 165 FREEDOM ROAD DUBOIS, PA 15801-5245		
2	****	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3	****	Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105	816110	
4	****	United States Internal Revenue Special Procedures Branch Federated Investors Tower 13th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222	816110	
5	****	U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219	106110	
6				
7				
8				
9				
10				
11				
12				
13				
14				
15		RE: MARK L. LEWIS (CLEARFIELD) TEAM 3 PHS# 158263		

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 reconstitution is \$50,000 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 R390, S913 and S921 for limitations of coverage.
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UNITED STATES POSTAL SERVICE
PRINTED BOWLES
02 TM 0004277256 JUN 24 2010
MAILED FROM ZIP CODE 19103
\$ 02.100



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
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

S FILED
M 10/45/10 NO CC
SEP 22 2010
LAW
William A. Shaw
Prothonotary/Clerk of Courts

GMAC MORTGAGE, LLC : **CLEARFIELD COUNTY**
Plaintiff, : **COURT OF COMMON PLEAS**
v. :
MARK L. LEWIS : **CIVIL DIVISION**
Defendant(s). : **NO. 07-1206-CD**

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

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **MARK L. LEWIS** on **AUGUST 9, 2010**, in accordance with the Order of Court dated **JULY 1, 2010**. The property was posted on **JULY 23, 2010**. Publication was advertised in **CLEARFIELD COUNTY LEGAL JOURNAL** on **JULY 23, 2010** & in **COURIER-EXPRESS/TR-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT** on **JULY 16, 2010**.

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

PHELAN HALLINAN & SCHMIEG, LLP

By: 

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
Attorneys for Plaintiff

Dated: 9/21/10

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

GMC MORTGAGE, LLC,
Plaintiff

* NO. 07-1206-CD

vs

*
*
*
*

MARK L. LEWIS,
Defendant

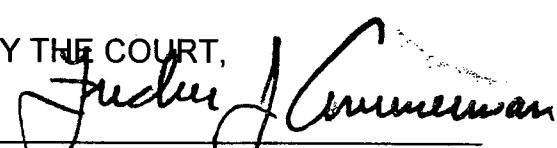
O R D E R

NOW, this 1st day of July, 2010, the Plaintiff is granted leave to serve the
NOTICE OF SALE upon the Defendant **MARK L. LEWIS** by:

1. Publication one time in The Courier Express (DuBois) and the Clearfield County Legal Journal;
2. By first class mail to 165 Freedom Road, DuBois, PA 15801-5245;
3. By certified mail, return receipt requested, to 165 Freedom Road, DuBois, PA 15801-5245; and
4. By posting the mortgaged premises known in this herein action as 165 Freedom Road, DuBois, PA 15801-5245;.

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.

BY THE COURT,

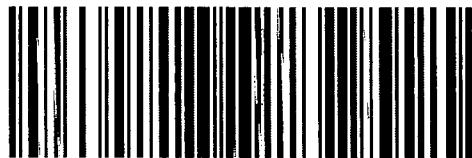

FREDRIC J. AMMERMAN
President Judge

165 Freedom Road, DuBois, PA 15801-5245
and attested copy of the original
statement filed in this case.

JUL 02 2010

Attest.


William A. Ammerman
Prothonotary/
Clerk of Courts



7178 2417 6099 0061 4882

3 / AAQ
MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: **7178 2417 6099 0061 4882**

Status: **Delivered**

Your item was delivered at 12:34 pm on August 09, 2010 in
PHILADELPHIA, PA 19103. A proof of delivery record may be available
through your local Post Office for a fee.

Additional information for this item is stored in files offline.

[Track & Confirm](#)

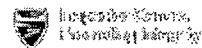
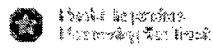
Enter Label/Receipt Number.

