

07-2130-CD

Wachovia Bank vs James Keith

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 R. 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 167458

ATTORNEY FOR PLAINTIFF

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-2130-CD

v.

CLEARFIELD COUNTY

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

FILED

DEC 31 2007

cc Sheriff

Att. pd. 85.00

William A. Shaw  
Prothonotary/Clerk of Courts

## NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, 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  
2<sup>nd</sup> 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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

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

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

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

3. On 09/25/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200416020. 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	\$50,787.75
Interest	\$2,857.99
07/01/2007 through 12/28/2007 (Per Diem \$15.79)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$125.02
09/25/2004 to 12/28/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,570.76
Escrow	
Credit	\$0.00
Deficit	\$76.43
Subtotal	<u>\$76.43</u>
<b>TOTAL</b>	<b>\$55,647.19</b>

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 \$55,647.19, together with interest from 12/28/2007 at the rate of \$15.79 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 R. 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 parcel of land situate in the Village of Morann, Gulich Township, Clearfeild County, Pennsylvania bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue, thence; extending along Dogwood Street N 35 degrees 12 minutes 36 seconds W, 200.50 feet, thence; extending through the land of which this is a part, W 60 degrees 30 minutes 00 second E, 100.00 feet and 5 60 seconds 30 minutes 00 second W, 90.00 feet to this place of beginning.

Containing in area 0.218 acres of land, more or less

BEING the same premises granted and conveyed unto James Keith and Regina Keith, his wife from Michael J. Deao and Frances L. Deao, his wife, by deed dated June 30, 1992, recorded date June 30, 1992 at Clearfield County Record Book 1469 Page 565.

PARCEL#: 118-M15-520-28

PROPERTY BEING: 77 HICKORY STREET

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: 12/28/07

## Mortgage Foreclosures

Date		Judge
12/31/2007	New Case Filed.	No Judge
	Filing: Complaint in Mortgage Foreclosure, situated in the Village of Morann, Gulich Township. Paid by: Hallinan, Francis S. (attorney for Wachovia Bank, NA) Receipt number: 1922040 Dated: 12/31/2007 Amount: \$85.00 (Check) 6CC shff.	No Judge
2/8/2008	Motion to Direct The Sheriff to File Affidavit of Service, filed by s/ Michele M. Bradford, Esquire. No CC	No Judge
	Certificate of Service, filed. That true and correct copies of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service and Brief in Support thereof were served on Chester A. Hawkins-shff., Peter F. Smith Esq., James Keith and Regina Keith, filed by s/ Michele M. Bradford Esq. No CC.	No Judge
2/11/2008	Order, filed 1 Cert. to Sheriff NOW, this 11th day of Feb. 2008. Order for sheriff to file return within seven days.	No Judge
	Sheriff Return, January 9, 2008 at 10:33 am Served the within Complaint in Mortgage Foreclosure on James Keith by handing to James Keith. January 9, 2008 at 10:33 am Served the within Complaint in Mortgage Foreclosure on Regina Keith by handing to James Keith. January 4, 2008 Sheriff of Montgomery County was deputized. January 8, 2008 Attempted to serve the within Complaint in Mortgage Foreclosure on James Keith. January 8, 2008 Attempted to served the within Complaint in Mortgage Foreclosure on Regina Keith. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$90.20 Montgomery Co costs pd by Phelan \$49.00	No Judge
3/11/2008	Filing: Praeipe for In Rem Judgment for Failure to Answer and Assessment of Damages. Paid by: Hallinan, Francis S. (attorney for Wachovia Bank, NA) Receipt number: 1923047 Dated: 3/11/2008 Amount: \$20.00 (Check) Judgment entered in favor of the Plaintiff and against the defendant in the amount of \$56,799.86. 1CC & notice to defts and statement to Atty.	No Judge
3/14/2008	Praeipe to Substitute Verification to Civil Action Complaint in Mortgage Foreclosure, filed by s/ Francis S. Hallinan, Esquire. no CC	No Judge
3/31/2008	Filing: Writ of Execution / Possession Paid by: Hallinan, Francis S. (attorney for Wachovia Bank, NA) Receipt number: 1923373 Dated: 3/31/2008 Amount: \$20.00 (Check) Writ of Execution in the amount of \$56,799.86. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & 6 Writs w/prop. desc. to sheriff	No Judge
	Praeipe to Substitute Legal Description, filed by s/ Daniel G. Schmieg, Esquire. No CC	No Judge
5/12/2008	Plaintiff's Motion to Reassess Damages, filed by s/ Michele M. Bradford, Esquire. No CC	No Judge
5/14/2008	Rule, this 14th day of May, 2008, a Rule is entered upon the Defendants. Rule Returnable on the 6th day of June, 2008, at 1:30 p.m. By the Court, /s/ Fredric J. Ammerman, Pres. Judge. 1CC Atty. Bradford	Fredric Joseph Ammerman

Date: 5/28/2008

**Clearfield County Court of Common Pleas**

User: GLKNISLEY

Time: 03:23 PM

ROA Report

Page 2 of 2

Case: 2007-02130-CD


Current Judge: Fredric Joseph Ammerman

Wachovia Bank, NA vs. James Keith, Regina Keith

**Mortgage Foreclosures**

Date		Judge
5/22/2008	4 Certification of Service, filed. That a true and correct copy of the Court's May 14, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served to James Keith and Regina Keith, filed by s/ Michele M. Bradford Esq. No CC.	Fredric Joseph Ammerman

08

**FILED**   
FEB 11 2008  
0/11-20/0  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 SENT TO SHAW

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

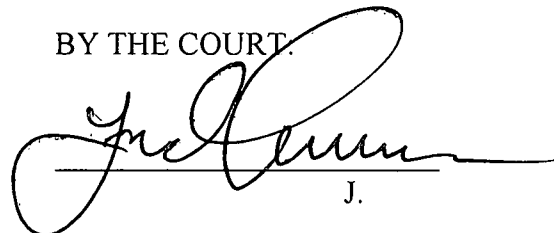
Wachovia Bank, NA as Trustee for PPSI 2004-WF1 :	Court of Common Pleas
3476 Stateview Boulevard :	
Fort Mill, SC 28715 :	
Plaintiff :	Civil Division
vs. :	
James Keith :	Clearfield County
Regina Keith :	
77 Hickory Street :	No. 07-2130-CD
Morann, PA 16663 :	
Defendants :	

**ORDER**

AND NOW, this 11 day of Feb, 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.

FILED NO cc  
m/12:40/30  
FEB 08 2008 (6K)

William A. Shaw  
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

Wachovia Bank, NA as Trustee for PPSI 2004-WF1 :  
3476 Stateview Boulevard :  
Fort Mill, SC 28715 :  
Plaintiff :

Court of Common Pleas

Civil Division

vs. :

Clearfield County

James Keith :  
Regina Keith :  
77 Hickory Street :  
Morann, PA 16663 :

No. 07-2130-CD

Defendants :

**MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE**

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on December 31, 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 31, 2008, the Sheriff's Office verbally advised counsel for Plaintiff that James Keith accepted service on behalf of himself and Regina Keith on January 9, 2008.

