

07-1599-CD  
Deutsche Bank vs Travis Clouser

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

162577

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT  
2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

ATTORNEY FOR PLAINTIFF

Plaintiff

v.

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1594-CD

CLEARFIELD COUNTY

Defendants

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

File #: 162577

**FILED**  
MILL 25 2007  
OCT 01 2007  
William A. Shaw  
Prothonotary/Clerk of Court  
Atty pd. 85.00  
8cc Sheriff

## 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.

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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

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT  
2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

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

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

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

3. On 12/21/2005 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR FIRST FRANKLIN A DIVISION OF NATIONAL CITY BANK OF INDIANA which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200602387. 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	\$37,636.56
Interest	\$1,576.80
04/01/2007 through 09/27/2007	
(Per Diem \$8.76)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$58.44
12/21/2005 to 09/27/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$41,271.80
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$41,271.80</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 \$41,271.80, together with interest from 09/27/2007 at the rate of \$8.76 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP



By: /s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

## **LEGAL DESCRIPTION**

ALL that certain piece, tract or parcel of land lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post at Lot No. 115; thence by Lot No. 115, North 22 degrees 28 minutes West 150 feet to an alley; thence by said alley, North 68 degrees East 75 feet to a post; thence by other land conveyed to John Reed, 150 feet to a post on Evergreen Street, 68 feet Northeast of the place of beginning; thence by Evergreen Street, 68 degrees West 68 feet to the place of beginning. Being known as Lot No. 62 and Lot No. 114 of Alfred Bell's Addition to the Borough (now City) of DuBois.

BEING the same premises which were conveyed to Ronald E. Koloskee and David L. Koloskee by deed of George Koloskee, et al., dated February 18, 1991 and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1388, page 159.

PROPERTY BEING: 187 EAST MAIN STREET

FILED NO  
MILL. 05/4/07  
NOV 09 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

ATTORNEY FOR PLAINTIFF

Deutsche Bank National Trust Company, as Trustee :  
for FFMLT 2006-FF4, Mortgage Pass-Through :  
Certificates, Series 2006-FF4 :  
150 Allegheny Center Mall, IDC 24-050 :  
Pittsburgh, PA 15212

Court of Common Pleas

Plaintiff

Clearfield County

vs.

Travis L. Clouser  
Lara J. Clouser  
133 Evergreen Street  
DuBois, PA 15801

Civil Division

Defendants

No. 07-1599-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:

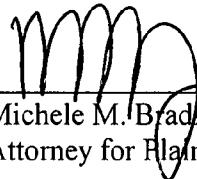
Chester A. Hawkins  
Sheriff of Clearfield County  
230 East Market Street  
Clearfield, PA 16830

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

Travis L. Clouser  
Lara J. Clouser  
133 Evergreen Street  
DuBois, PA 15801

11/7/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

JAS

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

Deutsche Bank National Trust Company, as Trustee :	Court of Common Pleas
for FFMLT 2006-FF4, Mortgage Pass-Through	:
Certificates, Series 2006-FF4	:
150 Allegheny Center Mall, IDC 24-050	:
Pittsburgh, PA 15212	:
Plaintiff	:
vs.	:
Travis L. Clouser	:
Lara J. Clouser	:
133 Evergreen Street	:
DuBois, PA 15801	:
Defendants	:

**ORDER**

AND NOW, this 14<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 the foreclosure Complaint within seven days of the date of this Order.

**FILED**  
012-13401  
NOV 15 2007  
1cc Atty  
1cc Sheriff  
William A. Shaw without memo  
Prothonotary/Clerk of Courts  
(60)

*Judie J. Zimmerman*  
BY THE COURT:  
J.

DATE: 11/15/07

William A. Shaw  
Prothonotary/Clerk of Courts

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  
 Defendants(s)  Defendant(s) Attorney  
 \_\_\_\_\_  
Special Instructions: \_\_\_\_\_

NOV 15 2007

**FILED**

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

Deutsche Bank National Trust Company, as Trustee : for FFMLT 2006-FF4, Mortgage Pass-Through Certificates, Series 2006-FF4	:	Court of Common Pleas
150 Allegheny Center Mall, IDC 24-050 Pittsburgh, PA 15212	:	Clearfield County
Plaintiff	:	
vs.	:	Civil Division
Travis L. Clouser	:	No. 07-1599-CD
Lara J. Clouser	:	
133 Evergreen Street	:	
DuBois, PA 15801	:	
Defendants	:	

**RULE**

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

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

BY THE COURT,

---

J.