[Go >](#)[Restore Offline Details >](#)[Return to USPS.com Home >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

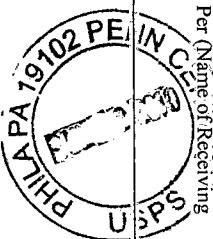
FOIA



Name and
Address
of Sender

PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban, Suite 1400
Philadelphia, PA 19103

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	****	MARK L. LEWIS 165 FREEDOM ROAD DUBOIS, PA 15801-0000		
2	****			
3	****			
4	****			
5				
6	****			
7	****			
8	****			
9	****			
10	****			
11	****			
12	****			
13	****			
14				
15		RE: MARK L. LEWIS PHS# 158268	STATES POSTAGE CELINE 02 1M 0004277256 MAILED FROM ZIP CODE 19103 \$ 01.26⁰ JUL 12 2010	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee) IN C	



KXC

PLAINTIFF
GMAC MORTGAGE, LLC

AFFIDAVIT OF SERVICE

CLEARFIELD COUNTY

PHS # 158268

DEFENDANT
MARK L. LEWIS

SERVICE TEAM/ kxc
COURT NO.: 07-1206-CD

SERVE MARK L. LEWIS AT:

165 FREEDOM ROAD
DUBOIS, PA 15801-5245

PLEASE POST PROPERTY PER COURT ORDER

TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: 08/06/2010

SERVED

Served and made known to MARK L. LEWIS, Defendant on the 23rd day of July, 20 10, at 2:43, o'clock P.M., at 165 Freedom Rd. Dubois, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s).
Relationship is _____.
 Adult in charge of Defendant's residence who refused to give name or relationship.
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).
 Agent or person in charge of Defendant's office or usual place of business.
an officer of said Defendant's company.
 Other: Posted on Front Door

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

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

Sworn to and subscribed
before me this 28th day
of July, 2010.

Notary: Elizabeth A. Ventre By: Thomas Hembrey
On the _____ day of _____, 20____, at _____ o'clock P.M., Defendant NOT FOUND because:
 Vacant Bad Address Moved Does Not Reside (Not Vacant)
 No Answer on _____ at _____; _____ at _____
 Service Refused

Other:

Sworn to and subscribed
before me this 28th day
of July, 2010.

Notary:

By: Thomas Hembrey

ATTORNEY FOR PLAINTIFF

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Pliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 07-1206-CD

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

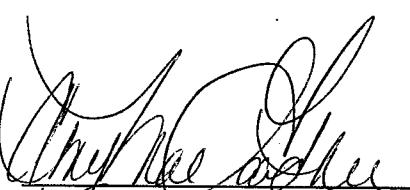
COUNTY OF CLEARFIELD

On this 23rd day of July AD 2010, before me, the subscriber, and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of July 23, 2010, Vol. 22, No. 30. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

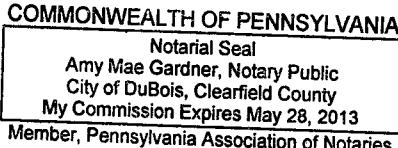

Gary A. Knaresboro, Esquire

Editor

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



Notary Public
My Commission Expires



Brendan Booth
Full Spectrum Services, Inc.
400 Fellowship Road
Suite 220
Mount Laurel, NJ 08054

PROOF OF PUBLICATION OF NOTICE APPEARING IN THE
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT
PUBLISHED BY McLEAN PUBLISHING COMPANY,

Public Notices 001

Public Notices 001

DUBOIS PENNSYLVANIA

7, Approved May 16, 1929, P.L. 1784

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 07-1206-CD

GMAC MORTGAGE, LLC
vs.
MARK L. LEWIS

NOTICE TO: MARK L. LEWIS
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 165 FREEDOM ROAD,
DUBOIS, PA 15801-5245.

Being in SANDY Township, County of CLEARFIELD
Commonwealth of Pennsylvania.

Parcel Number 1: 1280A04040000128

Improvements consist of residential property.

Sold as the property of MARK L. LEWIS

Your house (real estate) at 165 FREEDOM ROAD, DUBOIS, PA 15801-5245 is scheduled to be sold at the Sheriff's Sale on AUGUST 6, 2010 at 10:00 AM., at the CLEARFIELD County Courthouse to enforce the Court Judgment of \$130,270.69 obtained by, GMAC MORTGAGE, LLC (the mortgagee) against the above premises.

