

07-1985-CD

Nationstar Mort. Vs E. Ellenberger

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: 9.07203

**Nationstar Mortgage, LLC f/k/a Centex  
Home Equity Company, LLC  
350 Highland Drive  
Lewisville, TX 75067,**

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

**Plaintiff,**

**Vs.**

**Erik S. Ellenberger  
648 South Main Street  
Dubois, PA 15801,**

**and**

**Suzanne L. Ellenberger  
648 South Main Street  
Dubois, PA 15801,**

**Defendants.**

No.: 07-1985-CD

**CIVIL ACTION  
MORTGAGE FORECLOSURE**

**FILED** *pd \$85.00  
m/11/30cm ICC Atty  
DEC 05 2007* *cc Shaff.*

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

\*\*\*\*\*  
**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  
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Cherry Hill, NJ 08002  
(856) 482-1400

Attorney for Plaintiff

---

**Nationstar Mortgage, LLC f/k/a Centex  
Home Equity Company, LLC  
350 Highland Drive  
Lewisville, TX 75067,**

**Plaintiff,**

**Vs.**

**Erik S. Ellenberger  
648 South Main Street  
Dubois, PA 15801,**

**and**

**Suzanne L. Ellenberger  
648 South Main Street  
Dubois, PA 15801,**

**Defendants.**

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**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

**No.:**

**CIVIL ACTION  
MORTGAGE FORECLOSURE**

**COMPLAINT IN MORTGAGE FORECLOSURE**

1. Plaintiff, Nationstar Mortgage, LLC f/k/a Centex Home Equity Company, LLC (the “Plaintiff”), is a Delaware corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 350 Highland Drive, Lewisville, TX 75067.

2. Defendants, Erik S. Ellenberger and Suzanne L. Ellenberger, (collectively, the “Defendants”), are adult individuals and are the real owners of the premises hereinafter described.

3. Erik S. Ellenberger, Defendant, resides at 648 South Main Street, Dubois, PA 15801. Suzanne L. Ellenberger, Defendant, resides at 648 South Main Street, Dubois, PA 15801.

4. On July 26, 2003, in consideration of a loan in the principal amount of \$41,000.00, Erik S. Ellenberger, the Defendant, executed and delivered to Centex Home Equity Company, LLC an adjustable rate note (the "Note") with interest thereon at 9.550 percent per annum, payable as to the principal and interest in equal monthly installments of \$346.25 commencing September 1, 2003. The current interest rate is 15.250 percent per annum.

5. To secure the obligations under the Note, the Defendants executed and delivered to Centex Home Equity Company, LLC a mortgage (the "Mortgage") dated July 26, 2003, recorded on July 31, 2003 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200313550. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): 648 South Main Street, Dubois, PA 15801. 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 July 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 .....	\$40,231.09
Accrued but Unpaid Interest from	
6/1/07 to 12/4/07	
@ 15.250% per annum	
(\$16.81 per diem) .....	\$3,143.47
Accrued Late Charges .....	\$350.95
Corporate Advance .....	\$7,967.50
Escrow Advance .....	\$635.57

Title Search Fees .....	\$350.00
Reasonable Attorney's Fees .....	\$1,250.00
TOTAL as of 12/04/2007 .....	\$53,928.58

Plus, the following amounts accrued after December 4, 2007:

Interest at the Rate of 15.250 per cent per annum (\$16.81 per diem);

Late Charges of \$36.59 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 648 South Main Street, Dubois, PA 15801 as well as to address of residences as listed in paragraph 3 of this document on September 3, 2007 to Erik S. Ellenberger and on October 29, 2007 to Suzanne L. Ellenberger, 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, \$53,928.58, plus the following amounts accruing after December 4, 2007, to the date of judgment: (a) interest of \$16.81 per day, (b) late charges of \$36.59 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

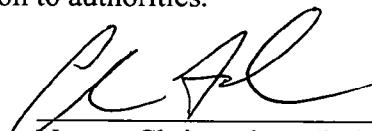


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Chrisovalante P. Fliakos, Esquire  
Attorney for Plaintiff

**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.



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Name: Chrisovalante P. Fliakos, Esquire  
Title: Attorney

# EXHIBIT A

07/24/2003 00:57

drb 77

NO. 384 006  
agt 77

Order Number: 000070606  
Re: ERIK S. ELLENBERGER

648 SOUTH MAIN STREET  
DU BOIS, PA 15801  
CLEARFIELD County

EXHIBIT 'A'

ALL THAT CERTAIN messuage or piece of land situate in the Township of Sandy, County of Clearfield and State of Pennsylvania, in the J. J. Daly Addition to the City of DuBois, bounded and described as follows: BEGINNING at a post on the Northerly side of South Main Street at Southerly corner of Lot No. 18; thence North 35 degrees 27' West 150 feet to a post at Wide Alley; thence South 54 degrees 33' West 50 feet to a post; thence South 35 degrees 27' East, 150 feet to a post; thence North 54 degrees 33' East 50 feet to a post and place of beginning.

