

07-1678-CD
Countrywide vs Deana Rodkey

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

163243

ATTORNEY FOR PLAINTIFF

COUNTRYWIDE HOME LOANS, INC.
7105 CORPORATE DRIVE
PLANO, TX 75024

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 07-1678-CD
CLEARFIELD COUNTY

DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

FILED Atty pd.
10/10/2007 85.00
OCT 16 2007
WMS
William A. Shaw
Prothonotary/Clerk of Courts
ICCSheriff

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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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

COUNTRYWIDE HOME LOANS, INC.
7105 CORPORATE DRIVE
PLANO, TX 75024

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

DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

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

3. On 04/16/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR AMERICA'S WHOLESALE LENDER which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200405774. 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 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	\$57,851.18
Interest	\$1,922.25
05/01/2007 through 10/12/2007	
(Per Diem \$11.65)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$81.64
04/16/2004 to 10/12/2007	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$61,855.07
Escrow	
Credit	\$0.00
Deficit	\$505.86
Subtotal	<u>\$505.86</u>
TOTAL	\$62,360.93

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$62,360.93, together with interest from 10/11/2007 at the rate of \$11.65 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, parcel or tract of land, situate in the Township of Decatur, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post at land now or formerly of Emory Britten, on the North side of Township Road, leading from Ashland to the barn of Isaiah Kephart, and running along said road, in a westerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Isaiah Kephart; thence thereby in a northerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at other land now or formerly of Isaiah Kephart; thence by said land in an easterly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Austin Davis; thence thereby and along land now or formerly of Emory Britten in a southerly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to post at Township Road and place of beginning; having thereon erected a two-story, frame dwelling house and a frame garage.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 112-N12-000-00005.

PARCEL NO: N12-000-0005

PROPERTY BEING: 410 RED SCHOOLHOUSE ROAD

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: 10/12/07

FILED NO CC
M 11/03/04
NOV 09 2007
CLERK

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

Countrywide Home Loans, Inc.
7105 Corporate Drive
Plano, TX 75024

Plaintiff : Court of Common Pleas

vs.

Clearfield County

Deana A. Rodkey
410 Red Schoolhouse Road
Osceola Mills, PA 16666

Civil Division

Defendant : No. 07-1678-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:

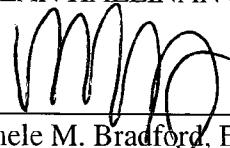
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, PA 16830

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

Deana A. Rodkey
410 Red Schoolhouse Road
Osceola Mills, PA 16666

11/7/07
Date

PHELAN HANLINAN & SCHMIEG, LLP



Michele M. Bradford, Esquire
Attorney for Plaintiff

UP

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

Countrywide Home Loans, Inc.	:	Court of Common Pleas
7105 Corporate Drive	:	
Plano, TX 75024	:	
Plaintiff	:	Clearfield County
vs.	:	
Deana A. Rodkey	:	Civil Division
410 Red Schoolhouse Road	:	
Osceola Mills, PA 16666	:	
Defendant	:	No. 07-1678-CD

ORDER

AND NOW, this 14th 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:



FILED
01/22/2008
NOV 15 2007

1CC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts without memo

(6K)

DATE: 11/15/07

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

NOV 15 2007

William A. Shaw
Prothonotary/Clerk of Courts

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

Countrywide Home Loans, Inc.	:	Court of Common Pleas
7105 Corporate Drive	:	
Plano, TX 75024	:	
Plaintiff	:	Clearfield County
vs.	:	
Deana A. Rodkey	:	Civil Division
410 Red Schoolhouse Road	:	
Osceola Mills, PA 16666	:	
Defendant	:	No. 07-1678-CD

RULE

AND NOW, this _____ day of _____ 2007, a Rule is entered upon the Defendant 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.

CA

FILED NO
M 11.03.07
NOV 09 2007 GP
CC

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

Countrywide Home Loans, Inc.
7105 Corporate Drive
Plano, TX 75024

Plaintiff

Court of Common Pleas

vs.