FILED NO CC  
011105/64  
NOV 09 2007 (GK)

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

Deutsche Bank National Trust Company, as Trustee :  
for FFMLT 2006-FF4, Mortgage Pass-Through :  
Certificates, Series 2006-FF4 :  
150 Allegheny Center Mall, IDC 24-050 :  
Pittsburgh, PA 15212 :

Court of Common Pleas

Plaintiff :

Clearfield County

vs.

Travis L. Clouser :  
Lara J. Clouser :  
133 Evergreen Street :  
DuBois, PA 15801 :

Civil Division

Defendants :

No. 07-1599-CD

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

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

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

3. On November 2, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Travis L. Clouser was personally served the Complaint on behalf of himself and his wife on October 11, 2007.

4. On November 2, 2007, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment.

5. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on October 11, 2007.

6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the affidavit of service of the Complaint with the Prothonotary. Interest accrues at the rate of \$8.76 per day on this mortgage account.

7. 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.

11/7/07  
Date

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

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

vs.

Travis L. Clouser :  
Lara J. Clouser :  
133 Evergreen Street :  
DuBois, PA 15801 :

Civil Division

No. 07-1599-CD

Defendants :

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

**I. PROCEDURAL HISTORY**

Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on October 1, 2007. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A". The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendants. On November 2, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Travis L. Clouser was personally served the Complaint on behalf of

himself and his wife on October 11, 2007. On November 2, 2007, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment. To date, the Clearfield County Sheriff's Office has not filed the affidavit of service, which was made on October 11, 2007. 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 \$8.76 per day on this mortgage account.

## II. LEGAL ANALYSIS

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

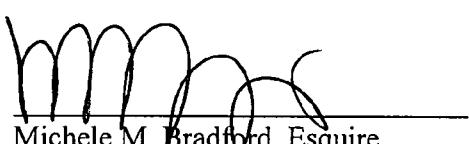
When service of the original process has been made,  
the sheriff or other person making service shall make a  
return of service forthwith. . . .

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

Plaintiff is without an adequate remedy at law and will suffer irreparable harm unless the requested relief is granted. This Court has plenary power to administer equity according to well-settled principals of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A. 779, 116 Pa. Super. 101 (1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them instead of encouraging technical niceties in the modes of procedure and forms of pleading. Gunnet v. Trout, 380 Pa. 504, 112 A.2d 333 (1955). This is certainly a case where the exercise of this Court's equity powers is appropriate and necessary.

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

11/7/07  
Date



Michele M. Bradford, Esquire  
Attorney for Plaintiff

## **EXHIBIT A**

PHELAN HALLINAN & SCHMIEG, LLP  
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NO.

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CLEARFIELD COUNTY

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CIVIL ACTION - LAW  
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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 \$41,271.80, together with interest from 09/27/2007 at the rate of \$8.76 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP



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

## **LEGAL DESCRIPTION**

ALL that certain piece, tract or parcel of land lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post at Lot No. 115; thence by Lot No. 115, North 22 degrees 28 minutes West 150 feet to an alley; thence by said alley, North 68 degrees East 75 feet to a post; thence by other land conveyed to John Reed, 150 feet to a post on Evergreen Street, 68 feet Northeast of the place of beginning; thence by Evergreen Street, 68 degrees West 68 feet to the place of beginning. Being known as Lot No. 62 and Lot No. 114 of Alfred Bell's Addition to the Borough (now City) of DuBois.

BEING the same premises which were conveyed to Ronald E. Koloskee and David L. Koloskee by deed of George Koloskee, et al., dated February 18, 1991 and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1388, page 159.

