

DEC 13 2007 100 Sheriff
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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
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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 166464

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. S/B/M TO BANK ONE NATIONAL
ASSOCIATION, AS TRUSTEE
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 07-2030-CD

CLEARFIELD COUNTY

Plaintiff

v.
LORI LEE PEARCE
16 OLIVE AVENUE
DUBOIS, PA 15801

Defendant

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. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

**IF THIS IS THE FIRST NOTICE THAT YOU HAVE
RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

**PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S)
DO SO IN WRITING WITHIN THIRTY (30) DAYS OF
RECEIPT OF THIS PLEADING, COUNSEL FOR
PLAINTIFF WILL OBTAIN AND PROVIDE
DEFENDANT(S) WITH WRITTEN VERIFICATION
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)
THE NAME AND ADDRESS OF THE ORIGINAL
CREDITOR, IF DIFFERENT FROM ABOVE.**

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS
COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN**

TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. S/B/M TO BANK ONE NATIONAL
ASSOCIATION, AS TRUSTEE
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

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

LORI LEE PEARCE
16 OLIVE AVENUE
DUBOIS, PA 15801

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

3. On 03/16/2001 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to ACCREDITED HOME LENDERS, INCORPORATED which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200103796. By Assignment of Mortgage recorded 10/01/2001 the mortgage was Assigned To BANK ONE NATIONAL ASSOCIATION, AS TRUSTEE which Assignment is recorded in Assignment Of Mortgage Instrument No: 200115570. 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 07/01/2007 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	\$39,087.68
Interest	\$2,570.50
06/01/2007 through 12/11/2007 (Per Diem \$13.25)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$102.16
03/16/2001 to 12/11/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$43,560.34
Escrow	
Credit	\$0.00
Deficit	\$3,989.64
Subtotal	<u>\$3,989.64</u>
TOTAL	\$47,549.98

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$47,549.98, together with interest from 12/11/2007 at the rate of \$13.25 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:  87077

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 lot or piece of land, situate, lying and being in the Borough of DuBois (now City of DuBois), County of Clearfield and State of Pennsylvania, known in Schwem's Addition to said Borough (now City) as Lot No. 8 and bounded and described as follows, to wit:

BEGINNING at a post at Olive Street (now Olive Avenue); thence by line of Lot No. 9, South 55 degrees West, one hundred fifty two (152) feet to a post; thence by Alley, North 41 degrees West fifty (50) feet to a post; thence by line of Lot No. 7, North 55 degrees East one hundred fifty three and one half (153-1/2) feet to a post; thence by Olive Street (now Olive Avenue) South 41 degrees East fifty (50) feet to a post at Lot No. 9 and place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Clifford William Nimmo, et al., dated the 10th day of March, 1997, as recorded in Deed Book Volume 1829, Page 379. At the time of said conveyance into the Grantors, they were unmarried, but since has become husband and wife as of the 20th day of September, 1997

PARCEL#: 003-000-00620


PROPERTY BEING: 16 OLIVE AVENUE

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: 12/12/07

11-11-11

DEC 13 2007

William A. Shaw
Prothonotary/Clerk of Courts

SEP 22 2008
m/11:25/4
Prothonotary/Clerk of Courts
KSC/C

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

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. S/B/M TO BANK ONE NATIONAL
ASSOCIATION, AS TRUSTEE

COURT OF COMMON PLEAS
CIVIL DIVISION

CLEARFIELD COUNTY

v.

NO. 07-2030-CD

LORI LEE PEARCE

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: 2/20/08
File #: 166464

PHELAN HALLINAN & SCHMIEG, LLP

BY: Francis S. Hallinan, Esquire

Identification No. 62695

Attorney For Plaintiff

One Penn Center at Suburban Station

Suite 1400

Philadelphia, PA 19103

(215) 563-7000

THE BANK OF NEW YORK TRUST COMPANY,
N.A. AS SUCCESSOR TO JPMORGAN CHASE
BANK, N.A. S/B/M TO BANK ONE NATIONAL
ASSOCIATION, AS TRUSTEE

COURT OF COMMON PLEAS
CIVIL DIVISION

CLEARFIELD COUNTY

v.

