

07-1447-CD  
Citifinancial vs Karen Kanouff et al

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

March 25, 2008 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Willie Shaw  
Deputy Prothonotary

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

Feb. 25, 2007 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Willie Shaw GK  
Deputy Prothonotary

Oct 11, 2007 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Willie Shaw GK  
Deputy Prothonotary

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

Willie Shaw  
Deputy Prothonotary

Jan 16, 2008 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Willie Shaw GK  
Deputy Prothonotary

File #: 158133

**FILED** Atty pd. 85.00  
M 12/30/07 LCC Sheriff  
SEP 05 2007  
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  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest 03/25/2007 through 09/04/2007 (Per Diem \$20.67)	\$3,389.88
Attorney's Fees	\$1,250.00
Cumulative Late Charges 01/15/2001 to 09/04/2007	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

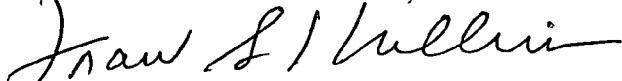
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-4-07

**FILED**

SEP 05 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

CITIFINANCIAL SERVICES, INC.

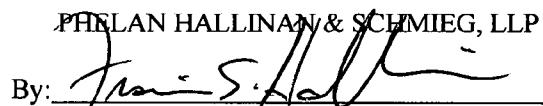
ATTORNEY FOR PLAINTIFF

Plaintiff : COURT OF COMMON PLEAS  
vs. : CIVIL DIVISION  
: CLEARFIELD COUNTY  
: No. 07-1447-CD  
Defendants :  
:

**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

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

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

Date: October 10, 2007

/jmr, Svc Dept.  
File# 158133

FILED  
M 12 07 2007  
OCT 11 2007 Atty pd. 7.00  
3 Compl.  
Reinstated to  
Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts  
6K

FILED NO CC  
NOV 01 2007 (6W)

William A. Shaw  
Prothonotary/Clerk of Courts

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

Attorney For Plaintiff

CITIFINANCIAL SERVICES, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISION

v.

KAREN J. KANOUFF  
CHARLES KANOUFF

CLEARFIELD COUNTY

NO. 07-1447-CD

PRAECIPE TO SUBSTITUTE VERIFICATION  
TO CIVIL ACTION COMPLAINT  
IN MORTGAGE FORCLOSURE

TO THE PROTHONOTARY:

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

Phelan Hallinan and Schmieg, LLP ~

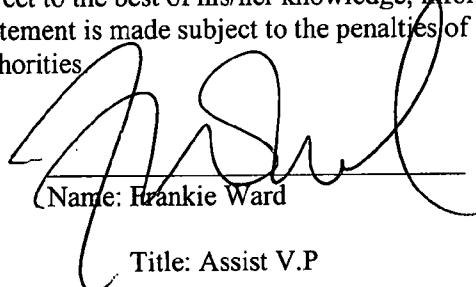
By: Francis S. Hallinan  
Francis S. Hallinan, Esquire  
Lawrence T. Phelan  
Daniel G. Schmieg

Dated: 10/30/07  
File #: 158133

**VERIFICATION**

Frankie Ward hereby states that he/she is

Assist V.P of CITIFINANCIAL SERVICES, INC., servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities



Name: Frankie Ward

DATE:

Title: Assist V.P

Company: CITIFINANCIAL SERVICES,  
INC.

Loan: 20-0051-0256998

File #: 158133

**FILED**

NOV 01 2007

William A. Shaw  
Prothonotary/Clerk of Courts

PC  
FILED NO CC  
NOV 01 2007 (GK)

William A. Shaw  
Prothonotary/Clerk of Courts

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

Attorney For Plaintiff

CITIFINANCIAL SERVICES, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISION

v.

KAREN J. KANOUFF  
CHARLES KANOUFF

CLEARFIELD COUNTY

NO. 07-1447-CD

**PRAECLPICE TO SUBSTITUTE VERIFICATION**  
**TO CIVIL ACTION COMPLAINT**  
**IN MORTGAGE FORCLOSURE**

TO THE PROTHONOTARY:

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

Phelan Hallinan and Schmieg, LLP~

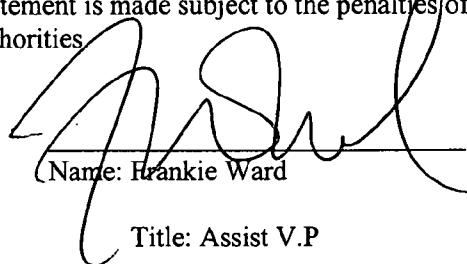
By: Francis S. Hallinan  
Francis S. Hallinan, Esquire  
Lawrence T. Phelan  
Daniel G. Schmieg

Dated: 10/30/07  
File #: 158133

## VERIFICATION

Frankie Ward hereby states that he/she is

Assist V.P. of CITIFINANCIAL SERVICES, INC., servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities



Name: Frankie Ward

DATE:

Title: Assist V.P

Company: CITIFINANCIAL SERVICES,  
INC.

Loan: 20-0051-0256998

File #: 158133

**FILED**

NOV 01 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

CITIFINANCIAL SERVICES, INC.

ATTORNEY FOR PLAINTIFF

Plaintiff : COURT OF COMMON PLEAS  
vs. : CIVIL DIVISION  
: CLEARFIELD COUNTY  
: No. 07-1447-CD  
Defendants :

**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

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

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

Date: November 26, 2007

/jmr, Svc Dept.  
File# 158133

FILED Atty pd. 7.00  
m/11/18/07  
NOV 27 2007  
UP Complaint Reinstated  
William A. Shaw  
Prothonotary/Clerk of Courts  
to Sheriff

U  
FILED *ice*  
JAN 16 2008 *Atty*  
*m 11/20/08* *Schmieg*  
William A. Shaw  
Prothonotary/Clerk of Courts  
②

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

Attorney for Plaintiff

Citifinancial Services, Inc.

COURT OF COMMON PLEAS

:

CIVIL DIVISION

vs.

Karen J. Kanouff  
Charles Kanouff

CLEARFIELD COUNTY

:

NO. 07-1447-CD

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

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant, Charles Kanouff, by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint if Mortgage Foreclosure Action on September 5, 2007. As indicated by the copy of said complaint attached hereto as Exhibit "A".

2. Said complaint was forwarded to the Office of the Sheriff on or about September 6, 2007 for service to be completed on the Defendant, Charles Kanouff at RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858 and 3496 Main Street, Apt. 2, Karthaus, PA 16845.

3. Plaintiff filed a Praeclipe to Reinstate Civil Action in Mortgage Foreclosure on October 11, 2007. This reinstated complaint was given to the Sheriff to attempt service at 3496 Main Street, Apt. 2, Karthaus, PA 16845 because they failed to attempt service of the initial complaint at this address.

4. Plaintiff filed a Praeclipe to Reinstate Civil Action in Mortgage Foreclosure on November 27, 2007 in an attempt to obtain personal service on the Defendant, Charles Kanouff, at 508 Good Street, Apt. 3, Houtzdale, PA 16651.

5. Plaintiff was advised by the Sheriff's Office that there was no service made at any of these addresses. Plaintiff is unable to append a copy of the Return of Service as a result of a backlog in completing the Affidavit at the Sheriff's Office. Plaintiff's Affidavit of Service is attached hereto and marked as Exhibit "B".

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

7. Plaintiff has reviewed its internal records and has not been contacted by the Defendant as of January 15, 2008 to bring loan current.

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

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

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

By:  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008



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

158133

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

Plaintiff  
v.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION

TERM

NO. 07-1447-CD

CLEARFIELD COUNTY

*FILED*  
SEP 05 2007

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY  
PLEASE RETURN

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

11/27/07 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.  
*COPY*  
Deputy Prothonotary

11/27/07 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.  
*COPY*  
William A. Shaw  
Deputy Prothonotary

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

Plaintiff

v.

COURT OF COMMON PLEAS  
CIVIL DIVISION

TERM

NO.

CLEARFIELD COUNTY

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**NOTICE**

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

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

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

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

Notice to Defend:  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest 03/25/2007 through 09/04/2007 (Per Diem \$20.67)	\$3,389.88
Attorney's Fees	\$1,250.00
Cumulative Late Charges 01/15/2001 to 09/04/2007	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-9-07



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

Attorney for Plaintiff

---

Citifinancial Services, Inc. : COURT OF COMMON PLEAS  
: : CIVIL DIVISION  
vs. :  
Karen J. Kanouff : CLEARFIELD COUNTY  
Charles Kanouff :  
: NO. 07-1447-CD

**AFFIDAVIT OF SERVICE**

Plaintiff's Counsel, Phelan Hallinan & Schmieg, LLP, does hereby swear and subscribe that it contacted the Sheriff's Office of Clearfield County on September 18, 2007 and was advised that the Sheriff was unable to complete service on Charles Kanouff at the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858 because this property is vacant. On, October 10, 2007, Plaintiff was advised by the Sheriff's Office that no service attempts were ever made at 3496 Main Street, Apt. 2, Karthaus, PA 16845. Subsequently, Plaintiff filed a Praecept to Reinstate the Civil Action. Plaintiff called the Sheriff of Clearfield County to obtain status of service of the reinstated complaint on November 5, 2007 and was advised that the Deputy made several attempts but there was no answer at 3496 Main Street, Apt. 2, Karthaus, PA 16845. Lastly, Plaintiff contacted the Sheriff's Office to check the status of service on the November 27, 2007 reinstated complaint which was to be served at 508 Good Street, Apt. 3, Houtzdale, PA 16651 on December 19, 2007. The Sheriff's Office indicated the Defendant moved from this address. On December 28, 2007 and January 15, 2008, the

Plaintiff, by its Counsel, called the Sheriff's Office inquiring if a Return of Service was complete. The Sheriff's Office advised the Plaintiff's Counsel that they are behind with getting the returns typed up and out the door. However, they did confirm that the Defendant, Charles Kanouff, was not served at the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858 or the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651.

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

By:

Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Sworn to and subscribed before me on this 15th day of January, 2008

Betzaida M. Ferrer  
Notary Public

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
BETZaida M. FERRER, Notary Public
City of Philadelphia, Phila. County
My Commission Expires December 22, 2010

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
BETZAIDA M. FERRER, Notary Public
City of Philadelphia, Phila. County
My Commission Expires December 22, 2010



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

File Number: 158133  
Attorney Firm: Phelan, Hallinan & Schmieg, LLP  
Subject: Karen J. Kanouff & Charles Kanouff

Property Address: RD 3 Box 1119, Morrisdale, PA 16858  
Possible Mailing Address: 331 Church Street, Morrisdale, PA 16858

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

**I. CREDIT INFORMATION**

**A. SOCIAL SECURITY NUMBER**

Our search verified the following information to be true and correct

Karen J. Kanouff - xxx-xx-8289

Charles Kanouff - xxx-xx-1924

**B. EMPLOYMENT SEARCH**

Karen J. Kanouff & Charles Kanouff - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that Karen J. Kanouff & Charles Kanouff reside(s) at: RR 3 Box 1119, Morrisdale, PA 16858.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which had no listing for Karen J. Kanouff & Charles Kanouff.

**B.** On 07-12-07 our office made a telephone call to the phone number (814) 342-6155 and received the following information: disconnected. On 07-12-07 our office made a telephone call to the phone number (814) 342-2038 and received the following information: wrong number. On 07-12-07 our office made several telephone calls to the phone number (814) 342-2648 and received the following information: no answer.

**III. INQUIRY OF NEIGHBORS**

On 07-12-07 our office made several phone calls in an attempt to contact Leesa Folmar (814) 345-5600, RD 3, Morrisdale, PA 16858: no answer.

On 07-12-07 our office made a phone call in an attempt to contact Aaron Hubler (814) 345-6711, RD 3, Morrisdale, PA 16858: disconnected.

On 07-12-07 our office made a phone call in an attempt to contact Anna Jane Hoover (814) 345-5016, RD 3, Morrisdale, PA 16858: spoke with an unidentified female who could not confirm that the subjects reside(s) at RD 3 Box 1119, Morrisdale, PA 16858.

On 07-12-07 our office made a phone call in an attempt to contact Lou A. Cuneo (814) 342-1479, 246 Church Street, Morrisdale, PA 16858: disconnected.

On 07-12-07 our office made a phone call in an attempt to contact Bernice Cutler (814) 342-6396, 255 Church Street, Morrisdale, PA 16858: disconnected.

On 07-12-07 our office made several phone calls in an attempt to contact Beatrice I. Shimmel (814) 342-6605, 396 Church Street, Morrisdale, PA 16858: no answer.

**IV. ADDRESS INQUIRY**

**A. NATIONAL ADDRESS UPDATE**

On 07-12-07 we reviewed the National Address database and found the following information:

Karen J. Kanouff & Charles Kanouff - 331 Church Street, Morrisdale, PA 16858.

**B. ADDITIONAL ACTIVE MAILING ADDRESSES**

Per our inquiry of creditors, the following is a possible mailing address: 331 Church Street, Morrisdale, PA 16858.

**V. DRIVERS LICENSE INFORMATION**

**A. MOTOR VEHICLE & DMV OFFICE**

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Karen J. Kanouff & Charles Kanouff.

**VI. OTHER INQUIRIES**

**A. DEATH RECORDS**

As of 07-12-07 Vital Records and all public databases have no death record on file for Karen J. Kanouff & Charles Kanouff.

**B. COUNTY VOTER REGISTRATION**

The county voter registration was unable to confirm a registration for Karen J. Kanouff & Charles Kanouff residing at: last registered address.

**VII. ADDITIONAL INFORMATION OF SUBJECT**

**A. DATE OF BIRTH**

Karen J. Kanouff - 04-02-1964

Charles Kanouff - 05-10-1963

**B. A.K.A.**

Karen J. Ennis; Karen J. Wolf

Charles D. Kanouff; Charles Q. Kanouff

**\* 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 states made by me are willfully false, I am subject to punishment.

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

Brendan Booth

AFFIANT - Brendan Booth  
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 12<sup>th</sup> day of July, 2007.

COMMONWEALTH OF PENNSYLVANIA	
NOTARIAL SEAL	
BETZAIDA M. FERRER, Notary Public	
City of Philadelphia, Phila. County	
My Commission Expires April 1, 2010	

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

IND

COMMONWEALTH OF PENNSYLVANIA	
NOTARIAL SEAL	
BETZAIDA M. FERRER, Notary Public	
City of Philadelphia, Phila. County	
My Commission Expires December 22, 2010	

Betzaida M. Ferrer

**VERIFICATION**

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

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

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

By:  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008

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

Attorney for Plaintiff

Citifinancial Services, Inc.	:	COURT OF COMMON PLEAS
	:	CIVIL DIVISION
vs.		
Karen J. Kanouff	:	CLEARFIELD COUNTY
Charles Kanouff		
	:	NO. 07-1447-CD

**CERTIFICATION OF SERVICE**

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

Karen J. Kanouff and Charles Kanouff at:  
RD 3 Box 119 a/k/a 331 Church Street  
Morrisdale, PA 16858

Karen J. Kanouff and Charles Kanouff at:  
3496 Main Street, Apt 2  
Karthaus, PA 16845

Karen J. Kanouff and Charles Kanouff at:  
508 Good Street, Apt. 3  
Houtzdale, PA 16651

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

Respectfully submitted,  
Phelan Hallinan & Schmieg, L.L.P.  
By: \_\_\_\_\_  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008

FILED

JAN 16 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

CITIFINANCIAL SERVICES, INC.

ATTORNEY FOR PLAINTIFF

Plaintiff : COURT OF COMMON PLEAS  
vs. : CIVIL DIVISION  
: CLEARFIELD COUNTY  
: No. 07-1447-CD  
Defendants :  
:

**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

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

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

Date: January 15, 2008

/jmr, Svc Dept.  
File# 158133

FILED *m 13 2008* Atty pd. *7.50*  
JAN 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
*1 Complaint  
Reinstated  
to Atty*  
*(62)*

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

CITIFINANCIAL SERVICES, INC., \*  
Plaintiff \*  
vs. \* NO. 07-1447-CD  
KAREN J. KANOUFF, \*  
CHARLES KANOUFF \*  
Defendants \*

ORDER

NOW, this 16<sup>th</sup> day of January, 2008, the Plaintiff is granted leave to serve the Complaint in Mortgage Foreclosure upon the Defendant CHARLES KANOUFF by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858 and the last known addresses of 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651;
3. By certified mail, return receipt requested RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858 and the last known addresses of 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651; and
4. By posting the mortgaged premises known in this herein action as RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858.

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

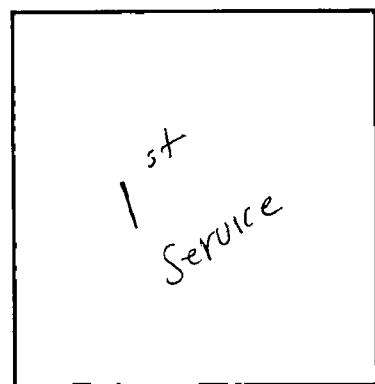
FILED 300  
014-00501 Atty Schmieg  
JAN 17 2008  
6K

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

JAN 17 2008

William A. Shaw  
Prothonotary/Clerk of Courts



**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 6 Services

Sheriff Docket # **103170**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

vs.

KAREN J. KANOUFF & CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO CHARLES D. KANOUFF, DEFENDANT. RD#3 BX 1119 aka331 CHURCH ST.,MORRISDALE "VACANT".

SERVED BY: /

**FILED**

03:15pm  
JAN 28 2008

LM  
William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 2 of 6 Services

Sheriff Docket #

**103170**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

vs.

KAREN J. KANOUFF & CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO KAREN J. KANOUFF, DEFENDANT. RD#3 BX1119 aka331 CHURCH ST.,MORRISDALE "VACANT".

SERVED BY: /

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 3 of 6 Services

Sheriff Docket # **103170**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

vs.

KAREN J. KANOUFF & CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO CHARLES D. KANOUFF, DEFENDANT. 331 CHURCH ST., MORRISDALE "VACANT".

SERVED BY: /

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 4 of 6 Services

Sheriff Docket # **103170**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

vs.

KAREN J. KANOUFF & CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO KAREN J. KANOUFF, DEFENDANT. 331 CHURCH ST., MORRISDALE "VACANT".

SERVED BY: /

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 5 of 6 Services

Sheriff Docket # **103170**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

vs.

KAREN J. KANOUFF & CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO CHARLES D. KANOUFF, DEFENDANT. WORKS IN STATE COLLEGE, PA. HOME AFTER 5pm.

SERVED BY: /

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 6 of 6 Services

Sheriff Docket # **103170**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

vs.

KAREN J. KANOUFF & CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO KAREN J. KANOUFF, DEFENDANT. NOT ENOUGH TIME TO MEET DEFENDANT FOR SERVICE

SERVED BY: /

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

DOCKET # 103170  
NO: 07-1447-CD  
SERVICES 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIFINANCIAL SERVICES, INC.

vs.

DEFENDANT: KAREN J. KANOUFF & CHARLES KANOUFF

## SHERIFF RETURN

## RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	625023	60.00
SHERIFF HAWKINS	PHELAN	625023	40.00

Sworn to Before Me This

### So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008

*Chester A. Hawkins*  
Chester A. Hawkins  
Sheriff

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD  
CLEARFIELD COUNTY

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

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

SEP 05 2007

Attest.

*William J. Prothonotary*  
Prothonotary  
Clerk of Courts

File #: 158133

## 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  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest 03/25/2007 through 09/04/2007 (Per Diem \$20.67)	\$3,389.88
Attorney's Fees	\$1,250.00
Cumulative Late Charges 01/15/2001 to 09/04/2007	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

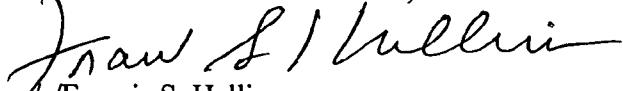
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-4-07

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

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

SEP 05 2007

Attest.

WILLIAM L. BISHOP

William L. Bishop  
Prothonotary  
Clerk of Courts

File #: 158133

## 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  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest 03/25/2007 through 09/04/2007 (Per Diem \$20.67)	\$3,389.88
Attorney's Fees	\$1,250.00
Cumulative Late Charges 01/15/2001 to 09/04/2007	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-4-07

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD  
CLEARFIELD COUNTY

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

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

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

SEP 05 2007

Attest.

*William E. Bissell*  
Prothonotary/  
Clerk of Courts

File #: 158133

## NOTICE

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

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

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

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

Notice to Defend:  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest 03/25/2007 through 09/04/2007 (Per Diem \$20.67)	\$3,389.88
Attorney's Fees	\$1,250.00
Cumulative Late Charges 01/15/2001 to 09/04/2007	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

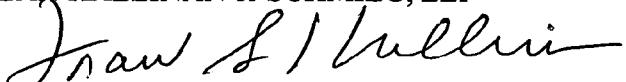
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-9-07

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

We hereby certify the  
within to be a true and  
correct copy of the  
foregoing document.

SEP 05 2007

Attest.

File #: 158133

*William L. Lee*  
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  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

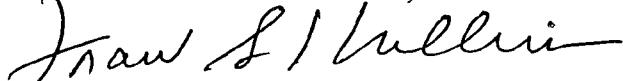
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-4-07

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD  
CLEARFIELD COUNTY

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

We hereby certify this  
writing to be a true and  
correct copy of the  
original document filed.

SEP 05 2007

Attest.

*William J. Burch*  
Prothonotary/  
Clerk of Courts

File #: 158133

## 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  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

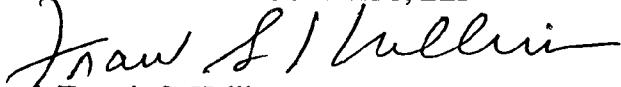
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-4-07

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

v.

