

Current Judge: Fredric Joseph Ammerman

Deutsche Bank National Trust Company vs. Gordon Leroy Martell, Rebecca Ann Martell

Mortgage Foreclosures

Date	Judge
12/11/2007	New Case Filed. No Judge
	✓ Filing: Civil Complaint in Mortgage Foreclosure Property Located in Curw. Boro Paid by: Phelan Hallinan & Schmieg LLP Receipt number: 1921791 Dated: 12/11/2007 Amount: \$85.00 (Check) 2 Cert. to Sheriff No Judge
1/28/2008	Motion to Direct The Sheriff to File Affidavit of Service, filed by s/ Jenine R. Davey, Esquire. No CC. No Judge
	✓ Certificate of Service, filed. That a true and correct copies of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service and Brief in Support thereof were served upon via first class mail to Chester A. Hawkins-shff., Peter F. Smith Esq., Gordon Leroy Martell and Rebecca Ann Martell, filed by s/ Jenine R. Davey Esq. No CC. No Judge
1/30/2008	✓ Order, this 29th day of Jan., 2008, it is Ordered that the Sheriff of Clfd. Co. is directed to complete and file an Affidavit of Service of the foreclosure Complaint within 7 days of the date of this Order. by The Court, /s/ Fredric J. Ammerman, Pres. Judge. 2CC Atty. Davey; 1CC Sheriff (without memo) Fredric Joseph Ammerman
1/31/2008	✓ Sheriff Return, January 2, 2008 at 9:48 am Served the within Complaint in Mortgage Foreclosure on Gordon Leroy Martell by handing to Rebecca Ann Martell. Fredric Joseph Ammerman
	Janauary 2, 2008 at 9:48 am Served the within Complaint in Mortgage Foreclosure on Rebecca Ann Martell by handing to Rebecca Ann Martell. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$55.88
2/15/2008	✓ Praecipe to Substitute Verification to Civil Action Complaint in Mortgage Foreclosure, filed by s/ Francis S. Hallinan, Esquire. No CC Fredric Joseph Ammerman
2/25/2008	✓ Filing: Judgment Paid by: Hallinan, Francis S. (attorney for Deutsche Bank National Trust Company) Receipt number: 1922793 Dated: 02/25/2008 Amount: \$20.00 (Check) Fredric Joseph Ammerman
	In Rem Judgment in favor of the Plaintiff and against Defendants Gordon Leroy Martell and Rebecca Ann Martell, in the amount of \$56,269.64. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & Notice to Defs., Statement to Atty.
	✓ Filing: Writ of Execution / Possession Paid by: Hallinan, Francis S. (attorney for Deutsche Bank National Trust Company) Receipt number: 1922793 Dated: 02/25/2008 Amount: \$20.00 (Check) Writ of Execution in the amount of \$56,269.64. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & 6 Writs w/prop. desc. to Sheriff Fredric Joseph Ammerman
3/24/2008	✓ Plaintiff's Motion to Reasses Damages, filed by s/ Michele M. Bradford, Esquire. No CC Fredric Joseph Ammerman
3/26/2008	✓ Rule AND NOW, this 26th day of March 2008, a Rule is entered upon the defendants to show cause why an Order not be entered, Rule Returnable on the 14th day of May 2008 at 2:30 p.m. in Courtroom No. 1. BY THE COURT: /s/ Fredric J. Ammerman, P. Judge. 1CC Atty Bradford. Fredric Joseph Ammerman
3/28/2008	✓ Affidavit of Service Pursuant to Rule 3129 filed by s/ Daniel G. Schmieg Esq. No CC. Fredric Joseph Ammerman
4/7/2008	✓ Certification of Service, filed. That a true and correct copy of the Court's March 26, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reasses Damages should not be granted was served upon Gordon Leroy Martell and Rebecca Ann Martell, filed by s/ Michele M. Bradford Esq. No CC. Fredric Joseph Ammerman

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY PENNSYLVANIA
CIVIL ACTION

SUMMONS

**James H. Gilliland, individually,
Plaintiff**

Vs.

NO.: 2008-00881-CD

**Eleanor M. Nixon, individually and as Agent
for all Co-Defendants and Leon C. Carberry,
Hannah R. Slocum, County National Bank,
Trustee for David and Jared McNaul
Selma A. Johnson, Anna M. Martinez, Sally M. Goss
Martha L. McNaul, Richard Gattuso, Virginia McNaul,
David W. McNaul, Patricia M. Bender, George E. Bender,
Michael D. McNaul, Allan A. McNaul, Ann Argo, Ralph Monaco
Ardath Morgan, Sonys Lea McNaul, a/k/a Sonya Lea Hart,
William D. McNaul, Frances A. Gattuso, John M. Derr,
Robert A. Derr, Jenine McNaul Campbell, Richard Peluse,
Kathryn Collord, Barbara J. McNaul, Martha Jane Spinelli,
Michael R. McNaul and Robert G. McNaul**

Defendants

TO: ELEANOR M. NIXON
 LEON C. CARBERRY
 HANNAH R. SLOCUM
 COUNTY NATIONAL BANK
 DAVID MCNAUL
 JARED MCNAUL
 SELMA A. JOHNSON
 ANNA M. MARTINEZ
 SALLY M. GOSS
 MARTHA L. MCNAUL
 RICHARD GATTUSO
 VIRGINIA MCNAUL
 DAVID W. MCNAUL
 PATRICIA M. BENDER

Date: 5/14/2008

Time: 10:13 AM

Page 2 of 2

Clearfield County Court of Common Pleas

User: LMILLER

ROA Report

Case: 2007-02014-CD

Current Judge: Fredric Joseph Ammerman

Deutsche Bank National Trust Company vs. Gordon Leroy Martell, Rebecca Ann Martell

Mortgage Foreclosures

Date		Judge
5/6/2008	✓ Entry of Appearance, on behalf of Plaintiff, enter appearance of John R. Lhota, Esquire. Filed by Atty. Lhota. 2CC Atty. Lhota	Fredric Joseph Ammerman
5/9/2008	✓ Praeclipe, Plaintiff hereby withdraws its Motion to Reassess Damages, filed on March 24, 2008. Filed by s/ Michele M. Bradford, Esquire. no CC	Fredric Joseph Ammerman

GEORGE E. BENDER
MICHAEL D. MCNAUL
ALLAN A. MCNAUL
ANN ARGO
RALPH MONACO
ARDATH MORGAN
SONYS LEA MCNAUL a/k/a SONYA LEA HART
WILLIAM D. MCNAUL
FRANCES A. GATTUSO
JOHN M. DERR
ROBERT A. DERR
JENINE MCNAUL CAMPBELL
RICHARD PELUSE
KATHRYN COLLORD
BARBARA J. MCNAUL
MARTHA JANE SPINELLI
MICHAEL R. MCNAUL
ROBERT G. MCNAUL

To the above named Defendant(s) you are hereby notified that the above named Plaintiff(s) has/have commenced a Civil Action against you.

Date: 5/12/2008



William A. Shaw
Prothonotary

Issuing Attorney:

John Sughrue
23 North Second Street
Clearfield, PA 16830
814-765-1704

FILED (P)

DEC 11 2007

11-551
William A. Shaw
Prothonotary/Clerk of Courts

2 Went to Shae

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
SHEETAL SHAH-JANI, ESQ., Id. No. 81760
JUDITH T. ROMANO, ESQ., Id. No. 58745
JENINE R. DAVEY, ESQ., Id. No. 87077
MICHAEL E. CARLETON, ESQ., Id. No. 203009
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

166497

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES
2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM
NO. 2007-2014-CO

Plaintiff

CLEARFIELD COUNTY

v.