PHELAN HALLINAN & SCHMIEG, LLP
Attorney for Plaintiff

7/16/2010

SS:

erra, Classified Advertising Supervisor of the Courier-Express/Tri-County and State aforesaid, being duly sworn, deposes and says that the **Tri-County Sunday**, a weekly newspaper and **Jeffersonian Democrat**, a Publishing Company at 500 Jeffers Street, City of DuBois, County and State 1879, since which date said, the daily publication and the weekly **Tri-County**, and that a copy of the printed notice of publication is attached published in the regular editions of the paper on the following dates, viz: the

July A.D. 2010

duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County** **Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement it interested in the subject matter of the aforesaid notice of publication, and as to time, place and character of publication are true.

**PUBLISHING COMPANY Publisher of
COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

Leola Smith

28th day of July, 2010

Robin Duttry

NOTARY PUBLIC

**THIS IS
NOT A
BILL**

Statement of Advertising Cost
McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT
DuBois, PA

NOTARIAL SEAL
ROBIN M. DUTTRY, NOTARY PUBLIC
CITY OF DuBOIS, CLEARFIELD COUNTY
MY COMMISSION EXPIRES APRIL 16, 2014

TO

Full Spectrum Services Inc.

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$147.60</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$155.10</u>

Publisher's Receipt for Advertising Costs

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

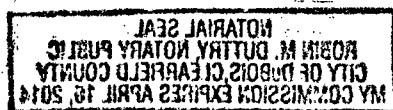
I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

FILED

SEP 22 2010

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21176
NO: 07-1206-CD

PLAINTIFF: GMAC MORTGAGE, LLC

VS.

DEFENDANT: MARK L. LEWIS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 5/13/2010

LEVY TAKEN 5/27/2010 @ 10:53 AM

POSTED 5/27/2010 @ 10:53 AM

SALE HELD 10/1/2010

SOLD TO GMAC MORTGAGE, LLC

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 11/17/2010

DATE DEED FILED 11/17/2010

PROPERTY ADDRESS 165 FREEDOM ROAD DUBOIS , PA 15801

FILED
01/15/2011
NOV 17 2010
S William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

6/1/2010 @ 10:15 AM SERVED MARK L. LEWIS

SERVED MARK L. LEWIS, DEFENDANT, AT HIS RESIDENCE 165 FREEDOM ROAD, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARK L. LEWIS

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

@ SERVED

NOW, AUGUST 4, 2010, RECEIVED A FAX LETTER TO POSTPONE THE SHERIFF SALE SCHEDULED FOR AUGUST 6, 2010 TO OCTOBER 1, 2010 DUE TO SERVICE OF NOS.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21176
NO: 07-1206-CD

PLAINTIFF: GMAC MORTGAGE, LLC

vs.

DEFENDANT: MARK L. LEWIS

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$264.16

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2010

So Answers,

Chester A. Hawkins
By *Cynthia Miller-Aydelock*
Chester A. Hawkins
Sheriff

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

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1206-CD
CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 165 FREEDOM ROAD, DUBOIS, PA 15801-5245
(See Legal Description attached)

Amount Due	
Interest from 11/16/2007 to Sale	\$ _____
Per diem \$21.41	\$ _____
Add'l Costs	\$7,596.00
Writ Total	\$ _____

Willie Chapman

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 5/13/10
(SEAL)

PHS # 158268

Received this writ this 13th day
of May A.D. 2010
At 3:00 A.M./P.M.

Chester A. Hawthens
Sheriff by Cynthia Butler-Cayhens

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

MARK L. LEWIS

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	<u>Costs</u>
	\$130,270.69
Int. from	
To Date of Sale (\$21.41 per diem)	
Costs	<u>105.00</u>
Protho Pd.	
Sheriff	

Filed


Attorney for Plaintiff
Phelan Hallinan & Schmieg, LLP
 Lawrence T. Phelan, Esq., Id. No. 322227
 Francis S. Hallinan, Esq., Id. No. 62695
 Daniel G. Schmieg, Esq., Id. No. 622205
 Michele M. Bradford, Esq., Id. No. 69849
 Judith T. Romano, Esq., Id. No. 58745
 Sheetal R. Shah-Jani, Esq., Id. No. 81760
 Jenine R. Davey, Esq., Id. No. 87077
 Lauren R. Tabas, Esq., Id. No. 933337
 Vivek Srivastava, Esq., Id. No. 202331
 Jay B. Jones, Esq., Id. No. 86657
 Peter J. Mulcahy, Esq., Id. No. 61791
 Andrew L. Spivack, Esq., Id. No. 844439
 Jaime McGuinness, Esq., Id. No. 90134
 Chrisovalante P. Fliakos, Esq., Id. No. 94620
 Joshua I. Goldman, Esq., Id. No. 205047
 Courtenay R. Dunn, Esq., Id. No. 206779
 Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:

