

07-1903-CD
IB Prop. Vs Dennis R. Lauver al

MILSTEAD & ASSOCIATES, LLC
BY: Heidi R. Spivak, Esquire
ID No. 74770
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
File No. 4.06966

**IB Property Holdings, LLC, a Delaware
Limited Liability Company,**

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Plaintiff,

Vs.

Dennis R. Lauver,

and

Viola L. Lauver,

Defendants.

No.: 07-1903-CD

**Praeclipe to Reinstate Complaint in
Mortgage Foreclosure**

TO THE PROTHONOTARY:

Kindly reinstate the Complaint in Mortgage Foreclosure for the above captioned matter.

MILSTEAD & ASSOCIATES, LLC

Spivak
Heidi R. Spivak, Esquire
Attorney ID No. 74770

FILED NOCC
JAN 25 2008 Atty pd. 7.00

William A. Shaw 2 Compl.
Prothonotary/Clerk of Courts Reinstated to
Sheriff

(GK) i Compl. Reinstated
to Atty

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: 4.06966

**IB Property Holdings, LLC, a Delaware
Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,**

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Plaintiff,

Vs.

**Dennis R. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

and

**Viola L. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

Defendants.

No.: 07-1903-CD

**CIVIL ACTION
MORTGAGE FORECLOSURE**

Jan. 25, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.


Deputy Prothonotary

FILED Atty pd. 85.00
10/2/2007 NOV 20 2007 2cc Sheriff
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.

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800-692-7375
814-765-2641 Ex 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.**

MILSTEAD & ASSOCIATES, LLC
BY:Chrisovalante P. Fliakos, Esquire
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(856) 482-1400

Attorney for Plaintiff

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Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,**

Plaintiff,

Vs.

**Dennis R. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

and

**Viola L. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, IB Property Holdings, LLC, a Delaware Limited Liability Company (the “Plaintiff”), is a Delaware corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 4425 Ponce De Leon Blvd, 5th Floor, Coral Gables, FL 33146.

2. Defendants, Dennis R. Lauver and Viola L. Lauver, (collectively, the “Defendants”), are adult individuals and are the real owners of the premises hereinafter described.

3. Dennis R. Lauver, Defendant, resides at PO Box 35 Mill Street, Coalport, PA 16627. Viola L. Lauver, Defendant, resides at PO Box 35 Mill Street, Coalport, PA 16627.

4. On September 25, 1998, in consideration of a loan in the principal amount of \$16,125.00, the Defendants executed and delivered to WMC Mortgage Corporation an adjustable rate note (the "Note") with interest thereon at 11.9900 percent per annum, payable as to the principal and interest in equal monthly installments of \$165.74 commencing November 1, 1998.

5. To secure the obligations under the Note, the Defendants executed and delivered to WMC Mortgage Corporation a mortgage (the "Mortgage") dated September 25, 1998, recorded on December 3, 1998 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 199800126. Said Mortgage was assigned by way of an Assignment of Mortgage to First Union National Bank, as Indenture Trustee, recorded on September 6, 2000 under Mortgage Instrument Number 200013012. 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"): PO Box 35 Mill Street, Coalport, PA 16627. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their 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	\$19,155.84
Accrued but Unpaid Interest from	
2/1/07 to 11/19/07	
@ 11.9900% per annum	

(\$6.29 per diem)	\$1,836.68
Accrued Late Charges	\$115.72
Corporate Advance	\$538.02
Escrow Advance	\$1,280.05
Title Search Fees	\$350.00
Monies in Suspense	-\$67.88
Reasonable Attorney's Fees	\$1,250.00
TOTAL as of 11/19/2007	\$24,458.43

Plus, the following amounts accrued after November 19, 2007:

Interest at the Rate of 11.9900 per cent per annum (\$6.29 per diem);

Late Charges of \$16.35 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 Defendants at PO Box 35 Mill Street, Coalport, PA 16627 as well as to address of residences as listed in paragraph 3 of this document on September 11, 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 Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$24,458.43, plus the following amounts accruing after November 19, 2007, to the date of judgment: (a) interest of \$6.29 per day, (b) late charges of \$16.35 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.