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

Notice to Defend:
David S. Meholic, 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

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

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

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

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

3. On 09/07/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NEW CENTURY MORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200615187. 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 08/01/2007 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	\$51,719.90
Interest	\$1,987.50
07/01/2007 through 12/06/2007	
(Per Diem \$12.50)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$81.44
09/07/2006 to 12/06/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,588.84
Escrow	
Credit	(\$294.20)
Deficit	\$0.00
Subtotal	<u>(\$294.20)</u>
TOTAL	\$55,294.64

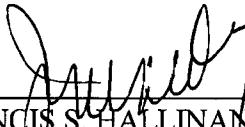
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$55,294.64, together with interest from 12/06/2007 at the rate of \$12.50 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: 

FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
SHEETAL SHAH-JANI, ESQUIRE
JUDITH T. RCMANO, ESQUIRE
JENINE R. DAVEY, ESQUIRE
MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain property or parcel of ground located in Curwensville Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Filbert Street which is Thirty (30') feet South of the intersection with Maxwell Street; thence South along Filbert Street Thirty (30') feet to a lot now or formerly of Mrs. Carol Owens; thence Westward One hundred ninety (190') feet by line of said Lot to an alley; thence North by said alley Thirty (30') feet to a post on the boundary line of the Grantor's home property described as 518 Filbert Street; thence Eastward along Grantor's said property a distance of One hundred

ninety (190') feet to the post on Filbert Street and the place of beginning.

BEING the same premises which Josephine A. Mayersky granted and conveyed to Rose A. Evanko and Andrew A. Evanko, husband and wife, by deed dated March 14, 1986 and recorded in Clearfield County Deed and Records Book 1069, Page 361 and also rerecorded in Clearfield County Deed and Records Book 1187, Page 355.

Said Andrew A. Evanko having died March 9, 1993, the premises thereby vested automatically in Rose A. Evanko, his surviving spouse and Grantor herein.

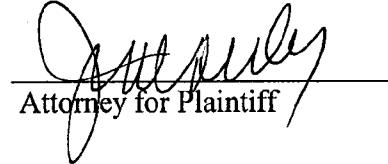
514 FILBERT STREET, CURWENSVILLE, PA 16833-1205

PARCEL NUMBER 6H10-277-00063

VERIFICATION

I hereby state that I am the 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 I am 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 my 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.



Attorney for Plaintiff

DATE: 12/1/07

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Deutsche Bank National Trust Company, on Behalf of the Morgan Stanley ABS Capital I Inc. Trust :
2007-HE3, Mortgage Pass-through Certificates, Series 2007-HE3 :
7105 Corporate Drive :
Plano, TX 75024 :
Plaintiff :
vs. :
:

Gordon Leroy Martell :
Rebecca Ann Martell :
514 Filbert Street :
Curwensville, PA 16833 :
Defendants :
:

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas
Civil Division
Clearfield County
No. 07-2014-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, Pennsylvania 16830

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

NO CC
m 10:05 AM
10/10/2007
Clearfield County Sheriff

Gordon Leroy Martell
Rebecca Ann Martell
514 Filbert Street
Curwensville, PA 16833

PHELAN HALLINAN & SCHMIEG, LLP

1/25/08
Date

J. M. Bradford
Michele M. Bradford, Esquire
Jennine R. Davey, Esquire
Attorneys for Plaintiff

(6)

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

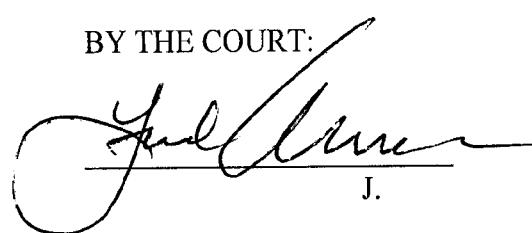
Deutsche Bank National Trust Company, on Behalf :	Court of Common Pleas
of the Morgan Stanley ABS Capital I Inc. Trust :	
2007-HE3, Mortgage Pass-through Certificates, :	
Series 2007-HE3 :	Civil Division
7105 Corporate Drive :	
Plano, TX 75024 :	
Plaintiff :	Clearfield County
vs. :	
vs. :	No. 07-2014-CD
Gordon Leroy Martell :	
Rebecca Ann Martell :	
514 Filbert Street :	
Curwensville, PA 16833 :	
Defendants :	

ORDER

AND NOW, this 29 day of January, 2008, 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:


J.

W. Bert A. Brown
Clerk of Court
100 Sheriff
(without memo)

DATE: 1/30/08

You are responsible for serving all appropriate parties.

The Probationer's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

m/10/25/04 NO CC
610
Michele A. Bradford
Suburban Station, Philadelphia, PA

PHELAN HALLINAN & SCHMIEG, LLP
BY: Michele M. Bradford, Esquire, ID No. 69849
Jenine R. Davey, Esquire, ID No. 87077
One Penn Center at Suburban Station
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Deutsche Bank National Trust Company, on Behalf of the Morgan Stanley ABS Capital I Inc. Trust :
2007-HE3, Mortgage Pass-through Certificates, Series 2007-HE3 :
7105 Corporate Drive :
Plano, TX 75024 :
Plaintiff :
vs. :
Gordon Leroy Martell :
Rebecca Ann Martell :
514 Filbert Street :
Curwensville, PA 16833 :
Defendants :

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas
Civil Division
Clearfield County
No. 07-2014-CD

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on December 11, 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 Defendants.

3. On January 4, 2008, the Sheriff's Office verbally advised counsel for Plaintiff that Rebecca Ann Martell accepted service on behalf of both Defendants on January 2, 2008.

4. On January 24, 2008, Plaintiff sent the Defendants a ten day letter notifying them 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 January 2, 2008.

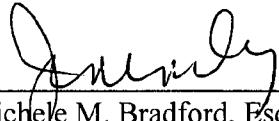
6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$12.50 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds 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.

Respectfully submitted,
PHELAN HALLINAN & SCHMIEG, LLP

1/25/08
Date



Michele M. Bradford, Esquire
Jenine R. Davey, Esquire
Attorneys for Plaintiff

EXHIBIT A

DEC 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
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PHILADELPHIA, PA 19103
(215) 563-7000

166497

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES
2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2007-2014-C9

CLEARFIELD COUNTY

v.

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

I hereby certify this
within to be a true and
correct copy of the
original filed in record

ATTORNEY FILE COPY
PLEASE RETURN

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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.

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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

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DO SO IN WRITING WITHIN THIRTY (30) DAYS OF
RECEIPT OF THIS PLEADING, COUNSEL FOR
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THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN
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COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)
THE NAME AND ADDRESS OF THE ORIGINAL
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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

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

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

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

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

3. On 09/07/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NEW CENTURY MORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200615187. 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 08/01/2007 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	\$51,719.90
Interest 07/01/2007 through 12/06/2007 (Per Diem \$12.50)	\$1,987.50
Attorney's Fees	\$1,250.00
Cumulative Late Charges 09/07/2006 to 12/06/2007	\$81.44
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,588.84
Escrow	
Credit	(\$294.20)
Deficit	\$0.00
Subtotal	<u>(\$294.20)</u>
TOTAL	\$55,294.64

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.

LEGAL DESCRIPTION

ALL that certain property or parcel of ground located in Curwensville Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Filbert Street which is Thirty (30') feet South of the intersection with Maxwell Street; thence South along Filbert Street Thirty (30') feet to a lot now or formerly of Mrs. Carol Owens; thence Westward One hundred ninety (190') feet by line of said Lot to an alley; thence North by said alley Thirty (30') feet to a post on the boundary line of the Grantor's home property described as 518 Filbert Street; thence Eastward along Grantor's said property a distance of One hundred

ninety (190') feet to the post on Filbert Street and the place of beginning.

BEING the same premises which Josephine A. Mayersky granted and conveyed to Rose A. Evanko and Andrew A. Evanko, husband and wife, by deed dated March 14, 1986 and recorded in Clearfield County Deed and Records Book 1069, Page 361 and also rerecorded in Clearfield County Deed and Records Book 1187, Page 355.

Said Andrew A. Evanko having died March 9, 1993, the premises thereby vested automatically in Rose A. Evanko, his surviving spouse and Grantor herein.