Deana A. Rodkey
410 Red Schoolhouse Road
Osceola Mills, PA 16666

Defendant

Clearfield County

Civil Division

No. 07-1678-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 16, 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 Defendant.

3. On November 7, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Deana A. Rodkey was personally served the Complaint on October 22, 2007.

4. On November 14, 2007, Plaintiff intends to send the Defendant ten day letters notifying her 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 22, 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 \$11.65 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

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 ATTORNEY FOR PLAINTIFF
One Penn Center at Suburban Station
1617 J.F.K. Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Countrywide Home Loans, Inc.
7105 Corporate Drive
Plano, TX 75024

Plaintiff

Court of Common Pleas

vs.

Deana A. Rodkey
410 Red Schoolhouse Road
Osceola Mills, PA 16666

Defendant

Clearfield County

Civil Division

No. 07-1678-CD

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 16, 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 Defendant. On November 7, 2007, the Sheriff's Office verbally advised counsel for Plaintiff that Deana A. Rodkey was personally served the Complaint on October 22, 2007. On November 14, 2007, Plaintiff intends to send the Defendant ten day letters notifying her 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 22, 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 \$11.65 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

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:

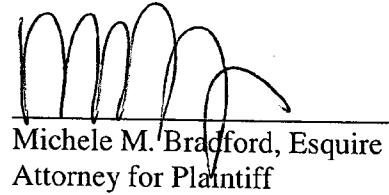
When service of the original process has been made,
the sheriff or other person making service shall make a
return of service forthwith. . . .

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
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
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163243

ATTORNEY FOR PLAINTIFF

COUNTRYWIDE HOME LOANS, INC.
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PLANO, TX 75024

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff

TERM

v.

NO.

DEANA A. RODKEY
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OSCEOLA MILLS, PA 16666

CLEARFIELD COUNTY

Defendant

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COMPLAINT IN MORTGAGE FORECLOSURE

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1. Plaintiff is

COUNTRYWIDE HOME LOANS, INC.
7105 CORPORATE DRIVE
PLANO, TX 75024

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

DEANA A. RODKEY
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OSCEOLA MILLS, PA 16666

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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.

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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.

10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$62,360.93, together with interest from 10/11/2007 at the rate of \$11.65 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

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Being identified in the Clearfield County Mapping and Assessment Office as Map No. 112-N12-000-00005.

PARCEL NO: N12-000-0005

PROPERTY BEING: 410 RED SCHOOLHOUSE ROAD

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: 10/12/07

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 # 103314
NO: 07-1678-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: COUNTRYWIDE HOME LOANS, INC.

vs.

DEFENDANT: DEANA A. RODKEY

SHERIFF RETURN

NOW, October 22, 2007 AT 8:39 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DEANA A. RODKEY DEFENDANT AT 410 RED SCHOOLHOUSE ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEANA A. RODKEY, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

FILED

01/21/08
NOV 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	634812	10.00
SHERIFF HAWKINS	PHELAN	634812	56.80

Sworn to Before Me This

____ Day of _____ 2007

So Answers,

*Chester A. Hawkins
Dee Marilyn Hamm*
Chester A. Hawkins
Sheriff

FILED NO cc
11/06/07
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

Countrywide Home Loans, Inc.
7105 Corporate Drive
Plano, TX 75024

Plaintiff : Court of Common Pleas

vs.

Deana A. Rodkey
410 Red Schoolhouse Road
Osceola Mills, PA 16666

Defendant : No. 07-1678-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. 2nd Street,
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Deana A. Rodkey
410 Red Schoolhouse Road
Osceola Mills, PA 16666

11/20/07
Date

PHELAN HALLINAN & SCHMIEG, LLP



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
m/2/03/08 1ec Notice
JAN 14 2008 to Def.