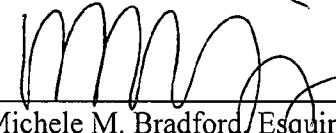
PROPERTY BEING: 187 EAST MAIN STREET

**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.

11/7/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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

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

DOCKET # 103253  
NO: 07-1599-CD  
SERVICE # 1 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee  
vs.  
DEFENDANT: TRAVIS L. CLOUSER and LARA J. CLOUSER

**SHERIFF RETURN**

---

NOW, October 11, 2007 AT 11:17 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TRAVIS L. CLOUSER DEFENDANT AT 133 EVERGREEN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TRAVIS CLOUSER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

**FILED**  
01/21/08  
NOV 16 2007  
WAS  
William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 103253  
NO: 07-1599-CD  
SERVICE # 2 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY , as Trustee  
vs.  
DEFENDANT: TRAVIS L. CLOUSER and LARA J. CLOUSER

**SHERIFF RETURN**

---

NOW, October 11, 2007 AT 11:17 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LARA J. CLOUSER DEFENDANT AT 133 EVERGREEN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TRAVIS CLOUSER, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

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

DOCKET # 103253  
NO: 07-1599-CD  
SERVICE # 3 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY , as Trustee  
vs.  
DEFENDANT: TRAVIS L. CLOUSER and LARA J. CLOUSER

**SHERIFF RETURN**

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SERVED BY: NEVLING /

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

DOCKET # 103253  
NO: 07-1599-CD  
SERVICE # 4 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY , as Trustee  
vs.  
DEFENDANT: TRAVIS L. CLOUSER and LARA J. CLOUSER

**SHERIFF RETURN**

---

NOW, October 11, 2007 AT 11:17 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LARA J. CLOUSER DEFENDANT AT 133 EVERGREEN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TRAVIS CLOUSER, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103253  
NO: 07-1599-CD  
SERVICE # 5 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY , as Trustee  
vs.  
DEFENDANT: TRAVIS L. CLOUSER and LARA J. CLOUSER

**SHERIFF RETURN**

---

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

NOW, October 12, 2007 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON  
TRAVIS L. CLOUSER, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE  
PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103253  
NO: 07-1599-CD  
SERVICE # 6 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY , as Trustee  
vs.  
DEFENDANT: TRAVIS L. CLOUSER and LARA J. CLOUSER

**SHERIFF RETURN**

---

NOW, October 02, 2007, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON  
LARA J. CLOUSER.

NOW, October 12, 2007 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON  
LARA J. CLOUSER, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE  
PART OF THIS RETURN MARKED "NOT FOUND".

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

DOCKET # 103253  
NO: 07-1599-CD  
SERVICES 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY , as Trustee  
vs.  
DEFENDANT: TRAVIS L. CLOUSER and LARA J. CLOUSER

**SHERIFF RETURN**

---

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	631470	60.00
SHERIFF HAWKINS	PHELAN	631470	40.00
JEFFERSON CO.	PHELAN	631478	39.46
SHERIFF HAWKINS			44.86

Sworn to Before Me This

So Answers,

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

  
Chester A. Hawkins  
Sheriff

No. 07-1599 C.D.

Now, October 12, 2007 I return the Notice and Complaint in Mortgage Foreclosure for TRAVIS L. CLOUSER and LARA J. CLOUSER, Defendants, to the Clearfield County Sheriff's Office marked "not found; defendants are currently residing at 133 Evergreen Street, DuBois, PA which is located in Clearfield County".

Advance Costs Received:	\$125.00	
My Costs:	37.46	Paid
Prothy:	2.00	
Total Costs:	39.46	
REFUNDED:	\$ 85.54	

Sworn and subscribed  
to before me this 16<sup>th</sup>  
day of October 2007  
By Kirsten J. Hoffman  
DEPUTY CLERK OF COURTS

My Commission Expires the  
1st Monday, January 2010

So Answers,

  
Thomas C. Donley  
Sheriff

JEFFERSON COUNTY, PENNSYLVANIA

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

162577

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT  
2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

Plaintiff

v.

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

PHILIP J. HAN

File #: 162577

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1599-CD

CLEARFIELD COUNTY

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

OCT 01 2007

Attest.