Name: Chrisovalante P. Fliakos, Esquire
Title: Attorney

EXHIBIT A

All that certain piece or parcel of land situate in the Borough of Coalport, County of Clearfield, Commonwealth of Pennsylvania, being bounded and described as follows:

Beginning at a point on the North side of Mill Street, 60 feet in a Westerly direction from the Northwesterly intersection of Main and Mill Streets; thence by said Mill Street, North 76° 58' West, a distance of 45 feet to a point; thence North 16° 41' East, a distance of 70 feet to a point; thence South 76° 58' East, a distance of 45 feet to a point; thence South 16° 41' West, a distance of 70 feet to a point on Mill Street, the place of beginning, being lot as laid out by the Cambria County Smokeless Coal Company.

BEING the same premises which Patrick H. Mowrey and Kim Mowrey Hobba, Trustees of the Patrick H. Mowrey Family Trust; and Kim Mowrey Hobba and Patrick H. Mowrey, Trustees of the Kim Mowrey Hobba Family Trust; both Trust Agreements dated April 23, 1989 and Kim Mowrey Hobba, an individual, and Patrick H. Mowrey, an individual and Kim Mowrey Hobba, by Deed dated September 25, 1998 and recorded December 3, 1998 in Clearfield County in Instrument No. 199800125, granted and conveyed unto Dennis R. Lauver and Viola L. Lauver, husband and wife, in fee.

MILSTEAD & ASSOCIATES, LLC
BY: Heidi R. Spivak, Esquire
ID No. 74770
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
File No. 4.06966

**IB Property Holdings, LLC, a Delaware
Limited Liability Company,**

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Plaintiff,

Vs.

Dennis R. Lauver,

and

Viola L. Lauver,

Defendants.

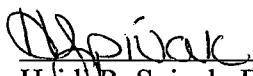
No.: 07-1903-CD

**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


Heidi R. Spivak, Esquire
Attorney ID No. 74770

FILED 1Cent of
m/12/08 am disc issued
JAN 25 2008 to Atty Spivak
WS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

IB Property Holdings, LLC

Vs.

No. 2007-01903-CD

Dennis R. Lauver
Viola L. Lauver

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on January 25, 2008, marked:

Dismissed without prejudice

Record costs in the sum of \$85.00 have been paid in full by Chrisovalante P Fliakos Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 25th day of January A.D. 2008.

William A. Shaw *LM*

William A. Shaw, Prothonotary

MILSTEAD & ASSOCIATES, LLC
BY: Heidi R. Spivak, Esquire
ID No. 74770
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Attorney for Plaintiff
File No. 4.06966

**IB Property Holdings, LLC, a Delaware
Limited Liability Company,**

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Plaintiff,

Vs.

Dennis R. Lauver,

No.: 07-1903-CD

and

Viola L. Lauver,

Entry of Appearance

Defendants.

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of the Plaintiff, **IB Property Holdings, LLC, a Delaware Limited Liability Company**, in the above captioned matter.

MILSTEAD & ASSOCIATES, LLC


Heidi R. Spivak, Esquire
Attorney ID No. 74770

FILED No cc
1/18/08
JAN 25 2008
GR

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket # **103464**

IB PROPERTY HOLDINGS, LLC,

Case # 07-1903-CD

vs.

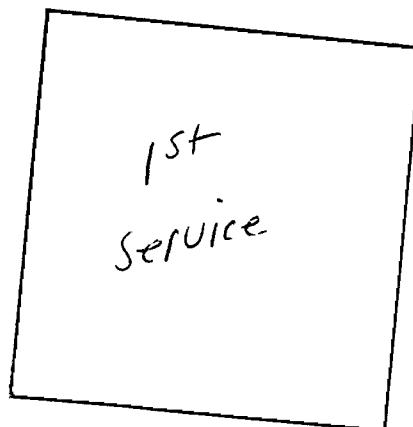
DENNIS R. LAUVER and VIOLA L. LAUVER

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 11, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO DENNIS R. LAUVER, DEFENDANT. ATTEMPTED, NOT HOME

SERVED BY: /



FILED
9/1/35 LM
APR 11 2008
William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket #

103464

IB PROPERTY HOLDINGS, LLC,

Case # 07-1903-CD

vs.

DENNIS R. LAUVER and VIOLA L. LAUVER

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 11, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO VIOLA L. LAUVER, DEFENDANT. ATTEMPTED, NOT HOME

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103464
NO: 07-1903-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: IB PROPERTY HOLDINGS, LLC,
vs.
DEFENDANT: DENNIS R. LAUVER and VIOLA L. LAUVER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MILSTEAD	38982	20.00
SHERIFF HAWKINS	MILSTEAD	38982	73.32

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

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: 4.06966

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CLEARFIELD COUNTY**

Plaintiff,

Vs.

