

07-1464-CD

HSBC Mortg. Vs K. Butterworth al

MILSTEAD & ASSOCIATES, LLC  
BY: Chrisovalante P. Fliakos, Esquire  
ID No. 94620  
220 Lake Drive East, Suite 301  
Cherry Hill, NJ 08002  
(856) 482-1400

Attorney for Plaintiff  
File: 22.06855

**HSBC Mortgage Services, Inc.  
636 Grand Regency Boulevard  
Brandon, FL 33510,**

**Plaintiff,**

**Vs.**

**Kristopher L. Butterworth  
2691 Old Erie Pike  
West Decatur, PA 16878,**

**and**

**Linda L. Butterworth  
2691 Old Erie Pike  
West Decatur, PA 16878,**

**Defendants.**

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

No.: 071464-CD

**CIVIL ACTION  
MORTGAGE FORECLOSURE**

**FILED** *Any pd. 85.00*  
*m/3:13/01*  
SEP 07 2007 *2cc Sheriff*  
*UN*

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Lawyers Referral and Information Services  
Clearfield County Bar Association  
Clearfield County Courthouse  
230 E. Market Street  
Clearfield, NJ 16830  
800-692-7375

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**NOTICE PURSUANT TO FAIR DEBT COLLECTION PRACTICES ACT**

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1. This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.
2. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after receipt of this notice, the debt will be assumed to be valid by our offices.
3. If you notify our offices in writing within 30 days of receipt of this notice that the debt, or any portion thereof, is disputed, our offices will provide you with verification of the debt or copy of the Judgment against you, and a copy of such verification or judgment will be mailed to you by our offices.

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Attorney for Plaintiff

**HSBC Mortgage Services, Inc.,  
636 Grand Regency Boulevard  
Brandon, FL 33510,**

**Plaintiff,**

**Vs.**

**Kristopher L. Butterworth  
2691 Old Erie Pike  
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**and**

**Linda L. Butterworth  
2691 Old Erie Pike  
West Decatur, PA 16878,**

**Defendants.**

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

**No.:**

**CIVIL ACTION  
MORTGAGE FORECLOSURE**

**COMPLAINT IN MORTGAGE FORECLOSURE**

1. Plaintiff, HSBC Mortgage Services, Inc. (the "Plaintiff"), is a Pennsylvania corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 636 Grand Regency Boulevard, Brandon, FL 33510.

2. Defendants, Kristopher L. Butterworth and Linda L. Butterworth, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Kristopher L. Butterworth, Defendant, resides at 2691 Old Erie Pike, West Decatur, PA 16878. Linda L. Butterworth, Defendant, resides at 2691 Old Erie Pike, West Decatur, PA 16878.

4. On August 30, 2006, in consideration of a loan in the principal amount of \$59,000.00, the Defendants executed and delivered to Ocean Bank, F.S.B. a note (the "Note") with interest thereon at 11.920 percent per annum, payable as to the principal and interest in equal monthly installments of \$603.26 commencing October 6, 2006.

5. To secure the obligations under the Note, the Defendants executed and delivered to Ocean Bank, F.S.B. a mortgage (the "Mortgage") dated August 30, 2006, recorded on September 12, 2006 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200615469. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference. Plaintiff is proper party plaintiff by way of an assignment to be recorded.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): 2691 Old Erie Pike, West Decatur, PA 16878. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their obligations pursuant to the Note and Mortgage because payments of principal and interest due May 6, 2007, and monthly thereafter are due and have not been paid, whereby the whole balance of principal and all interest due thereon have become due and payable forthwith together with late charges, escrow deficit (if any) and costs of collection including title search fees and reasonable attorney's fees.

8. The following amounts are due on the Mortgage and Note:

Balance of Principal .....	\$58,475.20
Accrued but Unpaid Interest from 4/6/07 to 9/6/07 @ 11.920% per annum (\$19.10 per diem) .....	\$2,922.30
Accrued Late Charges .....	\$150.80
Title Search Fees .....	\$350.00
Reasonable Attorney's Fees .....	\$1,250.00
TOTAL as of 09/06/2007 .....	\$63,148.30

Plus, the following amounts accrued after September 6, 2007:

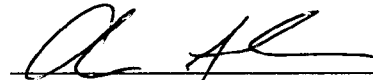
Interest at the Rate of 11.920 per cent per annum (\$19.10 per diem);

Late Charges of \$30.16 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at 2691 Old Erie Pike, West Decatur, PA 16878 as well as to address of residences as listed in paragraph 3 of this document on July 5, 2007, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

WHEREFORE, Plaintiff demands an in rem judgment against the Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$63,148.30, plus the following amounts accruing after September 6, 2007, to the date of judgment: (a) interest of \$19.10 per day, (b) late charges of \$30.16 per month, (c) plus interest at the legal rate allowed on judgments after the date of judgment, (d) additional attorney's fees (if any) hereafter incurred, (e) and costs of suit.