TERM

NO. 07-1447-C

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

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

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

SEP 05 2007

Attest.

*William L. Brown*  
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  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest 03/25/2007 through 09/04/2007 (Per Diem \$20.67)	\$3,389.88
Attorney's Fees	\$1,250.00
Cumulative Late Charges 01/15/2001 to 09/04/2007	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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.



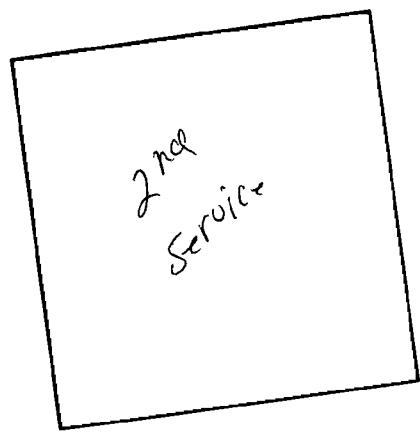
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

DATE: 9-4-07

**FILED**

**JAN 28 2008**

William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103294  
NO. 07-1447-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIFINANCIAL SERVICES, INC.

VS.

DEFENDANT: KAREN J. KANOUFF and CHARLES KANOUFF

**SHERIFF RETURN**

---

NOW, October 16, 2007 AT 3:51 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KAREN J. KANOUFF DEFENDANT AT Meeting Place: Your Neighborhood Market, SR 5, HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KAREN J. KANOUFF, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

**FILED**

03:15 CM

JAN 28 2008

WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 2 of 2 Services

Sheriff Docket # **103294**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

vs.

KAREN J. KANOUFF and CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO CHARLES KANOUFF, DEFENDANT. DEFENDANTS WHEREABOUTS UNKNOWN.

DEFENDANT BEING EVICTED FROM 508 GOOD ST., APT 3, HOUTZDALE, PA.

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103294  
NO: 07-1447-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIFINANCIAL SERVICES, INC.  
vs.  
DEFENDANT: KAREN J. KANOUFF and CHARLES KANOUFF

**SHERIFF RETURN**

---

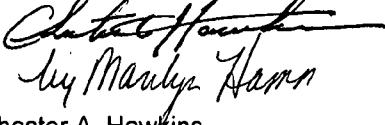
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	634213	20.00
SHERIFF HAWKINS	PHELAN	634213	130.00

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008

  
Chester A. Hawkins  
Sheriff

10/11/07 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service  
*Will A. Shaw*  
Deputy Prothonotary

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

NO. 07-1447-CD

CLEARFIELD COUNTY

Defendants

*FILED  
SEP 13 2007*

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY  
PLEASE RETURN

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

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**NOTICE**

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

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

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

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

Notice to Defend:  
David S. Meholick, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

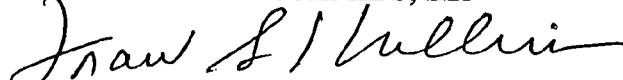
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-9-07

10/11/07 Document  
Reinstated/Resumed to Sheriff/Attorney  
for service.

*LL*  
Deputy Prothonotary

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

158133

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

Plaintiff

v.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1447-CD

CLEARFIELD COUNTY

*FILED  
SEP 13 2007*

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY  
PLEASE RETURN

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

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**NOTICE**

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

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

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

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

Notice to Defend:  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

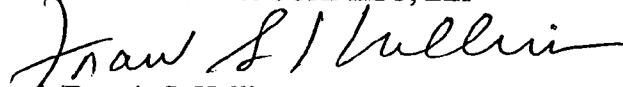
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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.



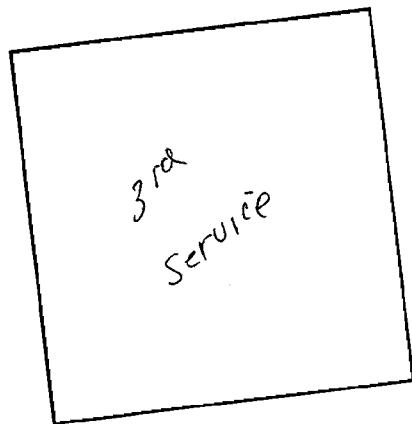
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

DATE: 9-4-07

**FILED**

**JAN 28 2008**

William A. Shaw  
Prothonotary/Clerk of Courts



**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket #

**103479**

CITIFINANCIAL SERVICES, INC.

Case # 07-1447-CD

VS.

KAREN J. KANOUFF and CHARLES KANOUFF

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW January 28, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO CHARLES KANOUFF, DEFENDANT. MOVED, LEFT NO FORWARDING.

SERVED BY: /

**Return Costs**

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	646041	10.00
SHERIFF HAWKINS	PHELAN	646041	22.46

**FILED**  
03:15 pm  
JAN 28 2008  
*CH*

Sworn to Before me This

So Answers, William A. Shaw  
Prothonotary/Clerk of Courts

\_\_\_\_ Day of 2008

*Charles A. Hawkins*  
*by Marilyn Hamm*  
Chester A. Hawkins  
Sheriff

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY  
PLEASE RETURN

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

11/27/07 Document  
Reinstated/Rescued to Sheriff/Attorney  
for service.

Will A. Shaw  
Deputy Prothonotary

11/27/07 Document  
Reinstated/Rescued to Sheriff/Attorney  
for service.

Will A. Shaw  
Deputy Prothonotary

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

Plaintiff  
v.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

COURT OF COMMON PLEAS  
CIVIL DIVISION

TERM  
NO.

CLEARFIELD COUNTY

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

**NOTICE**

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

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

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

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

Notice to Defend:  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,

bounded and described as follows:

BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.

RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858

PARCEL NUMBER Q10-568-00003

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: 9-4-07

**FILED**

**JAN 28 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, L.L.P.  
Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
Plaintiff

vs.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY

KAREN J. KANOUFF  
CHARLES KANOUFF

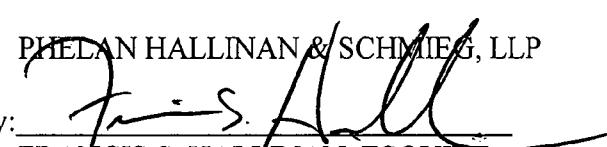
Defendants

No. 07-1447-CD

**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

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

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

Date: February 22, 2008

/jmr, Svc Dept.  
File# 158133

FILED <sup>No cc</sup>  
M10:26/04 Atty pd 7.00  
FEB 25 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
Reinstated  
to Atty  
(G)

DA  
PHELAN HALLINAN & SCHMIEG, LLP

By: Daniel G. Schmieg, Esquire  
Atty. I.D. No. 62205

One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Plaintiff

Citifinancial Services, Inc.

: COURT OF COMMON PLEAS

: CIVIL DIVISION

vs.

Karen J. Kanouff  
Charles Kanouff

: CLEARFIELD COUNTY

: NO. 07-1447-CD

ORDER

AND NOW, this 26<sup>th</sup> day of February, 2008, it  
is hereby ORDERED and DECREED that the prior Order of Court dated January 16, 2008 is hereby  
AMENDED as follows.

That Plaintiff may obtain service of the Complaint, and all future pleadings, on the Defendant,  
Charles Kanouff, by:

1. Posting a copy of the complaint on the mortgaged premises, RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858.
2. First class mail to Charles Kanouff at the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises located at RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858; and
3. Certified mail to Charles Kanouff at the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises located at RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858;
4. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal.

BY THE COURT:

  
J.

FILED  
01/31/2008  
FEB 26 2008  
Atty Schmieg

William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

**FEB 26 2008**

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

**PHELAN HALLINAN & SCHMIEG, LLP**

By: Daniel G. Schmieg  
Atty. I.D. No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Petitioner

Citifinancial Services, Inc.

COURT OF COMMON PLEAS

: CIVIL DIVISION

vs.

Karen J. Kanouff  
Charles Kanouff

CLEARFIELD COUNTY

: NO. 07-1447-CD

FILED NO CC  
M 10/19/08  
FEB 25 2008  
CK

William A. Shaw  
Prothonotary/Clerk of Courts

**MOTION TO AMEND PRIOR ORDER OF COURT DATED JANUARY 16, 2008**

AND NOW comes Plaintiff, Citifinancial Services, Inc., by and through its attorneys Phelan Hallinan & Schmieg, LLP, hereby petitions this Honorable Court to amend its Order dated January 16, 2008, and in support thereof avers as follows:

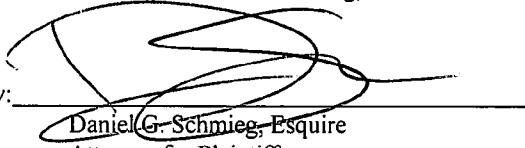
1. On, September 5, 2007, Plaintiff initiated the captioned foreclosure action on the mortgaged premises known and numbered as, RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858. Attached hereto as Exhibit "A" is a copy of the complaint in mortgage foreclosure.
2. Plaintiff was unable to serve said complaint and as a result Plaintiff filed a Petition for Alternate Service that is attached hereto as Exhibit "B".
3. By, inadvertence or mistake, the proposed Order erroneously set forth the mortgaged premises as , RD 3 Box 119, a/k/a 331 Church Street, Morrisdale, PA 16858 whereas, the mortgaged premises actually is , RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858. Said Order granted on January 16, 2008 is attached hereto as Exhibit "C".
4. Subsequent to complying with the Court Order dated January 16, 2008, Plaintiff discovered this error.

5. It is therefore requested for this Honorable Court to amend its Order to correct this defect so the Plaintiff can complete service in this matter.

WHEREFORE, Plaintiff, respectfully requests this Honorable Court enter an Order AMENDING the Order dated January 16, 2008, directing service by posting, publication, first class mail and certified mail.

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

By:

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: February 22, 2008



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 158133

158133

**ATTORNEY FOR PLAINTIFF**

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

**Plaintiff**

## TERM

v.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

## Defendants

## CLEARFIELD COUNTY

CIVIL ACTION - LAW  
**COMPLAINT IN MORTGAGE FORECLOSURE**

William A. Shaw  
Prothonotary/Clerk of Courts

ATTORNEY FILE COPY  
PLEASE RETURN

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

11/11/07 Document  
Reinstated & Served to Sheriff/Attorney  
for service. *William Johnson*  
Deputy Prothonotary

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**NOTICE**

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

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

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

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

Notice to Defend:  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

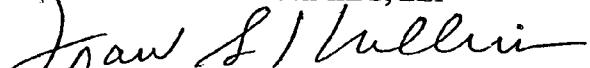
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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: 1/s/Francis S. Hallinan  
LAWRENCE T. PHELAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

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: 9-4-07



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

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

JAN 16 2008

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

Attorney for Plaintiff

Citifinancial Services, Inc.	:	COURT OF COMMON PLEAS
	:	
	:	CIVIL DIVISION
vs.	:	
Karen J. Kanouff	:	CLEARFIELD COUNTY
Charles Kanouff		
	:	
	:	NO. 07-1447-CD

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

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant, Charles Kanouff, by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint if Mortgage Foreclosure Action on September 5, 2007. As indicated by the copy of said complaint attached hereto as Exhibit "A".

2. Said complaint was forwarded to the Office of the Sheriff on or about September 6, 2007 for service to be completed on the Defendant, Charles Kanouff at RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858 and 3496 Main Street, Apt. 2, Karthaus, PA 16845.

3. Plaintiff filed a Praeclipe to Reinstate Civil Action in Mortgage Foreclosure on October 11, 2007. This reinstated complaint was given to the Sheriff to attempt service at 3496 Main Street, Apt. 2, Karthaus, PA 16845 because they failed to attempt service of the initial complaint at this address.

4. Plaintiff filed a Praeclipe to Reinstate Civil Action in Mortgage Foreclosure on November 27, 2007 in an attempt to obtain personal service on the Defendant, Charles Kanouff, at 508 Good Street, Apt. 3, Houtzdale, PA 16651.

5. Plaintiff was advised by the Sheriff's Office that there was no service made at any of these addresses. Plaintiff is unable to append a copy of the Return of Service as a result of a backlog in completing the Affidavit at the Sheriff's Office. Plaintiff's Affidavit of Service is attached hereto and marked as Exhibit "B".

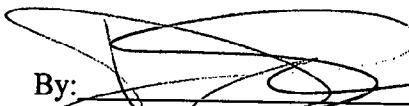
6. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "C".

7. Plaintiff has reviewed its internal records and has not been contacted by the Defendant as of January 15, 2008 to bring loan current.

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

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

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

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008

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

Attorney for Plaintiff

---

Citifinancial Services, Inc. : COURT OF COMMON PLEAS  
: : CIVIL DIVISION  
vs. : : CLEARFIELD COUNTY  
Karen J. Kanouff : :  
Charles Kanouff : :  
: NO. 07-1447-CD

**MEMORANDUM OF LAW**

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

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

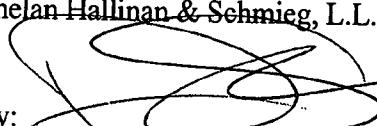
Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith 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 Plaintiff's Affidavit of Service, attached hereto and marked as Exhibit "B", the Sheriff has been unable to serve the Complaint. A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked Exhibit "C".

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

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

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008

PHELAN HALLINAN & SCHMIEG, L.L.P.  
Suite 1400  
One Penn Center Plaza at Suburban Station  
Philadelphia, PA 19103  
215-563-7000  
Main Fax: 215-563-3826  
e-mail [jason.ricco@fedphe.com](mailto:jason.ricco@fedphe.com)

Jason Ricco, 1482  
Service Department

Representing Lenders in  
Pennsylvania and New Jersey

January 15, 2008

Office of the Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 15853

Re: Citifinancial Services, Inc. vs. Karen J. Kanouff and Charles Kanouff  
Clearfield County, No. 07-1447-CD

Dear Sir or Madam:

Enclosed for filing and transmittal to the assigned Civil Signing Judge for execution, please find Plaintiff's Motion for Service Pursuant to Special Order of Court, Proposed Order and attached Exhibits.

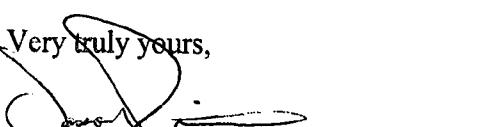
Kindly return a time-stamped copy in the enclosed self-addressed stamped envelope.

If, for any reason, this Order and Petition will not be sent immediately to a Judge for consideration, please contact the undersigned.

Also, find attached a copy of the Order granting alternative service, which should be signed by the Judge. Please return this signed Order in the attached stamped self-addressed envelope.

Thank you for your courtesy and consideration.

Very truly yours,

  
Jason Ricco  
for Phelan, Hallinan & Schmieg, LJP

Enclosure

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

Citifinancial Services, Inc.

vs.

Karen J. Kanouff  
Charles Kanouff

CIVIL DIVISION  
NO. 07-1447-CD

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon consideration of Plaintiff's Motion for Service Pursuant to Special Order of Court, it is hereby **ORDERED** and **DECREED** that said Motion is **GRANTED**.

It is further **ORDERED** and **DECREED** that Plaintiff may obtain service of the Complaint and all future pleadings on the above captioned Defendant, Charles Kanouff, by:

1. Posting of the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858.
2. First class mail to Charles Kanouff at the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858, and the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651; and
3. Certified mail to Charles Kanouff at the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858, and last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651.

**BY THE COURT:**

\_\_\_\_\_  
J.

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

Attorney for Plaintiff

---

Citifinancial Services, Inc. :  
: :  
: :  
vs.  
Karen J. Kanouff :  
Charles Kanouff :  
:

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY

NO. 07-1447-CD

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

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant, Charles Kanouff, by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint if Mortgage Foreclosure Action on September 5, 2007. As indicated by the copy of said complaint attached hereto as Exhibit "A".

2. Said complaint was forwarded to the Office of the Sheriff on or about September 6, 2007 for service to be completed on the Defendant, Charles Kanouff at RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858 and 3496 Main Street, Apt. 2, Karthaus, PA 16845.

3. Plaintiff filed a Praeclipe to Reinstate Civil Action in Mortgage Foreclosure on October 11, 2007. This reinstated complaint was given to the Sheriff to attempt service at 3496 Main Street, Apt. 2, Karthaus, PA 16845 because they failed to attempt service of the initial complaint at this address.

4. Plaintiff filed a Praeclipe to Reinstate Civil Action in Mortgage Foreclosure on November 27, 2007 in an attempt to obtain personal service on the Defendant, Charles Kanouff, at 508 Good Street, Apt. 3, Houtzdale, PA 16651.

5. Plaintiff was advised by the Sheriff's Office that there was no service made at any of these addresses. Plaintiff is unable to append a copy of the Return of Service as a result of a backlog in completing the Affidavit at the Sheriff's Office. Plaintiff's Affidavit of Service is attached hereto and marked as Exhibit "B".

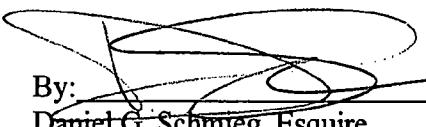
6. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "C".

7. Plaintiff has reviewed its internal records and has not been contacted by the Defendant as of January 15, 2008 to bring loan current.

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

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

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

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008

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

Attorney for Plaintiff

---

Citifinancial Services, Inc. : COURT OF COMMON PLEAS  
: :  
: CIVIL DIVISION  
vs. :  
Karen J. Kanouff : CLEARFIELD COUNTY  
Charles Kanouff  
  
: NO. 07-1447-CD

MEMORANDUM OF LAW

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

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

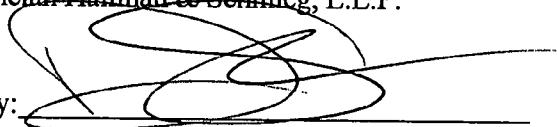
Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith 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 Plaintiff's Affidavit of Service, attached hereto and marked as Exhibit "B", the Sheriff has been unable to serve the Complaint. A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked Exhibit "C".

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

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

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1447-CD

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

FILED  
SEP 03 2007

Defendants

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY  
PLEASE RETURN

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

11/27/07 Document  
Reinstated/Released to Sheriff/Attorney  
for service.

11/27/07 Document  
COPY  
Reinstated/Released to Sheriff/Attorney  
for service.

11/27/07 Document  
Reinstated/Released to Sheriff/Attorney  
for service.

File #: 158133

Deputy Prothonotary

Deputy Prothonotary

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

TERM

v.

NO.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**NOTICE**

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

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

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

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

**Notice to Defend:**  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$80,642.39
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

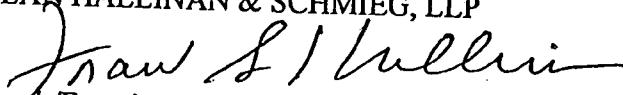
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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 the Township of Morris, Clearfield County, PA,**

**bounded and described as follows:**

**BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield.**

**RD 3 BOX 1119 A/K/A 331 CHURCH, STREET, MORRISDALE, PA 16858**

**PARCEL NUMBER Q10-568-00003**

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: 9-4-07

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

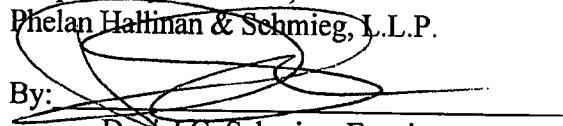
Attorney for Plaintiff

Citifinancial Services, Inc. : COURT OF COMMON PLEAS  
: : CIVIL DIVISION  
VS. :  
Karen J. Kanouff : CLEARFIELD COUNTY  
Charles Kanouff :  
: NO. 07-1447-CD

**AFFIDAVIT OF SERVICE**

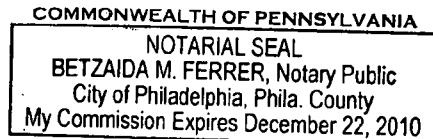
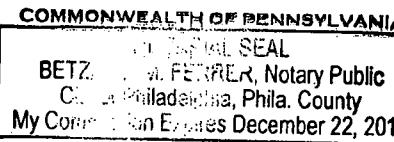
Plaintiff's Counsel, Phelan Hallinan & Schmieg, LLP, does hereby swear and subscribe that it contacted the Sheriff's Office of Clearfield County on September 18, 2007 and was advised that the Sheriff was unable to complete service on Charles Kanouff at the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858 because this property is vacant. On, October 10, 2007, Plaintiff was advised by the Sheriff's Office that no service attempts were ever made at 3496 Main Street, Apt. 2, Karthaus, PA 16845. Subsequently, Plaintiff filed a Praeclipe to Reinstate the Civil Action. Plaintiff called the Sheriff of Clearfield County to obtain status of service of the reinstated complaint on November 5, 2007 and was advised that the Deputy made several attempts but there was no answer at 3496 Main Street, Apt. 2, Karthaus, PA 16845. Lastly, Plaintiff contacted the Sheriff's Office to check the status of service on the November 27, 2007 reinstated complaint which was to be served at 508 Good Street, Apt. 3, Houtzdale, PA 16651 on December 19, 2007. The Sheriff's Office indicated the Defendant moved from this address. On December 28, 2007 and January 15, 2008, the

Plaintiff, by its Counsel, called the Sheriff's Office inquiring if a Return of Service was complete. The Sheriff's Office advised the Plaintiff's Counsel that they are behind with getting the returns typed up and out the door. However, they did confirm that the Defendant, Charles Kanouff, was not served at the mortgaged premises, RD 3 Box 119 a/k/a 331 Church Street, Morrisdale, PA 16858 or the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651.