514 FILBERT STREET, CURWENSVILLE, PA 16833-1205

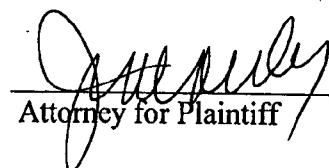
PARCEL NUMBER 6H10-277-00063

VERIFICATION

I hereby state that I am the 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 I am 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 my 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.



Attorney for Plaintiff

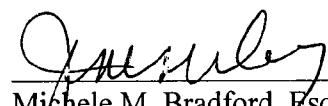
DATE: 12/1/07

VERIFICATION

The undersigned hereby state that they are the attorneys for the Plaintiff in this action, that they are 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 their 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.

PHELAN HALLINAN & SCHMIEG, LLP

1/25/08
Date



Michele M. Bradford, Esquire
Jeanne R. Davey, Esquire
Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103525
NO: 07-2014-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, a/b/o THE MORGAN STANLEY
vs.
DEFENDANT: GORDON LEROY MARTELL and REBECCA ANN MARTELL

SHERIFF RETURN

NOW, January 02, 2008 AT 9:48 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON GORDON LEROY MARTELL DEFENDANT AT 514 FILBERT ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO REBECCA ANN MARTELL, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

FILED
03:45 pm
JAN 31 2008
WAS
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103525
NO: 07-2014-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY o/b/o THE MORGAN STANLEY
vs.
DEFENDANT: GORDON LEROY MARTELL and REBECCA ANN MARTELL

SHERIFF RETURN

NOW, January 02, 2008 AT 9:48 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON REBECCA ANN MARTELL DEFENDANT AT 514 FILBERT ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO REBECCA ANN MARTELL, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103525
NO: 07-2014-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, o/b/o THE MORGAN STANLEY
VS.

DEFENDANT: GORDON LEROY MARTELL and REBECCA ANN MARTELL

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	649465	20.00
SHERIFF HAWKINS	PHELAN	649465	35.88

Sworn to Before Me This

So Answers,

____ Day of _____ 2008


Chester A. Hawkins
Sheriff

RECEIVED
FEB 15 2008
NO CC
GEO

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
BY: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney For Plaintiff

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES

COURT OF COMMON PLEAS
CIVIL DIVISION

CLEARFIELD COUNTY

v.

NO. 2007-2014-CD

GORDON LEROY MARTELL
REBECCA ANN MARTELL

PRAECIPE TO SUBSTITUTE VERIFICATION
TO CIVIL ACTION COMPLAINT
IN MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly substitute the attached verification for the verification originally filed with the
complaint in the instant matter.

Phelan Hallinan and Schmieg, LLP
By: Francis S. Hallinan
Francis S. Hallinan, Esquire
Lawrence T. Phelan, Esquire
Daniel G. Schmieg, Esquire

Dated: 2/12/08
File #: 166497

PHELAN HALLINAN & SCHMIEG, LLP
BY: Francis S. Hallinan, Esquire
Identification No. 62695
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103
(215) 563-7000

Attorney For Plaintiff

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES

COURT OF COMMON PLEAS
CIVIL DIVISION

CLEARFIELD COUNTY

v.

NO. 2007-2014-CD

GORDON LEROY MARTELL
REBECCA ANN MARTELL

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praeclipe to Substitute Verification was sent via first class mail to the following on the date listed below:

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205


FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL S. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Dated: 2/12/08
File: 166497

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

Atty pd. \$0.00
m/10/31/08 ICC Notice
to Defs.
William A. Shaw, Statement to
Prothonotary/Clerk of Court
Atty
(RK)

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

Plaintiff,

v.

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

Defendant(s).

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

: NO. 2007-2014-CD

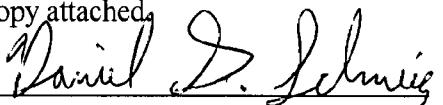
PRAEICE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **GORDON LEROY MARTELL** and **REBECCA ANN MARTELL**, 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	\$ 55,294.64
Interest - 12/07/07 TO 02/22/08	\$975.00
TOTAL	<u>\$ 56,269.64</u>

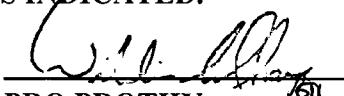
I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) notice has been given in accordance with Rule 237.1, copy attached.


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 2/25/08


PRO PROTHY

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, : COURT OF COMMON PLEAS
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE : CIVIL DIVISION
PASS-THROUGH CERTIFICATES SERIES 2007-HE3
Plaintiff : CLEARFIELD COUNTY
Vs. : NO. 2007-2014-CD

GORDON LEROY MARTELL
REBECCA ANN MARTELL
Defendants

TO: GORDON LEROY MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

FILE COPY

DATE OF NOTICE: JANUARY 24, 2008

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



Jason Ricco, Legal Assistant

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, : COURT OF COMMON PLEAS
ON BEHALF OF THE MORGAN STANLEY ABS : CIVIL DIVISION
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES SERIES 2007-HE3
Plaintiff : CLEARFIELD COUNTY
Vs. : NO. 2007-2014-CD

GORDON LEROY MARTELL
REBECCA ANN MARTELL
Defendants

TO: REBECCA ANN MARTELL
54 FILBERT STREET
CURWENSVILLE, PA 16833-1205

FILE COPY

DATE OF NOTICE: JANUARY 24, 2008

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

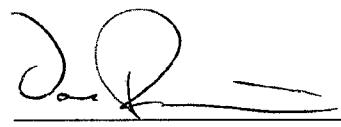
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT A HEARING AND YOU MAY LOSE YOUR PROPERTY OR OTHER IMPORTANT RIGHTS.

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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



Jason Ricco, Legal Assistant

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

DEUTSCHE BANK NATIONAL TRUST :
COMPANY, ON BEHALF OF THE MORGAN :
STANLEY ABS CAPITAL I INC. TRUST 2007- :
HE3, MORTGAGE PASS-THROUGH :
CERTIFICATES, SERIES 2007-HE3 :
7105 CORPORATE DRIVE :
PLANO, TX 75024 :

CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 2007-2014-CD

Plaintiff, :

v. :

GORDON LEROY MARTELL :
REBECCA ANN MARTELL :
514 FILBERT STREET :
CURWENSVILLE, PA 16833-1205 :

Defendant(s).

VERIFICATION OF NON-MILITARY SERVICE

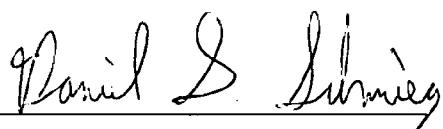
DANIEL G. SCHMIEG, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 **GORDON LEROY MARTELL** is over 18 years of age and resides at **514 FILBERT STREET, CURWENSVILLE, PA 16833-1205**.

(c) that defendant **REBECCA ANN MARTELL** is over 18 years of age, and resides at **514 FILBERT STREET, CURWENSVILLE, PA 16833-1205**.

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

DEUTSCHE BANK NATIONAL TRUST :
COMPANY, ON BEHALF OF THE MORGAN :
STANLEY ABS CAPITAL I INC. TRUST 2007- : CLEARFIELD COUNTY
HE3, MORTGAGE PASS-THROUGH : COURT OF COMMON PLEAS
CERTIFICATES, SERIES 2007-HE3 :
7105 CORPORATE DRIVE : CIVIL DIVISION
PLANO, TX 75024 : NO. 2007-2014-CD

Plaintiff,

v.

GORDON LEROY MARTELL :
REBECCA ANN MARTELL :
514 FILBERT STREET :
CURWENSVILLE, PA 16833-1205

Defendant(s).

Notice is given that a Judgment in the above captioned matter has been entered against you
on February 25, 2008.

BY William J. O'Brien DEPUTY

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

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



Deutsche Bank National Trust Company
Plaintiff(s)

No.: 2007-02014-CD

Real Debt: \$56,269.64

Atty's Comm: \$

Vs.

Costs: \$

Gordon Leroy Martell
Rebecca Ann Martell
Defendant(s)

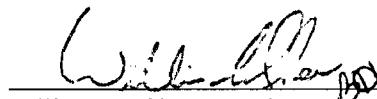
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: Febaruary 25, 2008

Expires: February 25, 2013

Certified from the record this 25th day of February, 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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, ON BEHALF
OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE3

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2007-2014-CD Term 20..