William A. Shaw
Prothonotary/Clerk of Courts Statement to

Atty
GR

COUNTRYWIDE HOME LOANS, INC.
7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff,

v.

DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

Defendant(s).

:
:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 07-1678-CD**
:
:
:
:

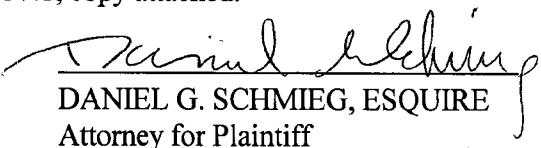
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **DEANA A. RODKEY**,
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	\$ 62,360.93
Interest - 10/13/07 TO 01/10/08	\$ 1,048.50
TOTAL	<u>\$ 63,409.43</u>

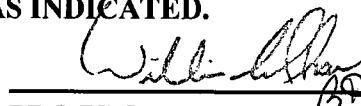
I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) notice
has been given in accordance with Rule 237.1, copy attached.


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 1/14/08


PRO PROTHY

163243

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

CONTRYWIDE HOME LOANS, INC. : COURT OF COMMON PLEAS
Plaintiff : CIVIL DIVISION
Vs. : CLEARFIELD COUNTY
DEANA A. RODKEY : NO. 07-1678-CD
Defendants

TO: DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA, PA 16666

DATE OF NOTICE: NOVEMBER 14, 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.

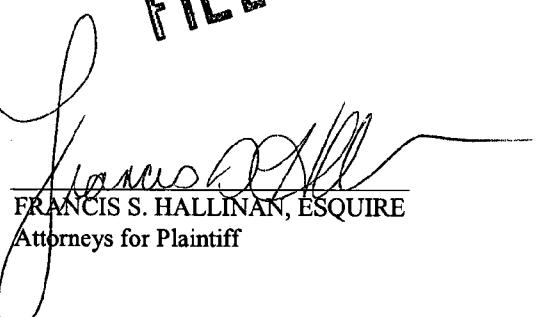
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

FILE COPY


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

COUNTRYWIDE HOME LOANS, INC.

7105 CORPORATE DRIVE

PLANO, TX 75024

Plaintiff,

v.

DEANA A. RODKEY

410 RED SCHOOLHOUSE ROAD

OSCEOLA MILLS, PA 16666

Defendant(s).

:
:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 07-1678-CD
:
:
:
:

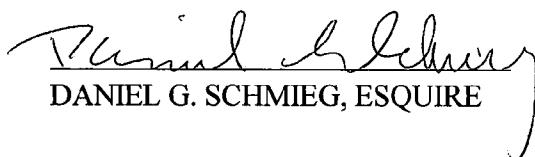
VERIFICATION OF NON-MILITARY SERVICE

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 **DEANA A. RODKEY** is over 18 years of age and resides at **410 RED SCHOOLHOUSE ROAD, OSCEOLA MILLS, PA 16666**.

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


DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

COUNTRYWIDE HOME LOANS, INC. :
7105 CORPORATE DRIVE :
PLANO, TX 75024 :
Plaintiff, :
v. :
CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1678-CD
DEANA A. RODKEY :
410 RED SCHOOLHOUSE ROAD :
OSCEOLA MILLS, PA 16666 :
Defendant(s). :
:

Notice is given that a Judgment in the above captioned matter has been entered against you
on January 14, 2008.

BY William J. Shanahan DEPUTY
BS

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

Daniel G. Schmieg

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

COPY

Countrywide Home Loans, Inc.
Plaintiff(s)

No.: 2007-01678-CD

Real Debt: \$63,409.43

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Deana A. Rodkey
Defendant(s)

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: January 14, 2008

Expires: January 14, 2013

Certified from the record this 14th 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

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

COUNTRYWIDE HOME LOANS,
INC.

vs.

