





## Mortgage Foreclosures

Date		Judge
9/19/2007	New Case Filed.	No Judge
	✓ Filing: Complaint in Mortgage Foreclosure, situated in the Fourth Ward of the Borough of Clearfield Paid by: Hallinan, Francis S. (attorney for US Bank National Association) Receipt number: 1920722 Dated: 9/19/2007 Amount: \$85.00 (Check) 2CC shff.	No Judge
11/20/2007	✓ Motion to Direct The Sheriff to File Affidavit of Service, filed by s/ Michele M. Bradford, Esquire. No CC	No Judge
	✓ Certificate of Service, filed. That true and correct copies of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service and Brief in Support thereof were served upon Chester A. Hawkins-shff., and Peter F. Smith Esq., Tammy Smith and Scott H. Ortasic, filed by s/ Michele M. Bradford Esq. NO CC.	No Judge
	✓ Order, this 20th day of Nov., 2007, Sheriff of Clfd. Co. is directed to file an Affidavit of Service of the foreclosure Complaint within 7 days of the date of this Order. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Bradford, 1CC Sheriff (without memo)	No Judge
11/26/2007	✓ Sheriff Return, September 28, 2007 at 10:52 am Served the within Complaint in Mortgage Foreclosure on Tammy Smith by handing to Tammy Smith. September 28, 2007 at 10:52 am served the within Complaint in Mortgage Foreclosure on Scott H., Ortasic by handing to Tammy Smith. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$48.00	No Judge
12/5/2007	✓ Certificate of Service, copies of Order granting Motion to Direct Sheriff to File Affidavit of Service were served upon the following via first class mail on 12-03-07: Chester A. Hawkins, Peter F. Smith, Esquire, Tammy Smith and Scott H. Ortasic. Filed by s/ Michele M. Bradford, Esquire. 1CC to Atty.	No Judge
12/28/2007	✓ Filing: In Rem Judgment Paid by: Hallinan, Francis S. (attorney for US Bank National Association) Receipt number: 1922017 Dated: 12/28/2007 Amount: \$20.00 (Check) In Rem Judgment in favor of the Plaintiff and against Tammy Smith and Scott H. Ortasic, Defendants, in the amount of \$34,037.65. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & Notice to Defs., Statement to Atty.	No Judge
	✓ Filing: Writ of Execution / Possession Paid by: Hallinan, Francis S. (attorney for US Bank National Association) Receipt number: 1922017 Dated: 12/28/2007 Amount: \$20.00 (Check)	No Judge
1/31/2008	✓ Plaintiff's Motion to Reassess Damages, filed by Atty. Bradford no cert. copies. Certificate of Service, filed.	No Judge
2/8/2008	✓ Rule, this 7th day of Feb., 2008, a Rule is entered upon the Defendants. Rule Returnable on the 6th day of March, 2008, at 1:45 p.m. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Bradford	Fredric Joseph Ammerman
2/14/2008	✓ Certification of Service, filed. That a true and correct copy of the Court's February 7, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granting to Tammy Smith and Scott H. Ortasic on February 12, 2008 filed by s/ Michele M. Bradford Esq. NO CC.	Fredric Joseph Ammerman



Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2008-00323-CD	Johnson, Jennifer Defendant Northwest Savings Bank Plaintiff	02/26/2008	DJ Transcript Judgme In favor of: Plaintiff Judgment amount or comment: \$1,643.28	Open	2/26/2008
2008-00327-CD	Agra, Catalina Defendant Commonwealth of Pennsylv Plaintiff	02/27/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$2,083.60	Open	2/27/2008
2008-00328-CD	Christoff, Francine Defendant Commonwealth of Pennsylv Plaintiff	02/27/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,165.21	Open	2/27/2008
2008-00329-CD	Commonwealth of Pennsylv Plaintiff Kirkwood, Dennis L. Defendant	02/27/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,348.67	Open	2/27/2008
2008-00330-CD	Charles, Michael D. Defendant Commonwealth of Pennsylv Plaintiff	02/27/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,065.59	Open	2/27/2008
2008-00331-CD	Blu Enterprises Defendant Commonwealth of Pennsylv Plaintiff	02/27/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$1,465.52	Open	2/27/2008
2008-00332-CD	Commonwealth of Pennsylv Plaintiff Short, Cindy Defendant	02/27/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$733.62	Open	2/27/2008
2008-00333-CD	Commonwealth of Pennsylv Plaintiff Heberling, Richard M. Defendant	02/27/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$869.63	Open	2/27/2008
2008-00347-CD	Cativera, Eric J. Defendant Commonwealth of Pennsylv Plaintiff	02/28/2008	Commonwealth Lien In favor of: Plaintiff Judgment amount or comment: \$743.63	Open	2/28/2008
2008-00349-CD	Bodnar, Nicole Defendant National Credit Acceptance Plaintiff	02/28/2008	DJ Transcript Judgme In favor of: Plaintiff Judgment amount or comment: \$7,522.03	Open	2/28/2008



Date: 3/7/2008

Time: 10:00 AM

Page 2 of 2

**Clearfield County Court of Common Pleas**

ROA Report

Case: 2007-01537-CD

Current Judge: Fredric Joseph Ammerman

US Bank National Association vs. Tammy Smith, Scott H. Ortasic

User: LMILLER

**Mortgage Foreclosures**

Date		Judge
2/19/2008	✓ Praecipe to File Affidavit of Service, filed. Served and made known to Tammy Smith and Scott H. Ortasic on the 29th day of January 2008 a true and correct copy of the Notice of Sheriff's Sale, signed by s/ D.M. Ellis. No CC.	Fredric Joseph Ammerman
2/25/2008	✓ Affidavit Pursuant to rule 3129.1 And Return of Service Pursuant to Pa. R.C.P. 405 of Notice of Sale, filed by s/ Daniel G. Schmieg, Esquire. No CC	Fredric Joseph Ammerman
3/6/2008	✓ Order, this 6th day of March, 2008, the Prothonotary is Ordered to amend the in rem judgment and the Sheriff is Ordered to amend the writ nunc pro tunc in this case as follows: TOTAL: \$37,586.44. By The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Lhota (will serve)	Fredric Joseph Ammerman



Date: 2/29/2008

Time: 03:41 PM

Page 6 of 6

**Clearfield County Court of Common Pleas**

User: LMILLER

Civil Disposition Report

CT COMMON PLEAS,

All Case Types

From 2/25/2008 to 2/29/2008

All Judgment Types

Case	Parties	Filing date	Judgment	Disposition	Disposition Date
2008-00366-CD	Boyer, Jolene Defendant Boyer, Matt Defendant Rodriguez, Jonathan Plaintiff	02/29/2008	DJ Transcript Judgme In favor of: Plaintiff Judgment amount or comment: 2,701.50	Open	2/29/2008



FILED pd \$85.00 Atty  
m/11:10 um dcc snff  
SEP 19 2007

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 159876

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-1537-CD

v.

CLEARFIELD COUNTY

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

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

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

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

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

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

3. On 07/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612732. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.



6. The following amounts are due on the mortgage:

Principal Balance	\$30,222.94
Interest	\$1,088.00
04/01/2007 through 09/17/2007 (Per Diem \$6.40)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$38.71
07/28/2006 to 09/17/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$33,149.65
Escrow	
Credit	\$0.00
Deficit	\$248.00
Subtotal	<u>\$248.00</u>
<b>TOTAL</b>	<b>\$33,397.65</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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$33,397.65, together with interest from 09/17/2007 at the rate of \$6.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

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



## **LEGAL DESCRIPTION**

ALL that certain lot or piece of ground situate in the Fourth Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at the northeast corner of Dorey and Thirteenth Streets; thence by Thirteenth Street, North twenty seven (27) degrees and forty five (45) minutes East one hundred seventy two (172) feet to post on alley; thence by said alley South sixty two (62) degrees and fifteen (15) minutes East twenty five (25) feet to post; thence South twenty seven (27) degrees and forty five (45) minutes West one hundred seventy two (172) feet to post at Dorey Street; thence by Dorey Street North sixty two (62) degrees and fifteen (15) minutes West twenty five (25) feet to post and place of beginning.