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

vs.

GORDON LEROY MARTELL

REBECCA ANN MARTELL

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	\$56,269.64
Interest from 02/23/08 to Sale	\$ _____.
Per diem \$9.25	
Add'l Costs	\$3,040.00
Writ Total	\$ _____.

Prothonotary costs \$125.00
Daniel S. Lehman
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

166497

Atty pd. 20.00
m ho 49.64
FEB 25 2008 ICC @ Lewiston
w/prop desc.
William A. Shaw to Sheriff
Prothonotary/Clerk of Courts
(62)

No. 2007-2014-CD Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

1-3 25 2007

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3 MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-
HE3

William A. Shaw
Prothonotary/Clerk of Courts

vs.

GORDON LEROY MARTELL
REBECCA ANN MARTELL

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Daniel J. Johnson
Attorney for Plaintiff(s)

Address: GORDON LEROY MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

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

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST	:	
COMPANY, ON BEHALF OF THE MORGAN	:	
STANLEY ABS CAPITAL I INC. TRUST 2007-	:	CLEARFIELD COUNTY
HE3, MORTGAGE PASS-THROUGH	:	COURT OF COMMON PLEAS
CERTIFICATES, SERIES 2007-HE3	:	
7105 CORPORATE DRIVE	:	CIVIL DIVISION
PLANO, TX 75024	:	
	:	NO. 2007-2014-CD

Plaintiff,

v.

GORDON LEROY MARTELL	:	
REBECCA ANN MARTELL	:	
514 FILBERT STREET	:	
CURWENSVILLE, PA 16833-1205	:	

Defendant(s).

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
- 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

DEUTSCHE BANK NATIONAL TRUST	:	
COMPANY, ON BEHALF OF THE MORGAN	:	
STANLEY ABS CAPITAL I INC. TRUST 2007-	:	CLEARFIELD COUNTY
HE3, MORTGAGE PASS-THROUGH	:	COURT OF COMMON PLEAS
CERTIFICATES, SERIES 2007-HE3	:	
7105 CORPORATE DRIVE	:	CIVIL DIVISION
PLANO, TX 75024	:	
Plaintiff,	:	NO. 2007-2014-CD
v.	:	
GORDON LEROY MARTELL	:	
REBECCA ANN MARTELL	:	
514 FILBERT STREET	:	
CURWENSVILLE, PA 16833-1205	:	

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information concerning the real property located at **514 FILBERT STREET, CURWENSVILLE, PA 16833-1205**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
GORDON LEROY MARTELL	514 FILBERT STREET CURWENSVILLE, PA 16833-1205
REBECCA ANN MARTELL	514 FILBERT STREET CURWENSVILLE, PA 16833-1205

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.

02/22/08

Date


DANIEL G. SCHMIEG, ESQUIRE
 Attorney for Plaintiff

DEUTSCHE BANK NATIONAL TRUST :
COMPANY, ON BEHALF OF THE MORGAN :
STANLEY ABS CAPITAL I INC. TRUST 2007- :
HE3, MORTGAGE PASS-THROUGH :
CERTIFICATES, SERIES 2007-HE3 :
7105 CORPORATE DRIVE :
PLANO, TX 75024 :
CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff,

V.

**GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205**

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3, 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 **514 FILBERT STREET, CURWENSVILLE, PA 16833-1205**.

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.)

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.)

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	514 FILBERT STREET CURWENSVILLE, PA 16833-1205
------------------------	---

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.

02/22/08
Date

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, ON BEHALF
OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE3

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 2007-2014-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

vs.

GORDON LEROY MARTELL

REBECCA ANN MARTELL

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: 514 FILBERT STREET, CURWENSVILLE, PA 16833-1205
(See Legal Description attached)

Amount Due	\$56,269.64
Interest from 02/23/08 to Sale	\$ _____.
Per diem \$9.25	
Add'l Costs	\$3,040.00
Writ Total	\$125.00
Prothonotary costs	\$125.00

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

Dated 2/25/08
(SEAL)

No. 2007-2014-CD Term 20 ...A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-
HE3

vs.

GORDON LEROY MARTELL
REBECCA ANN MARTELL

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$56,269.64

Int. from 02/23/08
To Date of Sale (\$9.25 per diem)

Costs _____

Prothy Pd. 105.00

Sheriff Gordon L. Martell

Attorney for Plaintiff(s)

Address: GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

LEGAL DESCRIPTION

ALL that certain property or parcel of ground located in Curwensville Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Filbert Street which is thirty (30 feet) feet South of the intersection with Maxwell Street;

THENCE South along Filbert Street thirty (30 feet) feet to a lot now or formerly of Mrs. Carol Owens;

THENCE Westward one hundred ninety (190 feet) feet by line of said lot to an alley;

THENCE North by said alley thirty (30 feet) feet to a post on the boundary line of the Grantors home property described as 518 Filbert Street;

THENCE Eastward along Grantors property a distance of one hundred ninety (190 feet) feet to the post on Filbert Street and the place of beginning.

BEING identified as Clearfield County tax parcel No. 6.1-H10-277-063.

RECORD OWNER

Vested by Special Warranty Deed, dated 08/31/2006, given by Andrew D. Evanko and Tina M. Evanko, Husband and Wife to Gordon Leroy Martell and Rebecca Ann Martell, husband and Wife and recorded 9/8/2006 Instrument # 200615186.

Premises being: **514 FILBERT STREET**
CURWENSVILLE, PA 16833-1205

Tax Parcel No. **6.1-H10-277-063**

1A
m/10/01 64 NO CC

William A. Clegg
Prothonotary of the Court of Common Pleas

PHILAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST	:	Court of Common Pleas
COMPANY, ON BEHALF OF THE MORGAN	:	
STANLEY ABS CAPITAL I INC. TRUST 2007-	:	Civil Division
HE3, MORTGAGE PASS-THROUGH	:	
CERTIFICATES, SERIES 2007-HE3	:	CLEARFIELD County
Plaintiff	:	
vs.	:	No. 2007-2014-CD
	:	
GORDON LEROY MARTELL		
REBECCA ANN MARTELL		
Defendants		

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorney, Michele M. Bradford, Esquire, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on December 11, 2007, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on February 25, 2008 in the amount of \$56,269.64. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

3. Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

4. The Property is listed for Sheriff's Sale on May 2, 2008.

5. Additional sums have been incurred or expended on Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	\$51,719.90
Interest Through May 2, 2008	\$3,762.03
Per Diem \$12.33	
Late Charges	\$61.08
Legal fees	\$1,860.00
Cost of Suit and Title	\$1,172.50
Sheriff's Sale Costs	\$0.00
Property Inspections	\$135.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$20.00
Suspense/Misc. Credits	(\$294.20)
Escrow Deficit	\$688.61
TOTAL	\$59,124.92

6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

7. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

8. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

DATE: 3/20/08

By:

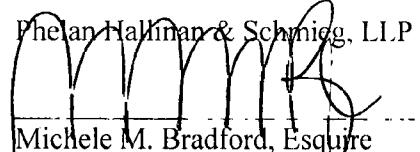

Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

DEC 11 2007

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
SHEETAL SHAH-JANI, ESQ., Id. No. 81760
JUDITH T. ROMANO, ESQ., Id. No. 58745
JENINE R. DAVEY, ESQ., Id. No. 87077
MICHAEL E. CARLETON, ESQ., Id. No. 203009
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

166497

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES
2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2007-2014-CJ

CLEARFIELD COUNTY

v.

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

I hereby certify the
within to be a true and
correct copy of the
original instrument.