4. On February 5, 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 9, 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 \$15.79 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

Date

2/7/08



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

# **EXHIBIT A**



**FILED**  
DEC 31 2007  
William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
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ATTORNEY FOR PLAINTIFF

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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-2130-CD

CLEARFIELD COUNTY

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

We hereby certify the  
within to be a true and  
correct copy of the  
original filed of record

ATTORNEY FILE COPY  
PLEASE RETURN

## NOTICE

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PLAINTIFF WILL OBTAIN AND PROVIDE  
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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.

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1. Plaintiff is

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

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

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

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

3. On 09/25/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200416020. 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	\$50,787.75
Interest	\$2,857.99
07/01/2007 through 12/28/2007 (Per Diem \$15.79)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$125.02
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Subtotal	\$55,570.76
Escrow	
Credit	\$0.00
Deficit	\$76.43
Subtotal	<u>\$76.43</u>
<b>TOTAL</b>	<b>\$55,647.19</b>

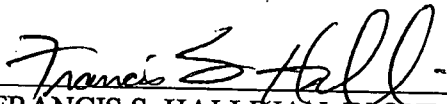
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9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have 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 \$55,647.19, together with interest from 12/28/2007 at the rate of \$15.79 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 R. SHAH-JANI, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
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MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

### LEGAL DESCRIPTION

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Containing in area 0.218 acres of land, more or less

BEING the same premises granted and conveyed unto James Keith and Regina Keith, his wife from Michael J. Deao and Frances L. Deao, his wife, by deed dated June 30, 1992, recorded date June 30, 1992 at Clearfield County Record Book 1469 Page 565.

PARCEL#: 118-M15-520-28

PROPERTY BEING: 77 HICKORY STREET



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: 12/28/07

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.

Date

2/7/08

PHELAN HALLINAN & SCHMIEG, LLP



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

FILED *no cc*  
*m/12:40 PM*  
FEB 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

Wachovia Bank, NA as Trustee for PPSI 2004-WF1 :  
3476 Stateview Boulevard :  
Fort Mill, SC 28715 :  
Plaintiff :

Court of Common Pleas

Civil Division

vs.

Clearfield County

James Keith :  
Regina Keith :  
77 Hickory Street :  
Morann, PA 16663 :  
Defendants :

No. 07-2130-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 2<sup>nd</sup> Street  
PO Box 130  
Clearfield, PA 16830-2347  
(Sheriff's Solicitor)

James Keith  
Regina Keith  
77 Hickory Street  
Morann, PA 16663

2/7/08  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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

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

DOCKET # 103602  
NO: 07-2130-CD  
SERVICE # 1 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WACHOVIA BANK, NA  
vs.  
DEFENDANT: JAMES KEITH and REGINA KEITH

**SHERIFF RETURN**

NOW, January 09, 2008 AT 10:33 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JAMES KEITH DEFENDANT AT 77 HICKORY ST., MORANN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES KEITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

**FILED**

93:30 cm  
FEB 11 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

DOCKET # 103602  
NO: 07-2130-CD  
SERVICE # 2 OF 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WACHOVIA BANK, NA  
vs.  
DEFENDANT: JAMES KEITH and REGINA KEITH

**SHERIFF RETURN**

---

NOW, January 09, 2008 AT 10:33 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON REGINA KEITH DEFENDANT AT 77 HICKORY ST., MORANN, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES KEITH, HUSBAND 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 # 103602

NO: 07-2130-CD

SERVICE # 3 OF 4

COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WACHOVIA BANK, NA

vs.

DEFENDANT: JAMES KEITH and REGINA KEITH

SHERIFF RETURN

---

NOW, January 04, 2008, SHERIFF OF MONTGOMERY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JAMES KEITH.

NOW, January 08, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JAMES KEITH, DEFENDANT. THE RETURN OF MONTGOMERY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

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

DOCKET # 103602

NO: 07-2130-CD

SERVICE # 4 OF 4

COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WACHOVIA BANK, NA

VS.

DEFENDANT: JAMES KEITH and REGINA KEITH

**SHERIFF RETURN**

---

NOW, January 04, 2008, SHERIFF OF MONTGOMERY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON REGINA KEITH.

NOW, January 08, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON REGINA KEITH, DEFENDANT. THE RETURN OF MONTGOMERY COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103602  
NO: 07-2130-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WACHOVIA BANK, NA  
vs.  
DEFENDANT: JAMES KEITH and REGINA KEITH

SHERIFF RETURN

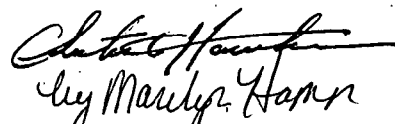
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	655120	40.00
SHERIFF HAWKINS	PHELAN	655120	50.20
MONTGOMERY CO.	PHELAN	655138	49.00

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff



# MONTGOMERY COUNTY SHERIFF'S DEPARTMENT

## ORDER FOR SERVICE

To: John P. Durante  
P.O. Box 311  
Norristown, PA 19404

Date: 01/07/2008  
Prothonotary No: 07-2130  
Sheriff's No: 08000370

Phone: 610-278-3331 Fax: 610-278-3331  
<http://sheriff.montcopa.org>



Attorney's or Plaintiff's Name and Address:

Civil Action

Phelan Hallinan & Schmieg  
1617 JFK Boulevard  
Suite 1400  
PHILADELPHIA, PA 19103  
Atty Id: 62695 Tel #:

### PLAINTIFF

Wachovia Bank, NA

Vs.

### DEFENDANT

James Keith and Regina Keith

SERVED: \_\_\_\_\_

NOT SERVED: \_\_\_\_\_

### SERVICE UPON:

Regina Keith  
248 Schuylkill Road  
POTTSTOWN, PA 19464

Last Day for Service: 01/30/2008

NOTES

SHERIFF'S RETURN OF SERVICE  
MONTGOMERY COUNTY

08000370

**Plaintiff(s)**  
WACHOVIA BANK, NA,...

**CIVIL ACTION NUMBER**

**Defendant(s)**  
JAMES KEITH  
REGINA KEITH

**SHERIFF'S NUMBER**

**COST**

**MILEAGE**

**Serve At**  
REGINA KEITH 2012  
248 SCHUYKILL ROAD  
POTTSTOWN, PA 19465

**DISTRICT**

☐ Summons ☒ Complaint  
☐ Other

**Special Instructions**

**TYPE OF ACTION**  
Mortgage Foreclosure

RECEIVED  
MONTGOMERY COUNTY  
SHERIFF'S DEPT.  
08 JAN -7 PM 2:28

**TO BE COMPLETED BY SHERIFF**

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_m., at \_\_\_\_\_, County of \_\_\_\_\_, Commonwealth of Pennsylvania, in the manner described below:

- ☐ Defendant(s) personally served.  
☐ Adult family member with whom said Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
☐ Adult in charge of Defendant's residence who refused to give name or relationship.  
☐ Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
☐ Agent or person in charge of Defendant's office or usual place of business.  
☐ \_\_\_\_\_ and officer of said Defendant company.  
☐ Other:

**SHERIFF**

By: \_\_\_\_\_, Deputy Sheriff

On the 8 day of January, 2008, at 6:00 o'clock, A.m., Defendant not found because:  
Moved ☐ Unknown ☐ No Answer ☐ Vacant ☒ Other out of county chester

**SHERIFF**

By: A. B., Deputy Sheriff

**DEPUTIZED SERVICE**

Now, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I, Sheriff of \_\_\_\_\_ County, Pennsylvania do hereby deputize the Sheriff of \_\_\_\_\_ County to serve this Complaint and make return thereof and according to law.

**SHERIFF**

By: \_\_\_\_\_, Deputy Sheriff

**ATTORNEY FOR PLAINTIFF:**

Francis S. Hallinan, Esq. Id., No. 62695  
Daniel G. Schmieg, Esq. Id., No. 62205  
Michele M. Bradford, Esq. Id., No. 69849  
Sheetal R. 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  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103

**TO BE COMPLETED BY PROTHONOTARY**

ATTEST \_\_\_\_\_  
Pro Prothy

\_\_\_\_\_  
Date



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641  
FAX (814) 765-5915  
ROBERT SNYDER  
CHIEF DEPUTY  
MARILYN HAMM  
DEPT. CLERK  
CYNTHIA AUGHENBAUGH  
OFFICE MANAGER  
KAREN BAUGHMAN  
CLERK TYPIST  
PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 103602

WACHOVIA BANK, NA

VS.

JAMES KEITH and REGINA KEITH

TERM & NO. 07-2130-CD

COMPLAINT IN MORTGAGE FORECLOSURE

**SERVE BY: 01/30/08**  
**COURT DATE:**

### MAKE REFUND PAYABLE TO PHELAN HALLINAN & SCHMIEG

**SERVE:** REGINA KEITH

**ADDRESS:** 248 SCHUYKILL ROAD, POTTSTOWN, PA 19465

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF MONTGOMERY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 04, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

DEC 31 2007

Attest.

*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 R. 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

167458

ATTORNEY FOR PLAINTIFF

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 07-2130-CD

CLEARFIELD COUNTY

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

We hereby certify the  
within to be a true and  
correct copy of the  
original filed of record

## 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  
2<sup>nd</sup> 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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

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

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

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

3. On 09/25/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200416020. 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	\$50,787.75
Interest	\$2,857.99
07/01/2007 through 12/28/2007 (Per Diem \$15.79)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$125.02
09/25/2004 to 12/28/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,570.76
Escrow	
Credit	\$0.00
Deficit	\$76.43
Subtotal	<u>\$76.43</u>
<b>TOTAL</b>	\$55,647.19

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 \$55,647.19, together with interest from 12/28/2007 at the rate of \$15.79 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 R. 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 parcel of land situate in the Village of Morann, Gulich Township, Clearfeild County, Pennsylvania bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue, thence; extending along Dogwood Street N 35 degrees 12 minutes 36 seconds W, 200.50 feet, thence; extending through the land of which this is a part, W 60 degrees 30 minutes 00 second E, 100.00 feet and 5 60 seconds 30 minutes 00 second W, 90.00 feet to this place of beginning.

Containing in area 0.218 acres of land, more or less

BEING the same premises granted and conveyed unto James Keith and Regina Keith, his wife from Michael J. Deao and Frances L. Deao, his wife, by deed dated June 30, 1992, recorded date June 30, 1992 at Clearfield County Record Book 1469 Page 565.

PARCEL#: 118-M15-520-28

PROPERTY BEING: 77 HICKORY STREET

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.

Francis Stell  
Attorney for Plaintiff

DATE: 12/28/07



# MONTGOMERY COUNTY SHERIFF'S DEPARTMENT

## ORDER FOR SERVICE

To: John P. Durante  
P.O. Box 311  
Norristown, PA 19404

Date: 01/07/2008  
Prothonotary No: 07-2130  
Sheriff's No: 08000370

Phone: 610-278-3331 Fax: 610-278-3331  
<http://sheriff.montcopa.org>



Attorney's or Plaintiff's Name and Address:

Civil Action

Phelan Hallinan & Schmieg  
1617 JFK Boulevard  
Suite 1400  
PHILADELPHIA, PA 19103  
Atty Id: 62695 Tel #:

### PLAINTIFF

Wachovia Bank, NA

Vs.

### DEFENDANT

James Keith and Regina Keith

### SERVICE UPON:

James Keith  
248 Schuylkill Road  
POTTSTOWN, PA 19464

SERVED: \_\_\_\_\_

NOT SERVED: \_\_\_\_\_

Last Day for Service: 01/30/2008

NOTES

SHERIFF'S RETURN OF SERVICE  
MONTGOMERY COUNTY

08000370

Plaintiff(s)  
WACHOVIA BANK, NA,...

CIVIL ACTION NUMBER

Defendant(s)  
JAMES KEITH  
REGINA KEITH

SHERIFF'S NUMBER

COST

MILEAGE

Serve At  
JAMES KEITH  
248 SCHUYKILL ROAD  
POTTSTOWN, PA 19465

DISTRICT

\_\_ Summons xx Complaint  
\_\_ Other

TYPE OF ACTION  
Mortgage Foreclosure

Special Instructions

08 JAN - 7 PM 2:08  
RECEIVED  
MONTGOMERY COUNTY  
SHERIFF'S DEPT.

TO BE COMPLETED BY SHERIFF

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_.m., at  
, County of \_\_\_\_\_, Commonwealth of Pennsylvania, in the manner described below:

- \_\_\_\_ Defendant(s) personally served.  
\_\_\_\_ Adult family member with whom said Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
\_\_\_\_ Adult in charge of Defendant's residence who refused to give name or relationship.  
\_\_\_\_ Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
\_\_\_\_ Agent or person in charge of Defendant's office or usual place of business.  
\_\_\_\_ \_\_\_\_\_ and officer of said Defendant company.  
\_\_\_\_ Other:

SHERIFF

By: \_\_\_\_\_, Deputy Sheriff

On the 8 day of January, 2008, at 6:00 o'clock, A.m., Defendant not found because:  
Moved    Unknown    No Answer    Vacant X Other out of County Chester

SHERIFF

By: A. Berry, Deputy Sheriff

DEPUTIZED SERVICE

Now, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I, Sheriff of \_\_\_\_\_ County, Pennsylvania do hereby deputize the Sheriff of  
County to serve this Complaint and make return thereof and according to law.