Being the West half of Lot No. 80 in Barrett's Addition to the Borough of Clearfield, said Addition being recorded in Deed Book Volume 10 at Page 241.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 4.4-K08-248-00071.

BEING the same premises as were conveyed to Tammy L. Smith, an adult individual, and Scott H. Ortasic, an adult individual, now husband and wife, by Deed of Troy E. McCann and Nayomi McCann, husband and wife, dated July 11, 2006 and entered for record in the Recorder's Office of Clearfield County to Instrument No. 200612731.

PREMISES BEING: 1304 DOREY STREET


PARCEL NO: K08-248-00071



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: 9/17/02



FILED <sup>NOCC</sup>  
m 11:03/01  
NOV 20 2007 @

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

By: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

One Penn Center at Suburban Station

1617 J.F.K. Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

US Bank, NA, as Trustee for

CMLTI 2006-WFHE3

3476 Stateview Boulevard

Fort Mill, SC 29715

Plaintiff

vs.

Tammy Smith

Scott H. Ortasic

1304 Dorey Street

Clearfield, PA 16830

Defendants

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1537-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 19, 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 October 16, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Tammy Smith accepted service on behalf of both Defendants on September 28, 2007. On



October 19, 2007, Plaintiff sent the Defendants a ten day letter notifying them of its intention to file a default judgment.

4. To date, the Clearfield County Sheriff's Office has not filed the Affidavit of Service, which was made on September 28, 2007.

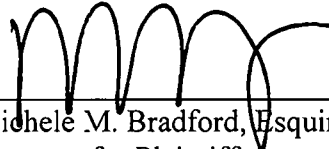
5. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$6.40 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

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

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

Date

11/19/07

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff



## **EXHIBIT A**



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

SEP 19 2007

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

159876

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 07-1537-CD

CLEARFIELD COUNTY

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

Defendants

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

FILE COPY  
FILE RETURN

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



## NOTICE

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

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

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

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

Notice to Defend:  
David S. 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

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

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

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

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

3. On 07/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612732. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.



6. The following amounts are due on the mortgage:

Principal Balance	\$30,222.94
Interest	\$1,088.00
04/01/2007 through 09/17/2007 (Per Diem \$6.40)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$38.71
07/28/2006 to 09/17/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$33,149.65
Escrow	
Credit	\$0.00
Deficit	\$248.00
Subtotal	<u>\$248.00</u>
<b>TOTAL</b>	<b>\$33,397.65</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.

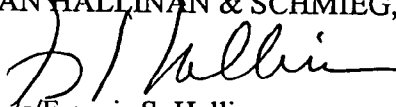


9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth 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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$33,397.65, together with interest from 09/17/2007 at the rate of \$6.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:



/s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff



## **LEGAL DESCRIPTION**

ALL that certain lot or piece of ground situate in the Fourth Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at the northeast corner of Dorey and Thirteenth Streets; thence by Thirteenth Street, North twenty seven (27) degrees and forty five (45) minutes East one hundred seventy two (172) feet to post on alley; thence by said alley South sixty two (62) degrees and fifteen (15) minutes East twenty five (25) feet to post; thence South twenty seven (27) degrees and forty five (45) minutes West one hundred seventy two (172) feet to post at Dorey Street; thence by Dorey Street North sixty two (62) degrees and fifteen (15) minutes West twenty five (25) feet to post and place of beginning.

Being the West half of Lot No. 80 in Barrett's Addition to the Borough of Clearfield, said Addition being recorded in Deed Book Volume 10 at Page 241.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 4.4-K08-248-00071.

BEING the same premises as were conveyed to Tammy L. Smith, an adult individual, and Scott H. Ortasic, an adult individual, now husband and wife, by Deed of Troy E. McCann and Nayomi McCann, husband and wife, dated July 11, 2006 and entered for record in the Recorder's Office of Clearfield County to Instrument No. 200612731.

PREMISES BEING: 1304 DOREY STREET


PARCEL NO: K08-248-00071



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: 9/17/02




**VERIFICATION**

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

11/19/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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



FILED NOCC  
NOV 20 2012  
William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

ATTORNEY FOR PLAINTIFF

One Penn Center at Suburban Station

1617 J.F.K. Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

US Bank, NA, as Trustee for

CMLTI 2006-WFHE3

3476 Stateview Boulevard

Fort Mill, SC 29715

Plaintiff

Court of Common Pleas

Civil Division

vs.

Clearfield County

Tammy Smith

Scott H. Ortasic

1304 Dorey Street

Clearfield, PA 16830

Defendants

No. 07-1537-CD

**CERTIFICATE OF SERVICE**

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

Affidavit of Service and Brief in Support thereof were served upon the following interested

parties via first class mail on the date indicated below:

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

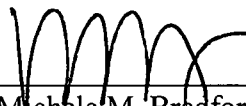
Peter F. Smith, Esquire  
30 South 2<sup>nd</sup> Street  
PO Box 130  
Clearfield, PA 16830-2347  
(Sheriff's Solicitor)



Tammy Smith  
Scott H. Ortasic  
1304 Dorey Street  
Clearfield, PA 16830

11/19/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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



FILED

014:0067  
NOV 20 2007

2cc Atty Bradford  
1cc Sheriff  
(without memo)

William A. Shaw  
Prothonotary/Clerk of Courts

62

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US Bank, NA, as Trustee for  
CMLTI 2006-WFHE3  
3476 Stateview Boulevard  
Fort Mill, SC 29715  
Plaintiff

vs.

Tammy Smith  
Scott H. Ortasic  
1304 Dorey Street  
Clearfield, PA 16830  
Defendants

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1537-CD

**ORDER**

AND NOW, this 30<sup>th</sup> day of November, 2007, upon consideration of

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

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

BY THE COURT:

Judith J. Aronson  
J.



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

DOCKET # 103213  
NO: 07-1537-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION, AS Trustee  
vs.  
DEFENDANT: TAMMY SMITH and SCOTT H. ORTASIC

**SHERIFF RETURN**

---

NOW, September 28, 2007 AT 10:52 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TAMMY SMITH DEFENDANT AT 1304 DOREY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TAMMY SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

**FILED**  
0/3: SDum  
NOV 26 2007  
William A. Shaw  
Prothonotary/Clerk of Courts



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

DOCKET # 103213  
NO: 07-1537-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION, AS Trustee  
vs.  
DEFENDANT: TAMMY SMITH and SCOTT H. ORTASIC

**SHERIFF RETURN**

---

NOW, September 28, 2007 AT 10:52 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SCOTT H. ORTASIC DEFENDANT AT 1304 DOREY ST., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TAMMY SMITH, ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103213  
NO: 07-1537-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION, AS Trustee  
vs.  
DEFENDANT: TAMMY SMITH and SCOTT H. ORTASIC

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	628404	20.00
SHERIFF HAWKINS	PHELAN	628404	28.00

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff



FILED

DEC 03 2007  
m/111-4012  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 CENT TO ATA

(GK)

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire

Attorney ID No. 69849

One Penn Center at Suburban Station

1617 J.F.K. Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

US Bank, NA, as Trustee for

CMLTI 2006-WFHE3

3476 Stateview Boulevard

Fort Mill, SC 29715

Plaintiff

vs.