Respectfully submitted,  
Phelan Hallinan & Schmieg, L.L.P.  
By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Sworn to and subscribed before me on this 15th day of January, 2008

Betzaida M. Ferrer  
Notary Public



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

File Number: 158133  
Attorney Firm: Phelan, Hallinan & Schmieg, LLP  
Subject: Karen J. Kanouff & Charles Kanouff

Property Address: RD 3 Box 1119, Morrisdale, PA 16858  
Possible Mailing Address: 331 Church Street, Morrisdale, PA 16858

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

**I. CREDIT INFORMATION**

**A. SOCIAL SECURITY NUMBER**

Our search verified the following information to be true and correct

Karen J. Kanouff - xxx-xx-8289

Charles Kanouff - xxx-xx-1924

**B. EMPLOYMENT SEARCH**

Karen J. Kanouff & Charles Kanouff - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that Karen J. Kanouff & Charles Kanouff reside(s) at: RR 3 Box 1119, Morrisdale, PA 16858.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which had no listing for Karen J. Kanouff & Charles Kanouff.

B. On 07-12-07 our office made a telephone call to the phone number (814) 342-6155 and received the following information: disconnected. On 07-12-07 our office made a telephone call to the phone number (814) 342-2038 and received the following information: wrong number. On 07-12-07 our office made several telephone calls to the phone number (814) 342-2648 and received the following information: no answer.

**III. INQUIRY OF NEIGHBORS**

On 07-12-07 our office made several phone calls in an attempt to contact Leesa Folmar (814) 345-5600, RD 3, Morrisdale, PA 16858: no answer.

On 07-12-07 our office made a phone call in an attempt to contact Aaron Hubler (814) 345-6711, RD 3, Morrisdale, PA 16858: disconnected.

On 07-12-07 our office made a phone call in an attempt to contact Anna Jane Hoover (814) 345-5016, RD 3, Morrisdale, PA 16858: spoke with an unidentified female who could not confirm that the subjects reside(s) at RD 3 Box 1119, Morrisdale, PA 16858.

On 07-12-07 our office made a phone call in an attempt to contact Lou A. Cuneo (814) 342-1479, 246 Church Street, Morrisdale, PA 16858: disconnected.

On 07-12-07 our office made a phone call in an attempt to contact Bernice Cutler (814) 342-6396, 255 Church Street, Morrisdale, PA 16858: disconnected.

On 07-12-07 our office made several phone calls in an attempt to contact Beatrice I. Shimmel (814) 342-6605, 396 Church Street, Morrisdale, PA 16858: no answer.

#### IV. ADDRESS INQUIRY

##### A. NATIONAL ADDRESS UPDATE

On 07-12-07 we reviewed the National Address database and found the following information:  
Karen J. Kanouff & Charles Kanouff - 331 Church Street, Morrisdale, PA 16858.

##### B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: 331 Church Street, Morrisdale, PA 16858.

#### V. DRIVERS LICENSE INFORMATION

##### A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Karen J. Kanouff & Charles Kanouff.

#### VI. OTHER INQUIRIES

##### A. DEATH RECORDS

As of 07-12-07 Vital Records and all public databases have no death record on file for Karen J. Kanouff & Charles Kanouff.

##### B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Karen J. Kanouff & Charles Kanouff residing at: last registered address.

#### VII. ADDITIONAL INFORMATION OF SUBJECT

##### A. DATE OF BIRTH

Karen J. Kanouff - 04-02-1964

Charles Kanouff - 05-10-1963

##### B. A.K.A.

Karen J. Ennis; Karen J. Wolf

Charles D. Kanouff; Charles Q. Kanouff

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

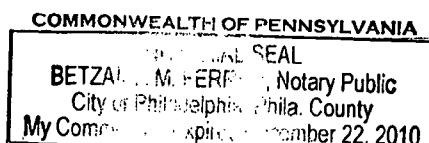
\* Please be advised our database information indicates the subject resides at the current address.

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

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

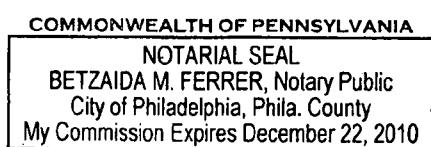
Brendan Booth  
AFFIANT - Brendan Booth  
Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 12<sup>th</sup> day of July, 2007.



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

IND



Betzaida M. Ferrer

**VERIFICATION**

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

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

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

By:  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008

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

Attorney for Plaintiff

Citifinancial Services, Inc. : COURT OF COMMON PLEAS  
: :  
: CIVIL DIVISION  
vs. :  
Karen J. Kanouff : CLEARFIELD COUNTY  
Charles Kanouff :  
: NO. 07-1447-CD

**CERTIFICATION OF SERVICE**

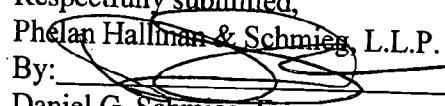
I, Daniel G. Schmieg, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court, Memorandum of Law, Proposed Order and attached exhibits have been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

Karen J. Kanouff and Charles Kanouff at:  
RD 3 Box 119 a/k/a 331 Church Street  
Morrisdale, PA 16858

Karen J. Kanouff and Charles Kanouff at:  
3496 Main Street, Apt 2  
Karthaus, PA 16845

Karen J. Kanouff and Charles Kanouff at:  
508 Good Street, Apt. 3  
Houtzdale, PA 16651

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

Respectfully submitted,  
Phelan Hallinan & Schmieg, L.L.P.  
By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: January 15, 2008



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

CITIFINANCIAL SERVICES, INC., \*  
Plaintiff \*  
vs. \* NO. 07-1447-CD  
KAREN J. KANOUFF, \*  
CHARLES KANOUFF \*  
Defendants

O R D E R

NOW, this 16<sup>th</sup> day of January, 2008, the Plaintiff is granted leave to serve the  
Complaint in Mortgage Foreclosure upon the Defendant **CHARLES KANOUFF** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858 and the last known addresses of 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651;
3. By certified mail, return receipt requested RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858 and the last known addresses of 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651; and
4. By posting the mortgaged premises known in this herein action as RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858.

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,

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

/S/ Fredric J Ammerman

---

FREDRIC J. AMMERMAN  
President Judge

JAN 17 2008

Attest.

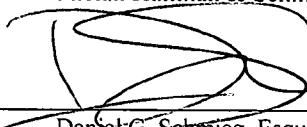


*William L. Ammerman*  
Prothonotary/  
Clerk of Courts

**VERIFICATION**

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing Motion for Amended Order are true and correct to the best of his knowledge, information and belief.

The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4909 relating to unsworn falsification to authorities.

Respectfully submitted,  
Phelan Hallinan & Schmieg, L.L.P.  
By:   
\_\_\_\_\_  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: February 22, 2008

**PHELAN HALLINAN & SCHMIEG, LLP**

By: Daniel G. Schmieg, Esquire

Atty. I.D. No. 62205

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Attorney for Petitioner

Citifinancial Services, Inc.

Plaintiff

: Court of Common Pleas

: Civil Division

: Clearfield County

Karen J. Kanouff

Charles Kanouff :

Defendant

: No.: 07-1447-CD

**CERTIFICATION OF SERVICE**

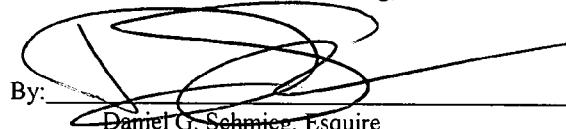
I hereby certify that a true and correct copy of Plaintiff's Motion for Amended Order was sent by first class mail to the following person on the date indicated:

Karen J. Kanouff and Charles Kanouff at:  
RD 3 Box 1119 a/k/a 331 Church Street  
Morrisdale, PA 16858

Karen J. Kanouff and Charles Kanouff at:  
3496 Main Street, Apt 2  
Karthaus, PA 16845

Karen J. Kanouff and Charles Kanouff at:  
508 Good Street, Apt. 3  
Houtzdale, PA 16651

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

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: February 22, 2008

**FILED**

**FEB 25 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
Plaintiff

: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: CLEARFIELD COUNTY

vs.

KAREN J. KANOUFF  
CHARLES KANOUFF

: No. 07-1447-CD

Defendants

:

**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

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

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

Date: March 21, 2008

/lxn, Svc Dept.  
File# 158133

**FILED** Atty pd. 7.00  
(3/12/08) MAR 25 2008 1Compl. Reinstated  
to Atty & Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Citifinancial Services, Inc.  
Plaintiff

ATTORNEY FOR PLAINTIFF

vs.

Karen J. Kanouff  
Charles Kanouff

Defendant(s)

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: Clearfield COUNTY

: NO. 07-1447-CD

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

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt requested, to the following persons **Charles Kanouff at RD 3 Box 1119 a/k/a 331 Church Street, Morrisdale, PA 16858, 3496 Main Street, Apartment 2, Karthaus, PA 16845, 508 Good Street, Apartment 3, Houtzdale, PA 16651** on **MARCH 21, 2008**, in accordance with the Order of Court dated **FEBRUARY 26, 2008**. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: March 21, 2008

Francis Hallinan  
FRANCIS S. HALLINAN, ESQUIRE  
Attorney for Plaintiff

FILED  
m 16 4084 NOCC  
MAR 25 2008  
LM  
William A. Shaw  
Prothonotary/Clerk of Courts

FILED NO CC  
MAY 05 2008  
10:37 AM  
MAY 05 2008  
SFC

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

ATTORNEY FOR PLAINTIFF

William A. Shaw  
Prothonotary/Clerk of Courts

Citifinancial Services, Inc. : Court Of Common Pleas

vs. : Civil Division

Karen J. Kanouff : Clearfield County  
Charles Kanouff : No. 07-1447-CD

AFFIDAVIT OF SERVICE BY  
PUBLICATION IN ACCORDANCE WITH COURT ORDER

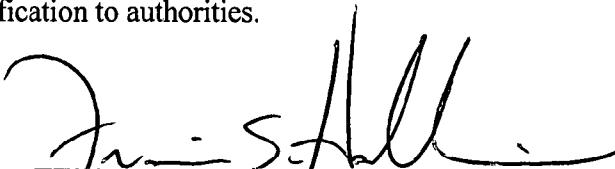
I hereby certify that service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order dated February 26, 2008 as indicated below:

By publication as provided by Pa. R.C.P. Rule 430(b)(1)

in The Progress on March 26, 2008 and Clearfield County Legal Journal on March 28, 2008.

Proofs of the said publications are attached hereto.

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

  
Francis S. Hallinan, Esquire

Date: May 2, 2008

Jason Ricco  
Service Dept.

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 28th day of March AD 2008, before me, the subscriber, a Notary Public in 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 March 28, 2008, Vol. 20, No. 13. 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.

Sharon J. Pusey  
Notary Public  
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Houtzdale, Clearfield County, PA
My Commission Expires, April 7, 2011

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

1447-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at RD 3, BOX 1119, A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858 whereupon your property would be sold by the Sheriff of CLEARFIELD County.

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

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

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

---

**NOTICE OF  
ACTION IN MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW**

CITIFINANCIAL SERVICES, INC.  
Vs.  
KAREN J. KANOUFF  
CHARLES KANOUFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY  
NO. 07-1447-CD

NOTICE

TO CHARLES KANOUFF:

You are hereby notified that on SEPTEMBER 5, 2007, Plaintiff, CITIFINANCIAL SERVICES, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of CLEARFIELD County Pennsylvania, docketed to No. 07-

**GILL, ROBERT A.**, Dec'd  
Late of Clearfield  
Co-Executrix:  
\* **CAROL JEAN HESS GILL**  
**JOYCE HUGAR**  
Attorney: **ANN B. WOOD**  
318 East Locust Street  
PO Box 670  
Clearfield, PA 16830

**ENGLISH, ERNEST**, Dec'd  
a/k/a **ERNEST E. ENGLISH**  
Late of Woodland  
Executrix: **KATHY E. HENRY**  
Attorney: **WILLIAM C. KRINER**  
219 East Market Street  
PO Box 1425  
Clearfield, PA 16830

**GARITO, NANCY CAROLINE**, Dec'd  
a/k/a **NANCY C. GARITO**  
Co-Executrix:  
\* **JACQUELINE J. GRIFFITH**  
**PHYLLIS E. GALIO**  
Attorney: **COLAVECCHI**  
& **COLAVECCHI**  
221 East Market Street  
Clearfield, PA 16830

**BERARDINI, VIRGINIA MAY**, Dec'd  
a/k/a **VIRGINIA M. BERARDINI**  
Executrix: **MARGARET A. KLEIN**  
Attorney: **COLAVECCHI**  
& **COLAVECCHI**  
221 East Market Street  
Clearfield, PA 16830

**MORRIS, DOROTHY FLORENCE**, Dec'd  
a/k/a **DOROTHY F. MORRIS**  
Late of Bigler  
Executrix: **SUZETTE HEICHEL**  
Attorney: **NADDEO & LEWIS LLC**  
207 East Market Street  
PO Box 552  
Clearfield, PA 16830

Second Publication

**HUSAK, MICHAEL C.**, Dec'd  
a/k/a **MICHAEL CHARLES HUSAK**  
Late of Curwensville  
Administrator: **WILLIAM HUSAK**  
Attorney: **JAMES A. NADDEO**  
207 East Market Street  
Clearfield, PA 16830

**GRAMLING, NELLIE I.**, Dec'd  
a/k/a **NELLIE IRENE GRAMLING**  
Late of Clearfield  
Administratrix:  
\* **WILDA MARIE WOODYARD**  
Attorney: **TIMOTHY E. DURANT**  
201 North Second Street  
Clearfield, PA 16830

**DUTTRY, ETHEL LOUISE**, Dec'd  
a/k/a **ETHEL L. DUTTRY**  
a/k/a **ETHEL R. DUTTRY**  
Late of Curwensville  
Executor: **ALLEN LEE DUTTRY**  
Attorney: **JOHN A. AYRES, JR.**  
101 South Second Street  
Clearfield, PA 16830

**SABOL, GREGORY**, Dec'd  
Late of Morrisdale  
Administrator: **MATTHEW B. TALADAY**  
Attorney: **HANAK, GUIDO & TALADAY**  
528 Liberty Blvd.  
PO Box 487  
DuBois, PA 15801

**HOOVER, HAZEL E.**, Dec'd  
a/k/a **HAZEL HOOVER**  
Late of Morrisdale  
Personal Representative:  
\* **DOROTHY SHIELDS**  
Attorney: **DAVID C. MASON**  
PO Box 28  
Philipsburg, PA 16866

NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE  
IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
CIVIL ACTION-LAW  
COURT OF  
COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY  
NO. 07-1447-CD  
CITIFINANCIAL SERVICES, INC.  
Vs.  
KAREN J. KANOUFF  
CHARLES KANOUFF

NOTICE  
TO CHARLES KANOUFF:  
You are hereby notified that on SEPTEMBER 5, 2007, Plaintiff, CITIFINANCIAL SERVICES, INC., filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of CLEARFIELD County Pennsylvania, docketed to No. 07-1447-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858 whereupon your property would be sold by the Sheriff of CLEARFIELD County.

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

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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, Ext. 5982  
PENNSYLVANIA LAWYER  
REFERRAL SERVICE  
PENNSYLVANIA  
BAR ASSOCIATION  
100 SOUTH STREET  
P.O. BOX 186  
HARRISBURG, PA 17108  
800-692-7375

3:26-1d-b

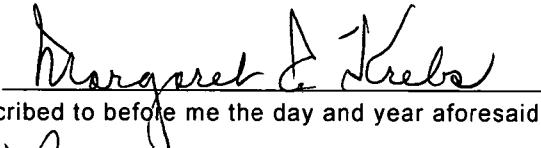
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

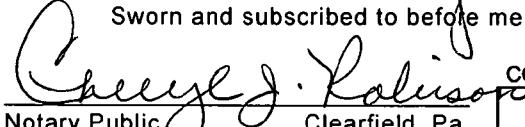
On this 31st day of March, A.D. 20 08, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of March 26, 2008

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



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

  
Cheryl J. Robison  
Notary Public

Clearfield, Pa.  
My Commission Expires  
October 31, 2011

COMMONWEALTH OF PENNSYLVANIA

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

FILED

MAY 05 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Centre Church RD. received from 6-8 Philipserry and graduate of , Class No report. **Morris-Cooper I** No report. **State police at I** Charges w Magisterial Dist Sinclair's office yesterday again man who issue \$95.42 to a Phil on Nov. 8 that w out payment.

he Free broth and his ra and is wife, and four less of irko of Sharon art and all of

eded in  
sisters

Frank S. M. that on Monday someone broke hold his mailbox

**Probe I**  
**constru**

MIAMI (AP)  
tion of construct

**FILED**  
1:36p.m. CK  
**MAY 12 2008**

1CC Att'y DAVEY  
1CC Sheriff (without memo)

William A. Shaw  
Prothonotary/Clerk of Courts

(6P)

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

CitiFinancial Services, Inc.  
605 Munn Road  
Fort Mill, SC 29715

Plaintiff

vs.

Karen J. Kanouff  
Charles Kanouff  
RD 3 Box 1119  
a/k/a 331 Church Street  
Morrisdale, PA 16858

Defendants

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1447-CD

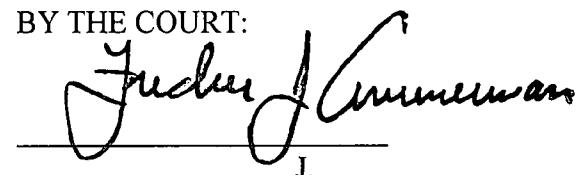
**ORDER**

AND NOW, this 9<sup>th</sup> day of MAY, 2008, upon consideration of

Plaintiff's Motion to Direct Sheriff to File Affidavit of Posting, 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 posting of the foreclosure Complaint within seven days of the  
date of this Order.

BY THE COURT:

  
J.

**FILED**

**MAY 12 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: \_\_\_\_\_

You are responsible for serving all appropriate parties.  
 The Prothonotary's office has provided service to the following parties:  
 Plaintiff(s)  Plaintiff(s) Attorney  Other  
 Defendant(s)  Defendant(s) Attorney  
 Special Instructions:

FILED <sup>no cc</sup>  
MAY 09 2008  
GK

William A. Shaw  
Prothonotary/Clerk of Courts

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

CitiFinancial Services, Inc. :  
605 Munn Road :  
Fort Mill, SC 29715 :  
Plaintiff :  
:

vs.

Karen J. Kanouff :  
Charles Kanouff :  
RD 3 Box 1119 :  
a/k/a 331 Church Street :  
Morrisdale, PA 16858 :  
Defendants :  
:

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1447-CD

**MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE**

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on September 5, 2007. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".

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

3. On November 5, 2007, the Sheriff's office verbally advised counsel for Plaintiff that Karen J. Kanouff was personally servied on October 16, 2007.

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

CitiFinancial Services, Inc.  
605 Munn Road  
Fort Mill, SC 29715  
Plaintiff

vs.

Karen J. Kanouff  
Charles Kanouff  
RD 3 Box 1119  
a/k/a 331 Church Street  
Morrisdale, PA 16858  
Defendants

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1447-CD

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of Plaintiff's Motion to Direct Sheriff to File

Affidavit of Posting 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, PA 16830

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

Karen J. Kanouff  
Charles Kanouff  
RD 3 Box 1119  
a/k/a 331 Church Street  
Morrisdale, PA 16858

Charles Kanouff  
3496 Main Street, Apt 2  
Karthaus, PA 16858

Charles Kanouff  
508 Good Street, Apt 3  
Houtzdale, PA 16551

PHELAN HALLINAN & SCHMIEG, LLP

5/8/08  
Date

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

4. As the Sheriff was unable to serve Charles Kanouff personally, Plaintiff filed a Motion for Service Pursuant to Special Order of Court, which the Honorable Frederic J. Ammerman granted on January 17, 2008. Plaintiff was ordered to complete service of the Complaint by publication, first class mail, certified mail, and posting at the mortgaged premises. A true and correct copy of the Order is attached hereto, made part hereof, and marked as Exhibit "B".

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

6. On March 21, 2008, Plaintiff served the Complaint on Charles Kanouff by first class and certified mail at the mortgaged premises and the last known address. A true and correct copy of the Affidavit of service by certified mail pursuant to Court Order is attached hereto, made part hereof, and marked as Exhibit "C".

7. Plaintiff's notice of foreclosure appeared in The Progress on March 26, 2008 and in the Clearfield County Legal Journal on March 28, 2008. A true and correct copy of the Affidavit of service by publication pursuant to Court Order is attached hereto, made part hereof, and marked as Exhibit "D".

8. On April 21, 2008, the Sheriff's office verbally advised counsel for Plaintiff that the Complaint was posted at the mortgaged premises on April 10, 2008.

9. On May 2, 2008, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment.

10. To date, the Clearfield County Sheriff's office has not filed the Affidavit of posting, which was made on April 10, 2008.

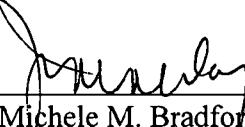
11. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's office files the Affidavit of posting of the Complaint with the Prothonotary. Interest accrues at the rate of \$20.67 per day on this mortgage account.

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

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

Respectfully submitted,  
PHELAN HALLINAN & SCHMIEG, LLP

5/8/08  
Date

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

# **EXHIBIT A**

3/25/08 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service. *Will Shaw*  
Deputy Prothonotary

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

NO. 07-1447-CD

CLEARFIELD COUNTY

Defendants

William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY  
PLEASE RETURN

3/25/08 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service. *Will Shaw*  
Deputy Prothonotary

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

3/25/08 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service. *Will Shaw*  
Deputy Prothonotary

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

158133

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

Plaintiff  
v.

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO.