SHERIFF

By: \_\_\_\_\_, Deputy Sheriff

ATTORNEY FOR PLAINTIFF:

TO BE COMPLETED BY PROTHONOTARY

Francis S. Hallinan, Esq. Id., No. 62695  
Daniel G. Schmieg, Esq. Id., No. 62205  
Michele M. Bradford, Esq. Id., No. 69849  
Sheetal R. Shah-Jani, Esq. Id., No. 81760  
Judith T. Romaho, Esq. Id., No. 58745  
Jenine R. Davey, Esq. Id., No. 87077  
Michael E. Carleton, Esq. Id., No. 203009  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103

ATTEST \_\_\_\_\_  
Pro Prothy

\_\_\_\_\_  
Date



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER  
CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

KAREN BAUGHMAN  
CLERK TYPIST

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 103602

TERM & NO. 07-2130-CD

WACHOVIA BANK, NA

COMPLAINT IN MORTGAGE FORECLOSURE

vs.

JAMES KEITH and REGINA KEITH

**SERVE BY: 01/30/08**

**COURT DATE:**

**MAKE REFUND PAYABLE TO PHELAN HALLINAN & SCHMIEG**

**SERVE:** JAMES KEITH

**ADDRESS:** 248 SCHUYKILL ROAD, POTTSTOWN, PA 19465

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF MONTGOMERY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, January 04, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



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

DEC 31 2007

Attest.

*William L. 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 R. 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 \_\_\_\_\_ 167458

ATTORNEY FOR PLAINTIFF

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 07-2130-CD

v.

CLEARFIELD COUNTY

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

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## 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.

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**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)  
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PLAINTIFF WILL OBTAIN AND PROVIDE  
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SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH  
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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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

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

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

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

3. On 09/25/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200416020. 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	\$50,787.75
Interest	\$2,857.99
07/01/2007 through 12/28/2007 (Per Diem \$15.79)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$125.02
09/25/2004 to 12/28/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,570.76
Escrow	
Credit	\$0.00
Deficit	\$76.43
Subtotal	<u>\$76.43</u>
<b>TOTAL</b>	<b>\$55,647.19</b>

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 \$55,647.19, together with interest from 12/28/2007 at the rate of \$15.79 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 R. 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 parcel of land situate in the Village of Morann, Gulich Township, Clearfeild County, Pennsylvania bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue, thence; extending along Dogwood Street N 35 degrees 12 minutes 36 seconds W, 200.50 feet, thence; extending through the land of which this is a part, W 60 degrees 30 minutes 00 second E, 100.00 feet and 5 60 seconds 30 minutes 00 second W, 90.00 feet to this place of beginning.

Containing in area 0.218 acres of land, more or less

BEING the same premises granted and conveyed unto James Keith and Regina Keith, his wife from Michael J. Deao and Frances L. Deao, his wife, by deed dated June 30, 1992, recorded date June 30, 1992 at Clearfield County Record Book 1469 Page 565.

PARCEL#: 118-M15-520-28

PROPERTY BEING: 77 HICKORY STREET



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: 12/28/07

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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 07-2130-CD

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REGINA KEITH  
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Defendants

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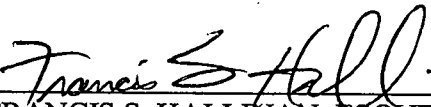
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167458

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Cumulative Late Charges	\$125.02
09/25/2004 to 12/28/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,570.76
Escrow	
Credit	\$0.00
Deficit	\$76.43
Subtotal	<u>\$76.43</u>
<b>TOTAL</b>	\$55,647.19

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 \$55,647.19, together with interest from 12/28/2007 at the rate of \$15.79 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 R. 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 parcel of land situate in the Village of Morann, Gulich Township, Clearfeild County, Pennsylvania bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue, thence; extending along Dogwood Street N 35 degrees 12 minutes 36 seconds W, 200.50 feet, thence; extending through the land of which this is a part, W 60 degrees 30 minutes 00 second E, 100.00 feet and 5 60 seconds 30 minutes 00 second W, 90.00 feet to this place of beginning.

Containing in area 0.218 acres of land, more or less

BEING the same premises granted and conveyed unto James Keith and Regina Keith, his wife from Michael J. Deao and Frances L. Deao, his wife, by deed dated June 30, 1992, recorded date June 30, 1992 at Clearfield County Record Book 1469 Page 565.

PARCEL#: 118-M15-520-28

PROPERTY BEING: 77 HICKORY STREET

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: 12/28/07

PHELAN HALLINAN & SCHMIEG, LLP  
By: Francis S. Hallinan, Esquire  
IDENTIFICATION NO. 62695  
1617 JFK Boulevard, Suite 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Wachovia Bank, NA, As Trustee  
For PPSI 2004-WF1

Plaintiff

vs.

James Keith  
Regina Keith

Defendant(s)

: Clearfield County  
:  
: Court of Common Pleas  
:  
: CIVIL DIVISION  
:  
: NO. 07-2130-CD  
:  
:  
:

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.

  
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

Dated: 3-12-08

FILED NO CC  
MAR 14 2008

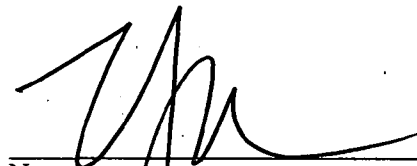
William A. Shaw  
Prothonotary/Clerk of Courts

**VERIFICATION**

Yolanda Williams hereby states that he/she is

Vice President of Loan Documentation of AMERICA'S SERVICING COMPANY, 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.

  
Name: Yolanda Williams  
Title: Vice President of Loan Documentation

DATE: December 31, 2007

Company: AMERICA'S SERVICING  
COMPANY

Loan: 1247014925

File #: 167458

PHELAN HALLINAN & SCHMIEG, LLP  
By: Francis S. Hallinan, Esquire  
IDENTIFICATION NO. 62695  
1617 JFK Boulevard, Suite 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

Wachovia Bank, NA, As Trustee  
For PPSI 2004-WF1

Plaintiff

vs.