ATTORNEY FILE COPY
Defendants
PLEASE RETURN

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

Notice to Defend:
David S. Meholic, 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

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

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

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

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

3. On 09/07/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR NEW CENTURY MORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200615187. 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 08/01/2007 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	\$51,719.90
Interest 07/01/2007 through 12/06/2007 (Per Diem \$12.50)	\$1,987.50
Attorney's Fees	\$1,250.00
Cumulative Late Charges 09/07/2006 to 12/06/2007	\$81.44
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,588.84
Escrow	
Credit	(\$294.20)
Deficit	\$0.00
Subtotal	<u>(\$294.20)</u>
TOTAL	\$55,294.64

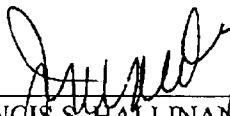
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$55,294.64, together with interest from 12/06/2007 at the rate of \$12.50 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: 

FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
SHEETAL SHAH-JANI, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
JENINE R. DAVEY, ESQUIRE
MICHAEL E. CARLETON, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain property or parcel of ground located in Curwensville Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Filbert Street which is Thirty (30') feet South of the intersection with Maxwell Street; thence South along Filbert Street Thirty (30') feet to a lot now or formerly of Mrs. Carol Owens; thence Westward One hundred ninety (190') feet by line of said Lot to an alley; thence North by said alley Thirty (30') feet to a post on the boundary line of the Grantor's home property described as 518 Filbert Street; thence Eastward along Grantor's said property a distance of One hundred

ninety (190') feet to the post on Filbert Street and the place of beginning.

BEING the same premises which Josephine A. Mayersky granted and conveyed to Rose A. Evanko and Andrew A. Evanko, husband and wife, by deed dated March 14, 1986 and recorded in Clearfield County Deed and Records Book 1069, Page 361 and also rerecorded in Clearfield County Deed and Records Book 1187, Page 355.

Said Andrew A. Evanko having died March 9, 1993, the premises thereby vested automatically in Rose A. Evanko, his surviving spouse and Grantor herein.

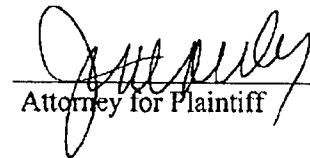
514 FILBERT STREET, CURWENSVILLE, PA 16833-1205

PARCEL NUMBER 6H10-277-00063

VERIFICATION

I hereby state that I am the 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 I am 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 my 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.



Attorney for Plaintiff

DATE: 12/1/07

Exhibit “B”

Attorney for Plaintiff

FILED

FEB 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-HE3
7105 CORPORATE DRIVE
PLANO, TX 75024

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

CIVIL DIVISION

NO. 2007-2014-CD

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

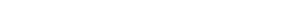
Defendant(s).

PRAECLPICE 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 **GORDON LEROY MARTELL** and **REBECCA ANN MARTELL**, 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
Interest - 12/07/07 TO 02/22/08
TOTAL \$ 55,294.64
\$ 975.00
\$ 56,269.64

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
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

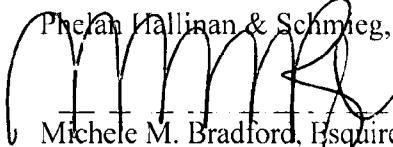
DATE: 2/25/08

166497

VERIFICATION

Michele M. Bradford, Esquire, hereby states that she is the attorney for Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages 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.

DATE: 3/20/08

By: 
Phelan Hallinan & Schmitz, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST	:	Court of Common Pleas
COMPANY, ON BEHALF OF THE MORGAN	:	
STANLEY ABS CAPITAL I INC. TRUST 2007-	:	Civil Division
HE3, MORTGAGE PASS-THROUGH	:	
CERTIFICATES, SERIES 2007-HE3	:	CLEARFIELD County
Plaintiff	:	
	:	No. 2007-2014-CD
vs.	:	

GORDON LEROY MARTELL
REBECCA ANN MARTELL

Defendants

CERTIFICATION OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to the following individuals on the date indicated below.

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

DATE: 3/20/08

By:

Michele M. Bradford, Esquire
Michele M. Bradford, Esquire
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST : Court of Common Pleas
COMPANY, ON BEHALF OF THE MORGAN :
STANLEY ABS CAPITAL I INC. TRUST 2007- : Civil Division
HE3, MORTGAGE PASS-THROUGH :
CERTIFICATES, SERIES 2007-HE3 : CLEARFIELD County
Plaintiff :
vs. : No. 2007-2014-CD

GORDON LEROY MARTELL
REBECCA ANN MARTELL

Defendants

ORDER

AND NOW, this _____ day of _____, 2008 the Prothonotary is ORDERED to
amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this
case as follows:

Principal Balance	\$51,719.90
Interest Through May 2, 2008	\$3,762.03
Per Diem \$12.33	
Late Charges	\$61.08
Legal fees	\$1,860.00
Cost of Suit and Title	\$1,172.50
Sheriff's Sale Costs	\$0.00
Property Inspections	\$135.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	

Non Sufficient Funds Charge	\$20.00
Suspense/Misc. Credits	(\$294.20)
Escrow Deficit	\$688.61
<hr/>	
TOTAL	\$59,124.92

Plus interest from May 2, 2008 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

— — — — J.

166497

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST : Court of Common Pleas
COMPANY, ON BEHALF OF THE MORGAN :
STANLEY ABS CAPITAL I INC. TRUST 2007- : Civil Division
HE3, MORTGAGE PASS-THROUGH :
CERTIFICATES, SERIES 2007-HE3 : CLEARFIELD County
Plaintiff : No. 2007-2014-CD
vs. :
:

GORDON LEROY MARTELL
REBECCA ANN MARTELL

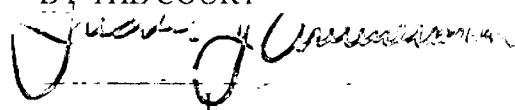
Defendants

RULE

AND NOW, this 26th day of March 2008, a Rule is entered upon the
Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to
Reassess Damages.

Rule Returnable on the 14th day of May 2008, at 2:30 ^{p.m.} in the Clearfield
County Courthouse, Clearfield, Pennsylvania. Courtroom # 1.

BY THE COURT



166497

0/2/08 At 10:00 AM
AttyBradford

COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

111E:312068

You are responsible for serving all appropriate parties.

The Plaintiff's office has provided service to the following parties:

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney Other

Special instructions:

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON : CLEARFIELD COUNTY
BEHALF OF THE MORGAN STANLEY ABS CAPITAL I : COURT OF COMMON PLEAS
INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH :
CERTIFICATES, SERIES 2007-HE3 : CIVIL DIVISION
Plaintiff, :
v. : NO. 2007-2014-CD
:

GORDON LEROY MARTELL
REBECCA ANN MARTELL
Defendant(s)

No. 1040 cm
MAR 28 2008
SJC

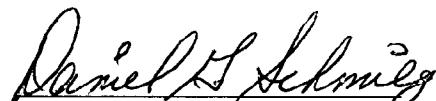
AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

William A. Shaw
Prothonotary/Clerk of Courts

Plaintiff in the above action sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at: 514 FILBERT STREET, CURWENSVILLE, PA 16833-1205.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given to Lienholders 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 Affidavit No. 2 (previously filed) and/or Amended Affidavit No. 2 on the date indicated. 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.

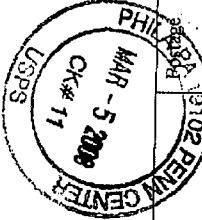

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: March 25, 2008

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

Name and
Address
of Sender

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 514 FELBERT STREET CURWENSVILLE, PA 16833-1205		
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 Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 TH Floor, Suite 1300, 1001 Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Oak Building, Harrisburg, PA 17105		
7				
8				
9				
10				
11				
12		<i>Re: GORDON LEROY MARTELL</i> 166497 TEAM 4		
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.

\$ 02.100

PRINTED BY
BONWES

UNITED STATES POSTAL SERVICE

021M
0004218010 MAR 05 2008

MAILED FROM ZIP CODE 19103



APR 07 2008
MHS/BS NO CC
S

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST
COMPANY, ON BEHALF OF THE MORGAN
STANLEY ABS CAPITAL I INC. TRUST 2007-
HE3, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE3
Plaintiff

: Court of Common Pleas
: Civil Division
: CLEARFIELD County
: No. 2007-2014-CD
: vs.
:

GORDON LEROY MARTELL
REBECCA ANN MARTELL

Defendants

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's March 26, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

DATE: 4/1/08

By:

Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

DEUTSCHE BANK NATIONAL TRUST)
COMPANY, ON BEHALF OF THE MORGAN)
STANLEY ABS CAPITAL I INC. TRUST 2007)
HE3, MORTGAGE PASS-THROUGH)
CERTIFICATES, SERIES 2007-HE3,)
Plaintiff,)
v.)
GORDON LEROY MARTELL)
REBECCA ANN MARTELL,)
Defendants.)

