

PHELAN HALLINAN & SCHMIEG, LLP
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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 _____ 163082

ATTORNEY FOR PLAINTIFF

CHASE HOME FINANCE LLC,
S/B/M TO CHASE MANHATTAN
MORTGAGE CORPORATION
3415 VISION DRIVE
COLUMBUS, OH 43219

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-1653-CD

v.

CLEARFIELD COUNTY

MATTHEW A. SWANSON
717 GOOD STREET
HOUTZDALE, PA 16651

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

FILED ICC Sheriff
m/2:00/82
OCT 10 2007
Any pd. 85.00
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

CHASE HOME FINANCE LLC,
S/B/M TO CHASE MANHATTAN
MORTGAGE CORPORATION
3415 VISION DRIVE
COLUMBUS, OH 43219

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

MATTHEW A. SWANSON
717 GOOD STREET
HOUTZDALE, PA 16651

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

3. On 04/09/2003 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200305750. 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 06/01/2007 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	\$47,130.47
Interest	\$1,412.64
05/01/2007 through 10/09/2007 (Per Diem \$8.72)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
04/09/2003 to 10/09/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$50,343.11
Escrow	
Credit	\$0.00
Deficit	\$385.15
Subtotal	<u>\$385.15</u>
TOTAL	\$50,728.26

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 \$50,728.26, together with interest from 10/09/2007 at the rate of \$8.72 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 those two certain lots, pieces or parcels of ground situate, lying and being on the East side of Good Street in the Borough of Houtzdale, County of Clearfield and State of Pennsylvania, more fully bounded and described as follows:

BEGINNING at the Northeast corner of Good and Centennial Streets; thence along said Good Street one hundred feet (100 feet) to post on line of Lot No. 304; thence along the line of said Lot No. 304 one hundred fifty feet (150 feet) to Spruce Alley; thence along the line of said Spruce Alley one hundred feet (100 feet) to Centennial Street; thence along the line of Centennial Street one hundred fifty feet (150 feet) to the corner and place of beginning.

BEING known as Lots Nos. 309 and 314 in the general plan of the Borough of Houtzdale and having thereon erected a two-story, frame dwelling house, garage and other out buildings.

EXCEPTING AND RESERVING, nevertheless, all the stone, coal and other minerals and the right to mine and remove the same fully as said rights are reserved in deed of Charles A. Dunlap to Jule Frelin, dated July 18, 1919.

PARCEL NO: 10-M14-392-00038

PROPERTY BEING: 717 GOOD STREET

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: 10/9/07

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103291
NO: 07-1653-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CHASE HOME FINANCE LLC, S/B/M
vs.
DEFENDANT: MATTHEW A. SWANSON

SHERIFF RETURN

NOW, October 19, 2007 AT 11:06 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MATTHEW A. SWANSON DEFENDANT AT 717 GOOD ST., HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MATTHEW A. SWANSON, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
0/3: 200m
FEB 06 2008
(LM)


William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	634018	10.00
SHERIFF HAWKINS	PHELAN	634018	52.92

Sworn to Before Me This

_____ Day of _____ 2008
2007

So Answers,


Chester A. Hawkins
Sheriff

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

Attorney For Plaintiff

CHASE HOME FINANCE LLC, S/B/M TO CHASE MANHATTAN MORTGAGE CORPORATION Plaintiff	: Court of Common Pleas : Civil Division : CLEARFIELD County : No. 07-1653-CD
vs	
MATTHEW A. SWANSON Defendant	

PRAECIPE

TO THE PROTHONOTARY:

- ☒ Please withdraw the complaint and mark the action Discontinued and Ended without prejudice.
- ☐ Please mark the above referenced case Settled, Discontinued and Ended.
- ☐ Please Vacate the judgment entered and mark the action Discontinued and Ended without prejudice.
- ☐ Please mark the in rem judgment Satisfied and the action Discontinued and Ended.
- ☐ Please Vacate the Judgment entered.

Date: 8/9/13

PHELAN HALLINAN, LLP

By: Meredith Wothers
Meredith Wothers, Esq., Id. No. 307207
Attorney for Plaintiff

PH # 657104

FILED
m/10:52am
AUG 13 2013
William A. Shaw
Prothonotary/Clerk of Courts

ice Atty
Wothers
copy to
Judge Ammerman's
office

66

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

Attorney for Plaintiff

CHASE HOME FINANCE LLC, S/B/M TO Court of Common Pleas
CHASE MANHATTAN MORTGAGE
CORPORATION
Plaintiff

Civil Division

v.
MATTHEW A. SWANSON
Defendant

CLEARFIELD County
No. 07-1653-CD
PH # 657104

CERTIFICATION OF SERVICE

I hereby certify true and correct copies of the foregoing Plaintiff's Praeipe was served by regular mail to the person(s) on the date listed below:

MATTHEW A. SWANSON
717 GOOD STREET
HOUTZDALE, PA 16651

Date: 8/9/13

PHELAN HALLINAN, LLP

By:

Meredith Wooters
Meredith Wooters, Esq., Id. No.307207
Attorney for Plaintiff

2013-08-13

2013/8/13

FILED

AUG 13 2013

William A. Shaw
Prothonotary/Clerk of Courts