DEANA A. RODKEY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-1678-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 1/11/08 to Sale	\$63,409.43
Per diem \$10.42	Prothonotary costs 125.00
Add'l Costs	\$
Writ Total	\$2,675.00
	\$

Thom J. Lehman
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

163243

FILED Atty pd. 20.00
m/12/08 8:41 1CCD 6writs
JAN 14 2008 w/prop. desc.
William A. Shaw
Prothonotary/Clerk of Courts to Sheriff
(6K)

No. 07-1678-CD Term 20 05 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

COUNTRYWIDE HOME LOANS, INC.

vs.

DEANA A. RODKEY

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Deana A. Rodkey

Attorney for Plaintiff(s)

Address: DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land, situate in the Township of Decatur, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post at land now or formerly of Emory Britten, on the North side of Township Road, leading from Ashland to the barn of Isaiah Kephart, and running along said road, in a westerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Isaiah Kephart; thence thereby in a northerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at other land now or formerly of Isaiah Kephart; thence by said land in an easterly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Austin Davis; thence thereby and along land now or formerly of Emory Britten in a southerly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to post at Township Road and place of beginning; having thereon erected a two-story, frame dwelling house and a frame garage.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 112-N12-000-00005.

EXCEPTING AND RESERVING, NEVERTHELESS, UNTO FORMER GRANTOR, all the coal and other minerals underlying the said premises, with the right to mine and remove the same free from claim for damages done to the surface; together with the right to enter upon said land by railroad, tramway and wagon way, doing as little damage as possible, for the purpose of mining and removing the coal and other minerals. The Grantors not being responsible in any way for damages to or any disturbance of the surface, by reason of the mining out of all the coal and removal of the pillars.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said parties of the first part, of, in, to or out of the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said party of the second part, her heirs, executors, administrators and assigns, to and for the only proper use and behoof of the said party of the second part, her heirs, executors, administrators and assigns forever.

SUBJECT TO all restrictions, reservations, conditions and encumbrances of record.

TITLE TO SAID PREMISES IS VESTED IN Deana A. Rodkey, an individual, by Deed from Robert P. Ryver and Cheryl C. Ryver, aka, Cheryl C. Ryver on prior deed, husband and wife, dated 04/15/2004, recorded 04/16/2004, in Deed Mortgage Inst# 200405773

Premises being: 410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

Tax Parcel No. 112-N12-000-00005

**COUNTRYWIDE HOME LOANS, INC.
7105 CORPORATE DRIVE
PLANO, TX 75024**

Plaintiff,

v.

**DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666**

Defendant(s).

: **CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 07-1678-CD**
:
:
:
:
:
:

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

COUNTRYWIDE HOME LOANS, INC., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **410 RED SCHOOLHOUSE ROAD, OSCEOLA MILLS, PA 16666**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
DEANA A. RODKEY	410 RED SCHOOLHOUSE ROAD OSCEOLA MILLS, PA 16666

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.

1/10/08

Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

COUNTRYWIDE HOME LOANS, INC.	:	
7105 CORPORATE DRIVE	:	
PLANO, TX 75024	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff,	:	
v.	:	CIVIL DIVISION
DEANA A. RODKEY	:	
410 RED SCHOOLHOUSE ROAD	:	NO. 07-1678-CD
OSCEOLA MILLS, PA 16666	:	
Defendant(s).	:	
	:	
	:	

AFFIDAVIT PURSUANT TO RULE 3129

COUNTRYWIDE HOME LOANS, INC., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **410 RED SCHOOLHOUSE ROAD, OSCEOLA MILLS, PA 16666**.

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.)
None	

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

410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

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

6th Floor, Strawberry Sq., Dept 28061
Harrisburg, PA 17128

Internal Revenue Service
Federated Investors Tower

13TH 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.

1/10/08

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

1000 J. M. HARRIS

ATTORNEY FOR PLAINTIFF

COUNTRYWIDE HOME LOANS, INC.

7105 CORPORATE DRIVE

PLANO, TX 75024

Plaintiff,

v.