CLEARFIELD COUNTY

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**NOTICE**

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

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

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

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

Notice to Defend:  
David S. Meholic, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> 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

CITIFINANCIAL SERVICES, INC.  
605 MUNN RD.  
FT. MILL, SC 29715

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

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

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

3. On 01/15/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200100661. 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 04/25/2007 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	\$75,452.51
Interest	\$3,389.88
03/25/2007 through 09/04/2007	
(Per Diem \$20.67)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
01/15/2001 to 09/04/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	<u>\$80,642.39</u>
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$80,642.39</b>

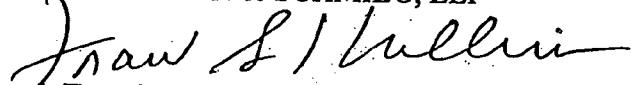
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$80,642.39, together with interest from 09/04/2007 at the rate of \$20.67 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

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: 9-4-07

## **EXHIBIT B**

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

CITIFINANCIAL SERVICES, INC., \*  
Plaintiff \*  
vs. \* NO. 07-1447-CD  
KAREN J. KANOUFF, \*  
CHARLES KANOUFF \*  
Defendants \*

O R D E R

NOW, this 16<sup>th</sup> day of January, 2008, the Plaintiff is granted leave to serve the  
Complaint in Mortgage Foreclosure upon the Defendant **CHARLES KANOUFF** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858 and the last known addresses of 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651;
3. By certified mail, return receipt requested RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858 and the last known addresses of 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651; and
4. By posting the mortgaged premises known in this herein action as RD 3, Box 119 a/k/a 331 Church Street Morrisdale, PA 16858.

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,

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

/S/ Fredric J Ammerman

---

FREDRIC J. AMMERMAN  
President Judge

JAN 17 2008

Attest.



*William L. Ammerman*  
Prothonotary/  
Clerk of Courts

# **EXHIBIT C**

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

Plaintiff

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

vs.

Karen J. Kanouff  
Charles Kanouff

Defendant(s)

: CIVIL DIVISION

: Clearfield COUNTY

: NO. 07-1447-CD

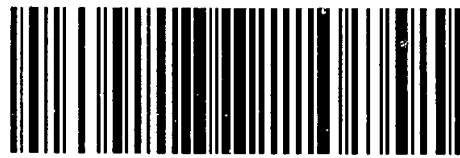
**AFFIDAVIT OF SERVICE OF COMPLAINT  
BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt requested, to the following persons **Charles Kanouff at RD 3 Box 1119 a/k/a 331 Church Street, Morrisdale, PA 16858, 3496 Main Street, Apartment 2, Karthaus, PA 16845, 508 Good Street, Apartment 3, Houtzdale, PA 16651** on **MARCH 21, 2008**, in accordance with the Order of Court dated **FEBRUARY 26, 2008**. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: March 21, 2008

---

FRANCIS S. HALLINAN, ESQUIRE  
Attorney for Plaintiff



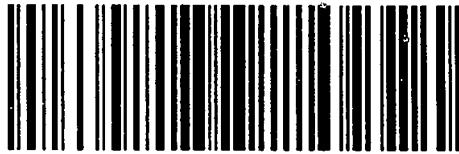
7178 2417 6099 0002 6241

13 / LXN  
CHARLES KANOUFF  
3496 MAIN STREET, APT 2  
KARTHAUS, PA 16845-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)



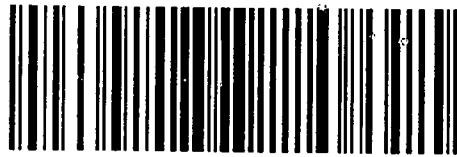
7178 2417 6099 0002 6258

13 / LXN  
CHARLES KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH  
STREET  
MORRISDALE, PA 16858-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)



7178 2417 6099 0002 6265

13 / LXN  
CHARLES KANOUFF  
508 GOOD STREET  
APARTMENT 3  
HOUTZDALE, PA 16651-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

---

---

## **EXHIBIT D**

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

---

ATTORNEY FOR PLAINTIFF

Citifinancial Services, Inc. : Court Of Common Pleas

vs. : Civil Division

Karen J. Kanouff : Clearfield County  
Charles Kanouff : No. 07-1447-CD

AFFIDAVIT OF SERVICE BY  
PUBLICATION IN ACCORDANCE WITH COURT ORDER

I hereby certify that service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order dated February 26,2008 as indicated below:

By publication as provided by Pa. R.C.P. Rule 430(b)(1)

in The Progress on March 26, 2008 and Clearfield County Legal Journal on March 28, 2008.

Proofs of the said publications are attached hereto.

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

---

Francis S. Hallinan, Esquire

Date: May 2, 2008

Jason Ricco  
Service Dept.

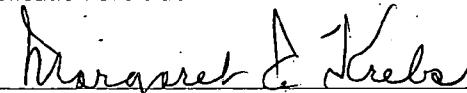
IN MORTGAGE FORECLOSURE  
IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY  
PENNSYLVANIA  
CIVIL ACTION-LAW  
COURT OF  
COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY  
NO. 07-1447-CD  
CITIFINANCIAL SERVICES, INC.  
VS.  
KAREN J. KANOUFF  
CHARLES KANOUFF  
NOTICE  
TO CHARLES KANOUFF  
You are hereby notified that on  
SEPTEMBER 15, 2007, Plaintiff  
CITIFINANCIAL SERVICES, INC.  
filed a Mortgage Foreclosure Com-  
plaint endorsed with a Notice to De-  
fend against you in the Court of  
Common Pleas of CLEARFIELD  
County, Pennsylvania, docketed to  
No. 07-1447-CD. Wherein Plaintiff  
seeks to foreclose on the mortgage  
secured on your property located  
at RD 3 BOX 14119 A/K/A 331  
CHURCH STREET, MORRIS  
DALE, PA 16858 whereupon you  
property would be sold by the Sheriff  
of CLEARFIELD County, Pennsylvania  
You are hereby notified to appear to  
the above referenced Complaint on  
or before 20 days from the date of  
this publication or a judgment will  
be entered against you.  
NOTICE  
IF YOU WISH TO DEFEND, YOU MUST  
ENTER A WRITTEN APPEARANCE PERSON-  
ALLY OR BY ATTORNEY AND FILE YOUR DE-  
FENSES OR OBJECTIONS IN WRITING WITH  
THE COURT. YOU ARE WARNED THAT IF  
YOU FAIL TO DO SO, THE CASE MAY PRO-  
CEED WITHOUT YOU AND A JUDGMENT  
MAY BE ENTERED AGAINST YOU WITHOUT  
FURTHER NOTICE. FOR THE RELIEF REQUESTED  
BY THE PLAINTIFF, YOU MAY  
LOSE MONEY OR PROPERTY OR OTHER  
RIGHTS IMPORTANT TO YOU.  
YOU SHOULD TAKE THIS NOTICE  
TO YOUR ATTORNEY AT  
ONCE IF YOU DO NOT HAVE A  
LAWYER. GO TO OR TELEPHONE  
THE OFFICE SET FORTH BELOW.  
THIS OFFICE CAN PROVIDE YOU  
WITH INFORMATION ABOUT HIR-  
ING A LAWYER.  
IF YOU CANNOT AFFORD TO  
HIRE A LAWYER, THIS OFFICE  
MAY BE ABLE TO PROVIDE YOU  
WITH INFORMATION ABOUT  
AGENCIES THAT MAY OFFER  
LEGAL SERVICES TO ELIGIBLE  
PERSONS AT A REDUCED FE-  
E. FOR NOTICE AND INFORMATION  
CLEARFIELD COUNTY  
DAVIDS MEHONICK  
COURT ADMINISTRATOR  
CLEARFIELD COUNTY  
COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 763-2641, EXT. 5982  
PENNSYLVANIA LAWYER  
REFERRAL SERVICE  
PENNSYLVANIA  
BAR ASSOCIATION  
100 SOUTH STREET  
P.O. BOX 186  
HARRISBURG, PA 17108  
(800) 692-7375  
FAX: (800) 692-7376  
3/26/08

## PROOF OF PUBLICATION

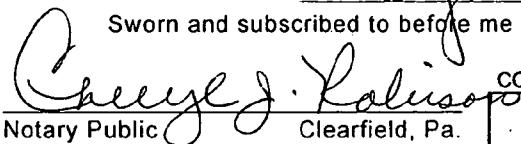
STATE OF PENNSYLVANIA :  
: SS:  
COUNTY OF CLEARFIELD :

On this 31st day of March, A.D. 20 08,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of March 26, 2008.  
And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.



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



Notary Public

Clearfield, Pa.

My Commission Expires  
October 31, 2011

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County

My Commission Expires Oct. 31, 2011

Member, Pennsylvania Association of Notaries

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

On this 28th day of March AD 2008, before me, the subscriber, a Notary Public in 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 March 28, 2008, Vol. 20, No. 13. 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.

Sharon J. Pusey  
Notary Public  
My Commission Expires

NOTARIAL SEAL
SHARON J. PUSEY, Notary Public
Houtzdale, Clearfield County, PA
My Commission Expires, April 7, 2011

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

1447-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at RD 3, BOX 1119, A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858 whereupon your property would be sold by the Sheriff of CLEARFIELD County. You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a judgment will be entered against you.

NOTICE

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

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

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

CITIFINANCIAL SERVICES, INC.

vs.  
KAREN J. KANOUFF  
CHARLES KANOUFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY  
NO. 07-1447-CD

NOTICE

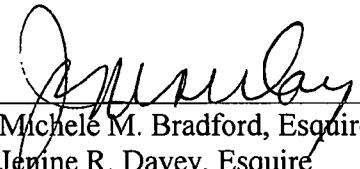
TO CHARLES KANOUFF:  
You are hereby notified that on SEPTEMBER 5, 2007, Plaintiff, CITIFINANCIAL SERVICES, INC., filed a Mortgage Foreclosure Complaint, endorsed with a Notice to Defend, against you in the Court of Common Pleas of CLEARFIELD County Pennsylvania, docketed to No. 07-

**VERIFICATION**

The undersigned hereby state that they are the attorneys for the Plaintiff in this action, that they are authorized to make this Verification, and that the statements made in the foregoing Motion to Direct Sheriff to file Affidavit of Posting and Brief in support thereof are true and correct to the best of their knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

PHELAN HALLINAN & SCHMIEG, LLP

5/8/68  
Date

  
\_\_\_\_\_  
Michele M. Bradford, Esquire  
Jeanne R. Davey, Esquire  
Attorneys for Plaintiff

**FILED**

**MAY 09 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103948  
NO: 07-1447-CD  
SERVICE # 1 OF 1  
COMPLAINT IN MORTGAGE FORECLOSURE & ORDER

PLAINTIFF: CITIFINANCIAL SERVICES, INC.  
VS.  
DEFENDANT: KAREN J. KANOUFF and CHARLES KANOUFF

**SHERIFF RETURN**

---

NOW, April 10, 2008 AT 1:42 PM POSTED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE & ORDER FOR CHARLES KANOUFF AT RE#3 BOX 1119 aka 331 CHURCH ST., MORRISDALE, CLEARFIELD COUNTY, PENNSYLVANIA.

SERVED BY: HUNTER / DEHAVEN

**FILED**  
013-246-01  
MAY 13 2008  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103948  
NO. 07-1447-CD  
SERVICES 1  
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: CITIFINANCIAL SERVICES, INC.

vs.

DEFENDANT: KAREN J. KANOUFF and CHARLES KANOUFF

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	679819	10.00
SHERIFF HAWKINS	PHELAN	679819	22.13

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2008

  
Chester A. Hawkins  
Sheriff

# FILED

MAY 16 2008

5/16/08  
William A. Shaw  
Prothonotary/Clerk of Courts

I CERT TO FILE

(GP)

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

MAY 16 2008

Attest.

William A. Shaw  
Prothonotary/  
Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

CitiFinancial Services, Inc.  
605 Munn Road  
Fort Mill, SC 29715

Plaintiff

Court of Common Pleas

vs.

Karen J. Kanouff  
Charles Kanouff  
RD 3 Box 1119  
a/k/a 331 Church Street  
Morrisdale, PA 16858  
Defendants

Civil Division

Clearfield County

No. 07-1447-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, PA 16830

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

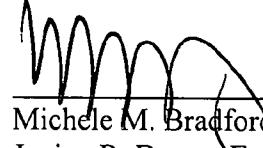
Karen J. Kanouff  
Charles Kanouff  
RD 3 Box 1119  
a/k/a 331 Church Street  
Morrisdale, PA 16858

Charles Kanouff  
3496 Main Street, Apt 2  
Karthaus, PA 16858

Charles Kanouff  
508 Good Street, Apt 3  
Houtzdale, PA 16551

5/15/08  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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

FILED  
MAY 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

Attorney for Plaintiff

**FILED**

at 1:47 p.m. GK  
JUN 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Atty Paid 20.00  
cc P:ff Def.  
Notice to p:ff, Def.  
Statement to Atty.  
6K

**CITIFINANCIAL SERVICES, INC.**

**605 MUNN ROAD  
FT. MILL, SC 29715**

Plaintiff,

v.

**KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119,  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858**

Defendant(s).

:  
: **CLEARFIELD COUNTY**  
: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**  
: **NO. 07-1447-CD**  
:  
:  
:  
:  
:  
:

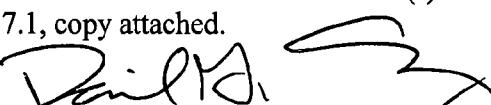
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **KAREN J. KANOUFF and  
CHARLES KANOUFF**, 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	\$ 80,642.39
Interest - 9/5/07 TO 6/23/08	\$ 6,056.31
<b>TOTAL</b>	<b><u>\$ 86,698.70</u></b>

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.

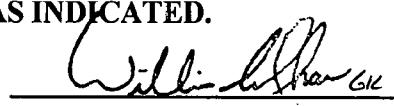


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

**DAMAGES ARE HEREBY ASSESSED AS INDICATED.**

DATE: 6-24-2008



PRO PROTHY

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

CITIFINANCIAL SERVICES, INC.  
Plaintiff

Vs.

KAREN J. KANOUFF  
CHARLES KANOUFF  
Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: CLEARFIELD COUNTY  
: NO. 07-1447-CD

TO: CHARLES KANOUFF  
508 GOOD STREET, APT. 3  
HOUTZDALE, PA 16651

**DATE OF NOTICE: MAY 2, 2008**

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

**IMPORTANT NOTICE**

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

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

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

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

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



Jason Ricco, Legal Assistant

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

CITIFINANCIAL SERVICES, INC.  
Plaintiff

Vs.

KAREN J. KANOUFF  
CHARLES KANOUFF  
Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: CLEARFIELD COUNTY  
: NO. 07-1447-CD

TO: CHARLES KANOUFF  
3496 MAIN STREET, APT. 2  
KARTHAUS, PA 16845

**DATE OF NOTICE: MAY 2, 2008**

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

**IMPORTANT NOTICE**

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

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

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

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

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

  
Jason Ricco, Legal Assistant

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

CITIFINANCIAL SERVICES, INC.

Plaintiff

Vs.

KAREN J. KANOUFF  
CHARLES KANOUFF

Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 07-1447-CD

TO: KAREN J. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

FILED  
MAY 2 2008

DATE OF NOTICE: MAY 2, 2008

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

#### IMPORTANT NOTICE

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

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

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

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

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



Jason Ricco, Legal Assistant

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

CITIFINANCIAL SERVICES, INC.  
Plaintiff

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

KAREN J. KANOUFF  
CHARLES KANOUFF  
Defendants

: CLEARFIELD COUNTY

: NO. 07-1447-CD

TO: CHARLES KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

DATE OF NOTICE: MAY 2, 2008

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

#### IMPORTANT NOTICE

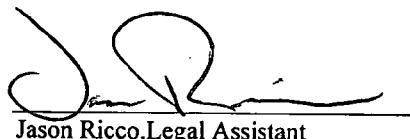
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

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

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

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

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



\_\_\_\_\_  
Jason Ricco, Legal Assistant

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

ATTORNEY FOR PLAINTIFF

**CITIFINANCIAL SERVICES, INC.**  
**Plaintiff**

**COURT OF COMMON PLEAS**

**Plaintiff**

**CIVIL DIVISION**

vs.

**: CLEARFIELD COUNTY**

KAREN J. KANOUFF  
CHARLES KANOUFF

; NO. 07-1447-CD

## Defendants

**TO:** KAREN J. KANOUFF \*\*\**PERSONAL & CONFIDENTIAL*\*\*\*  
COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONAL  
209 INSTITUTION DRIVE  
HOUTZDALE, PA 16651

**DATE OF NOTICE: MAY 2, 2008**

FILE COPY

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



Jason Ricco, Legal Assistant

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62295

ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

CITIFINANCIAL SERVICES, INC.

605 MUNN ROAD  
FT. MILL, SC 29715

Plaintiff,

v.

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS

: CIVIL DIVISION

KAREN J. KANOUFF  
CHARLES KANOUFF  
RD 3 BOX 1119, A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

: NO. 07-1447-CD

Defendant(s).

:

:

VERIFICATION OF NON-MILITARY SERVICE

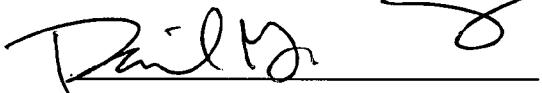
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 KAREN J. KANOUFF is over 18 years of age and resides at RD 3 BOX 1119, A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858.

(c) that defendant CHARLES KANOUFF is over 18 years of age, and resides at RD 3 BOX 1119, A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858.

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

**CITIFINANCIAL SERVICES, INC.  
605 MUNN ROAD  
FT. MILL, SC 29715**

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

• CIVIL DIVISION

NO. 07-1447-CD

Lipase-catalyzed synthesis 13

Notice is given that a Judgment in the above captioned matter has been entered against you on June 24, 2008. / 10

BY William L. Johnson GK Proth.  
DEPUTY

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

cerning 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.

FILED

JUN 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

Citifinancial Services, Inc.  
Plaintiff(s)

No.: 2007-01447-CD

Real Debt: \$86,698.70

Atty's Comm: \$

Vs.

Costs: \$

Karen J. Kanouff  
Charles Kanouff  
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: June 24, 2008

Expires: June 24, 2013

*COPY*

Certified from the record this June 24, 2008

  
\_\_\_\_\_  
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

PHELAN HALLINAN & SCHMIEG  
BY: 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

ATTORNEY FOR PLAINTIFF

S  
**FILED** 

OCT 29 2008

n 12:50/

William A. Shaw

Prothonotary/Clerk of Courts

158133

CITIFINANCIAL SERVICES, INC.

v.

CHARLES KANOUFF  
KAREN J. KANOUFF

: CLEARFIELD COUNTY 1 cent to  
: COURT OF COMMON PLEAS   
: CIVIL DIVISION  
: NO. 07-1447-CD

**SUGGESTION OF RECORD CHANGE**  
**RE: NAME CHANGE**

TO THE PROTHONOTARY:

DANIEL G. SCHMIEG, ESQUIRE, attorney for the plaintiff, hereby certifies that, to the best of his knowledge, information and belief, the defendant(s)' name was erroneously listed as:

CHARLES KANOUFF

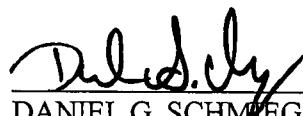
KAREN T. KANOUFF

The correct name for the defendant(s) is/are:

**CHARLES D. KANOUFF A/K/A CHARLES KANOUFF**

**KAREN T. KANOUFF A/K/A KAREN J. KANOUFF**

Kindly change the information on the docket to reflect this change.

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

CITIFINANCIAL SERVICES, INC.

vs.

CHARLES.KANOUFF  
A/K/A.CHARLES.D..KANOUFF  
  
KAREN.J..KANOUFF  
A/K/A.KAREN.T..KANOUFF

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1447-CD.

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

*S* **FILED** *R*

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	\$ 86,698.70	SHFF
Interest from 06/24/2008 to Sale	\$ _____	
Per diem \$14.25		
Add'l Costs	\$ 4,746.11	
Writ Total	\$ _____	
Prothonotary costs 160.-	\$ _____	

*Daniel G. Schmieg*

DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Note: Please attach description of Property.

158133

No. 07-1447-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CITIFINANCIAL SERVICES, INC.

vs.

CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF

---

PRAECLYPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

KAREN J. KANOUFF A/K/A KAREN T. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

## **LEGAL DESCRIPTION**

**ALL that certain piece or parcel of land situate in the Township of Morris, Clearfield County, PA, bounded and described as follows:**

**BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield in Miscellaneous Book No. \_\_\_\_\_, Page \_\_\_\_\_.**

**EXCEPTING and reserving, nevertheless, unto the Clearfield Trust Company, all the coal, oil, gas, fire clay and other minerals underlying said described lot, together with the right of ingress and regress by any convenient means for the purpose of searching for, mining, boring, removing and carrying away said coal and other minerals without being liable for any damages to the Grantees, their heirs and assigns by reason of such entry for the purposes aforesaid, and said mineral estate shall owe no duty of support, or servitude to the superincumbent strata and surface of said land.**

**TITLE TO SAID PREMISES IS VESTED IN Charles D. Kanouff and Karen T. Kanouff, husband and wife, by Deed from Leroy C. Williams, Jr. and Margaret J. Williams, husband and wife, dated 07/19/1994, recorded 07/22/1994, in Deed Book 1620, page 258.**

**Premises being: RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858**

**Tax Parcel No. Q10-568-00003**

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

CITIFINANCIAL SERVICES, INC.

vs.

CHARLES.KANOUFF  
A/K/A CHARLES.D..KANOUFF

KAREN.J..KANOUFF  
A/K/A.KAREN.T..KANOUFF

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .....

No. 07-1447-CD

No. .....

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858

(See Legal Description attached)

Amount Due \$86,698.70

Interest from 06/24/2008 to Sale \$ .....