James Keith  
Regina Keith

Defendant(s)

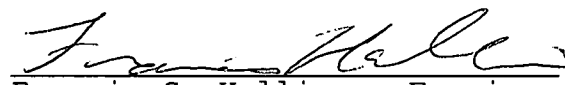
: Clearfield County  
:  
: Court of Common Pleas  
:  
: CIVIL DIVISION  
:  
: NO. 07-2130-CD  
:  
:  
:  
:

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 indicated below:

James Keith  
77 Hickory Street  
Morann, PA 16663

Regina Keith  
77 Hickory Street  
Morann, PA 16663

  
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

Dated: 3-12-08

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

**FILED** *Atty pd. 20.00*  
*m/2:15 PM*  
**MAR 11 2008** *1cc - Notice*  
*to Defs.*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*Statement to Atty*

**WACHOVIA BANK, NA, AS TRUSTEE FOR  
PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715**

**Plaintiff,**

**v.**

**JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663**

**Defendant(s).**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 07-2130-CD**

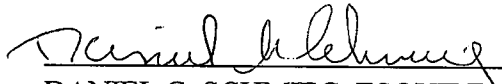
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **JAMES KEITH and REGINA KEITH**, 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	\$ 55,647.19
Interest - 12/29/07-3/10/08	\$1,152.67
<b>TOTAL</b>	<b><u>\$ 56,799.86</u></b>

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:** 3/11/08

  
PRO PROTHY

167458

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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
Plaintiff

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

JAMES KEITH  
REGINA KEITH

: NO. 07-2130-CD

Defendants

FILE COPY

TO: REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663,

DATE OF NOTICE: FEBRUARY 5, 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 SEIDMAN, 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

WACHOVIA BANK, NA, AS

TRUSTEE FOR PPSI 2004-WF1

Plaintiff

Vs.

JAMES KEITH

REGINA KEITH

Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 07-2130-CD

FILE COPY

TO: JAMES KEITH  
77 HICKORY STREET  
MORANN, PA 16663

DATE OF NOTICE: FEBRUARY 5, 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 SEIDMAN, Legal Assistant

**(215) 563-7000**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 07-2130-CD**

Daniel G. Schmieg  
DANIEL G. SCHMIEG, ESQUIRE

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

WACHOVIA BANK, NA, AS TRUSTEE FOR  
PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

Plaintiff,

v.

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 07-2130-CD

COPY

Notice is given that a Judgment in the above captioned matter has been entered against you  
on March 11, 2008.

BY Willie L. Hester DEPUTY

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

Daniel G. Schmieg  
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

COPY

Wachovia Bank, NA  
Plaintiff(s)

No.: 2007-02130-CD

Real Debt: \$56,799.86

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

James Keith  
Regina Keith  
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: March 11, 2008

Expires: March 11, 2013

Certified from the record this 11th day of March, 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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1

vs.

JAMES KEITH  
REGINA KEITH

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 07-2130-CD Term 20.....

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	\$56,799.86
Interest from 03/11/08 to Sale	\$ _____
Per diem \$9.34	
Add'l Costs	\$3,432.50
Writ Total	\$ _____

Prothonotary costs 125.00

*David D. Schmitz*  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

167458

FILED

MAR 31 2008

William A. Shaw  
Prothonotary/Clerk of Courts

Att. pd. 20.00  
ICC Colewrits  
w/prop. desc  
to Sheriff

(GK)

No. 07-2130-CD ..... Term 20 ..... A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI  
2004-WF1

vs.

JAMES KEITH  
REGINA KEITH



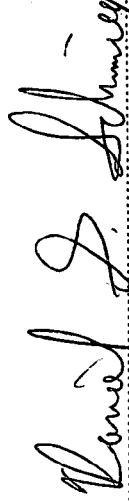
William A. Shaw  
Prothonotary/Clerk of Courts

FILED

MAR 31 2008

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff(s)

Address: JAMES KEITH      REGINA KEITH  
77 HICKORY STREET      77 HICKORY STREET  
MORANN, PA 16663      MORANN, PA 16663

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

WACHOVIA BANK, NA, AS TRUSTEE FOR :

PPSI 2004-WF1 :

3476 STATEVIEW BLVD :

FORT MILL, SC 29715 :

Plaintiff, :

v. :

JAMES KEITH :

REGINA KEITH :

77 HICKORY STREET :

MORANN, PA 16663 :

Defendant(s). :

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-2130-CD

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
- (X) 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

WACHOVIA BANK, NA, AS TRUSTEE FOR  
PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

Plaintiff,

v.

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
  
CIVIL DIVISION  
  
NO. 07-2130-CD

**AFFIDAVIT PURSUANT TO RULE 3129  
(Affidavit No.1)**

WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeceptum for the Writ of Execution was filed, the following information concerning the real property located at **77 HICKORY STREET, MORANN, PA 16663**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
------	---

JAMES KEITH	77 HICKORY STREET MORANN, PA 16663
-------------	---------------------------------------

REGINA KEITH	77 HICKORY STREET MORANN, PA 16663
--------------	---------------------------------------

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.

03/27/08

Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff



WACHOVIA BANK, NA, AS TRUSTEE FOR  
PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

Plaintiff,

v.

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-2130-CD

**AFFIDAVIT PURSUANT TO RULE 3129**

WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **77 HICKORY STREET, MORANN, PA 16663**.

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.)
None	

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.)
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	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	77 HICKORY STREET MORANN, PA 16663
-----------------	---------------------------------------

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	6 <sup>th</sup> Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128
--	---

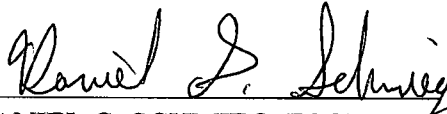
Internal Revenue Service Federated Investors Tower	13 <sup>TH</sup> Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222
---	---

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.

03/27/08

Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

COPY

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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1

vs.

JAMES KEITH

REGINA KEITH

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20

No. 07-2130-CD ..... Term 20

No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

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: 77 HICKORY STREET, MORANN, PA 16663  
(See Legal Description attached)

Amount Due

\$56,799.86

Interest from 03/11/08 to Sale

Prothonotary costs

125.00

Per diem \$9.34

\$ \_\_\_\_\_

Add'l Costs

\$3,432.50

Writ Total



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

Dated 3/31/08  
(SEAL)

No. 07-2130-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI  
2004-WF1

vs.

JAMES KEITH  
REGINA KEITH

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs

Real Debt \$56,799.86

Int. from 03/11/08

To Date of Sale (\$9.34 per diem)

Costs

Prothy Pd.

Sheriff

*David D. Schmitz*  
Attorney for Plaintiff(s)

Address: JAMES KEITH  
77 HICKORY STREET  
MORANN, PA 16663

REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

## **LEGAL DESCRIPTION**

ALL that certain lot or parcel of land situate in the Village of Morann, Gulich Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue thence extending along Dogwood Street N 35 degrees 12 minutes 38 seconds W, 100.50 feet, thence; extending through the land of which this is a part, N 60 degrees 30 minutes 00 second E, 100.00 feet and S 29 degrees 30 minutes 00 second E, 100.00 feet, to First Street, thence extending along First Street S 60 degrees 30 minutes 00 second W, 90.00 feet, to the place of beginning.

CONTAINING in area, 0.218 acres of land, more or less.

## **RECORD OWNER**

TITLE TO SAID PREMISES IS VESTED IN James Keith and Regina Keith, his wife, as tenants by the entireties, by Deed from Michael J. Deao and Frances L. Deao, his wife, dated 06/30/1992, recorded 06/30/1992, in Deed Book 1469, page 565.