Tammy Smith

Scott H. Ortasic

1304 Dorey Street

Clearfield, PA 16830

Defendants

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 07-1537-CD

**CERTIFICATE OF SERVICE**

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

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

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



Tammy Smith  
Scott H. Ortasic  
1304 Dorey Street  
Clearfield, PA 16830

12/3/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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



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

**FILED** *Atty pd. 20.00*  
*12/31/07*  
**DEC 28 2007** *ICC Notice to Defs.*  
William A. Shaw  
Prothonotary/Clerk of Courts *Statement to Atty @*

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

Plaintiff,

CIVIL DIVISION

v.

NO. 07-1537-CD

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

Defendant(s).

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

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **TAMMY SMITH and SCOTT H. ORTASIC**, 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	\$ 33,397.65
Interest - 9/18/07 TO 12/26/07	\$640.00
TOTAL	<u>\$ 34,037.65</u>

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 12/28/07

  
PRO PROTHY

159876



**(215) 563-7000**

**Defendant(s).**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 07-1537-CD**

  
DANIEL G. SCHMIEG, ESQUIRE



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

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION, AS TRUSTEE : COURT OF COMMON PLEAS  
FOR CMLTI 2006-WFHE3

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

TAMMY SMITH  
SCOTT H. ORTASIC

: NO. 07-1537-CD

Defendants

**FILE COPY**

TO: TAMMY SMITH  
1304 DOREY STREET  
CLEARFIELD, PA 16830

DATE OF NOTICE: OCTOBER 19, 2007

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

**IMPORTANT NOTICE**

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

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

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

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

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

  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff



PHELAN HALLINAN AND SCHMIEG

By: Lawrence T. Phelan, Esq., Id. No. 32227

Francis S. Hallinan, Esq., Id. No. 62695

Daniel G. Schmieg, Esq., Id. No. 62205

One Penn Center Plaza, Suite 1400

Philadelphia, PA 19103

(215) 563-7000

US BANK NATIONAL ASSOCIATION, AS TRUSTEE : COURT OF COMMON PLEAS  
FOR CMLTI 2006-WFHE3

Plaintiff

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

TAMMY SMITH

SCOTT H. ORTASIC

Defendants

: NO. 07-1537-CD

TO: SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

**FILE COPY**

DATE OF NOTICE: OCTOBER 19, 2007

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

**IMPORTANT NOTICE**

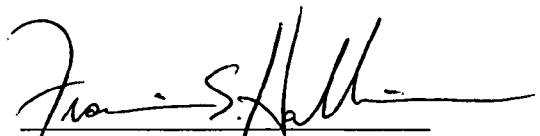
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

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

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

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

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



FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff



COPY

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff,

v.

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

Defendant(s).

:  
:  
: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 07-1537-CD  
:  
:  
:  
:  
:

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

BY [Signature] DEPUTY

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

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

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



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

10  
Y

US Bank National Association  
Plaintiff(s)

No.: 2007-01537-CD

Real Debt: \$34,037.65

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Tammy Smith  
Scott H. Ortasic  
Defendant(s)

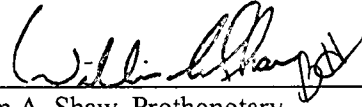
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: December 28, 2007

Expires: December 28, 2012

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



William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

\_\_\_\_\_  
Plaintiff/Attorney



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

US.BANK.NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI 2006-WFHE3

vs.

TAMMY.SMITH  
SCOTT.H..ORTASIC

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1537-CD Term 20.....

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due \$34,037.65

Interest from 12/27/07 to Sale \$ \_\_\_\_\_

Per diem \$5.60

Add'l Costs \$3,708.50

Writ Total \$ \_\_\_\_\_

Prothonotary costs \$ 125.00

\_\_\_\_\_  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

159876

**FILED** Att'y pd. 20.00  
m/12:37/07  
DEC 28 2007 ICC de wirts w/  
prop. desc. to Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts



No. 07-1537-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3

FILED

DEC 28 2007

William A. Shaw  
Prothonotary/Clerk of Courts

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

D. [Signature]  
Attorney for Plaintiff(s)

Address: TAMMY SMITH                      SCOTT H. ORTASIC  
1304 DOREY STREET                      1304 DOREY STREET  
CLEARFIELD, PA 16830                      CLEARFIELD, PA 16830



US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff,

v.

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-1537-CD

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

**US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE3,**  
Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the  
Praecipe for the Writ of Execution was filed, the following information concerning the real property located at  
**1304 DOREY STREET, CLEARFIELD, PA 16830.**

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

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

TAMMY SMITH	1304 DOREY STREET CLEARFIELD, PA 16830
-------------	---

SCOTT H. ORTASIC	1304 DOREY STREET CLEARFIELD, PA 16830
------------------	---

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

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

Same as Above

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

12/26/07  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff



**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 07-1537-CD**

**Defendant(s).**

**None**



6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the Sale:

NAME

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

NONE.

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

NAME

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

TENANT/OCCUPANT

1304 DOREY STREET  
CLEARFIELD, PA 16830

DOMESTIC RELATIONS  
CLEARFIELD COUNTY

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830

COMMONWEALTH OF  
PENNSYLVANIA

DEPARTMENT OF WELFARE  
PO BOX 2675  
HARRISBURG, PA 17105

Commonwealth of Pennsylvania  
Bureau of Individual Tax  
Inheritance Tax Division

6<sup>th</sup> Floor, Strawberry Sq., Dept 28061  
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  
TPL Casualty Unit  
Estate Recovery Program

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

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

12/26/07

Date



DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff



**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**

**US BANK NATIONAL ASSOCIATION, AS**  
**TRUSTEE FOR CMLTI 2006-WFHE3**  
**3476 STATEVIEW BOULEVARD**  
**FORT MILL, SC 29715**

**Plaintiff,**

**v.**

**TAMMY SMITH**  
**SCOTT H. ORTASIC**  
**1304 DOREY STREET**  
**CLEARFIELD, PA 16830**

**Defendant(s).**

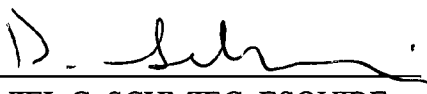
**:**  
**:**  
**:** **CLEARFIELD COUNTY**  
**:** **COURT OF COMMON PLEAS**  
**:**  
**:** **CIVIL DIVISION**  
**:**  
**:** **NO. 07-1537-CD**  
**:**  
**:**  
**:**  
**:**

**CERTIFICATION**

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

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

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

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



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

COPY

US.BANK.NATIONAL  
ASSOCIATION, AS.TRUSTEE.FOR  
CMLTI 2006-WFHE3

vs.