William L. Chan  
Prothonotary/  
Clerk of Courts

## NOTICE

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

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

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

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

Notice to Defend:  
David S. Meholick, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

**IF THIS IS THE FIRST NOTICE THAT YOU HAVE  
RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

**PURSUANT TO THE FAIR DEBT COLLECTION  
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),  
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE  
DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S)  
DO SO IN WRITING WITHIN THIRTY (30) DAYS OF  
RECEIPT OF THIS PLEADING, COUNSEL FOR  
PLAINTIFF WILL OBTAIN AND PROVIDE  
DEFENDANT(S) WITH WRITTEN VERIFICATION  
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED  
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN  
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,  
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)  
THE NAME AND ADDRESS OF THE ORIGINAL  
CREDITOR, IF DIFFERENT FROM ABOVE.**

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL  
THE END OF THE THIRTY (30) DAY PERIOD  
FOLLOWING FIRST CONTACT WITH YOU BEFORE  
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH  
THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

**COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.**

**IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.**

1. Plaintiff is

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT  
2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

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

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

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

3. On 12/21/2005 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR FIRST FRANKLIN A DIVISION OF NATIONAL CITY BANK OF INDIANA which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200602387. 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	\$37,636.56
Interest	\$1,576.80
04/01/2007 through 09/27/2007	
(Per Diem \$8.76)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$58.44
12/21/2005 to 09/27/2007	
Cost of Suit and Title Search	\$750.00
Subtotal	\$41,271.80
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$41,271.80</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 \$41,271.80, together with interest from 09/27/2007 at the rate of \$8.76 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP



By: /s/ Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

## **LEGAL DESCRIPTION**

ALL that certain piece, tract or parcel of land lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post at Lot No. 115; thence by Lot No. 115, North 22 degrees 28 minutes West 150 feet to an alley; thence by said alley, North 68 degrees East 75 feet to a post; thence by other land conveyed to John Reed, 150 feet to a post on Evergreen Street, 68 feet Northeast of the place of beginning; thence by Evergreen Street, 68 degrees West 68 feet to the place of beginning. Being known as Lot No. 62 and Lot No. 114 of Alfred Bell's Addition to the Borough (now City) of DuBois.

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PROPERTY BEING: 187 EAST MAIN STREET

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CERTIFICATES, SERIES 2006-FF4  
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Plaintiff

v.

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

I hereby certify this to be a true  
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OCT 01 2007

Attest.

*William J. Schaeffer*  
Prothonotary/  
Clerk of Courts

File #: 162577

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9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

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PHELAN HALLINAN & SCHMIEG, LLP



By: /s/Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

## **LEGAL DESCRIPTION**

ALL that certain piece, tract or parcel of land lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post at Lot No. 115; thence by Lot No. 115, North 22 degrees 28 minutes West 150 feet to an alley; thence by said alley, North 68 degrees East 75 feet to a post; thence by other land conveyed to John Reed, 150 feet to a post on Evergreen Street, 68 feet Northeast of the place of beginning; thence by Evergreen Street, 68 degrees West 68 feet to the place of beginning. Being known as Lot No. 62 and Lot No. 114 of Alfred Bell's Addition to the Borough (now City) of DuBois.

BEING the same premises which were conveyed to Ronald E. Koloskee and David L. Koloskee by deed of George Koloskee, et al., dated February 18, 1991 and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1388, page 159.

PROPERTY BEING: 187 EAST MAIN STREET

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

162577

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT  
2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

Plaintiff

v.

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

OCT 01 2007

Attest.



William C. Healey  
Prothonotary/  
Clerk of Courts

File #: 162577

**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

DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR FFMLT  
2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

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

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

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

3. On 12/21/2005 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR FIRST FRANKLIN A DIVISION OF NATIONAL CITY BANK OF INDIANA which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200602387. 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	\$37,636.56
Interest	\$1,576.80
04/01/2007 through 09/27/2007	
(Per Diem \$8.76)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$58.44
12/21/2005 to 09/27/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$41,271.80
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$41,271.80</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

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PHELAN HALLINAN & SCHMIEG, LLP



By: /s/ Francis S. Hallinan

LAWRENCE T. PHELAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

Attorneys for Plaintiff

## **LEGAL DESCRIPTION**

ALL that certain piece, tract or parcel of land lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a post at Lot No. 115; thence by Lot No. 115, North 22 degrees 28 minutes West 150 feet to an alley; thence by said alley, North 68 degrees East 75 feet to a post; thence by other land conveyed to John Reed, 150 feet to a post on Evergreen Street, 68 feet Northeast of the place of beginning; thence by Evergreen Street, 68 degrees West 68 feet to the place of beginning. Being known as Lot No. 62 and Lot No. 114 of Alfred Bell's Addition to the Borough (now City) of DuBois.