Per diem \$14.25

Add'l Costs

Writ Total

Prothonotary costs \$4,746.11

\$

Dated Oct. 29, 2008  
(SEAL)

OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

No. 07-1447-CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CITIFINANCIAL SERVICES, INC.

vs.

CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs

Real Debt \$86,698.70

Int. from 06/24/2008  
To Date of Sale (\$14.25 per diem)

Costs

Prothy Pd.

Sheriff

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

Address: CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

KAREN J. KANOUFF A/K/A KAREN T. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

## **LEGAL DESCRIPTION**

**ALL that certain piece or parcel of land situate in the Township of Morris, Clearfield County, PA, bounded and described as follows:**

**BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield in Miscellaneous Book No. \_\_\_\_\_, Page \_\_\_\_\_.**

**EXCEPTING and reserving, nevertheless, unto the Clearfield Trust Company, all the coal, oil, gas, fire clay and other minerals underlying said described lot, together with the right of ingress and regress by any convenient means for the purpose of searching for, mining, boring, removing and carrying away said coal and other minerals without being liable for any damages to the Grantees, their heirs and assigns by reason of such entry for the purposes aforesaid, and said mineral estate shall owe no duty of support, or servitude to the superincumbent strata and surface of said land.**

**TITLE TO SAID PREMISES IS VESTED IN Charles D. Kanouff and Karen T. Kanouff, husband and wife, by Deed from Leroy C. Williams, Jr. and Margaret J. Williams, husband and wife, dated 07/19/1994, recorded 07/22/1994, in Deed Book 1620, page 258.**

**Premises being: RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858**

**Tax Parcel No. Q10-568-00003**

**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**

**CITIFINANCIAL SERVICES, INC.**

**1111 NORTHPOINT DRIVE BUILDING 4,**

**SUITE 100**

**COPPELL, TX 75019**

**:**

**CLEARFIELD COUNTY**

**COURT OF COMMON PLEAS**

**:**

**CIVIL DIVISION**

**:**

**NO. 07-1447-CD**

**Plaintiff,**

**v.**

**CHARLES KANOUFF**

**A/K/A CHARLES D. KANOUFF**

**KAREN J. KANOUFF**

**A/K/A KAREN T. KANOUFF**

**RD 3 BOX 1119 A/K/A 331 CHURCH STREET**

**MORRISDALE, PA 16858**

**:**

**:**

**:**

**:**

**:**

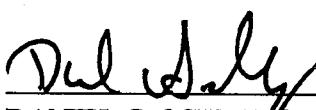
**Defendant(s).**

**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.A. §4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**CITIFINANCIAL SERVICES, INC.  
1111 NORTHPOINT DRIVE BUILDING 4,  
SUITE 100  
COPPELL, TX 75019**

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

**Plaintiff,**

**v.**

**CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858**

**:**  
**CIVIL DIVISION**  
**:**  
**NO. 07-1447-CD**

**Defendant(s).**

**AFFIDAVIT PURSUANT TO RULE 3129.1**

**CITIFINANCIAL SERVICES, INC.**, 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 **RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858**.

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

<b>NAME</b>	<b>LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
-------------	--

<b>CHARLES KANOUFF A/K/A CHARLES D. KANOUFF</b>	<b>RD 3 BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858</b>
---	---

<b>KAREN J. KANOUFF A/K/A KAREN T. KANOUFF</b>	<b>RD 3 BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858</b>
--	---

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

<b>NAME</b>	<b>LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
-------------	--

**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.

OCTOBER 28, 2008  
Date

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

be reasonably ascertained, please so indicate.)

**Beneficial Consumer Discount Company**   **1995 S. Atherton St**  
**d/b/a Beneficial Mortgage Co. of**       **State College, PA 16801**  
**Pennsylvania**

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.)

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** RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

**DOMESTIC RELATIONS  
CLEARFIELD COUNTY**

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

**COMMONWEALTH OF  
PENNSYLVANIA** **DEPARTMENT OF WELFARE**

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

**Commonwealth of Pennsylvania**  
**Bureau of Individual Tax**  
**Inheritance Tax Division**      **6<sup>th</sup> Floor, Strawberry Sq., Dept 23061**  
**Harrisburg, PA 17128**

**Internal Revenue Service  
Federated Investors Tower**      **13<sup>th</sup> Floor, Suite 1300  
1001 Liberty Avenue  
Pittsburgh, PA 15222**

**Department of Public Welfare** **P.O. Box 8486**  
**TPL Casualty Unit** **Willow Oak Building**  
**Estate Recovery Program** **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.

OCTOBER 28, 2008  
Date

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

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIFINANCIAL SERVICES, INC. : CLEARFIELD COUNTY  
Plaintiff, : COURT OF COMMON PLEAS  
v. :  
CHARLES D. KANOUFF, A/K/A CHARLES KANOUFF : CIVIL DIVISION  
KAREN T. KANOUFF, A/K/A KAREN J. KANOUFF : NO. 07-1447-CD  
Defendant(s) :  
:

**AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129**

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

Plaintiff in the above action sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at: RD 3 BOX 1119 A/K/A 331 CHURCH, MORRISDALE, PA 16858.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given to Lienholders 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 No. 2 (previously filed) and/or Amended Affidavit No. 2 on the date indicated. 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*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Date: January 9, 2009

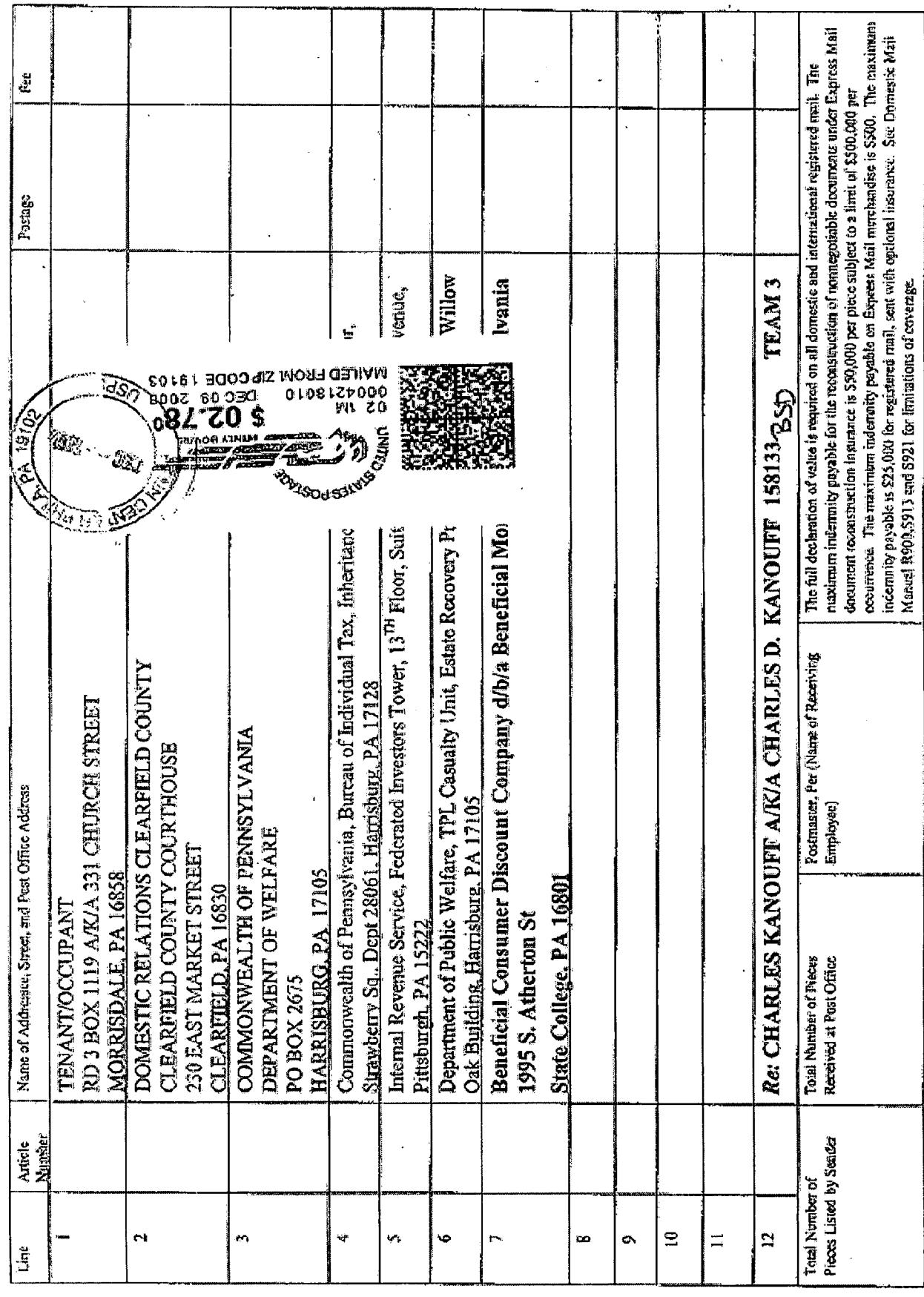
**IMPORTANT NOTICE:** This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

158133

S FILED NOCC  
M 12 38 61  
JAN 14 2009  
lm  
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



Address  
of Sender  
→  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		Timothy Eyerly Kim Eyerly 120 CHURCH STREET MORRISDALE, PA 16858		
2		Timothy Eyerly Kim Eyerly 347 CHURCH STREET MORRISDALE, PA 16858		
3		Timothy Eyerly Kim Eyerly C/O STEPHEN C. FLEMMING, ESQ 1500 SOUTH ALEXANDER STREET STATE COLLEGE, PA 16801		
4		Timothy Eyerly Kim Eyerly C/O STEPHEN C. FLEMMING, ESQ 119 SOUTH BURROWES STE 601 STATE COLLEGE, PA 16801		
5				
6				
7				
8				
19		<i>Re: CHARLES KANOURF A/K/A CHARLES D. KANOURF 158133 BSD TEAM 3</i>		
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per Name of Receiving Employee)	<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of damage to valuable documents under First Class Mail document return 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 (RM01, S913 and S921) for limitations of coverage.</p>	

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

Attorney for Plaintiff

CITIFINANCIAL SERVICES, INC.

Plaintiff,

v.

KAREN J. KANOUFF  
CHARLES KANOUFF

Defendants.

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: NO. 07-1447-CD

**FILED**

JAN 30 2009  
S/ *W/ 2230/c*  
William A. Shaw  
Prothonotary/Clerk of Courts

**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 **CHARLES KANOUFF** on **JANUARY 2, 2009** at **RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858, 3496 MAIN STREET, APT. 2, KARTHAUS, PA 16845 & 508 GOOD STREET, APT. 3, HOUTZDALE, PA 16651** in accordance with the Order of Court dated **FEBRUARY 26, 2008**. The property was posted on **JANUARY 7, 2009**. Publication was advertised in **THE PROGRESS** on **JANUARY 7, 2009** & in **THE CLEARFIELD COUNTY LEGAL JOURNAL** on **JANUARY 9, 2009**.

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

PHELAN HALLINAN & SCHMIEG, LLP

By:

*Daniel Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE

Dated: January 29, 2009

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

ATTORNEY FOR PLAINTIFF

CITIFINANCIAL SERVICES, INC.

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

KAREN J. KANOUFF  
CHARLES KANOUFF

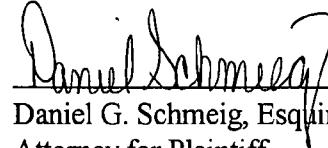
: CLEARFIELD COUNTY

: NO. 07-1447-CD

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

Daniel G. Schmeig, Esquire, Attorney for Plaintiff, hereby certifies that service of the Notice of Sheriff's Sale was made by sending a true and correct copy by certified mail to Defendant, **KAREN J. KANOUFF** at **P.O. BOX 222, KARTHAUS, PA 16845**. The Notice of Sale was received by Defendant, **KAREN J. KANOUFF**, on **DECEMBER 29, 2008** as evidenced by the attached Return Receipt. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Date: JANUARY 29, 2009

  
\_\_\_\_\_  
Daniel G. Schmeig, Esquire  
Attorney for Plaintiff

**PHELAN HALLINAN & SCHMIEG, LLP**

By: Daniel G. Schmieg, Esquire

Atty. I.D. No. 62205

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Attorney for Plaintiff

Citifinancial Services, Inc.

: COURT OF COMMON PLEAS

: CIVIL DIVISION

vs.

Karen J. Kanouff

: CLEARFIELD COUNTY

Charles Kanouff

: NO. 07-1447-CD

**ORDER**

AND NOW, this 26<sup>th</sup> day of February, 2008, it  
is hereby ORDERED and DECREED that the prior Order of Court dated January 16, 2008 is hereby  
AMENDED as follows.

That Plaintiff may obtain service of the Complaint, and all future pleadings, on the Defendant,  
Charles Kanouff, by:

1. Posting a copy of the complaint on the mortgaged premises, RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858.
2. First class mail to Charles Kanouff at the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises located at RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858; and
3. Certified mail to Charles Kanouff at the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises located at RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858;
4. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal.

BY THE COURT:  
/S/ Fredric J Ammerman

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

J.

FEB 26 2008

Attest,

*William J. Ammerman*  
Prothonotary/  
Clerk of Courts

Name and Address of Sender →

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

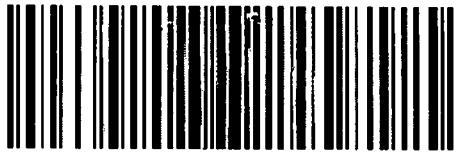
Line	Article Number	Name of Addressee, Street, and Post Office Address	Post
1		CHARLES KANOUFF RD 3 BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858	
2		CHARLES KANOUFF 3496 MAIN STREET, APT. 2 KARTHAUS, PA 16845	
3		CHARLES KANOUFF 508 GOOD STREET, APT. 3 HOUTZDALE, PA 16651	
4			
5			
6			
7			
8			
9			
10			
11			
12		<b>Re: CHARLES KANOUFF A/K/A CHARLES D. KANOUFF 158133 TEAM 3</b>	
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900,§913 and §921 for limitations of coverage.</p>



UNITED STATES POSTAGE  
FIRMEY BOWES  
\$ 01.10<sup>0</sup>  
02 1M JAN 02 2009  
0004218010 MAILED FROM ZIP CODE 19103

**TEAM 4**

*SDN*



7178 2417 6099 0019 4704

4 / JJN  
CHARLES KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH  
STREET  
MORRISDALE, PA 16858-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0019 4704

Status: Delivered

Your item was delivered at 8:25 AM on January 12, 2009 in  
PHILADELPHIA, PA 19103.

[Track & Confirm](#)

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

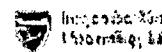
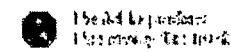
Verify who signed for your item by email. [Go >](#)

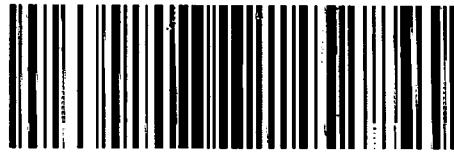
[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA





7178 2417 6099 0019 4711

4 / JJN  
CHARLES KANOUFF  
3496 MAIN STREET, APT 2  
KARTHAUS, PA 16845-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7173 2417 6099 0019 4711  
Status: Delivered

Your item was delivered at 8:25 AM on January 12, 2009 in  
PHILADELPHIA, PA 19103.

[Track & Confirm](#)

Enter Label/Receipt Number.

[Additional Details >](#)[Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

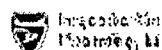
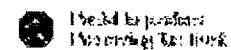
Verify who signed for your item by email. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Govt Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA





7178 2417 6099 0019 4728

4 / JJN  
CHARLES KANOUFF  
508 GOOD STREET  
APARTMENT 3  
HOUTZDALE, PA 16651-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0019 4728

Status: Delivered

Your item was delivered at 11:35 AM on January 8, 2009 in  
PHILADELPHIA, PA 19103.

[Track & Confirm](#)

Enter Label/Receipt Number:

[Additional Details >](#) [Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

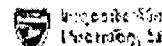
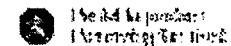
Verify who signed for your item by email. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



PLAINTIFF                   CITIFINANCIAL SERVICES, INC.  
DEFENDANT(S)               CHARLES KANOUFF A/K/A CHARLES D.  
                                 KAREN J. KANOUFF A/K/A KAREN T.  
KANOUFF

CLEARFIELD County  
No. 07-1447-CD  
Our File #: 158133

Type of Action  
- Notice of Sheriff's Sale

Sale Date: FEBRUARY 9, 2009

\*\*\*PLEASE POST PROPERTY WITH NOTICE OF SALE,  
PER COURT ORDER\*\*\*

SERVE AT:                   RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
                                 MORRISDALE, PA 16858

**RUSH**

Served and made known to CHARLES & KAREN KANOUFF, Defendant, on the 7th day of JANUARY,  
2009, at 4:05, o'clock P.m., at RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
 Agent or person in charge of Defendant(s)'s office or usual place of business.  
 Other: By POSTING

Description:   Age \_\_\_\_\_   Height \_\_\_\_\_   Weight \_\_\_\_\_   Race \_\_\_\_\_   Sex \_\_\_\_\_   Other \_\_\_\_\_

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

Sworn to and subscribed  
before me this 9th day  
of JANUARY, 2009

Notary:

By: D. M. Ellis

*Marilyn A. Campbell*  
COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Marilyn A. Campbell, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Dec. 6, 2011

Member, Pennsylvania Association of Notaries

NOT SERVED

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_m., Defendant NOT FOUND because:

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

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_

Notary:

By:

Attorney for Plaintiff

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

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
NO. 07-1447-CD

CITIFINANCIAL SERVICES vs.  
CHARLES KANOUFF A/K/A CHARLES D.  
KANOUFF, KAREN J. KANOUFF A/K/A  
KAREN T. KANOUFF

NOTICE TO: CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF.

NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY

ALL THAT following described lot of  
ground situate, lying and being in MORRIS  
TOWNSHIP, County of CLEARFIELD,  
Commonwealth of Pennsylvania, bounded  
and limited as follows, to wit:

Your house (real estate) at RD 3 BOX  
1119, A/K/A 331 CHURCH STREET,  
MORRISDALE, PA 16858 is scheduled to  
be sold at the Sheriff's Sale on FEBRUARY  
9, 2009 at 10:00 AM, at the CLEARFIELD  
County Courthouse, to enforce the Court  
Judgment of \$86,698.70 obtained by  
CITIFINANCIAL SERVICES, (the  
mortgagee), against your Prop. sit. in the

City of MORRIS, County of CLEARFIELD,  
and State of Pennsylvania.

Being Premises: RD 3 BOX 1119, A/K/A  
331 CHURCH STREET, MORRISDALE, PA  
16858.

Improvements consist of residential  
property.

Sold as the property of CHARLES  
KANOUFF A/K/A CHARLES D. KANOUFF,  
KAREN J. KANOUFF A/K/A KAREN T.  
KANOUFF.

TERMS OF SALE: The purchaser at the  
sale must take ten (10%) percent down  
payment of the bid price or of the Sheriff's  
cost, whichever is higher, at the time of the  
sale in the form of cash, money order or  
bank check. The balance must be paid  
within ten (10) days of the sale or the  
purchaser will lose the down money.

THE HIGHEST AND BEST BIDDER  
SHALL BE THE BUYER.

LEGAL DESCRIPTION

ALL that certain piece or parcel of land  
situate in the Township of Morris, Clearfield  
County, PA, bounded and described as  
follows:

BEGINNING at a point of line of  
Township Road and being common corner  
of Lot No. 19; thence along said Township  
road South two degrees forty-three (43)  
minutes East seventy-seven (77) feet to  
point on line of Lot No. 17; thence along line  
of Lot No. 17 South eighty-six degrees  
sixteen (16) minutes West two hundred one  
(201) feet to point on twenty-foot alley-way;  
thence along said twenty-foot alley-way  
North one degree twenty-two (22) minutes  
West eighty-three (83) feet to point on Line  
of Lot No. 19; thence along line of Lot No. 19  
North eighty-seven degrees fifty-four (54)  
minutes East one hundred ninety-nine (199)  
feet to point and place of beginning, and  
being known as Lot No. 18 in plot of lots laid  
out by the Clearfield Trust Company and  
filed for recording in the Office of the  
Recorder of Deeds in and for the County of  
Clearfield in Miscellaneous Book No.

\_\_\_\_\_, Page \_\_\_\_\_.

EXCEPTING and reserving,  
nevertheless, unto the Clearfield Trust  
Company, all the coal, oil, gas, fire clay and  
other minerals underlying said described lot,  
together with the right of ingress and regress  
by any convenient means for the purpose of  
searching for, mining, boring, removing and  
carrying away said coal and other minerals  
without being liable for any damages to the  
Grantees, their heirs and assigns by reason  
of such entry for the purposes aforesaid, and  
said mineral estate shall owe no duty of  
support, or servitude to the superincumbent  
strata and surface of said land.

TITLE TO SAID PREMISES IS  
VESTED IN Charles D. Kanouff and Karen

T. Kanouff, husband and wife, by Deed from Leroy C. Williams, Jr. and Margaret J. Williams, husband and wife, dated 07/19/1994, recorded 07/22/1994, in Deed Book 1620, page 258.

Premises being: RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858.

Tax Parcel No. Q10-568-00003

Daniel Schmieg, Esquire, One Penn Center at Suburban Station, 1617 John F. Kennedy Boulevard, Suite 1400, Philadelphia, PA 19103, (215) 563-7000, Attorney for Plaintiff.