TAMMY.SMITH  
SCOTT.H..ORTASIC

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20  
No. 07-1537-CD..... Term 20  
No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD.COUNTY, PENNSYLVANIA:

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

PREMISES: 1304 DOREY STREET, CLEARFIELD, PA 16830  
(See Legal Description attached)

Amount Due \$34,037.65

Interest from 12/27/07 to Sale \$ \_\_\_\_\_

Per diem \$5.60

Add'l Costs \$3,708.50

Writ Total \$ 125.00

Prothonotary costs

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

Dated 12/28/07  
(SEAL)

159876



No. 07-1537-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs

Real Debt                      \$34,037.65

Int. from 12/27/07  
To Date of Sale (\$5.60 per diem)

Costs

Prothy Pd.                      25.00

Sheriff

D. [Signature]  
.....  
Attorney for Plaintiff(s)

Address: TAMMY SMITH                      SCOTT H. ORTASIC  
                 1304 DOREY STREET                      1304 DOREY STREET  
                 CLEARFIELD, PA 16830                      CLEARFIELD, PA 16830



## **LEGAL DESCRIPTION**

**ALL that certain lot or piece of ground situate in the Fourth Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:**

**BEGINNING at a post at the Northeast corner of Dorey and Thirteenth Streets; thence by Thirteenth Street North twenty-seven (27) degrees and forty-five (45) minutes East one hundred seventy-two (172) feet to post on alley; thence by said alley South sixty-two (62) degrees and fifteen (15) minutes East twenty-five (25) feet to post; thence South twenty-seven (27) degrees and forty-five (45) minutes West one hundred seventy-two (172) feet to post at Dorey Street; thence by Dorey Street North sixty-two (62) degrees and fifteen (15) minutes West twenty-five (25) feet to post and place of beginning.**

**Being the West half of Lot No. 80 in Barrett's Addition to the Borough of Clearfield, said Addition being recorded in Deed Book Volume 10 at Page 241.**

**Being identified in the Clearfield County Mapping and Assessment Office as Map No. 4.4-K08-248-00071.**

TITLE TO SAID PREMISES IS VESTED IN Tammy L. Smith, an adult individual and Scott H. Ortasic, an adult individual, now husband and wife, to be held as joint tenants with the right of survivorship, by Deed from Troy E. McCann and Nayomi McCann, husband and wife, dated 07/11/2006, recorded 07/31/2006, in Inst# 200612731.

Premises being: 1304 DOREY STREET  
CLEARFIELD, PA 16830

Tax Parcel No. 4.4-K08-248-00071



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
Plaintiff

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

Defendants

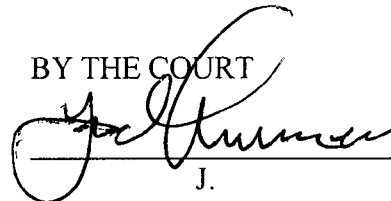
: Court of Common Pleas  
:  
: Civil Division  
:  
: CLEARFIELD County  
:  
: No. 07-1537-CD  
:

RULE

AND NOW, this 7<sup>th</sup> day of Feb 2008, a Rule is entered upon the  
Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to  
Reassess Damages.

Rule Returnable on the 6<sup>th</sup> day of March 2008, at 1:45 in the Clearfield  
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

  
J.

**FILED**

01/12:05 am  
FEB 08 2008  
ICE ALL  
Bradford

William A. Shaw  
Prothonotary/Clerk of Courts

(6K)

159876



DATE: 2.8.2008

☒ 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**

**FEB 08 2008**

William A. Shaw  
Prothonotary/Clerk of Courts



**FILED**

JAN 31 2008

m/11:50/wn  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 4/c

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire

Atty. I.D. No. 69849

One Penn Center, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION, AS

TRUSTEE FOR CMLTI 2006-WFHE3

Plaintiff

Court of Common Pleas

Civil Division

vs.

CLEARFIELD County

TAMMY SMITH

SCOTT H. ORTASIC

No. 07-1537-CD

Defendants

**PLAINTIFF'S MOTION TO REASSESS DAMAGES**

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on September 19, 2007, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on December 28, 2007 in the amount of \$34,037.65. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".



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

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

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

Principal Balance	\$30,222.94
Interest Through April 4, 2008	\$2,374.47
Per Diem \$6.42	
Late Charges	\$38.71
Legal fees	\$1,600.00
Cost of Suit and Title	\$1,462.50
Sheriff's Sale Costs	\$0.00
Property Inspections	\$125.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,762.82
	<hr/>
<b>TOTAL</b>	<b>\$37,586.44</b>

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

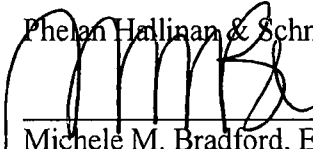
7. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

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



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

DATE: 1/29/08

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



# **Exhibit “A”**



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

SEP 19 2007

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 \_\_\_\_\_ 159876

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1537-CD

CLEARFIELD COUNTY

Plaintiff

v.

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

Defendants

**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



### 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



1

**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

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

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

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

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

3. On 07/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612732. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.



6. The following amounts are due on the mortgage:

Principal Balance	\$30,222.94
Interest	\$1,088.00
04/01/2007 through 09/17/2007 (Per Diem \$6.40)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$38.71
07/28/2006 to 09/17/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$33,149.65
Escrow	
Credit	\$0.00
Deficit	\$248.00
Subtotal	<u>\$248.00</u>
<b>TOTAL</b>	<b>\$33,397.65</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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$33,397.65, together with interest from 09/17/2007 at the rate of \$6.40 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: \_\_\_\_\_



/s/Francis S. Hallinan

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



### **LEGAL DESCRIPTION**

ALL that certain lot or piece of ground situate in the Fourth Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at the northeast corner of Dorey and Thirteenth Streets; thence by Thirteenth Street, North twenty seven (27) degrees and forty five (45) minutes East one hundred seventy two (172) feet to post on alley; thence by said alley South sixty two (62) degrees and fifteen (15) minutes East twenty five (25) feet to post; thence South twenty seven (27) degrees and forty five (45) minutes West one hundred seventy two (172) feet to post at Dorey Street; thence by Dorey Street North sixty two (62) degrees and fifteen (15) minutes West twenty five (25) feet to post and place of beginning.

Being the West half of Lot No. 80 in Barrett's Addition to the Borough of Clearfield, said Addition being recorded in Deed Book Volume 10 at Page 241.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 4.4-K08-248-00071.

BEING the same premises as were conveyed to Tammy L. Smith, an adult individual, and Scott H. Ortasic, an adult individual, now husband and wife, by Deed of Troy E. McCann and Nayomi McCann, husband and wife, dated July 11, 2006 and entered for record in the Recorder's Office of Clearfield County to Instrument No. 200612731.

PREMISES BEING: 1304 DOREY STREET

PARCEL NO: K08-248-00071



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: 9/17/02



# **Exhibit “B”**



PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

One Penn Center at Suburban Station - Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

Attorney for Plaintiff

US BANK NATIONAL ASSOCIATION, AS

TRUSTEE FOR CMLTI 2006-WFHE3

3476 STATEVIEW BOULEVARD

FORT MILL, SC 29715

Plaintiff,

v.

TAMMY SMITH

SCOTT H. ORTASIC

1304 DOREY STREET

CLEARFIELD, PA 16830

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-1537-CD

ATTORNEY FILE COPY  
PLEASE RETURN

ATTORNEY FILE COPY  
PLEASE RETURN

FILED  
DEC 28 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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 TAMMY SMITH and SCOTT H. ORTASIC, 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	\$ 33,397.65
Interest - 9/18/07 TO 12/26/07	\$640.00
TOTAL	<u>\$ 34,037.65</u>

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 12/28/07

  
PRO PROTHY

159876



**VERIFICATION**

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

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

1/29/08

By: \_\_\_\_\_

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire  
Attorney for Plaintiff



FILED

JAN 31 2008

William A. Shaw  
Prothonotary/Clerk of Courts

1 case to file

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

ATTORNEY FOR PLAINTIFF

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

US BANK NATIONAL ASSOCIATION, AS

TRUSTEE FOR CMLTI 2006-WFHE3

Plaintiff

Court of Common Pleas

Civil Division

vs.