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and

**Viola L. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

Defendants.

No.: 07-1903-CD

**CIVIL ACTION
MORTGAGE FORECLOSURE**

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

NOV 20 2007

Attest.

William L. Bales
Prothonotary/
Clerk of Courts

NOTICE

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Attorney for Plaintiff

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Coalport, PA 16627,**

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Defendants.

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2. Defendants, Dennis R. Lauver and Viola L. Lauver, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Dennis R. Lauver, Defendant, resides at PO Box 35 Mill Street, Coalport, PA 16627.

Viola L. Lauver, Defendant, resides at PO Box 35 Mill Street, Coalport, PA 16627.

4. On September 25, 1998, in consideration of a loan in the principal amount of \$16,125.00, the Defendants executed and delivered to WMC Mortgage Corporation an adjustable rate note (the "Note") with interest thereon at 11.9900 percent per annum, payable as to the principal and interest in equal monthly installments of \$165.74 commencing November 1, 1998.

5. To secure the obligations under the Note, the Defendants executed and delivered to WMC Mortgage Corporation a mortgage (the "Mortgage") dated September 25, 1998, recorded on December 3, 1998 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 199800126. Said Mortgage was assigned by way of an Assignment of Mortgage to First Union National Bank, as Indenture Trustee, recorded on September 6, 2000 under Mortgage Instrument Number 200013012. 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"): PO Box 35 Mill Street, Coalport, PA 16627. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their 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.

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Balance of Principal	\$19,155.84
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(\$6.29 per diem)	\$1,836.68
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TOTAL as of 11/19/2007	\$24,458.43

Plus, the following amounts accrued after November 19, 2007:

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Late Charges of \$16.35 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 Defendants at PO Box 35 Mill Street, Coalport, PA 16627 as well as to address of residences as listed in paragraph 3 of this document on September 11, 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 Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$24,458.43, plus the following amounts accruing after November 19, 2007, to the date of judgment: (a) interest of \$6.29 per day, (b) late charges of \$16.35 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.



Name: Chrisovalante P. Fliakos, Esquire
Title: Attorney

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Beginning at a point on the North side of Mill Street, 60 feet in a Westerly direction from the Northwesterly intersection of Main and Mill Streets; thence by said Mill Street, North 76° 58' West, a distance of 45 feet to a point; thence North 16° 41' East, a distance of 70 feet to a point; thence South 76° 58' East, a distance of 45 feet to a point; thence South 16° 41' West, a distance of 70 feet to a point on Mill Street, the place of beginning, being lot as laid out by the Cambria County Smokeless Coal Company.

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File: 4.06966

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Defendants.

No.: 071903-CD

**CIVIL ACTION
MORTGAGE FORECLOSURE**

I hereby certify this to be a true
and attested copy of the original
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NOV 20 2007

Attest.



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Clerk of Courts

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CLEARFIELD COUNTY**

No.:

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@ 11.9900% per annum	

(\$6.29 per diem)	\$1,836.68
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TOTAL as of 11/19/2007	\$24,458.43

Plus, the following amounts accrued after November 19, 2007:

Interest at the Rate of 11.9900 per cent per annum (\$6.29 per diem);

Late Charges of \$16.35 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 Defendants at PO Box 35 Mill Street, Coalport, PA 16627 as well as to address of residences as listed in paragraph 3 of this document on September 11, 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 Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$24,458.43, plus the following amounts accruing after November 19, 2007, to the date of judgment: (a) interest of \$6.29 per day, (b) late charges of \$16.35 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.


Name: Chrisovalante P. Fliakos, Esquire
Title: Attorney

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In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 2 Services

Sheriff Docket #

103680

IB PROPERTY HOLDINGS, LLC, A Delaware Limited

Case # 07-1903-CD

vs.

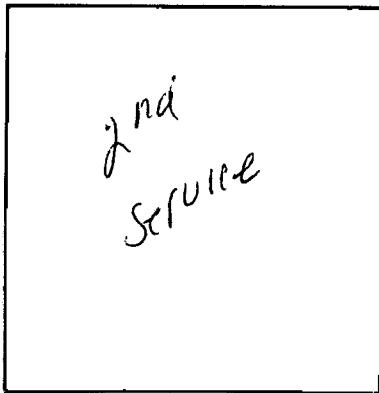
DENNIS R. LAUVER and VIOLA L. LAUVER

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 11, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED: AS TO DENNIS R. LAUVER, DEFENDANT. SEVERAL ATTEMPTS, WON'T ANSWER DOOR

SERVED BY: /



FILED

9/1/35 am
APR 11 2008

WM
William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 2 Services

Sheriff Docket #

103680

IB PROPERTY HOLDINGS, LLC, A Delaware Limited

Case # 07-1903-CD

VS.