MARK L. LEWIS
165 FREEDOM ROAD
DUBOIS, PA 15801-5245

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point at the Northeast corner of lands now or formerly of Raymond U. Colgan; thence North 53 degrees 35 minutes East, 106.88 feet to a point, said point also being the Northeast corner of lands now or formerly of Donald Petrick; thence South 36 degrees 25 minutes East, 150.00 feet to a point at the edge of Freedom Road; thence along the edge of said road, South 53 degrees 35 minutes West, 106.88 feet to a point; thence North 36 degrees 25 minutes West, 150.00 feet to the point of beginning.

BEING known as Lot Number 22 in the Liberty Hills Plat of Lots and CONTAINING 16,032 square feet.

EXCEPTING AND RESERVING the gas and oil thereunder, a 10-foot right-of-way along all boundaries for public water lines, electric lines, and public sewage, and subject to other reservations and restrictions as may appear of record.

TITLE TO SAID PREMISES IS VESTED IN Mark L. Lewis, by Deed from Stearns Bank, N.A., A National Banking, dated 08/11/2006, recorded 10/16/2006, in Deed Mortgage Inst# 200617354.

Premises being: **165 FREEDOM ROAD**
DUBOIS, PA 15801-5245

Tax Parcel No. **A04-000-00128**

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME MARK L. LEWIS

NO. 07-1206-CD

NOW, November 17, 2010, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on October 01, 2010, I exposed the within described real estate of Mark L. Lewis to public venue or outcry at which time and place I sold the same to GMAC MORTGAGE, LLC he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00	DEBT-AMOUNT DUE	130,270.69
SERVICE	15.00	INTEREST @ 21.4100 %	22,480.50
MILEAGE	19.00	FROM 11/16/2007 TO 10/01/2010	
LEVY	15.00		
MILEAGE	19.00	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	6.16	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	20.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
DEED	30.00	PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	19.00	MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	1.00	TOTAL DEBT AND INTEREST	\$152,771.19
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	1,225.20
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES	20.00	TAXES - TAX CLAIM	
MISCELLANEOUS		ASSESSMENT FEE	10.00
TOTAL SHERIFF COSTS	\$264.16	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	5.00
DEED COSTS:		DEED COSTS	52.00
ACKNOWLEDGEMENT	5.00	SHERIFF COSTS	264.16
REGISTER & RECORDER	52.00	LEGAL JOURNAL COSTS	162.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	165.00
TOTAL DEED COSTS	\$52.00	MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	4,316.19
		TOTAL COSTS	\$6,339.55

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

August 4, 2010

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: GMAC MORTGAGE, LLC v.
MARK L. LEWIS
165 FREEDOM ROAD DUBOIS, PA 15801-5245
Court No. 07-1206-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for August 6, 2010 due to the following: Service of NOS.

The Property is to be relisted for the October 1, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
REGINALD SMITH for
Phelan Hallinan & Schmieg, LLP

07-1207-CD

Comm of PA vs Tara L. Finley et al



FILED ICC PHF

M 12:33 PM
JUL 30 2007

PHF pd. 25.00

William A. Shaw
Prothonotary/Clerk of Courts

07-1207-CD

COURT OF COMMON PLEAS OF CLEARFIELD
82210339

COUNTY, PENNSYLVANIA

NAME AND ADDRESS:

TARA L FINLEY
IND AND AS PRES OF
COZY ACRES
1672 TREASURE LAKE
DUBOIS PA 15801

TO THE PROTHONOTARY OF SAID COURT:
PURSUANT TO THE LAWS OF THE COMMONWEALTH OF PENNSYLVANIA
THERE ISHEREWITH TRANSMITTED A CERTIFIED COPY OF LIEN
TO BE ENTERED OF RECORD IN YOUR COUNTY.