No. 07-2014-CD

ENTRY OF APPEARANCE

TO: William A. Shaw, Prothonotary:

Please enter my appearance on behalf of Deutsche Bank National Trust Company, on behalf of the Morgan Stanley ABS Capital I Inc. Trust 2007-HE3, Mortgage Pass-Through Certificates, Series 2007-HE3, plaintiff in the above-captioned matter.

Respectfully submitted,

John R. Lhota, Attorney at Law
John R. Lhota, P.C.
110 North Second Street
Clearfield, PA 16830
(814) 765-9611
Pa. I. D. No. 22492

Dated: May 6, 2008

RE 2CC
03/04/08 Atty Lhota
MAY 06 2008
William A. Shaw
Prothonotary/Clerk of Court
Copy to
C/A

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST : Court of Common Pleas
COMPANY, ON BEHALF OF THE MORGAN :
STANLEY ABS CAPITAL I INC. TRUST 2007- : Civil Division
HE3, MORTGAGE PASS-THROUGH :
CERTIFICATES, SERIES 2007-HE3 : CLEARFIELD County
Plaintiff :
vs. : No. 2007-2014-CD

GORDON LEROY MARTELL
REBECCA ANN MARTELL

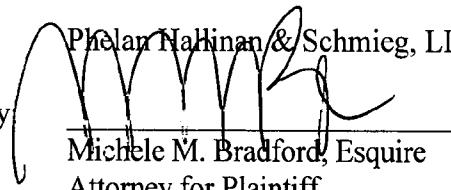
Defendants

PRAECIPE

TO THE PROTHONOTARY:

Plaintiff hereby withdraws its Motion to Reassess Damages, filed on March 24, 2008 in
the above referenced action.

DATE: 5/7/08

By 
Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

NO CC
MAY 19 2008
6K

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST	:	Court of Common Pleas
COMPANY, ON BEHALF OF THE MORGAN	:	
STANLEY ABS CAPITAL I INC. TRUST 2007-	:	Civil Division
HE3, MORTGAGE PASS-THROUGH	:	
CERTIFICATES, SERIES 2007-HE3	:	CLEARFIELD County
Plaintiff	:	
	:	No. 2007-2014-CD
vs.	:	

GORDON LEROY MARTELL
REBECCA ANN MARTELL

Defendants

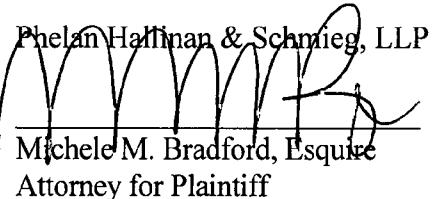
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praeclipe to withdraw its Motion to Reassess Damages was served upon the following interested parties on the date indicated below.

GORDON LEROY MARTELL
REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

DATE: 5/7/08

By:


Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20737

NO. 07-2014-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HE3

vs.

DEFENDANT: GORDON LEROY MARTELL AND REBECCA ANN MARTELL

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 2/25/2008

LEVY TAKEN 3/5/2008 @ 11:15 AM

POSTED 3/5/2008 @ 11:15 AM

SALE HELD

SOUD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 10/17/2008

DATE DEED FILED **NOT SOLD**

*FILED
OCT 17 2008
S*
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

3/5/2008 @ 11:15 AM SERVED GORDON LEROY MARTELL

SERVED GORDON LEROY MARTELL, DEFENDANT, AT HIS RESIDENCE 514 FILBERT STREET, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GORDON LEROY MARTELL

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.

3/5/2008 @ 11:15 AM SERVED REBECCA ANN MARTELL

SERVED REBECCA ANN MARTELL, DEFENDANT, AT HER RESIDENCE 514 FILBERT STREET, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GORDON LEROY MARTELL, HUSBAND/ADULT AT RESIDENCE

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, MAY 1, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR MAY 2, 2008 TO JUNE 6, 2008 DUE TO LOSS MITIGATION.

@ SERVED

NOW, JUNE 6, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR JUNE 6, 2008 TO AUGUST 1, 2008 DUE TO BANKRUPTCY FILING.

@ SERVED

NOW, JULY 30, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR AUGUST 1, 2008 DUE TO BANKRUPTCY FILING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20737
NO: 07-2014-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES SERIES 2007-HE3
VS.

DEFENDANT: GORDON LEROY MARTELL AND REBECCA ANN MARTELL

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$224.50

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,


By Cynthia Bitter Appraiser
Chester A. Hawkins
Sheriff

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

DEUTSCHE BANK NATIONAL
TRUST COMPANY, ON BEHALF
OF THE MORGAN STANLEY ABS
CAPITAL LLC TRUST 2007-HE3,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE3

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 2007-2014-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

vs.

GORDON LEROY MARTELL

REBECCA ANN MARTELL

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: 514 FILBERT STREET, CURWENSVILLE, PA 16833-1205
(See Legal Description attached)

Amount Due	\$56,269.64
Interest from 02/23/08 to Sale	\$ _____.
Per diem \$9.25	
Add'l Costs	\$3,040.00
Writ Total	\$

Prothonotary costs *125.00*

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

Dated 2/25/08
(SEAL)

166497

Received this writ this 25th day
of February A.D. 2008
At 10:30 A.M./P.M.

Chester A. Hawkins
Sheriff by Cynthia Butler, Deputy

No. 2007-2014-CD Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY,
ON BEHALF OF THE MORGAN STANLEY ABS
CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-
HE3

vs.

GORDON LEROY MARTELL
REBECCA ANN MARTELL

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$56,269.64

Int. from 02/23/08
To Date of Sale (\$9.25 per diem)

Costs _____

Prothy Pd. 105.00

Sheriff David L. Dilling
Attorney for Plaintiff(s)

Address: GORDON LEROY MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

LEGAL DESCRIPTION

ALL that certain property or parcel of ground located in Curwensville Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Filbert Street which is thirty (30 feet) feet South of the intersection with Maxwell Street;

THENCE South along Filbert Street thirty (30 feet) feet to a lot now or formerly of Mrs. Carol Owens;

THENCE Westward one hundred ninety (190 feet) feet by line of said lot to an alley;

THENCE North by said alley thirty (30 feet) feet to a post on the boundary line of the Grantors home property described as 518 Filbert Street;

THENCE Eastward along Grantors property a distance of one hundred ninety (190 feet) feet to the post on Filbert Street and the place of beginning.

BEING identified as Clearfield County tax parcel No. 6.1-H10-277-063.

RECORD OWNER

Vested by Special Warranty Deed, dated 08/31/2006, given by Andrew D. Evanko and Tina M. Evanko, Husband and Wife to Gordon Leroy Martell and Rebecca Ann Martell, husband and Wife and recorded 9/8/2006 Instrument # 200615186.

Premises being: **514 FILBERT STREET**
CURWENSVILLE, PA 16833-1205

Tax Parcel No. **6.1-H10-277-063**

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME GORDON LEROY MARTELL

NO. 07-2014-CD

NOW, October 17, 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 Gordon Leroy Martell And Rebecca Ann Martell 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	6.06
LEVY	15.00
MILEAGE	6.06
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	7.38
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$224.50

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	56,269.64
INTEREST @ 9.2500	(6,781,128.7
FROM 02/23/2008 TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	3,040.00
TOTAL DEBT AND INTEREST	(\$6,721,779.11)

COSTS:

ADVERTISING	358.18
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	224.50
LEGAL JOURNAL COSTS	90.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$937.68

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

May 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: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-HE3 v.
GORDON LEROY MARTELL and REBECCA ANN MARTELL
514 FILBERT STREET CURWENSVILLE, PA 16833-1205
Court No. 2007-2014-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is
scheduled for May 2, 2008 due to the following: Loss Mitigation.