MILSTEAD & ASSOCIATES, LLC

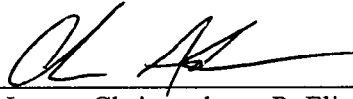


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Chrisovalante P. Fliakos, Esquire  
Attorney for Plaintiff

**VERIFICATION**

I, Chrisovalante P. Fliakos, hereby certify that I am an Attorney for Plaintiff and am authorized to make this verification on Plaintiff's behalf. I verify that the facts and statements set forth in the forgoing Complaint in Mortgage Foreclosure are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. ' 4904, relating to unsworn falsification to authorities.

A handwritten signature in black ink, appearing to read 'C. Fliakos', is written over a horizontal line.

Name: Chrisovalante P. Fliakos, Esquire  
Title: Attorney



EXHIBIT A

All that certain piece, parcel or lot of ground situate in the Village of West Decatur, (Blue Ball), Township of Boggs, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a post corner now or late of the M. E. Church land on the South side of Erie Pike; thence by said Church land South 47° West 275 feet; thence by land now or late of C. Gearhart, South 42° 45' East 53 feet to a post; thence by the land said C. Gearhart, North 47° East 275 feet to the South side of Erie Pike; thence by the said pike line North 42° 45' West 53 feet to the place of beginning.

Tax ID: 105-O11-576-00016

BEING the same premises which David Butterworth, a single man, by Deed dated August 9, 2004 and recorded August 18, 2004 in Clearfield County in Instrument No. 200413504, granted and conveyed unto Kristopher L. Butterworth and Linda L. Butterworth, husband and wife, in fee.

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Attorney for Plaintiff  
File No. 22.06855

**HSBC Mortgage Services, Inc.,**

**Plaintiff,**

**Vs.**

**Kristopher L. Butterworth,**

**and**

**Linda L. Butterworth,**

**Defendants.**

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

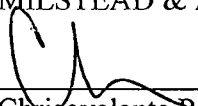
**No.: 07-1464-CD**

**Praecipe to Dismiss the Mortgage  
Foreclosure Action without Prejudice**

**TO THE PROTHONOTARY:**

Kindly dismiss the above captioned Mortgage Foreclosure Complaint without  
Prejudice.

MILSTEAD & ASSOCIATES, LLC

  
Chrisovalante P. Fliakos, Esquire  
Attorney ID No. 94620

**FILED** NO CC  
OCT 03 2007 @

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 103175  
NO: 07-1464-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.

vs.

DEFENDANT: KRISTOPHER L. BUTTERWORTH and LINDA L. BUTTERWORTH

**SHERIFF RETURN**

NOW, September 18, 2007 AT 3:05 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KRISTOPHER L. BUTTERWORTH DEFENDANT AT 2691 OLD ERIE PIKE, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LINDA BUTTERWORTH, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

**FILED**

01/11:45 AM  
JAN 23 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 103175  
NO: 07-1464-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.

vs.

DEFENDANT: KRISTOPHER L. BUTTERWORTH and LINDA L. BUTTERWORTH

**SHERIFF RETURN**

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NOW, September 18, 2007 AT 3:05 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LINDA L. BUTTERWORTH DEFENDANT AT 2691 OLD ERIE PIKE, WEST DECATUR, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LINDA BUTTERWORTH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DEHAVEN / HUNTER

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103175  
NO: 07-1464-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: HSBC MORTGAGE SERVICES, INC.  
vs.  
DEFENDANT: KRISTOPHER L. BUTTERWORTH and LINDA L. BUTTERWORTH

SHERIFF RETURN

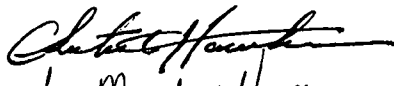
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MILSTEAD	36552	20.00
SHERIFF HAWKINS	MILSTEAD	36552	45.34

Sworn to Before Me This

\_\_\_\_\_ Day of \_\_\_\_\_ 2008  
2007

So Answers,

  
by Maulyr Hamr  
Chester A. Hawkins  
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DKT PG. 103175

HSBC MORTGAGE SERVICES, INC.

NO . 07-1464-CD

-VS-

KRISTOPHER L. BUTTERWORTH and LINDA L. BUTTERWORTH

COMPLAINT IN MORTGAGE FORECLOSURE

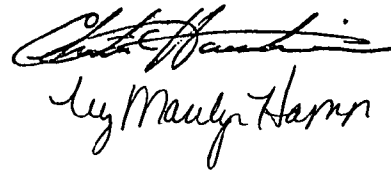
**[AMENDED]**  
SHERIFF'S RETURN

NOW FEBRUARY 19, 2008 CHANGE SHERIFF HAWKINS COSTS FROM \$45.34 to \$35.34.

SWORN TO BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_ 2008

SO ANSWERS,



CHESTER A. HAWKINS  
SHERIFF

**FILED**

0/2:40cm  
FEB 19 2008

William A. Shaw  
Prothonotary/Clerk of Courts