CERTIFIED COPY OF LIEN

CLASS OF TAX	TAX PERIOD (OR DUE DATE)	DATE OF ASSESSMENT DETERMINATION OR SETTLEMENT	IDENTIFYING NUMBER	TAX	TOTAL
S & U	11/01/06 - 02/28/07	04/17/07	CO-99999	\$17,425.27	\$21,256.18
TOTALS				\$17,425.27	\$21,256.18
FILING FEE (S)					\$25.00
ADDITIONAL INTEREST					
SETTLEMENT TOTAL					\$21,281.18

INTEREST COMPUTATION DATE 04/27/07

The undersigned, the Secretary of revenue (or his authorized delegate) of the Commonwealth of Pennsylvania, certifies this to be true and correct copy of a lien against the above named taxpayer for unpaid tax, interest, additions or penalties thereon due from such taxpayer and which, after demand for payment thereof, remains unpaid. The amount of such unpaid tax, interest, additions or penalties is a lien in favor of the commonwealth of Pennsylvania upon the taxpayer's property, real, personal, or both, as the case may be.

Keith J. Richardson

SECRETARY OF REVENUE
(OR AUTHORIZED DELEGATE)

JUL 24 2007

DATE

PART 1 – TO BE RETAINED BY RECORDING OFFICE

COMMONWEALTH OF PENNSYLVANIA

TARA L FINLEY
COZY ACRES

V.S.

Filed this 1000.00 day of October 1981 at Wilkinsburg County Court of Common Pleas, Allegheny County, Pennsylvania.

NOTICE OF TAX LIEN
CLERK (or Register)
CLERK
NOTICE OF TAX LIEN

LIENS FOR TAXES

Liens for Corporation Taxes arise under Section 1401 of the

Fiscal Code, 72 P.S. Section 1401, as amended.

Liens for Personal Income Tax and Employer Withholding Taxes arise under Section 345 of the Tax Reform Code of 1971, 72 P.S.

Section 7345, as amended.

Liens for Realty Transfer Tax arise under Section 1112-C of the Tax Reform Code of 1971, 72 P.S. Section 812-C, as amended.

Liens for Liquid Fuels Tax arise under Section 13 of the

Liquid Fuels Tax Act, 72 P.S. Section 2611-H, as amended.

Liens for Fuel Use Tax arise under Section 13 of the Fuel Use

Tax Act, 72 P.S. Section 2616.13, as amended.

Liens for Motor Carriers Road Tax arise under Chapter 96 of

the Vehicle Code, (75 Pa. C.S. 9615).

Liens for Inheritance Tax and Estate Tax arise under the In

heritance and Estate Tax of 1982, Act of December 13, 1982, P.L.

1086, No. 225 Section 1 et. seq., 72 Pa. C.S.A. Section 1701 et. seq. (for decedents with date of death prior to December 13,

1982, liens arise under the Inheritance and Estate Tax Act of

1961, 72 P.S. Section 2485 - 101 et. seq.).

Liens for State and Local Sales, Use and Hotel

Occupancy Tax and Public Transportation Assistance Fund Taxes and Fees arise under Section 242, Act of March 4, 1971, No. 2 as amended, 72 P.S. Section 7242.

Liens for Motorbus Road Tax arise under Chapter 28 of the PA

Vehicle Code, (75 Pa. C.S. 9815).

Liens for Liquid Fuels and Fuels Tax, and the tax imposed in

section 9502 of the Vehicle Code, (75 Pa. C.S. 9502) arise under Chapter 90 of the Vehicle Code, (75 Pa. C.S. 9013).

LIEN FOR TAXES, PENALTIES AND INTEREST
General Information

Corporation Tax Liens provided under the Fiscal Code arise at the time of settlement (assessment) and are liens upon the franchises and property, both real and personal, with no further notice. The filing of a Notice of Lien with a county Prothonotary is not a requisite, and the lien remains in full force and validity without filing or revival until paid.

Inheritance Tax Liens are liens on Real Estate which continue until the tax is paid.