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

Thank you for your correspondence in this matter.

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

June 6, 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: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-HE3 v.
GORDON LEROY MARTELL and REBECCA ANN MARTELL
514 FILBERT STREET CURWENSVILLE, PA 16833-1205
Court No. 2007-2014-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for June 6, 2008 due to the following: Bankruptcy.

The Property is to be relisted for the August 1, 2008 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,
CHRISTINE SCHOFFLER for
Phelan Hallinan & Schmieg, LLP

PHS # 166497

Announced requested

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

Representing Lenders in
Foreclosure Manager Pennsylvania and New Jersey

July 30, 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: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-HE3 v.
GORDON LEROY MARTELL and REBECCA ANN MARTELL
514 FILBERT STREET CURWENSVILLE, PA 16833-1205
Court No. 2007-2014-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is
scheduled for August 1, 2008 due to the following: Bankruptcy.

Defendants filed a Chapter 13, Bankruptcy Number 08-70481, Bankruptcy on
May 1, 2008.

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 matter.

Very Truly Yours,
CHRISTINE SCHOFFLER for
Phelan Hallinan & Schmieg, LLP

PRAECIPE FOR WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON
BEHALF OF THE MORGAN STANLEY ABS CAPITAL I
INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE3

vs.

COURT OF COMMON PLEAS
CIVIL DIVISION
NO.: 2007-2014-CD

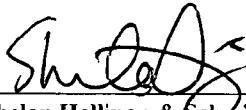
CLEARFIELD COUNTY

GORDON LEROY MARTELL
REBECCA ANN MARTELL

To the PROTHONOTARY:

Issue w.r.t of execution in the above matter:

Amount Due	\$56,269.64
Prothonotary costs	145.00
Interest from 02/23/2008 to Sale	\$ _____.
Per diem \$9.25	\$ _____.
Writ Total	\$ _____.


Phelan Hallinan & Schmieg, LLP
Sheetal R. Shah-Jani, Esq., Id. No.81760
Attorney for Plaintiff

Note: Please attach description of Property.

PHS # 166497

Atty pd.
DEC 16 2011 20.00
S, William A. Shaw
Prothonotary/Clerk of Courts
10006 w/ prop. desc
to Sheriff

6L

No.: 2007-2014-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3,
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3

vs.

GORDON LEROY MARTELL
REBECCA ANN MARTELL

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:


Phefan Hallinan & Schmitz, LLP
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Attorney for Plaintiff

Address where papers may be served:
GORDON LEROY MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

PHELAN HALLINAN & SCHMIEG, LLP
Sheetal R. Shah-Jani, Esq., Id. No.81760
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorneys for Plaintiff

**DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF
OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-
HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2007-HE3**

Plaintiff

v.

**GORDON LEROY MARTELL
REBECCA ANN MARTELL**
Defendant(s)

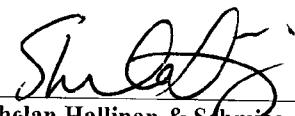
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO.: 2007-2014-CD
: CLEARFIELD COUNTY

CERTIFICATION

The undersigned attorney hereby states that he/she 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:

- the mortgage is an FHA Mortgage
- the premises is non-owner occupied
- the premises is vacant
- Act 91 procedures have been fulfilled

This certification is made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

By: 

Phelan Hallinan & Schmieg, LLP
Sheetal R. Shah-Jani, Esq., Id. No.81760
Attorney for Plaintiff

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3	:	COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
v.	:	NO.: <u>2007-2014-CD</u>
	:	
GORDON LEROY MARTELL	:	CLEARFIELD COUNTY
REBECCA ANN MARTELL	:	
Defendant(s)	:	PHS # 166497
	:	

AFFIDAVIT PURSUANT TO RULE 3129.1

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **514 FILBERT STREET, CURWENSVILLE, PA 16833-1205**.

1. Name and address of Owner(s) or reputed Owner(s):
 Name Address (if address cannot be reasonably ascertained, please so indicate)
GORDON LEROY MARTELL **514 FILBERT STREET**
CURWENSVILLE, PA 16833-1205
REBECCA ANN MARTELL **514 FILBERT STREET**
CURWENSVILLE, PA 16833-1205
2. Name and address of Defendant(s) in the judgment:
 Name Address (if address cannot be reasonably ascertained, please so indicate)
SAME AS ABOVE
3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:
 Name Address (if address cannot be reasonably ascertained, please indicate)
None.
4. Name and address of last recorded holder of every mortgage of record:
 Name Address (if address cannot be reasonably ascertained, please indicate)
None.
5. Name and address of every other person who has any record lien on the property:
 Name Address (if address cannot be reasonably ascertained, please 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 Address (if address cannot be reasonably ascertained, please indicate)
None.

7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

Name

Address (if address cannot be reasonably ascertained, please indicate)

TENANT/OCCUPANT

**514 FILBERT STREET
CURWENSVILLE, PA 16833-1205**

**COMMONWEALTH OF PENNSYLVANIA,
BUREAU OF INDIVIDUAL TAX,
INHERITANCE TAX DIVISION**

**6TH FLOOR, STRAWBERRY SQ., DEPT 280601
HARRISBURG, PA 17128**

**DEPARTMENT OF PUBLIC WELFARE, TPL
CASUALTY UNIT, ESTATE RECOVERY
PROGRAM**

**P.O. BOX 8486
WILLOW CAK BUILDING
HARRISBURG, PA 17105**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

**CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830**

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF WELFARE**

**P.O. BOX 2675
HARRISBURG, PA 17105**

INTERNAL REVENUE SERVICE ADVISORY

**1000 LIBERTY AVENUE ROOM 704
PITTSBURGH, PA 15222**

**U.S. DEPARTMENT OF JUSTICE
MICHAEL C. COLVILLE, ESQUIRE,
UNITED STATES ATTORNEY**

**WESTERN DISTRICT OF PA
633 U.S. POST OFFICE & COURTHOUSE
PITTSBURGH, PA 15219**

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 12/14/11

By:



Phelan Hallinan & Schmieg, LLP
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Attorney for Plaintiff

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

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF
OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-
HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2C07-HE3

COURT OF COMMON PLEAS
CIVIL DIVISION
NO.: 2007-2014-CD

vs.

CLEARFIELD COUNTY

GORDON LEROY MARTELL
REBECCA ANN MARTELL
Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 514 FILBERT STREET, CURWENSVILLE, PA 16833-1205
(See Legal Description attached)

Amount Due	
Interest from 02/23/2008 to Sale	\$ _____.
Per diem \$9.25	\$ _____.
Writ Total	\$ _____.

Prothonotary costs \$56,269.64
145.00

Dated 12/16/11
(SEAL)



OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

PHS # 166497

No.: 2007-2014-CD

IN THE COURT OF COMMON PLEAS OF
CLIFRAFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL
I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3
vs.

GORDON LEROY MARTELL
REBECCA ANN MARTELL

W^RIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	<u>Costis</u>
Int. from	\$56,269.64
1 ^o Date of Sale (\$9.25 per diem)	
Costs	<u>145.00</u>
Proth ^y Pd.	
Sheriff	

Filed



Phelan Hallinan & Schmitz, LLP
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Attorney for Plaintiff

Address where papers may be served:
GORDON LEROY MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

LEGAL DESCRIPTION

ALL that certain property or parcel of ground located in Curwensville Borough, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Filbert Street which is thirty (30') feet South of the intersection with Maxwell Street;

THENCE South along Filbert Street thirty (30') feet to a lot now or formerly of Mrs. Carol Owens;

THENCE Westward one hundred ninety (190') feet by line of said lot to an alley;

THENCE North by said alley thirty (30') feet to a post on the boundary line of the Grantors home property described as 518 Filbert Street;

THENCE Eastward along Grantors property a distance of one hundred ninety (190 feet) feet to the post on Filbert Street and the place of beginning.