DEANA A. RODKEY

410 RED SCHOOLHOUSE ROAD

OSCEOLA MILLS, PA 16666

Defendant(s).

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

CIVIL DIVISION

NO. 07-1678-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
- (X) 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

COUNTRYWIDE HOME LOANS,
INC.

vs.

DEANA A. RODKEY.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-1678-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: 410 RED SCHOOLHOUSE ROAD, OSCEOLA MILLS, PA 16666
(See Legal Description attached)

Amount Due	
Interest from 1/11/08 to Sale	\$63,409.43
Per diem \$10.42	125.00
Add'l Costs	\$ _____.
Writ Total	\$2,675.00

Walt L. Chapman
(Clerk) Office of the Prothonotary, Common Pleas Court
of CLEARFIELD County, Penna.

Dated 11/4/08
(SEAL)

163243

No. 07-1678-CD Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
COUNTRYWIDE HOME LOANS, INC.

vs.

DEANA A. RODKEY

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

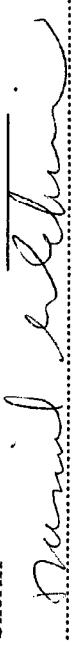
Real Debt \$63,409.43

Int. from 1/11/08
To Date of Sale (\$10.42 per diem)

Costs _____

Prothy Pd. 125.00

Sheriff



Attorney for Plaintiff(s)

Address: DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land, situate in the Township of Decatur, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post at land now or formerly of Emory Britten, on the North side of Township Road, leading from Ashland to the barn of Isaiah Kephart, and running along said road, in a westerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Isaiah Kephart; thence thereby in a northerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at other land now or formerly of Isaiah Kephart; thence by said land in an easterly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Austin Davis; thence thereby and along land now or formerly of Emory Britten in a southerly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to post at Township Road and place of beginning; having thereon erected a two-story, frame dwelling house and a frame garage.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 112-N12-000-00005.

EXCEPTING AND RESERVING, NEVERTHELESS, UNTO FORMER GRANTOR, all the coal and other minerals underlying the said premises, with the right to mine and remove the same free from claim for damages done to the surface; together with the right to enter upon said land by railroad, tramway and wagon way, doing as little damage as possible, for the purpose of mining and removing the coal and other minerals. The Grantors not being responsible in any way for damages to or any disturbance of the surface, by reason of the mining out of all the coal and removal of the pillars.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said parties of the first part, of, in, to or out of the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said party of the second part, her heirs, executors, administrators and assigns, to and for the only proper use and behoof of the said party of the second part, her heirs, executors, administrators and assigns forever.

SUBJECT TO all restrictions, reservations, conditions and encumbrances of record.

TITLE TO SAID PREMISES IS VESTED IN Deana A. Rodkey, an individual, by Deed from Robert P. Ryver and Cheryl C. Ryver, aka, Cheryl C. Ryver on prior deed, husband and wife, dated 04/15/2004, recorded 04/16/2004, in Deed Mortgage Inst# 200405773

Premises being: 410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

Tax Parcel No. 112-N12-000-00005

SALE DATE: APRIL 4, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

COUNTRYWIDE HOME LOANS, INC.

No.: 07-1678-CD

vs.

DEANA A. RODKEY

**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 Praeclipe for the Writ of Execution was filed the following information concerning the real property located at:

410 RED SCHOOLHOUSE ROAD, OSCEOLA MILLS, PA 16666.

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

163243

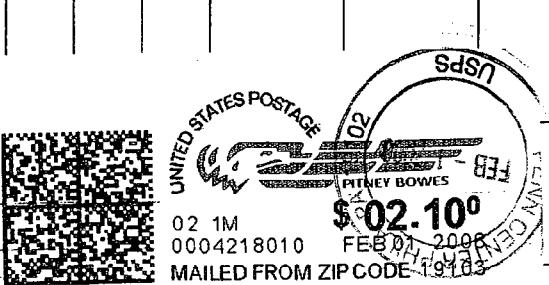
FILED
MTO: T. BODDY NO cc
FEB 25 2008
©

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 410 RED SCHOOLHOUSE ROAD OSCEOLA MILLS, PA 16666		
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 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 TH 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				
8				
9				
10				
11				
12		Re: DEANA A. RODKEY 163243 TEAM 4 KAZ		
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 document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.	