Premises being: 77 **HICKORY STREET**  
**MORANN, PA 16663**

Tax Parcel No. #1: 118-M15-520-28      #2: CONTROL# 118033998

PHELAN HALLINAN & SCHMIEG, LLP  
By: Daniel G. Schmieg, Esquire, ID No. 62205  
One Penn Center at Suburban Station  
Suite 1400  
Philadelphia, PA 1903-1814  
215-563-7000

Attorney for Plaintiff

167458

WACHOVIA BANK, NA, AS TRUSTEE  
FOR PPSI 2004-WF1

COURT OF COMMON PLEAS

CIVIL DIVISION

vs.

CLEARFIELD COUNTY

JAMES KEITH  
REGINA KEITH

No.: 07-2130-CD

**PRAECIPE TO SUBSTITUTE LEGAL DESCRIPTION**

TO THE PROTHONOTARY:

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

March 27, 2008  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**FILED** *NO CC*  
*m/2:11/08*  
**MAR 31 2008** *(GP)*

William A. Shaw  
Prothonotary/Clerk of Courts

## **LEGAL DESCRIPTION**

ALL that certain lot or parcel of land situate in the Village of Morann, Gulich Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue thence extending along Dogwood Street N 35 degrees 12 minutes 38 seconds W, 100.50 feet, thence; extending through the land of which this is a part, N 60 degrees 30 minutes 00 second E, 100.00 feet and S 29 degrees 30 minutes 00 second E, 100.00 feet, to First Street, thence extending along First Street S 60 degrees 30 minutes 00 second W, 90.00 feet, to the place of beginning.

CONTAINING in area, 0.218 acres of land, more or less.

## **RECORD OWNER**

TITLE TO SAID PREMISES IS VESTED IN James Keith and Regina Keith, his wife, as tenants by the entireties, by Deed from Michael J. Deao and Frances L. Deao, his wife, dated 06/30/1992, recorded 06/30/1992, in Deed Book 1469, page 565.

Premises being: **77 HICKORY STREET**  
**MORANN, PA 16663**

Tax Parcel No. #1: **118-M15-520-28**      #2: **CONTROL# 118033998**

FILED *no cc*  
MAY 12 2008 *GR*

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN 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

WACHOVIA BANK, NA, AS TRUSTEE FOR

PPSI 2004-WF1

Plaintiff

vs.

JAMES KEITH

REGINA KEITH

Defendants

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 07-2130-CD

**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 31, 2007, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on March 11, 2008 in the amount of \$56,799.86. 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 June 6, 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	\$50,787.75
Interest Through June 6, 2008	\$5,267.38
Per Diem \$14.44	
Late Charges	\$125.02
Legal fees	\$2,210.00
Cost of Suit and Title	\$1,186.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$90.00
Appraisal/Brokers Price Opinion	\$285.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$29.83
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$2,541.19
<b>TOTAL</b>	<b>\$62,522.67</b>

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: \_\_\_\_\_

5/9/08

By: \_\_\_\_\_

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire  
Attorney for Plaintiff

# **Exhibit “A”**

FILED  
DEC 31 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 R. 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

167458

ATTORNEY FOR PLAINTIFF

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 07-2130-CD

CLEARFIELD COUNTY

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

We hereby certify the  
within to be a true and  
correct copy of the  
original filed of record

ATTORNEY FILE COPY  
PLEASE RETURN

### 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  
2<sup>nd</sup> 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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1  
3476 STATEVIEW BLVD  
FORT MILL, SC 29715

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

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

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

3. On 09/25/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200416020. 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:

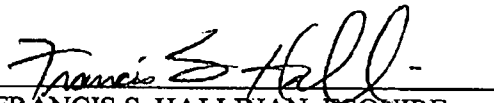
Principal Balance	\$50,787.75
Interest	\$2,857.99
07/01/2007 through 12/28/2007 (Per Diem \$15.79)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$125.02
09/25/2004 to 12/28/2007	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,570.76
Escrow	
Credit	\$0.00
Deficit	\$76.43
Subtotal	<u>\$76.43</u>
<b>TOTAL</b>	<b>\$55,647.19</b>

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 \$55,647.19, together with interest from 12/28/2007 at the rate of \$15.79 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 R. 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 parcel of land situate in the Village of Morann, Gulich Township, Clearfeild County, Pennsylvania bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue, thence; extending along Dogwood Street N 35 degrees 12 minutes 36 seconds W, 200,50 feet, thence; extending through the land of which this is a part, W 60 degrees 30 minutes 00 second E, 100.00 feet and 5 60 seconds 30 minutes 00 second W, 90.00 feet to this place of beginning.

Containing in area 0.218 acres of land, more or less

BEING the same premises granted and conveyed unto James Keith and Regina Keith, his wife from Michael J. Deao and Frances L. Deao, his wife, by deed dated June 30, 1992, recorded date June 30, 1992 at Clearfield County Record Book 1469 Page 565.

PARCEL#: 118-M15-520-28

PROPERTY BEING: 77 HICKORY STREET

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.

Francis Stoll  
Attorney for Plaintiff

DATE: 12/28/07

## **Exhibit “B”**

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

ATTORNEY FILE COPY  
PLEASE RETURN

WACHOVIA BANK, NA, AS TRUSTEE FOR

PPSI 2004-WF1

3476 STATEVIEW BLVD

FORT MILL, SC 29715

Plaintiff,

v.

JAMES KEITH

REGINA KEITH

77 HICKORY STREET

MORANN, PA 16663

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 07-2130-CD

ATTORNEY FILE COPY  
PLEASE RETURN

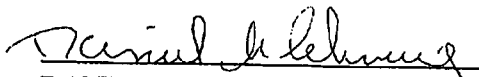
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against JAMES KEITH and REGINA KEITH, 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:	\$ 55,647.19
Interest - 12/29/07-3/10/08	\$1,152.67
TOTAL	<u>\$ 56,799.86</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: 3/11/08

167458

  
PRO PROTHY

FILED  
MAR 11 2008

William A. Shaw  
Prothonotary/Clerk of Courts

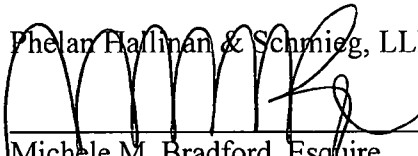
**VERIFICATION**

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: \_\_\_\_\_

8/9/08

By: \_\_\_\_\_

Phelan Hallinan & Schmieg, 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

WACHOVIA BANK, NA, AS TRUSTEE FOR

PPSI 2004-WF1

Plaintiff

Court of Common Pleas

Civil Division

vs.

CLEARFIELD County

JAMES KEITH

REGINA KEITH

No. 07-2130-CD

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.