CLEARFIELD County

TAMMY SMITH

SCOTT H. ORTASIC

No. 07-1537-CD

Defendants

**CERTIFICATION OF SERVICE**

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

TAMMY SMITH

SCOTT H. ORTASIC

1304 DOREY STREET

CLEARFIELD, PA 16830

DATE:

1/29/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire  
Attorney for Plaintiff



PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

US BANK NATIONAL ASSOCIATION, AS

TRUSTEE FOR CMLTI 2006-WFHE3

Plaintiff

vs.

TAMMY SMITH

SCOTT H. ORTASIC

Defendants

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 07-1537-CD

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the Court's February 7, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

TAMMY SMITH

SCOTT H. ORTASIC

1304 DOREY STREET

CLEARFIELD, PA 16830

DATE: 2/12/08

By: 

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire

Attorney for Plaintiff

**FILED**

07/11/15/08  
FEB 14 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  
PLAINTIFF  
PHILADELPHIA, PA 19103  
(215) 563-7000

ATTORNEY FOR

U.S. BANK NATIONAL ASSOCIATION AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
Plaintiff

vs.

TAMMY SMITH  
SCOTT H. ORTASIC  
Defendants

: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: CLEARFIELD COUNTY  
:  
: No. 07-1537-CD  
:  
:  
:

**PRAECIPE TO FILE AFFIDAVIT OF SERVICE**

**FILED** No CC .  
m/11:40am  
FEB 19 2008  
(5)

William A. Shaw  
Prothonotary/Clerk of Courts

TO THE PROTHONOTARY:

Kindly file the attached Affidavits of Service with reference to the above captioned  
matter.

PHELAN HALLINAN & SCHMIEG, LLP

By: Daniel G. Schmieg  
DANIEL G. SCHMIEG, ESQUIRE  
Attorneys for Plaintiff

Date: February 14, 2008

PAW.  
PHS # 159876



# AFFIDAVIT OF SERVICE

PLAINTIFF US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3 CLEARFIELD County  
No. 07-1537-CD  
Our File #: 159876

DEFENDANT(S) TAMMY SMITH  
SCOTT H. ORTASIC

Please serve upon: TAMMY SMITH

SERVE AT: 1304 DOREY STREET  
CLEARFIELD, PA 16830

Type of Action  
- Notice of Sheriff's Sale

Sale Date: APRIL 4, 2008

## SERVED

Served and made known to Tammy Smith, Defendant, on the 29th day of JANUARY,  
2008, at 4:10 o'clock P.m., at 1304 DOREY ST., CLEARFIELD, PA 16830

Commonwealth of Pennsylvania, in the manner described below:

☐ Defendant personally served.  
☒ Adult family member with whom Defendant(s) reside(s). Relationship is Mother / JANICE  
☐ 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 65 Height 5'2 Weight 125 Race Black Sex F Other \_\_\_\_\_

I, DM 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 30th day  
of January, 2008  
Notary: \_\_\_\_\_

By: DM 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



# AFFIDAVIT OF SERVICE

PLAINTIFF US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3

CLEARFIELD County  
No. 07-1537-CD  
Our File #: 159876

DEFENDANT(S) TAMMY SMITH  
SCOTT H. ORTASIC

Type of Action  
- Notice of Sheriff's Sale

Please serve upon: SCOTT H. ORTASIC

Sale Date: APRIL 4, 2008

SERVE AT: 1304 DOREY STREET  
CLEARFIELD, PA 16830

## SERVED

Served and made known to SCOTT H. ORTASIC, Defendant, on the 29th day of JANUARY, 2008, at 4:10 o'clock P.m., at 1304 DOREY ST., CLEARFIELD, PA 16830

Commonwealth of Pennsylvania, in the manner described below:

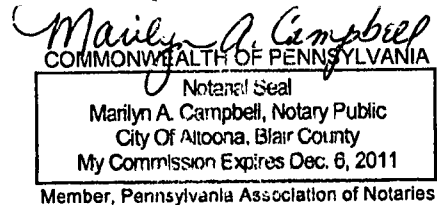
\_\_\_\_ Defendant personally served.  
☒ Adult family member with whom Defendant(s) reside(s). Relationship is Mother-in-law, JANICE  
\_\_\_\_ Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
\_\_\_\_ Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
\_\_\_\_ 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 65 Height 5'2" Weight 125 Race W Sex F Other \_\_\_\_\_

I, DM. FLIS, 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 30th day  
of January, 2008  
Notary: \_\_\_\_\_

By: DM. FLIS



## NOT SERVED

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, at \_\_\_\_\_ o'clock \_\_m., Defendant NOT FOUND because:

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

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

By: \_\_\_\_\_

### Attorney for Plaintiff

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



**PHELAN HALLINAN & SCHMIEG, L.L.P.**

One Penn Center at Suburban Station  
1617 John F. Kennedy Blvd.  
Suite 1400  
Philadelphia, PA 19103-1814  
215-563-7000  
fax 215-563-7009  
pat.wilkins@fedphe.com

February 14, 2008

Representing Lenders in  
Pennsylvania and New Jersey

Office of the Prothonotary  
Clearfield County

Re: U.S. BANK NATIONAL ASSOCIATION AS TRUSTEE FOR CMLTI 2006-  
WFHE3

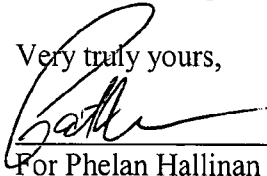
vs. TAMMY SMITH and SCOTT H. ORTASIC  
Clearfield County No. 07-1537-CD

Dear Sir/Madam:

Enclosed is the original Affidavit of Service of Complaint in Mortgage Foreclosure upon TAMMY SMITH and SCOTT H. ORTASIC, relative to the above matter, which I request you file of record.

Please return a time-stamped copy of the Affidavit in the enclosed self-addressed stamped envelope.

Very truly yours,



For Phelan Hallinan & Schmieg, LLP

PAW/ 159876



SALE DATE: APRIL 4, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2006-WFHE3      No.: 07-1537-CD

vs.

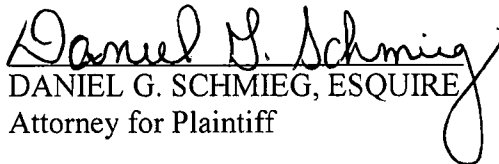
TAMMY SMITH  
SCOTT H. ORTASIC

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

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

**1304 DOREY STREET, CLEARFIELD, PA 16830.**

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Date: February 22, 2008

159876

**FILED** *no cc*  
*m 110:1754*  
**FEB 25 2008** *GE*

William A. Shaw  
Prothonotary/Clerk of Courts

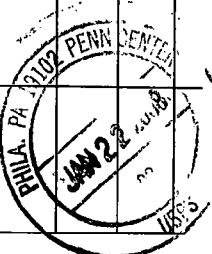


Name and Address of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 1304 DOREY STREET CLEARFIELD, PA 16830		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 <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		MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. P.O. BOX 2026, FLINT, MI 48501-2026		
8		TIMBUKTU, INC. 400 NORTHRIDGE ROAD, ATLANTA, GA 30350		
9				
10				
11				
12		Re: TAMMY SMITH 159876 TEAM 4		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail occurrence. The maximum 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.

