

07-1878-CD
Deutsche Bank vs Nathan Kimberling

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

Attorney for Plaintiff
File: 55.07281

Deutsche Bank National Trust Company
as Trustee
701 Corporate Center Drive
Raleigh, NC 27607,

Plaintiff,

Vs.

Nathan J. Kimberling
320 Olive Avenue
Du Bois, PA 15801,
Defendant.

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

No.: 07-1878-CD

CIVIL ACTION
MORTGAGE FORECLOSURE

FILED PD \$85.00
m/11:52am ICC AM
NOV 16 2007 ICC SHP

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyers Referral and Information Services
Clearfield County Bar Association
Clearfield County Courthouse
230 E. Market Street
Clearfield, NJ 16830
800-692-7375
814-765-2641 ext. 5982

NOTICE PURSUANT TO FAIR DEBT COLLECTION PRACTICES ACT

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

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**Deutsche Bank National Trust Company
as Trustee,
701 Corporate Center Drive
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Plaintiff,

Vs.

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Defendant.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, Deutsche Bank National Trust Company as Trustee (the "Plaintiff"), is a Pennsylvania corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 701 Corporate Center Drive, Raleigh, NC 27607.

2. Defendant, Nathan J. Kimberling, (the "Defendant"), is an adult individual and is the real owner of the premises hereinafter described.

3. Nathan J. Kimberling, Defendant, resides at 320 Olive Avenue, Du Bois, PA 15801.

4. On February 17, 2005, in consideration of a loan in the principal amount of \$68,600.00, the Defendant executed and delivered to Meritage Mortgage Corporation an adjustable rate note (the "Note") with interest thereon at 8.0 percent per annum, payable as to the principal and interest in equal monthly installments of \$503.36 commencing April 1, 2005. The current interest rate is 12.375 percent per annum.

5. To secure the obligations under the Note, the Defendant executed and delivered to Mortgage Electronic Registration Systems, Incorporated as nominee for Meritage Mortgage Corporation a mortgage (the "Mortgage") dated February 17, 2005, recorded on March 23, 2005 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200503993. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference. Plaintiff is proper party plaintiff by way of an assignment to be recorded.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): 320 Olive Avenue, Du Bois, PA 15801. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendant is in default of his/her obligations pursuant to the Note and Mortgage because payments of principal and interest due March 1, 2007, and monthly thereafter are due and have not been paid, whereby the whole balance of principal and all interest due thereon have become due and payable forthwith together with late charges, escrow deficit (if any) and costs of collection including title search fees and reasonable attorney's fees.

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

Balance of Principal	\$67,372.29
Accrued but Unpaid Interest from	
2/1/07 to 2/28/07	
@ 8.0% per annum	
(\$14.77 per diem)	
3/1/07 to 8/31/07	
@ 11.0% per annum	
(\$20.30 per diem)	
9/1/07 to 11/15/07	
@ 12.375% per annum	
(\$22.84 per diem)	\$5,884.60
Accrued Late Charges	\$255.16
Corporate Advance	\$138.75
Escrow Advance	\$537.24
Title Search Fees	\$350.00
Reasonable Attorney's Fees	\$1,250.00

TOTAL as of 11/15/2007\$75,788.04

Plus, the following amounts accrued after November 15, 2007:

Interest at the Rate of 12.375 per cent per annum (\$22.84 per diem);

Late Charges of \$35.83 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendant at 320 Olive Avenue, Du Bois, PA 15801 as well as to address of residences as listed in paragraph 3 of this document on May 4, 2007, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

WHEREFORE, Plaintiff demands an in rem judgment against the Defendant for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$75,788.04, plus the following amounts accruing after November 15, 2007, to the date of judgment: (a) interest of \$22.84 per day, (b) late charges of \$35.83 per month, (c) plus interest at the legal rate allowed on judgments after the date of judgment, (d) additional attorney's fees (if any) hereafter incurred, (e) and costs of suit.

MILSTEAD & ASSOCIATES, LLC



Chrisovalante P. Fliakos, Esquire
Attorney for Plaintiff

VERIFICATION

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

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

Name: Chrisovalante P. Fliakos, Esquire
Title: Attorney

EXHIBIT A

Lawyers Title Insurance Corporation

SCHEDULE C

File Number: 2004430042ELLIS

Policy Number: G47-2911331

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

BEGINNING at a post on the South side of Olive Avenue at the corner of an alley; thence along said alley, South $55\frac{1}{2}^{\circ}$ West 156 $\frac{1}{2}$ feet to a post at an alley; thence along said alley, North $40\frac{1}{4}^{\circ}$ West 50 feet to a post at corner of Lot No. 105; thence along the line of Lot 105, North $55\frac{1}{2}^{\circ}$ East 152 feet, more or less, to a post at Olive Avenue; thence along said Olive Avenue, South $40\frac{1}{4}^{\circ}$ East 50 feet to a post at an alley and the place of beginning. Being Lot No. 106 in Knarr's Addition to the City of DuBois.

BEING the same premises conveyed to Nathan J. Kimberling, single, and Kevin L. Caine and Marcie J. Caine, husband and wife, by deed dated February 17, 2005 and recorded March 23, 2005, in the Clearfield County Recorder of Deeds Office in Instrument Number: 200503992.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103451
NO: 07-1878-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY
vs.
DEFENDANT: NATHAN J. KIMBERLING

FILED

APR 08 2008

William A. Shaw

SHERIFF RETURN

NOW, December 07, 2007 AT 11:19 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON NATHAN J. KIMBERLING DEFENDANT AT 320 OLIVE AVE., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO NATHAN KIMBERLING, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: COUDRIET /

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	MILSTEAD	38801	10.00
SHERIFF HAWKINS	MILSTEAD	38801	54.86

Sworn to Before Me This

_____ Day of _____ ²⁰⁰⁸
2007

So Answers,

Chester A. Hawkins
by Marilyn Harris

Chester A. Hawkins
Sheriff

MILSTEAD & ASSOCIATES, LLC
BY: Patrick J. Wesner, Esquire
ID No. 203145
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
55.07281

**Deutsche Bank National Trust Company as
Trustee,**

Plaintiff,

Vs.

**Nathan J. Kimberling,
Defendant(s).**

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

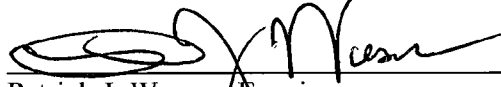
No.: 07-1878-CD

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

TO THE PROTHONOTARY:

Kindly dismiss the above captioned Mortgage Foreclosure Complaint without
Prejudice.

MILSTEAD & ASSOCIATES, LLC


Patrick J. Wesner, Esquire
Attorney ID No. 203145

FILED NO
MT 11-15-07 CC
DEC 22 2011
William A. Shaw
Prothonotary/Clerk of Courts GK