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

JAMES KEITH  
REGINA KEITH  
PO BOX 18  
MORANN, PA 16663

JAMES KEITH  
REGINA KEITH  
248 SCHUYKILL ROAD  
POTTSTOWN, PA 19465

DATE:

8/9/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire  
Attorney for Plaintiff



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

WACHOVIA BANK, NA, AS TRUSTEE FOR  
PPSI 2004-WF1

Plaintiff

vs.

JAMES KEITH  
REGINA KEITH

Defendants

Court of Common Pleas

Civil Division

CLEARFIELD County

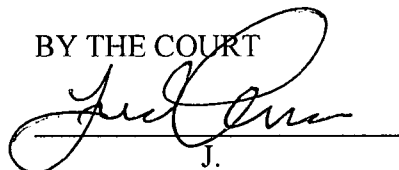
No. 07-2130-CD

RULE


AND NOW, this 14 day of May 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 6<sup>th</sup> day of June 2008, at 1:30 in the Clearfield  
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT

  
J.

167458

**FILED** <sup>icc</sup>  
014:00374 Atty Bradford  
MAY 14 2008  


William A. Shaw  
Prothonotary/Clerk of Courts

FILED

MAY 14 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 5/14/08

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

FILED No cc  
MAY 22 2008  
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

WACHOVIA BANK, NA, AS TRUSTEE FOR

PPSI 2004-WF1

Plaintiff

vs.

JAMES KEITH

REGINA KEITH

Defendants

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 07-2130-CD

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the Court's May 14, 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.

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

JAMES KEITH  
REGINA KEITH  
PO BOX 18  
MORANN, PA 16663

JAMES KEITH  
REGINA KEITH  
248 SCHUYKILL ROAD  
POTTSTOWN, PA 19465

DATE: 5/21/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire  
Attorney for Plaintiff

FILED

07/13/08  
JUN 06 2008

2cc  
Atty Chota  
(will serve)

William A. Shaw  
Prothonotary/Clerk of Courts

(60)

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA, AS TRUSTEE FOR  
PPSI 2004-WF1

Plaintiff

vs.

JAMES KEITH  
REGINA KEITH

Defendants

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 07-2130-CD

ORDER

AND NOW, this 6<sup>th</sup> day of June, 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	\$50,787.75
Interest Through June 6, 2008	\$5,267.38
Per Diem \$14.44	
Late Charges	\$125.02
Legal fees	\$2,210.00
Cost of Suit and Title	\$1,186.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$90.00
Appraisal/Brokers Price Opinion	\$285.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$29.83

ORIGINAL

Suspense/Misc. Credits  
Escrow Deficit

(\$0.00)  
\$2,541.19

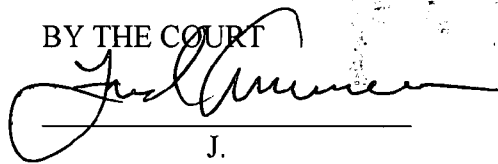
**TOTAL**

\$62,522.67

Plus interest from June 6, 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.

167458

FILED  
JUN 11 2008  
10:46 AM  
cc  
(62)

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

WACHOVIA BANK, NA, AS TRUSTEE FOR  
PPSI 2004-WF1

Plaintiff

vs.

JAMES KEITH  
REGINA KEITH

Defendants

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 07-2130-CD

**CERTIFICATION OF SERVICE**

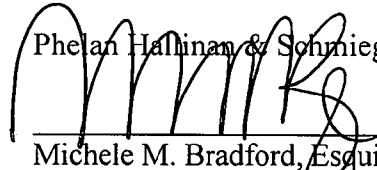
I hereby certify that a true and correct copy of the Court's June 6, 2008 Order was served upon the following individuals on the date indicated below.

JAMES KEITH  
REGINA KEITH  
77 HICKORY STREET  
MORANN, PA 16663

JAMES KEITH  
REGINA KEITH  
PO BOX 18  
MORANN, PA 16663

JAMES KEITH  
REGINA KEITH  
248 SCHUYKILL ROAD  
POTTSTOWN, PA 19465

DATE: 6/9/08

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

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004- WF1 Plaintiff, v.  JAMES KEITH REGINA KEITH Defendant(s)	: : : : : : :	CLEARFIELD COUNTY COURT OF COMMON PLEAS  CIVIL DIVISION  NO. 07-2130-CD
--	---------------------------------	--

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA       )  
COUNTY OF CLEARFIELD                )       SS:

Plaintiff in the above action sets forth as of the date the Praeipe for the Writ of Execution was filed the following information concerning the real property located at: 77 HICKORY STREET, MORANN, PA 16663.

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

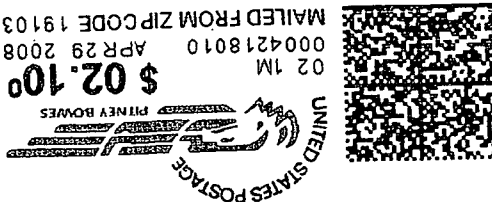
Date: July 2, 2008

**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.

FILED No CC.  
m/10:36am  
JUL 03 2008  
(LH)  
William A. Shaw  
Prothonotary/Clerk of Courts

**LAN HALLINAN & SCHMIEG**  
 e Penn Center at Suburban Station, Suite 1400  
 617 John F. Kennedy Boulevard  
 Philadelphia, PA 19103-1814

**AZK**

File Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
2	TENANT/OCCUPANT 77 HICKORY STREET MORANN, PA 16663	 <p>UNITED STATES POSTAGE            PITNEY BOWES            \$02.10            02 1M            0004218010            APR 29 2008            MAILED FROM ZIP CODE 19103</p>	
3	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
4	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
5	Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 <sup>th</sup> Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
6	Internal Revenue Service, Federated Investors Tower, 13 <sup>TH</sup> Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
7	Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
8			
9			
10			
11			
12			
<b>Re: JAMES KEITH</b> <b>167458 TEAM 4</b>			
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.

MBB



**PHELAN HALLINAN & SCHMIEG, LLP**

Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

**FILED** 1cc + 1 cert to  
m11:45Lm disc issued to  
DEC 18 2008 Atty Hallinan  
+ copy to C/A.

William A. Shaw

Prothonotary/Clerk of Courts  
**ATTORNEY FOR PLAINTIFF**

<b>WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1</b>	:	<b>Court of Common Pleas</b>
	:	
<b>Plaintiff</b>	:	<b>Civil Division</b>
	:	
<b>vs</b>	:	<b>CLEARFIELD County</b>
	:	
<b>JAMES KEITH REGINA KEITH</b>	:	<b>No. 07-2130-CD</b>
	:	
<b>Defendant</b>	:	<b>PHS# 167458</b>

**PRAECIPE**

TO THE PROTHONOTARY:

\_\_\_\_\_ Please mark the above referenced case Discontinued and Ended without prejudice.