EEA





FILED  
01:55 PM  
MAR 06 2008

2cc  
Amy Lhotak  
(will serve)  
(sk)

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
Plaintiff

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

Defendants

: Court of Common Pleas  
:  
: Civil Division  
:  
: CLEARFIELD County  
:  
: No. 07-1537-CD  
:

ORDER

AND NOW, this 5<sup>th</sup> day of March, 2008 the Prothonotary is ORDERED to

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

Principal Balance	\$30,222.94
Interest Through April 4, 2008	\$2,374.47
Per Diem \$6.42	
Late Charges	\$38.71
Legal fees	\$1,600.00
Cost of Suit and Title	\$1,462.50
Sheriff's Sale Costs	\$0.00
Property Inspections	\$125.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00



Suspense/Misc. Credits  
Escrow Deficit

(\$0.00)  
\$1,762.82

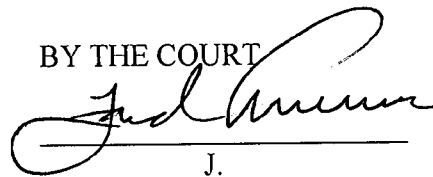
**TOTAL**

**\$37,586.44**

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

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

BY THE COURT

  
J.

159876



PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
Plaintiff

Court of Common Pleas

Civil Division

vs.

CLEARFIELD County

TAMMY SMITH  
SCOTT H. ORTASIC

No. 07-1537-CD

Defendants

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the March 6, 2008 Order was served upon the following individuals on the date indicated below.

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

DATE:

3/25/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire  
Attorney for Plaintiff

FILED NO CC  
3/12/08  
MAR 11 2008  
William A. Shaw  
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20705  
NO: 07-1537-CD

PLAINTIFF: US ANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE3  
vs.  
DEFENDANT: TAMMY SMITH AND SCOTT H. ORTASIC

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 12/28/2007

LEVY TAKEN 1/28/2008 @ 10:31 AM

POSTED 1/28/2008 @ 10:31 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 4/19/2008

DATE DEED FILED **NOT SOLD**

**FILED**  
019:53/24  
MAY 19 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

1/31/2008 @ 11:22 AM SERVED TAMMY SMITH

SERVED TAMMY SMITH, DEFENANT, AT HER RESIDENCE, 1304 DOREY STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SCOTT ORTASIC, BOYFRIEND/ADULT AT RESIDENCE.

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

1/31/2008 @ 11:22 AM SERVED SCOTT H. ORTASIC

SERVED SCOTT H. ORTASIC, DEFENDANT, ATH HIS RESIDENCE 1304 DOREY STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO SCOTT H. ORTASIC

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

@ SERVED

NOW, MARCH 24, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR APRIL 4, 2008 DUE TO A REPAY PLAN.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20705

NO: 07-1537-CD

PLAINTIFF: US ANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE3

VS.

DEFENDANT: TAMMY SMITH AND SCOTT H. ORTASIC

Execution REAL ESTATE


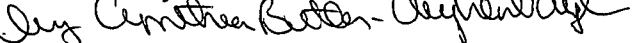
SHERIFF RETURN

---

SHERIFF HAWKINS \$175.92

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

  
  
Chester A. Hawkins  
Sheriff



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

US.BANK.NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI 2006-WFHE3

vs.

TAMMY SMITH

SCOTT H. ORTASIC

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 1304 DOREY STREET, CLEARFIELD, PA 16830  
(See Legal Description attached)

Amount Due	\$34,037.65
------------	-------------

Interest from 12/27/07 to Sale	\$ _____
--------------------------------	----------

Per diem \$5.60

Add'l Costs	\$3,708.50
-------------	------------

Writ Total	\$ 125.00
------------	-----------

Prothonotary costs

\_\_\_\_\_  
(Clerk) Office of the Prothy Support, Common Pleas Court  
of CLEARFIELD County, Penna.

Dated 12/28/07  
(SEAL)

159876

Received this writ this 28<sup>th</sup> day  
of December A.D. 2007  
At 3:00 A.M./P.M.

Charles A. Hawkeris  
Sheriff Sgt Cynthia Butler-Ayherbaugh



No. 07-1537-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs

Real Debt                      \$34,037.65

Int. from 12/27/07

To Date of Sale (\$5.60 per diem)

Costs

Prothy Pd.                      125.00

Sheriff

D. Smith  
.....  
Attorney for Plaintiff(s)

Address: TAMMY SMITH                      SCOTT H. ORTASIC  
                 1304 DOREY STREET                      1304 DOREY STREET  
                 CLEARFIELD, PA 16830                      CLEARFIELD, PA 16830



1

**LEGAL DESCRIPTION**

**ALL that certain lot or piece of ground situate in the Fourth Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:**

**BEGINNING at a post at the Northeast corner of Dorey and Thirteenth Streets; thence by Thirteenth Street North twenty-seven (27) degrees and forty-five (45) minutes East one hundred seventy-two (172) feet to post on alley; thence by said alley South sixty-two (62) degrees and fifteen (15) minutes East twenty-five (25) feet to post; thence South twenty-seven (27) degrees and forty-five (45) minutes West one hundred seventy-two (172) feet to post at Dorey Street; thence by Dorey Street North sixty-two (62) degrees and fifteen (15) minutes West twenty-five (25) feet to post and place of beginning.**

**Being the West half of Lot No. 80 in Barrett's Addition to the Borough of Clearfield, said Addition being recorded in Deed Book Volume 10 at Page 241.**

**Being identified in the Clearfield County Mapping and Assessment Office as Map No. 4.4-K08-248-00071.**

TITLE TO SAID PREMISES IS VESTED IN Tammy L. Smith, an adult individual and Scott H. Ortasic, an adult individual, now husband and wife, to be held as joint tenants with the right of survivorship, by Deed from Troy E. McCann and Nayomi McCann, husband and wife, dated 07/11/2006, recorded 07/31/2006, in Inst# 200612731.

Premises being: 1304 DOREY STREET  
CLEARFIELD, PA 16830

Tax Parcel No. 4.4-K08-248-00071



**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME TAMMY SMITH

NO. 07-1537-CD

NOW, May 19, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Tammy Smith And Scott H. Ortasic to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	2.00
LEVY	15.00
MILEAGE	2.00
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	4.92
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	2.00
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$175.92</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	34,037.65
INTEREST @ 5.6000	(4,104,940.0
FROM 12/15/2007 TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	3,708.50
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>(\$4,067,153.85)</b>

**COSTS:**

ADVERTISING	250.18
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	175.92
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$695.10</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



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

Stephen Ames, Ext.1244  
Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

March 24, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-  
WFHE3 v.  
TAMMY SMITH and SCOTT H. ORTASIC  
1304 DOREY STREET CLEARFIELD, PA 16830  
Court No. 07-1537-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is  
scheduled for April 4, 2008 due to the following: Repay Plan.

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

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

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

Thank you for your correspondence in this matters.

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



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

US.BANK.NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTL2006-WFHE3

vs.

TAMMY SMITH

SCOTT H. ORTASIC

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1537-CD Term 20.....

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due

Interest from 4/5/08 to Sale

Per diem \$6.18

Add'l Costs

Writ Total

\$37,586.44

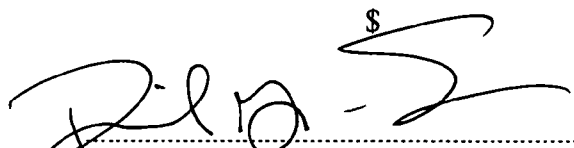
145.00

**Prothonotary costs**

\$ \_\_\_\_\_

\$0.00

\$

  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

159876

**FILED**

2/3/2009  
FEB 06 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Atty pd. 20.00

1CC @ 6 w/ rts  
w/ prop.  
desc.

(60)



No. 07-1537-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

*T-2878*

Attorney for Plaintiff(s)

Address: TAMMY SMITH      SCOTT H. ORTASIC  
1304 DOREY STREET      1304 DOREY STREET  
CLEARFIELD, PA 16830      CLEARFIELD, PA 16830

**FILED**

FEB 06 2009

William A. Shaw  
Prothonotary/Clerk of Courts



DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff



US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff,

v.

TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830

Defendant(s).

:  
:  
: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 07-1537-CD  
:  
:  
:  
:  
:  
:

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

US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE3,  
Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the  
Praecipe for the Writ of Execution was filed, the following information concerning the real property located at  
**1304 DOREY STREET, CLEARFIELD, PA 16830.**

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

NAME

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

TAMMY SMITH

1304 DOREY STREET  
CLEARFIELD, PA 16830

SCOTT H. ORTASIC

1304 DOREY STREET  
CLEARFIELD, PA 16830

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

NAME

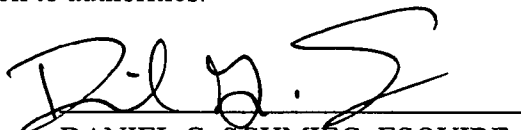
LAST KNOWN ADDRESS (If address cannot  
be reasonably ascertained, please so indicate.)

Same as Above

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

FEBRUARY 2, 2009

Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff



**US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715**

**Plaintiff,**

**v.**

**TAMMY SMITH  
SCOTT H. ORTASIC  
1304 DOREY STREET  
CLEARFIELD, PA 16830**

**Defendant(s).**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
  
CIVIL DIVISION  
  
NO. 07-1537-CD**

**AFFIDAVIT PURSUANT TO RULE 3129**

**US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE3,**  
Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the  
Praecipe for the Writ of Execution was filed, the following information concerning the real property located at  
**1304 DOREY STREET, CLEARFIELD, PA 16830.**

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

NAME

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

**None**

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

NAME

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

**MERS as a nominee for Timbuktu, Inc.**

**P.O. Box 2026  
Flint, MI 48501-2026**

**MERS as a nominee for Timbuktu, Inc.**

**400 Northridge Road  
Atlanta, GA 30350**

**MERS as a nominee for Timbuktu, Inc.**

**3300 S.W. 34th Avenue, Suite 101  
Ocala, FL 34474**

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

NAME

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

**None**



6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the Sale:

NAME

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

None

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

NAME

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

TENANT/OCCUPANT

1304 DOREY STREET  
CLEARFIELD, PA 16830

DOMESTIC RELATIONS  
CLEARFIELD COUNTY

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830

COMMONWEALTH OF  
PENNSYLVANIA

DEPARTMENT OF WELFARE  
PO BOX 2675  
HARRISBURG, PA 17105

Commonwealth of Pennsylvania  
Bureau of Individual Tax  
Inheritance Tax Division

6<sup>th</sup> Floor, Strawberry Sq., Dept 28061  
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  
TPL Casualty Unit  
Estate Recovery Program

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

Donald G. Litten

761 Big Run Road  
Morrisdale, PA 16858

MERS as a nominee for Wells Fargo Home  
Mortgage a division of Wells Fargo Bank,  
NA

2701 Wells Fargo Way  
X9998-012  
Mineapolis, MN 55461-8000

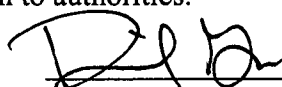
MERS as a nominee for Wells Fargo Home  
Mortgage a division of Wells Fargo Bank,  
NA

P.O. Box 2026  
Flint, MI 48501-2026

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

FEBRUARY 2, 2009

Date



DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff



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

US.BANK.NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI 2006-WFHE3

vs.

TAMMY SMITH

SCOTT H. ORTASIC

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20

No. 07-1537-CD ..... Term 20

No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 1304 DOREY STREET, CLEARFIELD, PA 16830  
(See Legal Description attached)

Amount Due

Interest from 4/5/03 to Sale

Per diem \$6.18

Add'l Costs

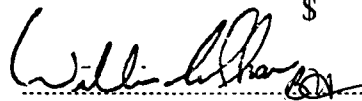
Writ Total

Prothonotary costs \$37,586.44  
145.00

\$ \_\_\_\_\_

\$0.00

\$



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

Dated 2/6/09  
(SEAL)



No. 07-1537:CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs

Real Debt                      \$37,586.44

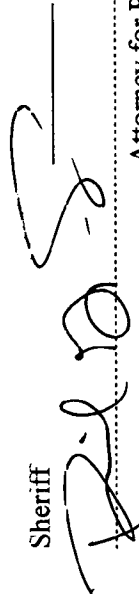
Int. from 4/5/08

To Date of Sale (\$6.18 per diem)

Costs

Prothy Pd.

Sheriff

145.00  


Attorney for Plaintiff(s)

Address: TAMMY SMITH                      SCOTT H. ORTASIC  
1304 DOREY STREET                      1304 DOREY STREET  
CLEARFIELD, PA 16830                      CLEARFIELD, PA 16830



## LEGAL DESCRIPTION

ALL that certain lot or piece of ground situate in the Fourth Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post at the Northeast corner of Dorey and Thirteenth Streets; thence by Thirteenth Street North twenty-seven (27) degrees and forty-five (45) minutes East one hundred seventy-two (172) feet to post on alley; thence by said alley South sixty-two (62) degrees and fifteen (15) minutes East twenty-five (25) feet to post; thence South twenty-seven (27) degrees and forty-five (45) minutes West one hundred seventy-two (172) feet to post at Dorey Street; thence by Dorey Street North sixty-two (62) degrees and fifteen (15) minutes West twenty-five (25) feet to post and place of beginning.

Being the West half of Lot No. 80 in Barrett's Addition to the Borough of Clearfield, said Addition being recorded in Deed Book Volume 10 at Page 241.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 4.4-K08-248-00071.

TITLE TO SAID PREMISES IS VESTED IN Tammy L. Smith, an adult individual and Scott H. Ortasic, an adult individual, now husband and wife, to be held as joint tenants with the right of survivorship, by Deed from Troy E. McCann and Nayomi McCann, husband and wife, dated 07/11/2006, recorded 07/31/2006, in Inst# 200612731.

Premises being: 1304 DOREY STREET  
CLEARFIELD, PA 16830

Tax Parcel No. 4.4-K08-248-00071



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** *pd \$7.00 Atty*  
*m/11:07am ICC,*  
**JUL 22 2009** *+ 1 Cert*  
 William A. Shaw *of disc issued*  
 Prothonotary/Clerk of Courts *to Atty*  
*Schmieg*  
*Copy bc/A*

Attorney For Plaintiff

<b>US Bank National Association, as Trustee for CMLTI 2006-WFHE3</b>	:	<b>Court of Common Pleas</b>
<b>Plaintiff</b>	:	<b>Civil Division</b>
<b>vs</b>	:	<b>Clearfield County</b>
<b>Tammy Smith Scott H. Ortasic</b>	:	<b>No. 07-1537-CD</b>
<b>Defendant</b>	:	<b>PHS# 159876</b>

**PRAECIPE**

TO THE PROTHONOTARY:

\_\_\_\_\_ Please mark the above referenced case Discontinued and Ended without prejudice.

\_\_\_\_\_ Please mark the above referenced case Settled, Discontinued and Ended.

\_\_\_\_\_ Please mark Judgments satisfied and the Action settled, discontinued and ended.

  X   Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

\_\_\_\_\_ Please withdraw the complaint and mark the action discontinued and ended without prejudice.