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

#### MARSHAL'S SALE

By virtue of a Writ of Execution issued out of the U. S. Court for the W. D. of PA at suit of the USA at Civil No. 07-138, I shall expose to public sale the real property of Robyn L. Womeldorf, k/a 28 Armita Street, DuBois, PA 15801. BEING the same premises granted and conveyed to Robyn L. Womeldorf, by deed of Carl John Yebernetsky and Lisa Ann Yebernetsky, husband and wife, dated June 3, 1991, and recorded at Deed Book Volume 1402, Page 092, on June 3, 1991.

TIME AND LOCATION OF SALE: January 26, 2009 at 10:30 A.M. at the Clearfield County Courthouse, One North 2nd Street, Clearfield, PA 16830.

TERMS OF SALE: Successful bidder will pay ten percent (10%) by cashier's check, certified check en-bank money order at the time of the sale and the remainder of the bid within thirty (30) days from the date of the sale and in the event bidder cannot pay the remainder, the property will be resold and all monies paid in at the Original sale will be applied to any deficiency in the price at which the property is resold. The successful bidder must send payment of the balance of the bid directly to the U.S. Marshal's Office, c/o Ms. Sheila Blessing, Room 241, U.S. Post Office & Courthouse, Pittsburgh, PA 15219.

Notice is hereby given that a Schedule of Distribution will be filed by the Marshal's Office on the thirtieth day after the date of sale, and that distribution will be made in accordance with the Schedule unless exemptions are filed thereto within ten (10) days thereafter. The successful bidder takes the real estate subject to, and shall pay all taxes, Water rents, sewer charges,

NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE  
IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
NO. 07-1447-CD  
CITIFINANCIAL SERVICES  
vs.  
CHARLES KANOUFF,  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF,  
A/K/A KAREN T. KANOUFF  
NOTICE TO: CHARLES KA-  
NOUFF A/K/A CHARLES D. KA-  
NOUFF.

NOTICE OF  
SHERIFF'S SALE  
OF REAL PROPERTY

ALL THAT following described lot  
of ground situate, lying and being in  
MORRIS TOWNSHIP, County of  
CLEARFIELD, Commonwealth of  
Pennsylvania, bounded and de-  
scribed as follows, to wit:

Your house (real estate) at RD 3  
BOX 1119 A/K/A 331 CHURCH  
STREET, MORRISDALE, PA  
16858 is scheduled to be sold at  
the Sheriff's Sale on FEBRUARY 9,  
2009 at 10:00 A.M. at the CLEAR-  
FIELD County Courthouse, to en-  
force the Court Judgment of  
\$86,698.70 obtained by CITIFI-  
NANCIAL SERVICES, (the mortga-  
gee), against your Prop. sit. in the  
City of MORRIS, County of CLEAR-  
FIELD, and State of Pennsylvania.

Being Premises: RD# BOX 1119  
A/K/A 331 CHURCH STREET,  
MORRISDALE, PA 16858

Improvements consist of residen-  
tial property.

Sold as the property of CHARLES  
KANOUFF A/K/A CHARLES D. KA-  
NOUFF, KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF

TERMS OF SALE: The purchaser  
at the sale must take ten (10%) per-  
cent down payment of the bid price  
or of the Sheriff's cost, whichever  
is higher, at the time of the sale in  
the form of cash, money order or  
bank check. The balance must be  
paid within ten (10) days of the sale  
or the purchaser will lose the down  
money.

THE HIGHEST AND BEST BID-  
DERS SHALL BE THE BUYER.

Daniel Schmieg, Esquire  
One Penn Centerat  
Suburban Station  
1617 John F. Kennedy  
Boulevard  
Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000

Attorney for Plaintiff  
ALL that certain piece or parcel of  
land situate in the Township of Mor-  
ris, Clearfield County, PA, bounded  
and described as follows:

BEGINNING at a point of line of  
Township Road and being common  
corner of Lot No. 19; thence along  
said Township road South two de-  
grees forty-three (43) minutes East  
seventy-seven (77) feet to point on  
line of Lot No. 17; thence along line  
of Lot No. 17 South eighty-six de-  
grees sixteen (16) minutes West  
two hundred one (201) feet to point  
on twenty-foot alley-way; thence  
along said twenty-foot alley-way  
North one degree twenty-two (22)  
minutes West eighty-three (83)  
feet to point on Line of Lot No. 19;  
thence along line of Lot No. 19  
North eighty-seven degrees fifty-  
four (54) minutes East one hundred  
ninety-nine (199) feet to point and  
place of beginning, and being  
known as Lot No. 18 in plot of lots  
laid out by the Clearfield Trust Com-  
pany and filed for recording in the  
Office of the Recorder of Deeds in  
and for the County of Clearfield in  
Miscellaneous Book No., Page.

EXCEPTING and reserving,  
nevertheless, unto the Clearfield  
Trust Company, all the coal, oil,  
gas, tire clay and other minerals  
underlying said described lot; to-  
gether with the right of ingress and  
regress by any convenient means  
for the purpose of searching for,  
mining, boring, removing and carry-  
ing away said coal and other miner-  
als without being liable for any dam-  
ages to the Grantees, their heirs  
and assigns by reason of such entry  
for the purpose aforesaid, and said  
mineral estate shall owe no duty of  
support, or servitude to the super-  
incumbent strata and surface of  
said land.

TITLE TO SAID PREMISES IS  
VESTED IN Charles D. Kanouff and  
Karen T. Kanouff, husband and  
wife, by Deed from Leroy C. Wil-  
liams, Jr. and Margaret J. Williams,  
husband and wife, dated  
07/19/1994, recorded  
07/22/1994, in Deed Book 1620,  
page 258.

Premises being:  
RD 3 BOX 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858  
Tax Parcel No. Q10-568-00003

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :  
: : SS:  
COUNTY OF CLEARFIELD : :

On this 12th day of January, A.D. 20 09,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of January 7, 2009.  
And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

*Margaret E. Krebs*

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

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

"It's about the economy and business on the books right," AirTran spokesman

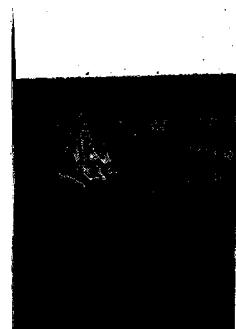
Calif.-based Virgin America operated airline that is off from Virgin Atlantic's sale Tuesday for travel to the cities the carrier's fares range from \$59 for Mexico to Las Vegas, for Newark to Los Angeles.

Richard Branson's Virgin Group investor in Virgin America, said JetBlue Airways Corp. offering a fare sale involving flights in the Northeast, the Caribbean, including a New York's JFK airport to 10 city pairs, travel must take place by April 1.

That has launched fare sales between Jan. 15 and April 30, based AMR Corp.'s American, travel within the U.S. between March 5 and April 30, for fares; and Chicago-based United Airlines — for travel within the U.S. as late as April 30.

The sale was launched Dec. 31, 2008's fare sale for several years, said spokesman Urbanowski. The airline offers come with restrictions: carrier from advance purchase and minimum stay requirements.

The has already started. Both the AirTran and JetBlue sales in markets in which the spokesman Tim Smith said,



Students of the month for December are, from left, Chelsea Arnold and Brian Dubyak, grade two; Taylor, grade three; and Jake Newson. Not shown are John Newson

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
:  
COUNTY OF CLEARFIELD :

On this 9th day of January AD 2009, before me, the subscriber, a Notary Public in 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 January 9, 2009, Vol. 21, No. 2. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

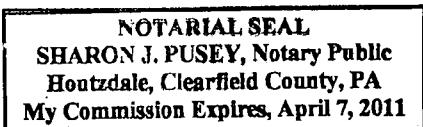


Gary A. Knaresboro, Esquire  
Editor

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



\_\_\_\_\_  
Notary Public  
My Commission Expires



FULL SPECTRUM SERVICES  
400 FELLOWSHIP RD SUITE 220  
MOUNT LAUREL NJ 08054



7178 2417 6099 0018 4781

4 / JJN

**RESTRICTED DELIVERY**

KAREN J. KANOUFF  
PO BOX 222  
KARTHAUS, PA 16845-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)



Date Produced: 01/05/2009

PHELAN HALLINAN & SCHMIEG

The following is the delivery information for Certified Mail™ item number 7178 2417 6099 0018 4781. Our records indicate that this item was delivered on 12/29/2008 at 07:25 a.m. in KARTHAUS, PA, 16845. The scanned image of the recipient information is provided below.

Signature of Recipient:

A scanned image of a handwritten signature in black ink. The signature appears to read 'Kelli Knoll' on the top line and 'Kerry Knoll' on the bottom line.

Address of Recipient:

A scanned image of a handwritten address in black ink. The address appears to read '1500 Cynthiana'.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 19235

**FILED**  
JAN 30 2009  
William A. Stein  
Prothonotary/Clerk of Courts

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

Attorney for Plaintiff

CITIFINANCIAL SERVICES, INC.

Plaintiff,

v.

KAREN J. KANOUFF  
CHARLES KANOUFF

Defendants

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-1447-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, CHARLES KANOUFF on 2/5/09 at RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858 & 3496 MAIN STREET, APT. 2, KARTHAUS, PA 16845 and 508 GOOD STREET, APT. 3, HOUTZDALE, PA 16651 in accordance with the Order of Court dated 2/26/2008. The property was posted on 2/9/09. Publication was advertised in the Clearfield Legal Journal on 2/13/2009 & on 2/9/09 in the Clearfield Daily Newspaper.

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

PHELAN HALLINAN & SCHMIEG, LLP

By:

*Daniel G. Schmieg*  
DANIEL G. SCHMIEG, ESQUIRE

Dated: March 5, 2009

5  
FILED  
3/10/3984  
MAR 06 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

CIVIL ACTION-LAW  
NO. 07-1447-CD

CITIFINANCIAL SERVICES, INC. VS.  
KAREN J. KANOUFF  
CHARLES KANOUFF

NOTICE TO: CHARLES KANOUFF,  
NOTICE OF SHERIFF'S SALE OF REAL  
PROPERTY

ALL THAT following described lot of ground  
situate, lying and being in MORRIS TOWNSHIP,  
County of CLEARFIELD, Commonwealth of Pennsylvania, bounded and limited  
as follows, to wit:

Your house (real estate) at RD 3 BOX 1119  
A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858 is scheduled to be sold at  
the Sheriff's Sale on MAY 1, 2009 at  
10:00AM, at the CLEARFIELD County Court-  
house, to enforce the Court Judgment of  
\$86,698.70 obtained by CITIFINANCIAL  
SERVICES, INC., (the mortgagee), against  
your Prop. sit. in the City of MORRIS, County of  
CLEARFIELD, and State of Pennsylvania.

Being Premises: RD 3 BOX 1119 A/K/A  
331 CHURCH STREET, MORRISDALE, PA  
16858

Improvements consist of residential property.  
Sold as the property of KAREN J. KANOUFF,  
CHARLES KANOUFF,

TERMS OF SALE: The purchaser at the  
sale must take ten (10%) percent down pay-  
ment of the bid price or of the Sheriff's cost,  
whichever is higher, at the time of the sale in  
the form of cash, money order or bank check.  
The balance must be paid within ten (10)  
days of the sale or the purchaser will lose the  
down money.

THE HIGHEST AND BEST BIDDER SHALL  
BE THE BUYER

Daniel Schmieg, Esquire  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000  
Attorney for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land  
situate in the Township of Morris, Clear-  
field County, PA, bounded and described  
as follows:

BEGINNING at a point of line of Township  
Road and being common corner of Lot No. 19;  
thence along said Township road South two  
degrees forty-three (43) minutes East seventy-  
seven (77) feet to point on line of Lot No. 17;  
thence along line of Lot No. 17 South eighty-  
six degrees sixteen (16) minutes West two  
hundred one (201) feet to point on twenty-foot  
alley-way; thence along said twenty-foot alley-  
way North one degree twenty-two (22) minutes  
West eighty-three (83) feet to point on Line of  
Lot No. 19; thence along line of Lot No. 19  
North eighty-seven degrees fifty-four (54) min-  
utes East one hundred ninety-nine (199) feet to  
point and place of beginning, and being known  
as Lot No. 18 in plot of lots laid out by the  
Clearfield Trust Company and filed for re-  
cording in the Office of the Recorder of Deeds  
in and for the County of Clearfield in Mis-  
cellaneous Book No. \_\_\_\_\_, Page \_\_\_\_\_.

EXCEPTING and reserving, nevertheless,  
unto the Clearfield Trust Company, all the coal,  
oil, gas, fire clay and other minerals underlying  
said described lot, together with the right of  
ingress and regress by any convenient means  
for the purpose of searching for, mining, bor-  
ing, removing and carrying away said coal and  
other minerals without being liable for any  
damages to the Grantees, their heirs and as-  
signs by reason of such entry for the purposes  
aforesaid, and said mineral estate shall owe no  
duty of support, or servitude to the superin-  
cumbent strata and surface of said land.

TITLE TO SAID PREMISES IS VESTED IN  
Charles D. Kanouff and Karen T. Kanouff, hus-  
band and wife, by Deed from Leroy C. Wil-  
liams, Jr. and Margaret J. Williams, husband  
and wife, dated 07/19/1994, recorded  
07/22/1994, in Deed Book 1620, page 258.

Premises being: RD 3 BOX 1119 A/K/A 331  
CHURCH STREET MORRISDALE, PA 16858

Tax Parcel No. Q10-568-00003

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

---

NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE  
IN THE COURTS OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION-LAW  
NO. 2008-1493-CD

CITIMORTGAGE, INC. S/B/M TO ABN AMRO  
MORTGAGE GROUP VS. NORMAN M. LOWDER  
MELISSA LOWDER

NOTICE TO: NORMAN M. LOWDER, MELISSA  
LOWDER, NOTICE OF SHERIFF'S SALE OF  
REAL PROPERTY

ALL THAT following described lot of ground  
situate, lying and being in WALLACETON BOR-  
OUGH, county of CLEARFIELD, Commonwealth of  
Pennsylvania, bounded and limited as follows, to  
wit:

Your house (real estate) at 388 CLEARFIELD  
STREET, WALLACETON, PA 16876 is scheduled  
to be sold at the Sheriff's Sale on MARCH 6, 2009  
at 10:00 A.M. at the CLEARFIELD county court-  
house, to enforce the Court Judgment of  
\$67,259.04 obtained by CITIMORTGAGE, INC. S/  
B/M TO ABN AMRO MORTGAGE GROUP, (the  
mortgagee), against your Prop. Sit. In the City of  
WALLACETON, County of CLEARFIELD, and  
State of Pennsylvania.

Being Premises: 388 CLEARFIELD STREET,  
WALLACETON, PA 16876.

Improvements consist of residential property.  
Sold as the property of NORMAN M. LOWDER,  
MELISSA LOWDER.

TERMS OF SALE: The Purchaser at the sale  
must take ten (10%) percent down payment of the  
bid price or of the Sheriff's cost, whichever is  
higher, at the time of the sale in the form of cash,  
money order, or bank check. The balance must be  
paid within ten (10) days of the sale or the pur-  
chaser will lose the down money.

THE HIGHEST BIDDER SHALL BE THE  
BUYER.

Daniel Schmieg, Esquire  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103  
(215)563-7000  
Attorney for Plaintiff

#### LEGAL DESCRIPTION

All that certain lot of land situated in the  
Borough of Wallacetton, County of Clearfield,  
Pennsylvania, bounded and described as  
follows:

On the East by an alley; on the West by  
Clearfield Street; on the North by Lot No.

Forty-eight (48) and on the South by an al-  
ley, and known as Lot No. Forty-seven (47)  
in the plan of Wallacetton Borough.

BEING identified in the Clearfield County  
Mapping and Assessment Office as Parcel  
No. 010-373-00020.

BEING also known as 388 Clearfield  
Street, Wallacetton, PA 16876.  
UNDER AND SUBJECT, NEVERTHELESS,  
to all existing easements, conditions and  
restrictions of record.

BEING the same property which David  
B. Coble, unmarried man, by his Deed  
dated September 30, 1992, and recorded in  
the office of the Recorder of Deeds of  
Clearfield County in Record Book 1488,  
Page 18, on October 2, 1992, granted and  
conveyed unto Gary L. Hendershot and  
Mary B. Hendershot, husband and wife, the  
Grantors herein.

PARCEL IDENTIFICATION NO: 010-373-  
00020, Control #: 019007281

TITLE TO SAID PREMISES IS VESTED IN  
Norman M. Lowder and Melissa Lowder, h/w,  
by Deed from Gary L. Hendershot and Mary B.  
Hendershot, h/w, dated 02/19/2003, recorded  
02/20/2003 in Instrument Number 200302530.  
Premises being: 388 CLEARFIELD STREET  
WALLACETON, PA 16876

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

#### **SHERIFF'S SALE OF VALUABLE REAL ESTATE**

BY VIRTUE OF: Writ of Execution issued  
out of the Court of Common Pleas of Clearfield  
County, Pennsylvania and to me directed,  
there will be exposed to public sale in the  
Sheriff's Office in the Courthouse in the Bor-  
ough of Clearfield on Friday, March 6, 2009,  
10:00 A.M. THE FOLLOWING DESCRIBED  
PROPERTY TO WIT: (SEE ATTACHED DE-  
SCRIPTION) TERMS OF SALE

The price of sum at which the property  
shall be struck off must be paid at the time of  
sale or such other arrangements made as will  
be approved, otherwise the property will be  
immediately put up and sold again at the ex-  
pense and risk of the person to whom it was  
struck off and who in case of deficiency of  
such resale shall make good for the same and

**NOTICE OF ACTION**

NOTICE OF ACTION  
IN MORTGAGE EQUITY PURCHASE  
AGES TO THE GRANTEE'S THEIR HEIRS  
AND ASSIGNS BY REASON OF SUCH ENTRY  
FOR THE PURPOSES AFORESAID, AND  
Said MINERAL ESTATE SHALL OWE NO  
DUTY OF SUPPORT, OR SERVITUDE TO THE  
SUPERINCUMBENT STRAITS AND SURFACE  
OF SAID LAND.

**TITLE TO SAID PREMISES IS  
VESTED IN** Charles D. Kanouff and  
Karen T. Kanouff, husband and  
wife, by Deed from Leroy C. Wil-  
liams, Jr. and Margaret J. Williams,  
husband and wife, dated  
07/19/1994, recorded  
07/22/1994, in Deed Book 1620,  
page 258.  
Premises being:  
RD 3 Box 1119  
A/K/A 331 CHURCH STREET  
MORRISDALE PA 16858  
Tax Parcel No. Q10-568-00003  
David Schimig, Esquire  
One Penn Center  
at Suburban Station  
1617 John F. Kennedy  
Boulevard  
Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000  
Attorney for Plaintiff

• Arthur Gieni  
plea of guilty. He  
person and will be  
• A bench wa  
Wallaceton Road,  
charged with crim  
e, was  
ceived  
g and  
t, he  
e vic  
ated assault by  
2-9-1d1  
recorded  
ted in  
The bill allows co

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

On this 20th day of February, A.D. 20 09, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progress, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

the regular issues of February 9, 2009  
And that the affiant is not interested in the subject matter of the notice or advertising, and that all of the allegations of this statement as to the time, place, and character of publication are true.

Margaret S. Trebil  
Sworn and subscribed to before me the day and year aforesaid.

• Arthur Gieniak, 21, of 100 Wallacetown Road, was charged with criminal assault by police yesterday, was received at the police station and will be arraigned on a charge of assault.

recorded

• Arthur Gienow  
plea of guilty. His  
person and will be  
• A bench was  
Wallacetown Road,  
charged with crimi-

Notary Public Clearfield, Pa.

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

Cheryl J. Robison, Notary Public  
Clearfield Barr, Clearfield County  
My Commission Expires Oct 31, 2011

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

:

COUNTY OF CLEARFIELD :

:

On this 13th day of February AD 2009, before me, the subscriber, a Notary Public in 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 February 13, 2009, Vol. 21, No. 7. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

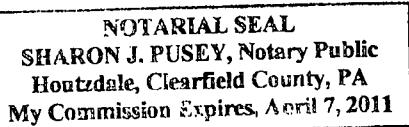


---

Gary A. Knaresboro, Esquire  
Editor

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

Notary Public  
Notary Public  
My Commission Expires



Full Spectrum Services  
400 Fellowship Road Suite 220  
Mount Laurel, NJ 08054

**PHELAN HALLINAN & SCHMIEG, LLP**  
By: Daniel G. Schmieg, Esquire  
Atty. I.D. No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Plaintiff

Citifinancial Services, Inc. : COURT OF COMMON PLEAS  
: :  
: CIVIL DIVISION  
vs.  
Karen J. Kanouff : CLEARFIELD COUNTY  
Charles Kanouff  
: :  
: NO. 07-1447-CD

**ORDER**

AND NOW, this 26<sup>th</sup> day of February, 2008, it  
is hereby ORDERED and DECREED that the prior Order of Court dated January 16, 2008 is hereby  
AMENDED as follows.

That Plaintiff may obtain service of the Complaint, and all future pleadings, on the Defendant,  
Charles Kanouff, by:

1. Posting a copy of the complaint on the mortgaged premises, RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858.
2. First class mail to Charles Kanouff at the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises located at RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858; and
3. Certified mail to Charles Kanouff at the last known addresses, 3496 Main Street, Apt. 2, Karthaus, PA 16845 and 508 Good Street, Apt. 3, Houtzdale, PA 16651 and the mortgaged premises located at RD 3 Box 1119, a/k/a 331 Church Street, Morrisdale, PA 16858;
4. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal.

BY THE COURT:  
/S/ Fredric J Ammerman

J.

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

FEB 26 2008

Attest.