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20716
NO. 07-1678-CD

PLAINTIFF: COUNTRYWIDE HOME LOANS

vs.

DEFENDANT: DEANA A. RODKEY

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 1/14/2008

LEVY TAKEN 1/28/2008 @ 8:26 AM

POSTED 1/28/2008 @ 8:26 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 8/12/2008

DATE DEED FILED **NOT SOLD**

FILED
09:58:61
AUG 12 2008
WAS
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

1/31/2008 @ 11:01 AM SERVED DEANA A. RODKEY

SERVED DEANA A. RODKEY, DEFENDANT, AT HER RESIDENCE 410 SCHOOLHOUSE ROAD, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO DEANA A. RODKEY

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 1, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR APRIL 4, 2008 TO JUNE 6, 2008 DUE TO LOSS MITIGATION.

@ SERVED

NOW, MAY 5, 2008 RECEIVED A FAX LETTER TO STAY THE SHERIFF SALE SCHEDULED FOR JUNE 6, 2008 DUE TO LOAN MODIFICATION.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20716
NO: 07-1678-CD

PLAINTIFF: COUNTRYWIDE HOME LOANS

vs.

DEFENDANT: DEANA A. RODKEY

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$235.52

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

*Chester Hawkins
by Courtney Butler Augherton*
Chester A. Hawkins
Sheriff

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

COUNTRYWIDE HOME LOANS,
INC.

vs.

DEANA A. RODKEY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 07-1678-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: 410 RED SCHOOLHOUSE ROAD, OSCEOLA MILLS, PA 16666
(See Legal Description attached)

Amount Due

Interest from 1/11/08 to Sale

Per diem \$10.42

Add'l Costs

Writ Total

Prothonotary costs \$63,409.43
125.00

\$ _____

\$2,675.00

Willie A. Shanahan

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

Dated 1/14/08
(SEAL)

163243

Received this writ this 14th day
of January A.D. 2008
At 3:00 A.M. P.M.

Chesler A. Henklein
Sheriff by Cynthia Butler Aufderheide

No. 07-1678-CD Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
COUNTRYWIDE HOME LOANS, INC.

vs.

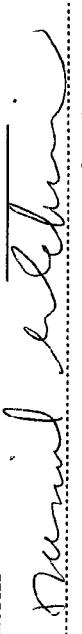
DEANA A. RODKEY

§

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	\$63,409.43
Costs	
Prothy Pd.	<u>125.00</u>

Int. from 1/11/08
To Date of Sale (\$10.42 per diem)

Sheriff 
Deana A. Rodkey
Attorney for Plaintiff(s)

Address: DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

Received this with this
day of July 2008
A.D. 2008
V.W.B.W.

2008

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land, situate in the Township of Decatur, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post at land now or formerly of Emory Britten, on the North side of Township Road, leading from Ashland to the barn of Isaiah Kephart, and running along said road, in a westerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Isaiah Kephart; thence thereby in a northerly course or direction, two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at other land now or formerly of Isaiah Kephart; thence by said land in an easterly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to a post at land now or formerly of Austin Davis; thence thereby and along land now or formerly of Emory Britten in a southerly course or direction two hundred and ninety-five and forty-five one hundredths (295.45) feet to post at Township Road and place of beginning; having thereon erected a two-story, frame dwelling house and a frame garage.

Being identified in the Clearfield County Mapping and Assessment Office as Map No. 112-N12-000-00005.