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162577

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2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

Plaintiff

v.

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

PHELAN

File #: 162577

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-1599-CD

CLEARFIELD COUNTY

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

OCT 01 2007

Attest.

*William A. Scherzer*  
Prothonotary/  
Clerk of Courts

## NOTICE

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2006-FF4, MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2006-FF4  
150 ALLEGHENY CENTER MALL  
IDC 24-050  
PITTSBURGH, PA 15212

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TRAVIS L. CLOUSER  
LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

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PHELAN HALLINAN & SCHMIEG, LLP



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

## **LEGAL DESCRIPTION**

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PROPERTY BEING: 187 EAST MAIN STREET

FILED NO CC  
3/11/04 6:11 AM  
NOV 26 2007

William A. Shaw  
Prothonotary/Clerk of Courts  


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

ATTORNEY FOR PLAINTIFF

Deutsche Bank National Trust Company, as Trustee for FFMLT 2006-FF4, Mortgage Pass-Through Certificates, Series 2006-FF4	:	Court of Common Pleas
150 Allegheny Center Mall, IDC 24-050	:	Clearfield County
Pittsburgh, PA 15212	:	
Plaintiff	:	
vs.	:	Civil Division
Travis L. Clouser	:	No. 07-1599-CD
Lara J. Clouser	:	
133 Evergreen Street	:	
DuBois, PA 15801	:	
Defendants	:	

#### 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:

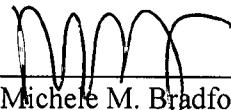
Chester A. Hawkins  
Sheriff of Clearfield County  
230 East Market Street  
Clearfield, Pennsylvania 16830

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

Travis L. Clouser  
Lara J. Clouser  
133 Evergreen Street  
DuBois, PA 15801

11/20/07  
Date

PHELAN HALLINAN & SCHMIEG, LLP



Michele M. Bradford, Esquire  
Attorney for Plaintiff

FILED

NOV 26 2007

William A. Shaw  
Prothonotary/Clerk of Courts

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

Attorney for Plaintiff

FILED *M 10:56/07* Atty pd. 20.00  
JAN 07 2008 1CC9 Notice  
to Def. *Statement to (G10)*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*Atty*

DEUTSCHE BANK NATIONAL TRUST :  
COMPANY, AS TRUSTEE FOR FFMLT 2006- :  
FF4, MORTGAGE PASS-THROUGH :  
CERTIFICATES, SERIES 2006-FF4 :  
150 ALLEGHENY CENTER MALL, IDC 24- :  
050 :  
PITTSBURGH, PA 15212 :  
NO. 07-1599-CD

Plaintiff, :

v.

TRAVIS L. CLOUSER :  
LARA J. CLOUSER :  
133 EVERGREEN STREET :  
DU BOIS, PA 15801 :

Defendant(s).

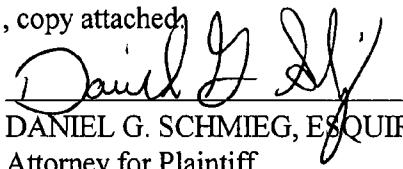
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against TRAVIS L. CLOUSER and LARA J. CLOUSER, 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	\$ 41,271.80
Interest - 09/28/07 TO 01/04/08	\$ 867.24
<b>TOTAL</b>	<b><u>\$ 42,139.04</u></b>

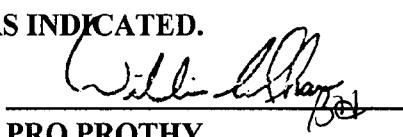
I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) notice has been given in accordance with Rule 237.1, copy attached:

  
DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 1/7/08

  
PRO PROTHY

162577

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, : COURT OF COMMON PLEAS  
AS TRUSTEE FOR FFMLT 2006-FF4, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2006-FF4 : CIVIL DIVISION  
Plaintiff : CLEARFIELD COUNTY  
Vs. : NO. 07-1599-CD

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
Defendants

TO: TRAVIS L. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

FILE COPY

DATE OF NOTICE: NOVEMBER 2, 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

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST COMPANY, : COURT OF COMMON PLEAS  
AS TRUSTEE FOR FFMLT 2006-FF4, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2006-FF4 : CIVIL DIVISION  
Plaintiff  
Vs. : CLEARFIELD COUNTY  
: NO. 07-1599-CD

TRAVIS L. CLOUSER  
LARA J. CLOUSER  
Defendants

TO: LARA J. CLOUSER  
133 EVERGREEN STREET  
DU BOIS, PA 15801

FILE COPY

DATE OF NOTICE: NOVEMBER 2, 2007

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800-692-7375

  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

DEUTSCHE BANK NATIONAL TRUST :  
COMPANY, AS TRUSTEE FOR FFMLT 2006- :  
FF4, MORTGAGE PASS-THROUGH :  
CERTIFICATES, SERIES 2006-FF4 :  
150 ALLEGHENY CENTER MALL, IDC 24- :  
050 :  
PITTSBURGH, PA 15212 :  
:

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 07-1599-CD

Plaintiff,

v.

TRAVIS L. CLOUSER :  
LARA J. CLOUSER :  
133 EVERGREEN STREET :  
DU BOIS, PA 15801 :

Defendant(s).

**VERIFICATION OF NON-MILITARY SERVICE**

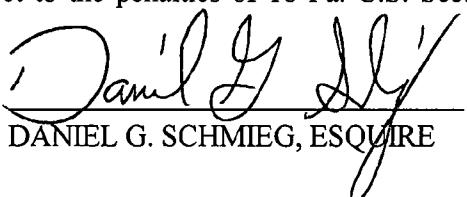
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant **TRAVIS L. CLOUSER** is over 18 years of age and resides at **133 EVERGREEN STREET, DU BOIS, PA 15801**.

(c) that defendant **LARA J. CLOUSER** is over 18 years of age, and resides at **133 EVERGREEN STREET, DU BOIS, PA 15801**.

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



DANIEL G. SCHMIEG, ESQUIRE

**(Rule of Civil Procedure No. 236 - Revised**

**COPY**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST :  
COMPANY, AS TRUSTEE FOR FFMLT 2006- :  
FF4, MORTGAGE PASS-THROUGH : CLEARFIELD COUNTY  
CERTIFICATES, SERIES 2006-FF4 : COURT OF COMMON PLEAS  
150 ALLEGHENY CENTER MALL, IDC 24- :  
050 : CIVIL DIVISION  
PITTSBURGH, PA 15212 :  
: NO. 07-1599-CD

**Plaintiff,**

v.

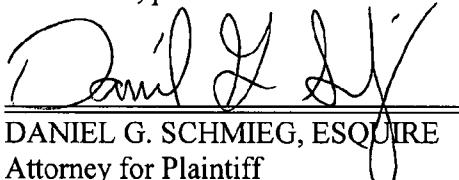
TRAVIS L. CLOUSER :  
LARA J. CLOUSER :  
133 EVERGREEN STREET :  
DU BOIS, PA 15801 :  
:

**Defendant(s).**

Notice is given that a Judgment in the above captioned matter has been entered against you  
on January 7, 2008.

BY W. M. DEPUTY  
Bd

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



**DANIEL G. SCHMIEG, ESQUIRE**

Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

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

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

COPIED

Deutsche Bank National Trust Company  
Plaintiff(s)

No.: 2007-01599-CD

Real Debt: \$42,139.04

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Travis L. Clouser  
Lara J. Clouser  
Defendant(s)

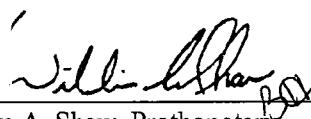
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: January 7, 2008

Expires: January 7, 2013

Certified from the record this 7th day of January, 2008.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

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