*William L. Schmieg*  
Prothonotary/  
Clerk of Courts

PLAINTIFF	CITIFINANCIAL SERVICES, INC.	CLEARFIELD County
DEFENDANT(S)	CHARLES KANOUFF A/K/A CHARLES D.	No. 07-1447-CD
KANOUFF	KAREN J. KANOUFF A/K/A KAREN T.	Our File #: 158133
KANOUFF		Type of Action
		- Notice of Sheriff's Sale
<b>***PLEASE POST PROPERTY FOR CHARLES KANOUFF, PER COURT ORDER***</b>		Sale Date: MAY 1, 2009

SERVE AT: RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

Served and made known to Charles Kanouff SERVED, Defendant, on the 9th day of February,  
2009, at 6:40, o'clock P.m., at 331 Church ST., MORRISDALE, PA, 16858,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
 Agent or person in charge of Defendant(s)'s office or usual place of business.  
 X Other: POSTED

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other

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

Sworn to and subscribed  
before me this 10th day  
of February, 2009

Notary:

By: D.M. Ellis

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

NOT SERVED  
\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

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

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

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

By:

Attorney for Plaintiff

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

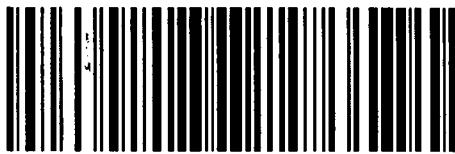
CQS

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Post Office
1		CHARLES KANOUFF RD 3 BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858	
2		CHARLES KANOUFF 3496 MAIN STREET, APT. 2 KARTHAUS, PA 16845	
3		CHARLES KANOUFF 508 GOOD STREET, APT. 3 HOUTZDALE, PA 16651	
4			
5			
6			
7			
8			
9			
10			
11			
12		<b>Re: CHARLES KANOUFF A/K/A CHARLES D. KANOUFF 158133 TEAM 3</b>	
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.</p> <p>UNITED STATES POSTAGE 02 1M 0004218010 PITNEY BOWLES JAN 02 2009 MAILED FROM ZIP CODE 19103</p> <p>TEAM 4</p>



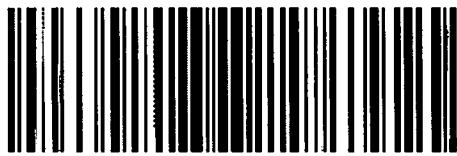
7178 2417 6099 0021 6543

4 / JJN  
CHARLES KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH  
STREET  
MORRISDALE, PA 16858-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)



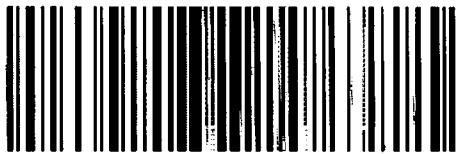
7178 2417 6099 0021 6550

4 / JJN  
CHARLES KANOUFF  
3496 MAIN STREET, APT 2  
KARTHAUS, PA 16845-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)



7178 2417 6099 0021 5567

4 / JJN  
CHARLES KANOUFF  
508 GOOD STREET  
APARTMENT 3  
HOUTZDALE, PA 16651-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#) | [Site Map](#)[Track & Confirm](#)[FAQ](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7173 2417 6099 0021 6567**

Associated Label/Receipt:

Detailed Results:

- Notice Left, February 13, 2009, 10:45 am, HOUTZDALE, PA 16651
- Missent, February 09, 2009, 9:07 am
- Electronic Shipping Info Received, February 05, 2009

[Track & Confirm](#)[Enter Label/Receipt Number](#)[Go >](#)[« Back](#)[Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

Verify who signed for your item by email. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEC Data

FOIA



Equal Employment  
Opportunity Commission



Americans with Disabilities Act

[Home](#) | [Help](#) | [Site Map](#)[Track & Confirm](#)[FAQ](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7178 2417 6099 0021 6550**

Associated Label/Receipt:

Detailed Results:

- Arrival at Unit, February 12, 2009, 11:44 am, PHILADELPHIA, PA 19104
- Addressee Unknown, February 09, 2009, 2:56 pm, KARTHAUS, PA
- Electronic Shipping Info Received, February 05, 2009

[\*\*< Back\*\*](#)[\*\*Return to USPS.com Home >\*\*](#)[Track & Confirm](#)

Enter Label/Receipt Number.

[Go >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

Verify who signed for your item by email. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



The following data is provided  
by the Equal Employment  
Opportunity Data



Information  
Request  
System

[Home](#) | [Help](#) | [Site Map](#)[Track & Confirm](#)[FAQ](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7178 2417 6099 0021 6543**

Associated Label/Receipt:

Detailed Results:

- Delivered, February 12, 2009, 3:45 am, PHILADELPHIA, PA 19103
- Arrival at Unit, February 11, 2009, 11:16 am, PHILADELPHIA, PA 19104
- Moved, Left no Address, February 07, 2009, 9:47 am, MORRISDALE, PA
- Undeliverable as Addressed, February 07, 2009, 9:37 am, MORRISDALE, PA 16858
- Electronic Shipping Info Received, February 05, 2009

[\*\*< Back\*\*](#)[\*\*Return to USPS.com Home >\*\*](#)**Track & Confirm**

Enter Label/Receipt Number.

[Go >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

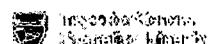
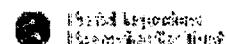
Verify who signed for your item by email. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



CITIFINANCIAL SERVICES, INC.

vs.

CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
:  
: NO. 07-1447-CD

**FILED**

APR 06 2009  
m 110:55 AM  
William A. Shaw  
Prothonotary/Clerk of Courts  
N.C.C.

**AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129**

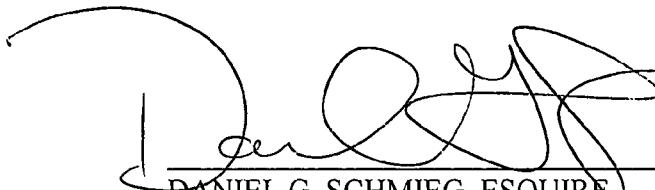
COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

)

SS:

I, DANIEL G. SCHMIEG, ESQUIRE attorney for CITIFINANCIAL SERVICES, INC. hereby verify that true and correct copies of the Notice of Sheriff's sale were served by certificate of mailing to the recorded lienholders, and any known interested party see Exhibit "A" attached hereto.

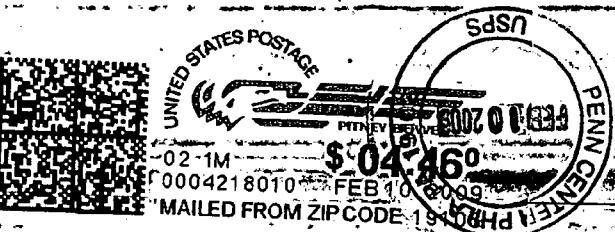
DATE: March 31, 2009

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT RD 3 BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858		
2		Domestic Relations Clearfield County, Clearfield County Courthouse, 230 East Market Street, Clearfield, PA 16830		
3		Commonwealth of Pennsylvania, Department of Welfare, PO Box 2675, Harrisburg, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 <sup>th</sup> Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 <sup>TH</sup> Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7		Beneficial consumer Discount Company, d/b/a Beneficial Mortgage Co. of Pennsylvania, 1995 S. Atherton St., State College, PA 16801		
8		Timothy Eyerly & Kim Eyerly, 120 Church Street, Morrisdale, PA 16858		
9		Timothy Eyerly & Kim Eyerly, 347 Church Street, Morrisdale, PA 16858		
10		Timothy Eyerly & Kim Eyerly, c/o Stephen C. Fleming, Esq., 1500 South Atherton Street, State College, PA 16801		
11		Timothy Eyerly & Kim Eyerly, c/o Stephen C. Fleming, Esq., 119 South Burrows, Ste 601, State College, PA 16801		
12				
13		RE: Charles Kanouff 158133 Clearfield TEAM 5 SXF		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office Employee)	<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.</p>	



PHELAN HALLINAN & SCHMIEG, LLP  
BY: DANIEL G. SCHMIEG, ESQUIRE  
Attorney I.D. No.: 62205  
One Penn Center Plaza, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

CITIFINANCIAL SERVICES, INC.

v.

CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF

Attorney for Plaintiff

FILED NO  
APR 13 2009  
610

William A. Shaw  
Prothonotary/Clerk of Courts

Plaintiff : CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 07-1447-CD

Defendants :

**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, **KAREN J. KANOUFF A/K/A KAREN T. KANOUFF**, by certified mail and regular mail to RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858, 2496 MAIN STREET, APT. 2, KARTHAUS, PA 16845 & P.O. BOX 222, KARTHAUS, PA 16845, and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **MAY 1, 2009**.
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendants 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", NO SERVICE WAS MADE AT 2496 MAIN STREET, APT. 2, KARTHAUS, PA 16845 AS THERE WAS NO ANSWER AT THE PREMISES.
4. As indicated by the United States Postal Service (USPS) Electronic Tracking Slip attached hereto as Exhibit "B", attempts to serve the defendant via Certified Mail at P.O. BOX 222, KARTHAUS, PA 16845 have been unsuccessful.
5. 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 "C".

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 RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858, 2496 MAIN STREET, APT. 2, KARTHAUS, PA 16845 & P.O. BOX 222, KARTHAUS, PA 16845.

PEELAN HALLINAN & SCHMIEG, LLP

By:   
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

PLAINTIFF	CITIFINANCIAL SERVICES, INC.	CLEARFIELD County
DEFENDANT(S)	CHARLES KANOUFF A/K/A CHARLES D.	No. 07-1447-CD
KANOUFF	KAREN J. KANOUFF A/K/A KAREN T.	Our File #: 158133
KANOUFF		Type of Action
Please serve upon:	KAREN J. KANOUFF A/K/A KAREN T.	- Notice of Sheriff's Sale
KANOUFF		Sale Date: MAY 1, 2009
SERVE AT:	2496 MAIN STREET APT. 2 KARTHAUS, PA 16845	

## EXHIBIT A

SERVED  
 Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_,  
 200\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_\_.m., at \_\_\_\_\_

Commonwealth of Pennsylvania, in the manner described below:

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

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 \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

NOT SERVED  
 \*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the 31<sup>ST</sup> day of MARCH, 2009, at 4:04 o'clock P.m., Defendant NOT FOUND because:

\_\_\_\_ Moved \_\_\_\_\_ Unknown X No Answer \_\_\_\_\_ Vacant  
 1st attempt Date: 3/25/09 Time: 9:19 AM, 2nd attempt Date: 3/26/09 Time: 7:00 PM, 3rd  
 attempt Date: 3/31/09 Time: 4:04 PM  
 Other: (Name is on mailbox.)

Sworn to and subscribed  
 before me this 1<sup>st</sup> day  
 of April, 2009

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

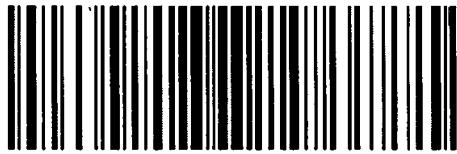
(215) 563-7000

*Dm. Ellis*

*Dm. Ellis*

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



## EXHIBIT B

7178 2417 6099 0021 6536

4 / JJN **RESTRICTED DELIVERY**  
KAREN J. KANOUFF  
PO BOX 222  
KARTHAUS, PA 16845-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

**EXHIBIT B**[Home](#) | [Help](#)[Track & Confirm](#)**Track & Confirm****Search Results**Label/Receipt Number: **7178 2417 6099 0021 6536**

Status: Delivered

Your item was delivered at 7:30 am on March 06, 2009 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](#)

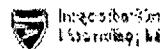
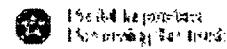
Enter Label/Receipt Number.

[Restore Offline Details >](#) [?](#) [Return to USPS.com Home >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



# EXHIBIT C

## FULL SPECTRUM SERVICES, INC. AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: 158133  
Attorney Firm: Phelan, Hallinan & Schmieg, LLP  
Subject: Karen J. Kanouff & Charles Kanouff

Current Address: (Charles Kanouff) 508 Good Street, Houtzdale, PA 16651  
Property Address: RD 3 Box 1119 A/K/A 331 Church Street, Morrisdale, PA 16858  
Current Address: (Charles Kanouff) 508 Good Street, Houtzdale, PA 16651  
Possible Mailing Address: (Karen J. Kanouff) P.O. Box 222, Karthaus, PA 16845

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

### I. CREDIT INFORMATION

#### A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct

Karen J. Kanouff - xxx-xx-8289  
Charles Kanouff - xxx-xx-1924

#### B. EMPLOYMENT SEARCH

Karen J. Kanouff & Charles Kanouff - A review of the credit reporting agencies provided no employment information.

#### C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Karen J. Kanouff reside(s) at: P.O. Box 222, Karthaus, PA 16845 & Charles Kanouff reside(s) at: 508 Good Street, Apartment 3, Houtzdale, PA 16651.

### II. INQUIRY OF TELEPHONE COMPANY

#### A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which indicated that Charles Kanouff reside(s) at: 508 Good Street, Houtzdale, PA 16651, however had no listing for Karen J. Kanouff. On 12-05-08 our office made several telephone calls to the subject's phone number (814) 378-5663 and received the following information: no answer.

#### B.

On 12-05-08 our office made a telephone call to the phone number (814) 342-6155 and received the following information: disconnected. On 12-05-08 our office made a telephone call to the phone number (814) 378-7140 and received the following information: wrong number.

### III. INQUIRY OF NEIGHBORS

On 12-05-08 our office made several phone calls in an attempt to contact Leesa Folmar (814) 345-5600, Road 3, Morrisdale, PA 16858: answering machine.

On 12-05-08 our office made several phone calls in an attempt to contact Anna Jane Hoover (814) 345-5016, Road 3, Morrisdale, PA 16858: answering machine.

On 12-05-08 our office made several phone calls in an attempt to contact Aaron Hubler (814) 345-6711, Road 3, Morrisdale, PA 16858: no answer.

On 12-05-08 our office made several phone calls in an attempt to contact Nicole Thomas (814) 342-1473, 301 Church Street, Morrisdale, PA 16858: answering machine.

On 12-05-08 our office made several phone calls in an attempt to contact Beatrice I. Shimmel (814) 342-6605, 396 Church Street, Morrisdale, PA 16858: no answer.

On 12-05-08 our office made several phone calls in an attempt to contact Lori L. Dixon (814) 342-1759, 420 Church Street, Morrisdale, PA 16858: no answer.

# EXHIBIT C

On 12-05-08 our office made a phone call in an attempt to contact Michael E. Hughes (814) 378-7376, 510 Good Street, Houtzdale, PA 16651: spoke with an unidentified female who confirmed that Charles Kanouff reside(s) at 508 Good Street, Houtzdale, PA 16651.

## IV. ADDRESS INQUIRY

### A. NATIONAL ADDRESS UPDATE

On 12-05-08 we reviewed the National Address database and found the following information: Karen J. Kanouff - P.O. Box 222, Karthaus, PA 16845 & Charles Kanouff - 508 Good Street, Apartment 3, Houtzdale, PA 16651.

### B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: (Karen J. Kanouff) P.O. Box 222, Karthaus, PA 16845.

## V. DRIVERS LICENSE INFORMATION

### A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Karen J. Kanouff & Charles Kanouff.

## VI. OTHER INQUIRIES

### A. DEATH RECORDS

As of 12-05-08 Vital Records and all public databases have no death record on file for Karen J. Kanouff & Charles Kanouff.

### B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Karen J. Kanouff & Charles Kanouff residing at: last registered address.

## VII. ADDITIONAL INFORMATION OF SUBJECT

### A. DATE OF BIRTH

Karen J. Kanouff - 04-02-1964  
Charles Kanouff - 05-01-1963

### B. A.K.A.

Karen T. Kanouff; Karen J. Wolf  
Charles D. Kanouff; Charles Q. Kanouff

\* 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.

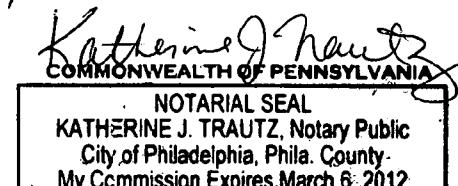
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

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.

Larry Moorehead

AFFIANT - Larry Moorehead  
Full Spectrum Services, Inc.

Sworn to and subscribed before me this 5<sup>th</sup> day of December, 2008.



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

IND

PHELAN HALLINAN & SCHMIEG, LLP  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard – Suite 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000  
Fax (215) 563-7009

**RUSH**

**EXHIBIT D**

UNITED STATES POSTAL SERVICE

March 5, 2009

POSTMASTER  
MORRISDALE, PA 16858

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

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

NAME: **KAREN J. KANOUFF**  
ADDRESS: **RD 3 BOX 1119 A/K/A 331 CHURCH STREET**  
**MORRISDALE, PA 16858**

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

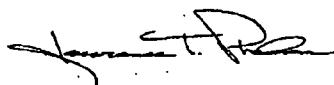
The following information is provided in accordance with 39 CFR 265.6(d)(4)(II). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and corresponding Administrative Support Manual 352.44a.

1. Capacity of Requester (e.g., process server, attorney, party representing self): **Attorney**
2. Statute or regulation that empowers me to serve (not required when requester is an attorney or a party acting pro se-except a corporation acting pro se must cite statute): **n/a**
3. The names of all parties to the litigation: **CITIFINANCIAL SERVICES, INC. vs. KAREN J. KANOUFF**
4. The court in which the case has been or will be heard: **Civil Division - CLEARFIELD County**
5. The docket or other identifying number if one has been issued: **NO. 07-1447-CD**
6. The capacity in which this individual is to be served: **Defendant in a Mortgage Foreclosure Action**

**WARNING**

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

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



Lawrence T. Phelan, ESQUIRE  
Attorney I.D. No. 32227

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

**FOR POST OFFICE USE ONLY**

	NEW ADDRESS OR BOXHOLDER'S NAME AND STREET ADDRESS	POSTMARK
<input type="checkbox"/> No change of address order on file		
<input type="checkbox"/> Moved, left no forwarding address		
<input type="checkbox"/> Not known at address given such		
<input type="checkbox"/> No such address		
<input type="checkbox"/> Good as addressed		
<input checked="" type="checkbox"/> Address as of 5/24/07	34916 main st APT # 2 KARTHAUS, PA 16845	MORRISDALE PA MAR 9 2009 USPS
PHS # 158133		

**PHELAN HALLINAN & SCHMIEG, LLP**  
**BY: DANIEL G. SCHMIEG, ESQUIRE**  
**Attorney I.D. No.: 62205**  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

CITIFINANCIAL SERVICES, INC.	:	
	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
v.	:	
	:	CIVIL DIVISION
CHARLES KANOUFF	:	
A/K/A CHARLES D. KANOUFF	:	NO. 07-1447-CD
KAREN J. KANOUFF	:	
A/K/A KAREN T. KANOUFF	:	
	:	
	:	
Defendants	:	
	:	

### **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, KAREN J. KANOUFF A/K/A KAREN T. KANOUFF, 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", and the USPS Electronic Tracking Slip marked hereto as Exhibit "B", the Plaintiff has been unable to serve the Notice of Sale.

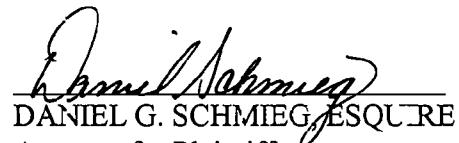
A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked as Exhibit "C".

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 RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858, 2496 MAIN STREET, APT. 2, KARTHAUS, PA 15845 & P.O. BOX 222, KARTHAUS, PA 16845.

Respectfully submitted,

PHELAN HALLINAN & SCHMIEG, LLP

By:

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

## VERIFICATION

DANIEL G. SCHMIEG, 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: April 9, 2009

  
Daniel G. Schmieg  
DANIEL G. SCHMIEG, ESQUIRE

**PHELAN HALLINAN & SCHMIEG, LLP**  
**BY: DANIEL G. SCHMIEG, ESQUIRE**  
**Attorney I.D. No.: 62205**  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

**CITIFINANCIAL SERVICES, INC.**

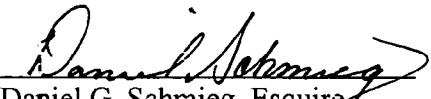
Plaintiff : CLEARFIELD COUNTY  
v. : COURT OF COMMON PLEAS  
CHARLES KANOUFF : CIVIL DIVISION  
A/K/A CHARLES D. KANOUFF : NO. 07-1447-CD  
KAREN J. KANOUFF :  
A/K/A KAREN T. KANOUFF :  
:

Defendants

**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.

**KAREN J. KANOUFF A/K/A KAREN T. KANOUFF**  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858,  
2496 MAIN STREET, APT. 2, KARTHAUS, PA 16845  
& P.O. BOX 222, KARTHAUS, PA 16845

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: April 9, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIFINANCIAL SERVICES, INC.

v.  
CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF

Plaintiff : CIVIL DIVISION

: NO. 07-1447-CD

Defendants :

FILED

APR 14 2009

0/3/30/w

William A. Shaw  
Prothonotary/Clerk of Courts (60)

1447 TO ATT

**ORDER**

AND NOW, this 14<sup>th</sup> day of April, 2009, upon consideration of Plaintiff's Motion for Service of Notice of Sale Pursuant to Special Order of Court and the Affidavit of Good Faith Investigation attached thereto, it is hereby **ORDERED** that Plaintiff may obtain service of the Notice of Sale on the above-captioned Defendant, **KAREN J. KANOUFF A/K/A KAREN T. KANOUFF**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858, 2496 MAIN STREET, APT. 2, KARTHAUS, PA 16845 & P.O. BOX 222, KARTHAUS, PA 16845.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

BY THE COURT:

  
J.