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ALSO:  
ALL THAT CERTAIN lot, piece or parcel of ground situate in Sandy Township, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING 10 feet South of the Southeast corner of Lot No. 17 of the J.J. Daly plot of lots and running South by line of South Main Street Extension to corner of Lot No. 19 owned by James Cable; thence in a Westerly direction along line of Lot No. 19, 150 feet to an alley; thence in a Northerly direction by a line of said alley 40 feet; thence in an easterly direction 150 feet to the place of beginning.

and being a 40 foot strip by 150 foot strip off the south sid eof Lot No. 19 in said plan of lots to the City of DuBois, recorded in Miscellaneous Book 11, page 560, in the office for the recording of deeds in Clearfield County, Pennsylvania.

MAP #128-B04-440-6 #128078506 AND MAP #128-B04-440-5 #128078508  
INST #200210942

drb 77

agt 77

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

FILED *hu*

JAN 28 2008

1/11/55/c  
William A. Shaw  
Prothonotary/Clerk of Courts  
L C Sh - Aft C

**Nationstar Mortgage, LLC f/k/a Centex  
Home Equity Company, LLC,**

**Plaintiff,**

**Vs.**

**Erik S. Ellenberger,**

**and**

**Suzanne L. Ellenberger,**

**Defendant(s).**

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

**No.: 07-1985-CD**

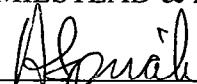
**Entry of Appearance**

**ENTRY OF APPEARANCE**

**TO THE PROTHONOTARY:**

Kindly enter my appearance on behalf of the Plaintiff, **Nationstar Mortgage, LLC f/k/a Centex Home Equity Company, LLC**, in the above captioned matter.

MILSTEAD & ASSOCIATES, LLC

  
Heidi R. Spivak, Esquire

Attorney ID No. 74770

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. 9.07203

**Nationstar Mortgage, LLC f/k/a Centex  
Home Equity Company, LLC,**

**COURT OF COMMON PLEAS  
CLEARFIELD COUNTY**

**Plaintiff,**

**Vs.**

**Erik S. Ellenberger,  
and**

**Suzanne L. Ellenberger,**

**Defendants.**

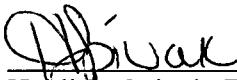
**No.: 07-1985-CD**

**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 *cc'd 1 cert*  
*m/3:15 pm of disc*  
*FEB 06 2008* *issued to*  
*Atty.*

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CC  
Copy

Nationstar Mortgage LLC  
Home Equity Company LLC

Vs.  
Erik S. Ellenberger  
Suzanne L. Ellenberger

No. 2007-01985-CD

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 February 6, 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 6th day of February A.D. 2008.



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103510  
NO: 07-1985-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: NATIONSTAR MORTGAGE, LLC f/k/a CENTEX  
vs.  
DEFENDANT: ERIK S. ELLENBERGER and SUZANNE L. ELLENBERGER

**SHERIFF RETURN**

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NOW, December 31, 2007 AT 11:07 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ERIK S. ELLENBERGER DEFENDANT AT 648 SOUTH MAIN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEANNA WOLFER, AUNT/ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

**FILED**  
07:55 AM  
APR 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103510  
NO: 07-1985-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: NATIONSTAR MORTGAGE, LLC f/k/a CENTEX  
VS.  
DEFENDANT: ERIK S. ELLENBERGER and SUZANNE L. ELLENBERGER

**SHERIFF RETURN**

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NOW, December 31, 2007 AT 11:07 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SUZANNE L. ELLENBERGER DEFENDANT AT 648 SOUTH MAIN ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO DEANNA WOLFER, AUNT/ADULT AT RESIDENCE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING / COUDRIET

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103510  
NO: 07-1985-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: NATIONSTAR MORTGAGE, LLC f/k/a CENTEX

vs.

DEFENDANT: ERIK S. ELLENBERGER and SUZANNE L. ELLENBERGER

**SHERIFF RETURN**

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**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	MILSTEAD	39502	20.00
SHERIFF HAWKINS	MILSTEAD	39502	60.86

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2008

So Answers,



Chester A. Hawkins  
Sheriff