EXCEPTING AND RESERVING, NEVERTHELESS, UNTO FORMER GRANTOR, all the coal and other minerals underlying the said premises, with the right to mine and remove the same free from claim for damages done to the surface; together with the right to enter upon said land by railroad, tramway and wagon way, doing as little damage as possible, for the purpose of mining and removing the coal and other minerals. The Grantors not being responsible in any way for damages to or any disturbance of the surface, by reason of the mining out of all the coal and removal of the pillars.

TOGETHER WITH all and singular the tenements, hereditaments, and appurtenances to the same belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest, property, claim and demand whatsoever, both in law and equity, of the said parties of the first part, of, in, to or out of the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD the said premises, with all and singular the appurtenances, unto the said party of the second part, her heirs, executors, administrators and assigns, to and for the only proper use and behoof of the said party of the second part, her heirs, executors, administrators and assigns forever.

SUBJECT TO all restrictions, reservations, conditions and encumbrances of record.

TITLE TO SAID PREMISES IS VESTED IN Deana A. Rodkey, an individual, by Deed from Robert P. Ryver and Cheryl C. Ryver, aka, Cheryl C. Ryver on prior deed, husband and wife, dated 04/15/2004, recorded 04/16/2004, in Deed Mortgage Inst# 200405773

Premises being: 410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

Tax Parcel No. 112-N12-000-00005

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME DEANA A. RODKEY NO. 07-1678-CD

NOW, August 12, 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 Deana A. Rodkey 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	20.20
LEVY	15.00
MILEAGE	20.20
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	4.92
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	
ADD'L POSTING	
ADD'L MILEAGE	20.20
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$235.52

DEED COSTS:

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$0.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	63,409.43
INTEREST @	0.00
FROM TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	2,675.00
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$66,104.43

COSTS:

ADVERTISING	556.90
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	235.52
LEGAL JOURNAL COSTS	144.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,201.42

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

April 1, 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: COUNTRYWIDE HOME LOANS, INC. v.
DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD OSCEOLA MILLS, PA 16666
Court No. 07-1678-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for April 4, 2008 due to the following: Loss Mitigation.

The Property is to be relisted for the June 6, 2008 Sheriff's Sale.

Thank you for your correspondence in this matters.

Very Truly Yours,
CHRISTINE SCHOFFLER 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

Stephen Ames, Ext.1244
Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

May 5, 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: COUNTRYWIDE HOME LOANS, INC. v.
DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD OSCEOLA MILLS, PA 16666
Court No. 07-1678-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for June 6, 2008 due to the following: Loan Modification.

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,
MICHELLE GRAGO for
Phelan Hallinan & Schmieg, LLP

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

Attorney For Plaintiff

COUNTRYWIDE HOME LOANS, INC.	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs	:	CLEARFIELD County
DEANA A. RODKEY	:	No. 07-1678-CD
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.

Date: 3/9/12

PHELAN HALLINAN & SCHMIEG, LLP
By: 
Melissa J. Cantwell, Esq., Id. No. 308912
Attorney for Plaintiff

PHS # 163243

FILED pd \$7.00 Atty
M 11 03 pm MAR 12 2012 ICC Atty
S Contwell
William A. Shaw
Prothonotary/Clerk of Courts

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

Attorney For Plaintiff

COUNTRYWIDE HOME LOANS, INC.
Plaintiff

Court of Common Pleas

vs

Civil Division

DEANA A. RODKEY
Defendant

CLEARFIELD County

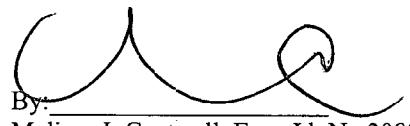
No. 07-1678-CD

CERTIFICATION OF SERVICE

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

DEANA A. RODKEY
410 RED SCHOOLHOUSE ROAD
OSCEOLA MILLS, PA 16666

Date: 3/9/11

By: 
Melissa J. Cantwell, Esq., Id. No.308912
Attorney for Plaintiff

PHS # 163243

FILED

MAR 12 2012

William A. Shaw
Prothonotary/Clerk of Courts