FILED  
APR 14 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
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  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

**FILED**  
APR 27 2009  
1104561  
no cc

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

**CITIFINANCIAL SERVICES, INC.**

vs.

**CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF  
KAREN J. KANOUFF A/K/A  
LAREN T. KANOUFF**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 07-1447-CD**

**VERIFICATION**

I hereby certify that a true and correct copy of the Notice of Sheriff's Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to the following person **CHARLES KANOUFF A/K/A CHARLES D. KANOUFF** and **KAREN J. KANOUFF A/K/A LAREN T. KANOUFF** in accordance with the Order of Court dated, **APRIL 14, 2009.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CITIFINANCIAL SERVICES, INC.

Plaintiff : CIVIL DIVISION  
v. :  
: NO. 07-1447-CD  
CHARLES KANOUFF :  
A/K/A CHARLES D. KANOUFF :  
KAREN J. KANOUFF :  
A/K/A KAREN T. KANOUFF :  
Defendants :  
ATTONEY FILE COPY  
PLEASE RETURN

**ORDER**

AND NOW, this 14<sup>th</sup> day of April, 2009, upon consideration of Plaintiff's Motion for Service of Notice of Sale Pursuant to Special Order of Court and the Affidavit of Good Faith Investigation attached thereto, it is hereby **ORDERED** that Plaintiff may obtain service of the Notice of Sale on the above-captioned Defendant, **KAREN J. KANOUFF A/K/A KAREN T. KANOUFF**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858, 2496 MAIN STREET, APT. 2, KARTHAUS, PA 16845 & P.O. BOX 222, KARTHAUS, PA 16845.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

**BY THE COURT:**

/S/ Fredric J Ammerman

J.

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

158133

APR 14 2009

Attest.

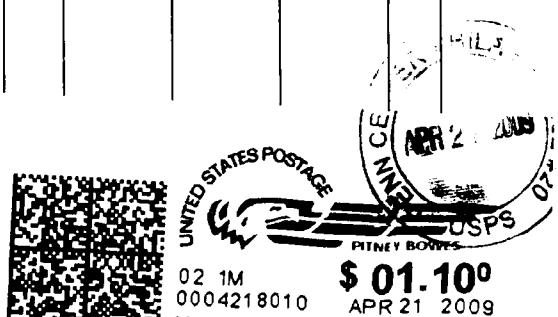
*William L. Ammerman*  
Prothonotary/  
Clerk of Courts

Name and  
Address  
of Sender  
→  
PHELAN HALLINAN & SCHMIEG  
One Penn Center at Suburban Station, Suite 14000  
1617 John F. Kennedy Boulevard



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

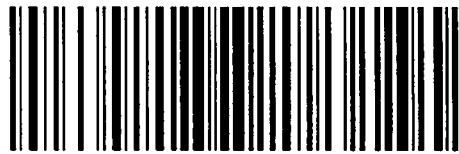
Line	Article Number	Name of Addressee, Street, and Post Office Address		
1		KAREN J. KANOUFF RD 3 BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858		
2		KAREN J. KANOUFF 2496 MAIN STREET, APT. 2 KARTHAUS, PA 16845		
3		KAREN J. KANOUFF P.O. BOX 222 KARTHAUS, PA 16845		
4				
5				
6				
7				
8				
9				
10				
11				
12				
13		RE: Charles Kanouff 158133 Clearfield TEAM 5 SXF		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	<p>STATES POSTAGE CLEARFIELD PA 16839 02 1M 0004218010 MAILED FROM ZIP CODE 16839</p>   <p>\$ 01 APR 21 MAILED FROM ZIP CODE 16839</p>
<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity for Registered Mail is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900 Sec 5 and S921 for limitations of coverage.</p>				



Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)
		<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50.00 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity for registered mail, sent with optional insurance, is \$2,500 for registered mail, sent with optional insurance. See Domestic Mail Mutual Reg 990 and 991 for limitations of coverage.</p> <p><b>TEAM</b></p>

TEAM 4

document reconstruction  
occurrence. The ~~12~~ am  
implementation is \$2500  
Manual R900 S95 and 1



7178 2417 6099 0026 7231

4 / JJN  
KAREN J. KANOUFF  
3496 MAIN STREET, APT 2  
KARTHAUS, PA 16845-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0026 7231

Associated Label/Receipt:

Detailed Results:

- Acceptance, April 21, 2009, 4:35 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, April 21, 2009

[Track & Confirm](#)

Enter Label/Receipt Number.

[Back](#)[Return to USPS.com Home >](#)

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

Verify who signed for your item by email. [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



Equal Employment Opportunity Data



Freedom of Information Act



7178 2417 6099 0026 7224

4 / JJN  
KAREN J. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH  
STREET  
MORRISDALE, PA 16858-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0026 7224

Associated Label/Receipt:

Detailed Results:

- Acceptance, April 21, 2009, 4:35 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, April 21, 2009

 [Back](#)[Return to USPS.com Home >](#)[Track & Confirm](#)

Enter Label/Receipt Number.

### Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email.  [Go >](#)

Return Receipt (Electronic)

Verify who signed for your item by email.  [Go >](#)

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

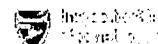
Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



Equal Employment  
Opportunity Data



Disability Data

[Home](#) | [Help](#)[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0026 7248

Associated Label/Receipt:

Detailed Results:

- Acceptance, April 21, 2009, 4:35 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, April 21, 2009

[Track & Confirm](#)

Enter Label/Receipt Number.

< BackReturn to USPS.com Home >

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. Go >

#### Return Receipt (Electronic)

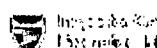
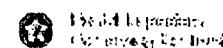
Verify who signed for your item by email. Go >

[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20874  
NO: 07-1447-CD

PLAINTIFF: CITIFINANCIAL SERVICES, INC.

vs.

DEFENDANT: CHARLES KANOUFF A/K/A CHARLES D. KANOUFF AND KAREN J. KANOUFF A/K/A KAREN T. KANOUFF

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 10/29/2008

LEVY TAKEN 12/2/2008 @ 10:00 AM

POSTED 12/2/2008 @ 10:00 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 8/13/2009

DATE DEED FILED

PROPERTY ADDRESS RD 3, BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858

7 **FILED**  
01/18/2009  
AUG 13 2009  
G10  
William A. Shaw  
Prothonotary/Clerk of Courts

**SERVICES**

SEE ATTACHED SHEET(S) OF SERVICES

SHERIFF HAWKINS \$292.79

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of 2009

*Chester A. Hawkins*  
I, Cynthia Beller, Deputy Sheriff  
Chester A. Hawkins  
Sheriff

CITIFINANCIAL SERVICES, INC.

vs

CHARLES KANOUFF A/K/A CHARLES D. KANOUFF AND KAREN J. KANOUFF A/K/A KAREN T. KANOUFF

---

1 12/3/2008 @ SERVED CHARLES KANOUFF A/K/A CHARLES D. KANOUFF

SERVED CHARLES KANOUFF A/K/A CHARLES D. KANOUFF, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO RD 3, BOX 1119, A/K/A 331 CHURCH STREET MORRISDALE, CLERARFIELD COUNTY, PA. CERT

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

---

2 @ SERVED KAREN J. KANOUFF A/K/A KAREN T. KANOUFF

PLAINTIFF SERVED BY CERT. MAIL TO P. O. BOX 222, KARTHAUS, PA. SHERIFF'S OFFICE SENT CERT & REG MAIL 1/27/09. CERT #

---

3 12/3/2008 @ SERVED CHARLES KANOUFF A/K/A CHARLES D. KANOUFF

SERVED CHARLES KANOUFF A/K/A CHARLES D. KANOUFF, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 508 GOOD STREET, APT 3, HOUTZDALE, CLEARFIELD COUNTY, PA CERT #70060810000145074548. RETD

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

---

4 12/3/2008 @ SERVED CHARLES KANOUFF A/K/A CHARLES D. KANOUFF

SERVED CHARLES KANOUFF A/K/A CHARLES D. KANOUFF, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 3496 MAIN ST., APT 2, KARTHAUS, PA 16845 CERT #70060810000145074555 RETURNED UNCALIMED 12/10/08

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

---

5 2/3/2009 @ SERVED KAREN J. KANOUFF A/K/A KAREN T. KANOUFF

SERVED KAREN J. KANOUFF A/K/A KAREN T. KANOUFF, DEFENDANT, BY REG AND CERT MAIL PER COURT ORDER TO P. O. BOX 222, KARTHAUS, CLEARFIELD COUNTY, PENNSYLVANIA. CERT #70060810000145074692 SIGNED FOR A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION AND COPY OF THE LEVY.

---

@ SERVED

NOW, FEBRUARY 5, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR FEBRUARY 5, 2009 TO MAY 1, 2009.

---

@ SERVED

NOW, APRIL 27, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR MAY 1, 2009 TO JUNE 5, 2009.

20874

07-1447-CD

CITIFINANCIAL SERVICES, INC.

vs CHARLES KANOUFF A/K/A CHARLES D. KANOUFF AND KAREN J. KANOUFF A/K/A KAREN T. KANOUFF

---

@ SERVED

NOW, JUNE 3, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR JUNE 5, 2009 DUE TO A CHARGE OFF.

---

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

CITIFINANCIAL SERVICES, INC.

vs.

CHARLES.KANOUFF  
A/K/A CHARLES.D..KANOUFF

KAREN.J. KANOUFF  
A/K/A KAREN.T. KANOUFF

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .....

No. 07-1447-CD

No. .....

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: RD 3 BOX 1119 A/K/A 331 CHURCH STREET, MORRISDALE, PA 16858

(See Legal Description attached)

Amount Due	\$86,698.70
------------	-------------

Interest from 06/24/2008 to Sale	\$ _____
----------------------------------	----------

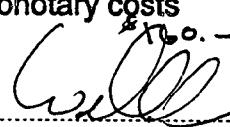
Per diem \$14.25	
------------------	--

Add'l Costs	
-------------	--

Writ Total	
------------	--

Prothonotary costs	\$4,746.11
--------------------	------------

\$
----

  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated Oct. 29, 2008

(SEAL)

158133

Received this writ this 29<sup>th</sup> day  
of October A.D. 2008  
At 3:00 A.M./P.M.

Chester A. Hawkins  
Sheriff by Cynthia Butler-Angelina

No. 07-1447.CD .....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CITIFINANCIAL SERVICES, INC.

vs.

CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
KAREN J. KANOUFF  
A/K/A KAREN T. KANOUFF

WRIT OF EXECUTION  
(Mortgage Foreclosure)

	Costs
Real Debt	\$86,698.70

Int. from 06/24/2008  
To Date of Sale (\$14.25 per diem)

	Costs
Prothly Pd.	_____

Sheriff

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

Address: CHARLES KANOUFF  
A/K/A CHARLES D. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

KAREN J. KANOUFF A/K/A KAREN T. KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858

## **LEGAL DESCRIPTION**

**ALL that certain piece or parcel of land situate in the Township of Morris, Clearfield County, PA, bounded and described as follows:**

**BEGINNING at a point of line of Township Road and being common corner of Lot No. 19; thence along said Township road South two degrees forty-three (43) minutes East seventy-seven (77) feet to point on line of Lot No. 17; thence along line of Lot No. 17 South eighty-six degrees sixteen (16) minutes West two hundred one (201) feet to point on twenty-foot alley-way; thence along said twenty-foot alley-way North one degree twenty-two (22) minutes West eighty-three (83) feet to point on Line of Lot No. 19; thence along line of Lot No. 19 North eighty-seven degrees fifty-four (54) minutes East one hundred ninety-nine (199) feet to point and place of beginning, and being known as Lot No. 18 in plot of lots laid out by the Clearfield Trust Company and filed for recording in the Office of the Recorder of Deeds in and for the County of Clearfield in Miscellaneous Book No. \_\_\_\_\_, Page \_\_\_\_\_.**

**EXCEPTING and reserving, nevertheless, unto the Clearfield Trust Company, all the coal, oil, gas, fire clay and other minerals underlying said described lot, together with the right of ingress and regress by any convenient means for the purpose of searching for, mining, boring, removing and carrying away said coal and other minerals without being liable for any damages to the Grantees, their heirs and assigns by reason of such entry for the purposes aforesaid, and said mineral estate shall owe no duty of support, or servitude to the superincumbent strata and surface of said land.**

**TITLE TO SAID PREMISES IS VESTED IN Charles D. Kanouff and Karen T. Kanouff, husband and wife, by Deed from Leroy C. Williams, Jr. and Margaret J. Williams, husband and wife, dated 07/19/1994, recorded 07/22/1994, in Deed Book 1620, page 258.**

**Premises being: RD 3 BOX 1119 A/K/A 331 CHURCH STREET  
MORRISDALE, PA 16858**

**Tax Parcel No. Q10-568-00003**

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME CHARLES KANOUFF A/K/A CHARLES D. KANOUFF

NO. 07-1447-CD

NOW, August 13, 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 Charles Kanouff A/K/A Charles D. Kanouff And Karen J. Kanouff A/K/A Karen T. Kanouff to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	15.21
LEV/Y	15.00
MILEAGE	15.21
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	37.37
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	15.00
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	10.00
CONTINUED SALES	40.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$292.79</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$0.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	86,698.70
INTEREST @ 14.2500	4,930.50
FROM 06/24/2008 TO 06/05/2009	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$91,669.20</b>
<b>COSTS:</b>	
ADVERTISING	476.50
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	292.79
LEGAL JOURNAL COSTS	162.00
PROTHONOTARY	160.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,371.29</b>

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

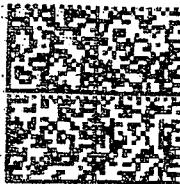
CHESTER A. HAWKINS, Sheriff

**CHESTER A. HAWKINS  
SHERIFF**

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

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

12/08



卷之三

016H16505405

**\$00.590**

12/03/2008

Mailed From 16830  
**US POSTAGE**

CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF  
331. CHURCH STREET A/K/A  
RD 3, E  
MORRIS NIXIE 16

NIXIE 165 DC 1 00 12/05/08

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 16830247201 \*2832-04769-03-39

16830827 0002  
1683082472

**CHESTER A. HAWKINS**

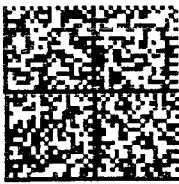
**SHERIFF**

## COURTHOUSE

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



2006 0820 0001 4507 4579



016H16505405

**\$ 05.490**

12/03/2008

12/03/2008

Mailed From 16830  
**US POSTAGE**

Hasler

12/08

UTF

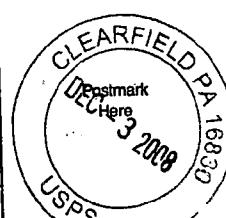
CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF  
331. CHURCH STREET A/K/A  
RD 3, B  
MORRI NIXIE 1

1st NOTICE  
2nd NOTICE  
RETURNED

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 16830247201 \*0596-06061-05-27

16830@2472

<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL™ RECEIPT</b> <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
<b>Postage</b>	\$ <hr/>
<b>Certified Fee</b>	<hr/>
<b>Return Receipt Fee (Endorsement Required)</b>	<hr/>
<b>Restricted Delivery Fee (Endorsement Required)</b>	<hr/>
<b>Total Postage &amp; Fees</b>	\$ <b>5.49</b>
	
<b>Sent To</b> CHARLES KANOUFF A/K/A CHARLES D. KANOUFF 331 CHURCH STREET A/K/A RD 3, BOX 1119 MORRISDALE, PA 16858 <hr/> Street, Apt. No.; or PO Box No. <hr/> City, State, ZIP+4	

**CERTIFIED MAIL**

ONE RETURN ADDRESS FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

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

**1. Article Addressed to:**

CHARLES KANOUFF A/K/A CHARLES D. KANOUFF  
331 CHURCH STREET A/K/A RD 3, BOX 1119  
MORRISDALE, PA 16858

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X**

Agent  
 Addressee

**B. Received by (Printed Name)****C. Date of Delivery****D. Is delivery address different from item 1?  Yes****If YES, enter delivery address below:  No****3. Service Type**

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

**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number****(Transfer from service label)****7006 0810 0001 4507 4579**

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

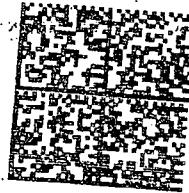
CHESTER A. HAWKINS

**SHERIFF**

## COURTHOUSE

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

$A = 68$



016H16505405

**\$00.590**

12/03/2008

Mailed From 16830

US POSTAGE

Hägler

CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF  
508 GOOD STREET, APT 3  
HOUTZD,

165 NFE 1 C071 00 12/04/08  
RETURN TO SENDER

MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER

DO NOT RETURN TO SENDER

830247201 \*2832-

RETURN TO SENDER  
BC: 16830247201 \*2832-04690-03-39

1683161251 0001  
16830@2472

CERTIFIED MAIL™

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



7006 0810 0001 4507 4548



Hasler

016H16505405

\$05.490

12/03/2008

Mailed From 16830  
US POSTAGE

12/08

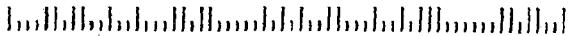
CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF  
508 GOOD STREET, APT 3  
HOOTZDA

NIXIE 165 SE 1 72 12/06/08

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 16830247201 \*0596-03941-06-28

168302472

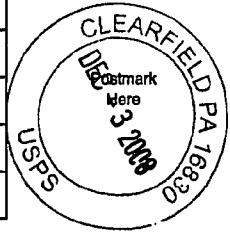


U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.49



Sent To CHARLES KANOUFF A/K/A CHARLES D. KANOUFF  
Street, Apt. No.: 508 GOOD STREET, APT 3  
or PO Box No.:  
City, State, ZIP+4: HOUTZDALE, PA 16651

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

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

**1. Article Addressed to:**

CHARLES KANOUFF A/K/A CHARLES D. KANOUFF  
508 GOOD STREET, APT 3  
HOUTZDALE, PA 16651

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X** Agent  
 Addressee**B. Received by (Printed Name)****C. Date of Delivery**

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

**3. Service Type**

<input 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.

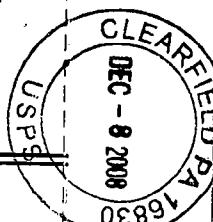
**4. Restricted Delivery? (Extra Fee)** Yes**2. Article Number***(Transfer from service label)*

7006 0810 0001 4507 4548

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

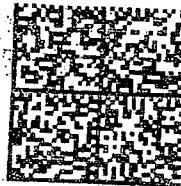


CHESTER A. HAWKINS

**SHERIFF**

## COURTHOUSE

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



016H16505405

**\$00.590**

12/03/2008

Hassler

CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF  
3496 MAIN STREET, APT 2  
KARTHA

NIXIE 165 DC 1 00 12/09/08

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 16830247201 \*2832-04691-03-39

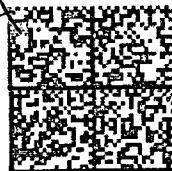
16830@2472

## CERTIFIED MAIL™

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



7006 0810 0001 4507 4555



016H16505405

\$05.49

12/03/2008

Mailed From 16830  
US POSTAGE

Hasler

CHARLES KANOUFF A/K/A  
CHARLES D. KANOUFF  
3496 M  
KARTH

NIXIE 165 SC 1 72 12/09/08

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD

BC: 16830247201 \*0596-09850-09-28

168302472

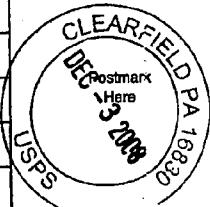


U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

## OFFICIAL USE

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	5.49



Sent To	CHARLES KANOUFF A/K/A CHARLES D. KANOUFF
Street, Apt. No. or PO Box No.	3496 MAIN STREET, APT 2
City, State, ZIP+4	KARTHAUS, PA 16845

PS Form 3800, June 2002

See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

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

**1. Article Addressed to:**

KAREN J. KANOUFF A/K/A  
KAREN J. KANOUFF  
P. O. BOX 222  
KARTHAUS, PA 16845

**COMPLETE THIS SECTION ON DELIVERY****A. Signature**

**X** Karen Kanouff

Agent  
 Addressee

**B. Received by (Printed Name)**

Karen Kanouff

**C. Date of Delivery**  
**FEB 03 2009**

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

**3. Service Type**

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

**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number:** (Transfer from service label)

7006 0810 0001 4507 4692

PS Form 3811, February 2004

Domestic Return Receipt

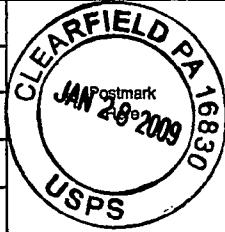
102595-02-M-1540

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)**

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	5.49

**Sent To**

KAREN J. KANOUFF A/K/A  
KAREN J. KANOUFF  
P. O. BOX 222  
KARTHAUS, PA 16845

PS Form 3800, June 2002

See Reverse for Instructions

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

February 5, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: CITIFINANCIAL SERVICES, INC. v.  
KAREN J. KANOUFF and CHARLES KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREET MORRISDALE, PA 16858  
Court No. 07-1447-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for February 5, 2009 due to the following OTHER.

The Property is to be relisted for the May 1, 2009 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,  
KATHERINE TRAUTZ 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

April 27, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: CITIFINANCIAL SERVICES, INC. v.  
KAREN J. KANOUFF and CHARLES KANOUFF  
RD 3 BOX 1119 A/K/A 331 CHURCH STREETMORRISDALE, PA 16858  
Court No. 07-1447-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for May 1, 2009 due to the following: Service of NOS.

The Property is to be relisted for the June 5, 2009 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,  
TOBY BJORKMAN for  
Phelan Hallinan & Schmieg, LLP

**FILED**

**AUG 13 2009**

William A. Shaw  
Prothonotary/Clerk of Courts