Date: June 18, 2009

PHELAN HALLINAN & SCHMIEG, LLP

By: 

Lawrence T. Phelan, Esquire

Francis S. Hallinan, Esquire

Daniel G. Schmieg, Esquire

Michele M. Bradford, Esquire

Judith T. Romano, Esquire

Sheetal R. Shah-Jani, Esquire

Jenine R. Davey, Esquire

Lauren R. Tabas, Esquire

Vivek Srivastava, Esquire

Jay B. Jones, Esquire

Peter J. Mulcahy, Esquire

Jaime McGuinness, Esquire

Chrisovalante P. Fliakos, Esquire

Joshua I. Goldman, Esquire

Attorneys for Plaintiff



IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

US Bank National Association

Vs.

No. 2007-01537-CD

Tammy Smith  
Scott H. Ortasic

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 22, 2009, marked:

Discontinued and ended without prejudice

Record costs in the sum of \$152.00 have been paid in full by Francis S. Hallinan Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 22nd day of July A.D. 2009.



LM

William A. Shaw, Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20923  
NO: 07-1537-CD

PLAINTIFF: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE3

vs.

DEFENDANT: TAMMY SMITH AND SCOTT H. ORTASIC

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 2/6/2009

LEVY TAKEN 2/20/2009 @ 2:30 PM

POSTED 2/20/2009 @ 2:30 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 12/2/2009

DATE DEED FILED **NOT SOLD**

**FILED**  
0185601  
DEC 03 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

2/20/2009 @ 2:30 PM SERVED TAMMY SMITH

SERVED TAMMY SMITH, DEFENDANT, AT HER RESIDENCE 1304 DOREY STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TAMMY SMITH

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

2/20/2009 @ 2:30 PM SERVED SCOTT H. ORTASIC

SERVED SCOTT H. ORTASIC, DEFENDANT, AT HIS RESIDENCE 1304 DOREY STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TAMMY SMITH, GIRLFRIEND/CO-DEFENDANT

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

@ SERVED

NOW, APRIL 29, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR MAY 1, 2009 TO AUGUST 7, 2009 DUE TO A FORBEARANCE PLAN.

@ SERVED

NOW, JUNE 18, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR AUGUST 7, 2009, \$396.60 WAS RECEIVED TO CURE THE DEFAULT.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20923

NO: 07-1537-CD

PLAINTIFF: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE3

vs.

DEFENDANT: TAMMY SMITH AND SCOTT H. ORTASIC

Execution REAL ESTATE

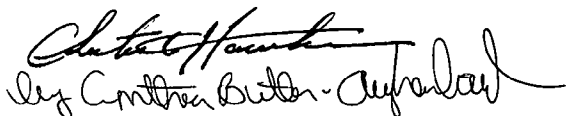
SHERIFF RETURN

---

SHERIFF HAWKINS \$201.97

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

  
Chester A. Hawkins  
Sheriff



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

US BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI 2006-WEHE3

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20  
No. 07-1537-CD..... Term 20  
No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 1304 DOREY STREET, CLEARFIELD, PA 16830  
(See Legal Description attached)

Amount Due

Interest from 4/5/08 to Sale  
Per diem \$6.18  
Add'l Costs  
Writ Total

Prothonotary costs \$37,586.44  
145.00  
\$ \_\_\_\_\_

\$0.00  
\$  
*William L. [Signature]*  
BOL

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

Dated 2/6/09  
(SEAL)

159876

Received this writ this 6<sup>th</sup> day  
of February A.D. 2009  
At 3:00 A.M./P.M.

Charles A. Hawkins  
Sheriff by Cynthia Butler-Cuyhalat



No. 07-1537-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2006-WFHE3

vs.

TAMMY SMITH  
SCOTT H. ORTASIC

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs

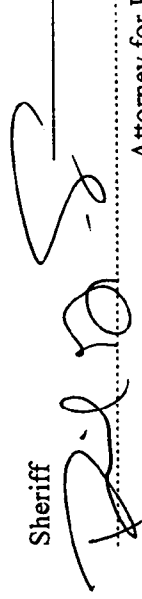
Real Debt                      \$37,586.44

Int. from 4/5/08  
To Date of Sale (\$6.18 per diem)

Costs

Prothy Pd.                      145.00

Sheriff



Attorney for Plaintiff(s)

Address: TAMMY SMITH                      SCOTT H. ORTASIC  
                 1304 DOREY STREET                      1304 DOREY STREET  
                 CLEARFIELD, PA 16830                      CLEARFIELD, PA 16830



## LEGAL DESCRIPTION

**ALL that certain lot or piece of ground situate in the Fourth Ward of the Borough of Clearfield, Clearfield County, Pennsylvania, bounded and described as follows:**

**BEGINNING at a post at the Northeast corner of Dorey and Thirteenth Streets; thence by Thirteenth Street North twenty-seven (27) degrees and forty-five (45) minutes East one hundred seventy-two (172) feet to post on alley; thence by said alley South sixty-two (62) degrees and fifteen (15) minutes East twenty-five (25) feet to post; thence South twenty-seven (27) degrees and forty-five (45) minutes West one hundred seventy-two (172) feet to post at Dorey Street; thence by Dorey Street North sixty-two (62) degrees and fifteen (15) minutes West twenty-five (25) feet to post and place of beginning.**

**Being the West half of Lot No. 80 in Barrett's Addition to the Borough of Clearfield, said Addition being recorded in Deed Book Volume 10 at Page 241.**

**Being identified in the Clearfield County Mapping and Assessment Office as Map No. 4.4-K08-248-00071.**

TITLE TO SAID PREMISES IS VESTED IN Tammy L. Smith, an adult individual and Scott H. Ortasic, an adult individual, now husband and wife, to be held as joint tenants with the right of survivorship, by Deed from Troy E. McCann and Nayomi McCann, husband and wife, dated 07/11/2006, recorded 07/31/2006, in Inst# 200612731.

Premises being: 1304 DOREY STREET  
CLEARFIELD, PA 16830

Tax Parcel No. 4.4-K08-248-00071



**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME TAMMY SMITH

NO. 07-1537-CD

NOW, December 02, 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 August 07, 2009, I exposed the within described real estate of Tammy Smith And Scott H. Ortasic 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 \$396.60 and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	2.00
LEVY	15.00
MILEAGE	2.00
POSTING	15.00
CSDS	10.00
COMMISSION	7.93
POSTAGE	5.04
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	396.60
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	

**TOTAL SHERIFF COSTS                    \$201.97**

**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	37,586.44
INTEREST @ 6.1800	3,022.02
FROM 04/05/2008 TO 08/07/2009	
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	

**TOTAL DEBT AND INTEREST                    \$40,648.46**

**COSTS:**

ADVERTISING	390.25
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	201.97
LEGAL JOURNAL COSTS	270.00
PROTHONOTARY	145.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	

**TOTAL COSTS                                    \$1,147.22**

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

CHESTER A. HAWKINS, Sheriff



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

Representing Lenders in  
Pennsylvania and New Jersey

Foreclosure Manager

April 29, 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: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-  
WFHE3 v.  
TAMMY SMITH and SCOTT H. ORTASIC  
1304 DOREY STREET CLEARFIELD, PA 16830  
Court No. 07-1537-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: Forbearance Plan.

The Property is to be relisted for the August 7, 2009 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,  
TOBY BJORKMAN for  
Phelan Hallinan & Schmieg, LLP



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

Representing Lenders in  
Pennsylvania and New Jersey

Foreclosure Manager

June 18, 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: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-  
WFHE3 v.  
TAMMY SMITH and SCOTT H. ORTASIC  
1304 DOREY STREET CLEARFIELD, PA 16830  
Court No. 07-1537-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for August 7, 2009 due to the following: Loan Modification.

\$396.60 was received in consideration of the stay.

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

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

Thank you for your correspondence in this matters.

Very Truly Yours,  
ELIZABETH HALLINAN for  
Phelan Hallinan & Schmieg, LLP