DENNIS R. LAUVER and VIOLA L. LAUVER

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 11, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO VIOLA L. LAUVER, DEFENDANT. SEVERAL ATTEMPTS, WON'T ANSWER DOOR

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103680
NO. 07-1903-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: IB PROPERTY HOLDINGS, LLC, A Delaware Limited
VS.
DEFENDANT: DENNIS R. LAUVER and VIOLA L. LAUVER

SHERIFF RETURN

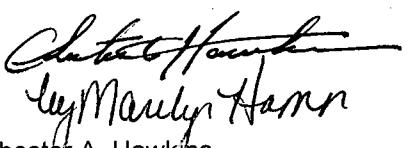
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MILSTEAD	41067	20.00
SHERIFF HAWKINS	MILSTEAD	41067	80.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2008


Chester A. Hawkins
Sheriff

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

TRUE AND CORRECT COPY

Offical

Attorney for Plaintiff
File: 4.06966

IB Property Holdings, LLC, a Delaware
Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,

COURT OF COMMON PLEAS
CLEARFIELD COUNTY

Plaintiff,

Vs.

Dennis R. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,

and

Viola L. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,

Defendants.

No.: 07-1903CD

CIVIL ACTION
MORTGAGE FORECLOSURE

1/25/08 Document
Reinstated ~~referred to Sheriff/Attorney~~
for service.

W.A. Shaw
William A. Shaw
Prothonotary/Clerk of Courts

FILED
COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PA
2007
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.

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814-765-2641 Ex 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.**

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

**IB Property Holdings, LLC, a Delaware
Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,**

Plaintiff,

Vs.

**Dennis R. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

and

**Viola L. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, IB Property Holdings, LLC, a Delaware Limited Liability Company (the "Plaintiff"), is a Delaware corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 4425 Ponce De Leon Blvd, 5th Floor, Coral Gables, FL 33146.

2. Defendants, Dennis R. Lauver and Viola L. Lauver, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Dennis R. Lauver, Defendant, resides at PO Box 35 Mill Street, Coalport, PA 16627. Viola L. Lauver, Defendant, resides at PO Box 35 Mill Street, Coalport, PA 16627.

4. On September 25, 1998, in consideration of a loan in the principal amount of \$16,125.00, the Defendants executed and delivered to WMC Mortgage Corporation an adjustable rate note (the "Note") with interest thereon at 11.9900 percent per annum, payable as to the principal and interest in equal monthly installments of \$165.74 commencing November 1, 1998.

5. To secure the obligations under the Note, the Defendants executed and delivered to WMC Mortgage Corporation a mortgage (the "Mortgage") dated September 25, 1998, recorded on December 3, 1998 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 199800126. Said Mortgage was assigned by way of an Assignment of Mortgage to First Union National Bank, as Indenture Trustee, recorded on September 6, 2000 under Mortgage Instrument Number 200013012. 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"): PO Box 35 Mill Street, Coalport, PA 16627. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their 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.

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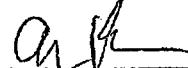
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9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at PO Box 35 Mill Street, Coalport, PA 16627 as well as to address of residences as listed in paragraph 3 of this document on September 11, 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 Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$24,458.43, plus the following amounts accruing after November 19, 2007, to the date of judgment: (a) interest of \$6.29 per day, (b) late charges of \$16.35 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.



Name: Chrisovalante P. Fliakos, Esquire
Title: Attorney

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

TRUE AND CORRECT COPY

Private

Attorney for Plaintiff
File: 4.06966

**IB Property Holdings, LLC, a Delaware
Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,**

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Plaintiff,

Vs.

**Dennis R. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

and

**Viola L. Lauver
PO Box 35 Mill Street
Coalport, PA 16627,**

Defendants.

No.: 07-1903CD

**CIVIL ACTION
MORTGAGE FORECLOSURE**

1/25/08 Document
Reinstated/Reissued to Sheriff *Attorney*
for service.
William A. Shaw
Deputy Prothonotary

FILED
COPIED
CNOV 01 2007
William A. Shaw
Prothonotary/Clerk of Courts

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**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

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MILSTEAD & ASSOCIATES, LLC



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