Title of said property is vested by Special Warranty Deed, dated 8/31/2006, given by Andrew D. Evanko and Tina M. Evanko, husband and wife, to Gordon Leroy Martell and Rebecca Ann Martell, husband and wife, and recorded 9/8/2006 by Instrument #200615186.

Premises being: 514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

Tax Parcel No. 6.1-H10-277-063

PHELAN HALLINAN & SCHMIEG, LLP
Melissa J. Cantwell, Esq., Id. No.308912
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

4 11/12/2014
Melissa J. Cantwell, Esq.
Attorney for Plaintiff
No. 4C

DEUTSCHE BANK NATIONAL TRUST
COMPANY, ON BEHALF OF THE MORGAN
STANLEY ABS CAPITAL I INC. TRUST 2007-HE3,
MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2007-HE3
Plaintiff,

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: No.: 2007-2014-CD

v.

GORDON LEROY MARTELL A/K/A GORDON L.
MARTELL
REBECCA ANN MARTELL A/K/A REBECCA A.
GORDON A/K/A REBECCA A. MARTELL
Defendant(s)

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA)
PHILADELPHIA COUNTY) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party 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 Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

Date: 2/11/12

Melissa J. Cantwell, Esquire
Attorney for Plaintiff

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

EXHIBIT "A"

Name and
Address
Of Sender
Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza



AZK/AEG - 03/02/2012 10:00 A.M. SALE

Line	Article Number	Name of Addressee, Street, and Post Office Address
1	*****	TENANT/OCCUPANT 514 FILBERT STREET CURWENSVILLE, PA 16833-1205
2	*****	COMMONWEALTH OF PENNSYLVANIA, BUREAU OF INDIVIDUAL TAX, INHERITANCE TAX DIVISION 6TH FLOOR, STRAWBERRY SQ., DEPT 280601 HARRISBURG, PA 17128
3	*****	DEPARTMENT OF PUBLIC WELFARE, TPL CASUALTY UNIT, ESTATE RECOVERY PROGRAM P.O. BOX 8486 WILLOW OAK BUILDING HARRISBURG, PA 17105
4	*****	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830
5	*****	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE P.O. BOX 2675 HARRISBURG, PA 17105
6	*****	INTERNAL REVENUE SERVICE ADVISORY 1000 LIBERTY AVENUE ROOM 704 PITTSBURGH, PA 15222
7	*****	U.S. DEPARTMENT OF JUSTICE MICHAEL C. COLVILLE, ESQUIRE, UNITED STATES ATTORNEY WESTERN DISTRICT OF PA 633 U.S. POST OFFICE & COURTHOUSE PITTSBURGH, PA 15219
		RE: GORDON LEROY MARTELL A/K/A GORDON L. MARTELL (CLEARFIELD) TEAM 3 PHS# 166497 Page 1 of 1

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 R900.5913 and 5921 for limitations of coverage.
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21418

NO: 07-2014-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I, INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3
VS.

DEFENDANT: GORDON LEROY MARTELL AND REBECCA ANN MARTELL

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 12/16/2011

LEVY TAKEN 1/11/2012 @ 1:35 PM

POSTED 1/11/2012 @ 1:35 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 4/4/2012

DATE DEED FILED **NOT SOLD**

FILED

APR 04 2012
S 011161C 6K
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED GORDON LEROY MARTELL

DEPUTIES UNABLE TO SERVE GORDON LEROY MARTELL, DEFENDANT LIVES IN RIDGWAY.

1/11/2012 @ 1:35 PM SERVED REBECCA ANN MARTELL

SERVED REBECCA ANN MARTELL, DEFENDANT, AT HER RESIDENCE 514 FILBERT STREET, CURWENSVILL, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO REBECCA MARTELL

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, FEBRUARY 14, 2012 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR MARCH 2, 2012 TO JULY 6, 2012.

@ SERVED

NOW, FEBRUARY 21, 2012 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR JULY 6, 2012.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21418

NO: 07-2014-CD

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL I, INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3
vs.

DEFENDANT: CORDON LEROY MARTELL AND REBECCA ANN MARTELL

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$188.62

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
by Cynthia Butler, Clerk
Chester A. Hawkins
Sheriff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183 and Rule 3257

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF
OF THE MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-
HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES
2007-HE3

COURT OF COMMON PLEAS
CIVIL DIVISION
NO.: 2007-2014-CD

vs.

CLEARFIELD COUNTY

GORDON LEROY MARTELL
REBECCA ANN MARTELL
Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 514 FILBERT STREET, CURWENSVILLE, PA 16833-1205
(See Legal Description attached)

Amount Due

Interest from 02/23/2008 to Sale
Per diem \$9.25
Writ Total

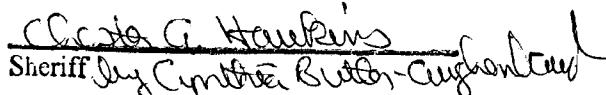
Prothonotary costs \$56,269.64
\$145.00
\$_____


OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 12/16/11
(SEAL)

PHS # 166497

Received this writ this 16th day
of December A.D. 2011
At 3:00 A.M.P.M.


Sheriff Craig G. Hawkins
Deputy Cynthia Butcher-Cuglielmo

No.: 2007-2014-CD

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE MORGAN STANLEY ABS CAPITAL
I INC. TRUST 2007-HE3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE3
vs.
GORDON LEROY MARTELL
REBECCA ANN MARTELL

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	<u>Costs</u>
Int. from	\$56,269.64
To Date of Sale (\$9.25 per diem)	
Costs	
Prothy Pd.	<u>145.00</u>
Sheriff	

Filed



Phelan Hallinan & Schamieg, LLP
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Attorney for Plaintiff

Address where papers may be served:
GORDON LEROY MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

REBECCA ANN MARTELL
514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

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Premises being: 514 FILBERT STREET
CURWENSVILLE, PA 16833-1205

Tax Parcel No. 6.1-H10-277-063

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME GORDON LEROY MARTELL NO. 07-2014-CD

NOW, April 03, 2012 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 July 06, 2012, I exposed the within described real estate of Gordon Leroy Martell And Re ~~becca~~ Ann Martell 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	6.66
LEVY	15.00
MILEAGE	6.66
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	5.30
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPENSE	
COPIES	
BILLING/PHONE FAX	5.00
CONTINUED SALES	5.00
MISCELLANEOUS	20.00
TOTAL SHERIFF COSTS	\$188.62

DEED COSTS:

ACKNOWLEDGMENT	
REGISTER & DEED ORDER	
TRANSFER TAX	0.00
TOTAL DEED COSTS	\$0.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	56,269.64
INTEREST @ 9.2500	14,753.75
FROM 02/23/2008 TO 07/06/2012	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$71,063.39

COSTS:

ADVERTISING	192.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	188.62
LEGAL JOURNAL COSTS	108.00
PROTHONOTARY	145.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$633.62

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 J. WATKINS, 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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

February 14, 2012

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-HE3 v.
GORDON LEROY MARTELL and REBECCA ANN MARTELL
514 FILBERT STREET CURWENSVILLE, PA 16833-1205
No.: 2007-2014-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for March 2, 2012 due to the following: Other.

The Property is to be relisted for the July 6, 2012 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
PATRICK RALSTON 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**

Representing Lenders in
Foreclosure Manager Pennsylvania and New Jersey

February 20, 2012

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: DEUTSCHE BANK NATIONAL TRUST COMPANY, ON BEHALF OF THE
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2007-HE3, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2007-HE3 v.
GORDON LEROY MARTELL and REBECCA ANN MARTELL
514 FILBERT STREET CURWENSVILLE, PA 16833-1205
No.: 2007-2014-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is
scheduled for July 6, 2012 due to the following: Other.

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. In addition, please forward a copy of the cost sheet pertaining to this sale
to our office via facsimile to 215-567-0072 or regular mail at your earliest
convenience.

Thank you for your cooperation in this matter.

Very Truly Yours,
HEATHER PHELAN for
Phelan Hallinan & Schmieg, LLP