Personal Income Tax, Employer Withholding Tax, Realty Transfer, Fuel Sales and Use Tax, Liquid Fuels Tax, Fuels Use Tax, Motor Carriers Road Tax and Motorbus Road Tax, Oil Company Franchise Tax, and Liquid Fuels and Fuels Tax Liens are liens upon the franchises as well as real and personal property of taxpayers, but only after they have been entered and docketed of record by the Prothonotary of the county where such property is situated and shall not attach to stock of goods, wares, or merchandise regularly sold in the ordinary course of business of the taxpayer. The lien has priority from the date of entry of record.

PLACE OF FILING NOTICE FORM

Interest is imposed at the following rates:

The "TOTAL" (column 6) for each type of tax listed on this

Notice of Lien comprises the balance of tax due (Column 5) plus

assessed add-ons and/or penalties, and assessed and accrued

interest to the interest computation date on the face of the

Notice.

If payment or settlement of the account is made after the interest computation date, the payment must include the lien filing costs and accrued interest from the interest computation date to and through the payment date.

SETTLEMENT OF ACCOUNT

S & U.	State Sales and Use Tax
C.I.T.	Liquid Fuels Tax (Gasoline)
F.U.T.	Fuels Use Tax (Diesel and Special Fuels)
R.C.R.T.	Motor Carriers Road Tax
O.F.T.	Oil Franchise Tax
H.T.	Public Transportation Assistance Fund Taxes and Fees
BUS	Motorbus Road Tax
L.F. & F.T.	Liquid Fuels and Fuels Tax

AUTOMATIC REVIVAL OF NOTICE AND PRIORITY OF NOTICE

General Rule: According to the Fiscal Code, the Notice of Lien is automatically revived and does not require refiling of the Notice by the Commonwealth. Any Notice of Lien filed by the Commonwealth shall have priority to, and be paid in full, before any other obligation, judgment, claim, lien, or estate is satisfied from a subsequent judicial sale or liability with which the property may be charged. Exception: The Commonwealth does not maintain priority of tax liens over any existing mortgages or liens which are properly recorded at the time that the tax lien is filed. See, Act of December 12, 1974, P.L. 1015, No. 138.

RELEASE OF LIEN

The Secretary or his delegate may issue a Certificate of Release of any lien imposed with respect to any tax if (1) the liability is satisfied; satisfaction consisting of payment of the amount assessed together with all interest and costs in respect thereof, or (2) the liability has become legally unenforceable. Exception: Interest on Corporation Taxes is computed after the lien is paid.

CLASSES OF TAX

Interest is calculated on a daily basis at the following

interest rates.

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Notice

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
AUTHORITY TO SATISFY

BUREAU OF COMPLIANCE
DEPT. 280946
HARRISBURG PA 17128-0946



ARP 60787

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
V

TARA L FINLEY
IND AND AS PRES OF
COZY ACRES
1672 TREASURE LAKE
DUBOIS PA 15801

COURT OF COMMON PLEAS OF

CLEARFIELD COUNTY,
PENNSYLVANIA.

Docket Number	07-1207-CD
Date Filed	7/30/2007
Class of Tax	S & U
Account Number	82210339
Assessment Number	CO-99999

TO THE PROTHONOTARY OF SAID COURT:

The Commonwealth of Pennsylvania, Department of Revenue, the Plaintiff in the above action, acknowledges having received of the Defendant above named, full payment and satisfaction of the above captioned Lien/Judgement Note, with the interest and costs thereon due it; and desires that satisfaction be entered upon the records thereof.

AND you, the Prothonotary of said Court, upon receipt by you of your costs of satisfaction are hereby authorized and empowered, in the name and stead of the Plaintiff, to enter full satisfaction upon the record as fully and effectually, to all intents and purposes, as we could were we present in person to do so; and for so doing, this shall be your sufficient warrant of authority.

IN TESTIMONY WHEREOF, there is hereunto affixed the Seal of the Department of Revenue, Commonwealth of Pennsylvania, this 11TH day of JULY 2008

THOMAS WOLF

Secretary of Revenue



MARY HUBLER

Director, Bureau of Compliance

FILED

01 8 2008
JUL 21 2008
CD

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS

COUNTY, PENNSYLVANIA

FILED

JUL 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

NO. _____ TERM, _____

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE

v.

AUTHORITY TO SATISFY