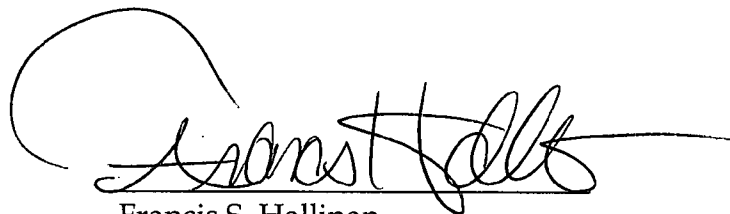
\_\_\_\_\_ Please mark the above referenced case Settled, Discontinued and Ended.

\_\_\_\_\_ Please mark Judgments satisfied and the Action settled, discontinued and ended.

\_\_\_\_\_ Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

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

Date: December 16, 2008



Francis S. Hallinan  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Wachovia Bank, NA

Vs.

No. 2007-02130-CD

James Keith  
Regina Keith

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 December 18, 2008, marked:

Discontinued and ended without prejudice

Record costs in the sum of \$125.00 have been paid in full by Francis S. Hallinan Esq .

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 18th day of December A.D. 2008.



William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20755  
NO: 07-2130-CD

PLAINTIFF: WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1

vs.

DEFENDANT: JAMES KEITH AND REGINA KEITH

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 3/31/2008

LEVY TAKEN 4/22/2008 @ 10:10 AM

POSTED 4/22/2008 @ 10:10 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/12/2009

DATE DEED FILED NOT SOLD

5  
FILED  
019-0201  
JAN 12 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

4/23/2008 @ 6:32 PM SERVED JAMES KEITH

SERVED JAMES KEITH, DEFENDANT, AT HIS RESIDENCE 77 HICKORY STREET, MORANN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO RIGINA KEITH, WIFE/CO-DEFENDANT

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.

4/23/2008 @ 6:32 PM SERVED REGINA KEITH

SERVED REGINA KEITH, DEFENDANT, AT HER RESIDENCE 77 HICKORY STREET, MORANN, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO REGINA KEITH

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, JUNE 2, 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 A FORBEARANCE PLAN.

@ SERVED

NOW, AUGUST 1, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR AUGUST 1, 2008 TO OCTOBER 3, 2008.

@ SERVED

NOW, OCTOBER 2, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR OCTOBER 3, 2008 DUE TO FORBEARANCE PLAN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20755  
NO: 07-2130-CD

PLAINTIFF: WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1

vs.

DEFENDANT: JAMES KEITH AND REGINA KEITH

Execution . REAL ESTATE


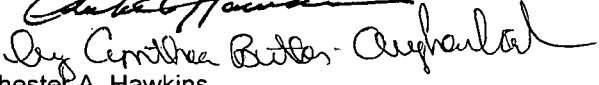
SHERIFF RETURN

---

SHERIFF HAWKINS \$272.98

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

  
  
Chester A. Hawkins  
Sheriff

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

WACHOVIA BANK, NA, AS  
TRUSTEE FOR PPSI 2004-WF1

vs.

JAMES KEITH  
REGINA KEITH

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20  
No. 07-2130-CD ..... Term 20  
No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

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: 77 HICKORY STREET, MORANN, PA 16663  
(See Legal Description attached)

Amount Due

Interest from 03/11/08 to Sale  
Per diem \$9.34  
Add'l Costs  
Writ Total

Prothonotary costs \$56,799.86  
125.00

\$ \_\_\_\_\_

\$3,432.50

\$

*William A. Hays*

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

Dated 3/31/08  
(SEAL)

167458

Received this writ this 31st day  
of March A.D. 2008  
At 3:00 A.M./P.M.

Charles A. Hanks  
Sheriff *by Cynthia Butler-Arthur*

No. 07-2130-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI  
2004-WF1

vs.

JAMES KEITH  
REGINA KEITH

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs

Real Debt                      \$56,799.86

Int. from 03/11/08  
To Date of Sale (\$9.34 per diem)

Costs                                      \_\_\_\_\_

Prothy Pd.                                      125.00

Sheriff                      Daniel D. Shumley

Attorney for Plaintiff(s)

Address: JAMES KEITH                      REGINA KEITH  
77 HICKORY STREET                      77 HICKORY STREET  
MORANN, PA 16663                      MORANN, PA 16663

## **LEGAL DESCRIPTION**

ALL that certain lot or parcel of land situate in the Village of Morann, Gulich Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at the Northerly corner of Dogwood Street and First Avenue thence extending along Dogwood Street N 35 degrees 12 minutes 38 seconds W, 100.50 feet, thence; extending through the land of which this is a part, N 60 degrees 30 minutes 00 second E, 100.00 feet and S 29 degrees 30 minutes 00 second E, 100.00 feet, to First Street, thence extending along First Street S 60 degrees 30 minutes 00 second W, 90.00 feet, to the place of beginning.

CONTAINING in area, 0.218 acres of land, more or less.

## **RECORD OWNER**

TITLE TO SAID PREMISES IS VESTED IN James Keith and Regina Keith, his wife, as tenants by the entireties, by Deed from Michael J. Deao and Frances L. Deao, his wife, dated 06/30/1992, recorded 06/30/1992, in Deed Book 1469, page 565.

Premises being: **77 HICKORY STREET**  
**MORANN, PA 16663**

Tax Parcel No. **#1: 118-M15-520-28**      **#2: CONTROL# 118033998**

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME JAMES KEITH

NO. 07-2130-CD

NOW, January 11, 2009, 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 James Keith And Regina Keith 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	20.20
LEVY	15.00
MILEAGE	20.20
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	20.20
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$272.98</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$0.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	56,799.86
INTEREST @ 9.3400	0.00
FROM 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	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$56,839.86</b>

**COSTS:**

ADVERTISING	329.38
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	272.98
LEGAL JOURNAL COSTS	126.00
PROTHONOTARY	125.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$853.36</b>

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**

Representing Lenders in  
Pennsylvania and New Jersey

Foreclosure Manager

June 2, 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: WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1 v.  
JAMES KEITH and REGINA KEITH  
77 HICKORY STREET MORANN, PA 16663  
Court No. 07-2130-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: Forbearance Plan.

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

Thank you for your correspondence in this matters.

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

PHS # 167458

**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  
Pennsylvania and New Jersey

Foreclosure Manager

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: WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1 v.  
JAMES KEITH and REGINA KEITH  
77 HICKORY STREET MORANN, PA 16663  
Court No. 07-2130-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for August 1, 2008 due to the following: Forbearance Plan.

The Property is to be relisted for the October 3, 2008 Sheriff Sale.

Thank you for your correspondence in this matters.

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

October 2, 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: WACHOVIA BANK, NA, AS TRUSTEE FOR PPSI 2004-WF1 v.  
JAMES KEITH and REGINA KEITH  
77 HICKORY STREET MORANN, PA 16663  
Court No. 07-2130-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for October 3, 2008 due to the following: FORBEARANCE PLAN.

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..

Thank you for your correspondence in this matters.

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