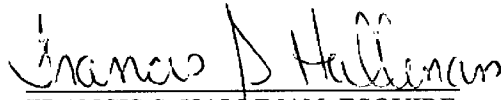
NO. 07-2030-CD

LORI LEE PEARCE

CERTIFICATE OF SERVICE

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

LORI LEE PEARCE
16 OLIVE AVENUE
DUBOIS, PA 15801


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

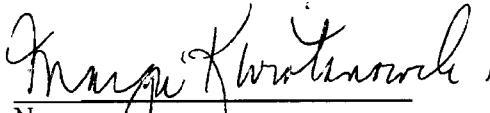
Dated: 2/20/08

File: 166464

VERIFICATION

Margie Kwiatkowski hereby states that he/she is
LSO of HOMECOMINGS FINANCIAL, LLC, servicing agent for
Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements
made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of
his/her knowledge, information and belief. The undersigned understands that this statement is
made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to
authorities.

DATE: 12-17-07


Name: _____
Title: **Margie Kwiatkowski**
Limited Signing Officer

Company: HOMECOMINGS FINANCIAL,
LLC

Loan: 7432718146

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103540
NO: 07-2030-CD
SERVICE # 1 OF 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A.
vs.
DEFENDANT: LORI LEE PEARCE

SHERIFF RETURN

NOW, January 07, 2008 AT 12:35 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON LORI LEE PEARCE DEFENDANT AT SHERIFF'S OFFICE - 1 N. 2nd St, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO LORI LEE PEARCE, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

16 OLIVE AVE., DUBOIS, PA. "OCCUPIED"

SERVED BY: MORGILLO /

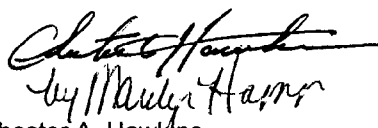
PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	650722	10.00
SHERIFF HAWKINS	PHELAN	650722	75.05

6/3:05 LM
APR 25 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,


Chester A. Hawkins
Sheriff

APR 25 2008

APR 25 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

Attorney For Plaintiff

THE BANK OF NEW YORK TRUST COMPANY, N.A. AS SUCCESSOR TO JPMORGAN CHASE BANK, N.A. S/B/M TO BANK NATIONAL ASSOCIATION, AS TRUSTEE Plaintiff	:	Court of Common Pleas
	:	
	:	Civil Division
	:	
	:	CLEARFIELD County
	:	
vs	:	No. 07-2030-CD
	:	
LORI LEE PEARCE Defendant		

PRAECIPE

TO THE PROTHONOTARY:

Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date: May 7, 2010

PHELAN HALLINAN & SCHMIEG, LLP

By: *James McHugh*

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
Attorneys for Plaintiff

PHS# 166464

MAY 10 10:22 a.m. 2010
106K
William A. Shaw
Prothonotary/Clerk of Courts
100 Atty
Cert. of Disc. to Atty
(6K)

RECEIVED
MAY 07 2010

William A. Shaw
Prothonotary/Clerk of Courts

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

CIVIL DIVISION

**Bank of New York Trust Company, N.A.
JP Morgan Chase Bank, N.A.
Bank One National Association**

**Vs.
Lori Lee Pearce**

No. 2007-02030-CD

CERTIFICATE OF DISCONTINUATION

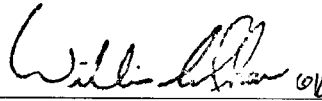
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on May 10, 2010, marked:

Discontinued and Ended

Record costs in the sum of \$85.00 have been paid in full by Jenine R. Davey, Esquire.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 10th day of May A.D. 2010.

A handwritten signature in cursive script, appearing to read 'William A. Shaw', followed by a small mark that looks like '04'.

William A. Shaw, Prothonotary