

08-74-CD  
Washington Mutual vs James Demchak

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
SHEETAL SHAH-JANI, ESQ., Id. No. 81760  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
JENINE R. DAVEY, ESQ., Id. No. 87077  
MICHAEL E. CARLETON, ESQ., Id. No. 203009  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 144976

WASHINGTON MUTUAL BANK, F.A., S/I TO  
NORTH AMERICAN MORTGAGE COMPANY  
7255 BAYMEADOWS WAY  
JACKSONVILLE, FL 32256

Plaintiff  
v.

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

Defendant

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

FILED  
M 1/13/08 Atty pd. 95.00  
JAN 17 2008 ICC Sheriff

William A. Shaw  
Prothonotary/Clerk of Courts

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-74-CD

CLEARFIELD COUNTY

## 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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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,  
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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

WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
NORTH AMERICAN MORTGAGE COMPANY  
7255 BAYMEADOWS WAY  
JACKSONVILLE, FL 32256

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

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

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

3. On 06/23/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200011353. 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 12/01/2006 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	\$48,121.68
Interest 11/01/2006 through 01/07/2008 (Per Diem \$11.91)	\$5,157.03
Attorney's Fees	\$1,250.00
Cumulative Late Charges 06/23/2000 to 01/07/2008	\$82.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,160.71
Escrow	
Credit	\$0.00
Deficit	\$855.80
Subtotal	<u>\$855.80</u>
<b>TOTAL</b>	<b>\$56,016.51</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 \$56,016.51, together with interest from 01/07/2008 at the rate of \$11.91 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 with improvements thereon situate in the Borough of Curwensville, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

BEING known as Tax Parcel #6.1-H10-280-5.

BEING KNOWN AS 614 FILBERT STREET, CURWENSVILLE, PA 16833

BEING the same premises which Darrin L. Swanson and Lesa M. Swanson, husband and wife by deed dated June 23, 2000 and to be recorded contemporaneously herewith, granted and conveyed unto James Demchak and Leasa Demchak, husband and wife.

**VERIFICATION**

AVP

Lauren Nease hereby states that he/she is  
of WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH

AMERICAN MORTGAGE 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.

DATE: 12/17/17

Name: Lauren Nease

Title: AVP

Company: WASHINGTON MUTUAL BANK.  
F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY

Loan: 8409971549

File #: 144976

FILED  
m/128/01  
FEB 28 2001  
WM

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

Washington Mutual Bank, FA S/I/I to North  
American Mortgage Company  
7255 Baymeadows Way  
Jacksonville, FL 32256  
Plaintiff

vs.

James A. Demchak  
614 Filbert Street  
Curwensville, PA 16833  
Defendant

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0074-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, PA 16830

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

James A. Demchak  
614 Filbert Street  
Curwensville, PA 16833

2/27/08  
Date

PHELAN HALLINAN & SCHMIEG, LLP



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

FILED  
m/128/08  
FEB 28 2008  
144976

William A. Shaw  
Prothonotary/Clerk of Courts

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Court of Common Pleas

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(Sheriff's Solicitor)

James A. Demchak  
614 Filbert Street  
Curwensville, PA 16833

2/27/08  
Date

PHELAN HALLINAN & SCHMIEG, LLP



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

03

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

---

Washington Mutual Bank, FA S/I/I to North	:	Court of Common Pleas
American Mortgage Company	:	
7255 Baymeadows Way	:	
Jacksonville, FL 32256	:	Civil Division
Plaintiff	:	
	:	
vs.	:	Clearfield County
	:	
James A. Demchak	:	
614 Filbert Street	:	No. 08-0074-CD
Curwensville, PA 16833	:	
Defendant	:	

---

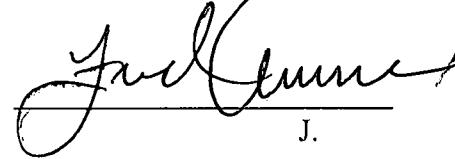
**ORDER**

AND NOW, this 4 day of March, 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** <sup>1ec</sup>  
03:45 AM  
MAR 04 2008  
Atty Bradford

William A. Shaw  
Prothonotary/Clerk of Courts (without memo)

(610)

**FILED**

**MAR 04 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 3/4/08

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:

U.P  
FILED  
m/1/28/08  
FEB 28 2008

W.A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
BY: Michele M. Bradford, Esquire, ID No. 69849  
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ATTORNEYS FOR PLAINTIFF

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: Court of Common Pleas

: Civil Division

: Clearfield County

vs.  
James A. Demchak  
614 Filbert Street  
Curwensville, PA 16833  
Defendant

: No. 08-0074-CD

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

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on January 17, 2008. 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 Defendant.

3. On February 20, 2008, the Sheriff's office verbally advised counsel for Plaintiff that James A. Demchak accepted service at the premises on January 21, 2008.

4. On February 20, 2008, Plaintiff sent the Defendant a ten day letter notifying him 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 21, 2008.

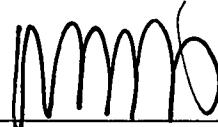
6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$11.91 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds 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

2/27/08  
Date

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

# **EXHIBIT A**

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
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WASHINGTON MUTUAL BANK, F.A., S/I TO  
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Plaintiff

v.

JAMES A. DEMCHAK  
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CURWENSVILLE, PA 16833

ATTORNEY FILE COPY  
PLEASE RETURN  
Defendant

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*



William A. Shaw  
Prothonotary/Clerk of Courts

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JAMES A. DEMCHAK  
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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 \$56,016.51, together with interest from 01/07/2008 at the rate of \$11.91 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  
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Attorneys for Plaintiff

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**VERIFICATION**

AVP

Jeanne M. Hall hereby states that he/she is  
of WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH  
AMERICAN MORTGAGE 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.

DATE: 12/17/11

Name: Jeanne M. Hall

Title: AVP

Company: WASHINGTON MUTUAL BANK,  
F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY

Loan: 8409971549

File #: 144976

VERIFICATION

The undersigned hereby state that they are the attorneys for the Plaintiff in this action, that they are authorized to make this Verification, and that the statements made in the foregoing Motion to Direct Sheriff to file Affidavit of Service and Brief in support thereof are true and correct to the best of their knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

PHELAN HALPIN & SCHMIEG, LLP

2/27/08  
Date

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103648  
NO: 08-74-CD  
SERVICE # 1 OF 1  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WASHINGTON MUTUAL BANK, F.A.  
VS.  
DEFENDANT: JAMES A. DEMCHAK

**SHERIFF RETURN**

NOW, January 21, 2008 AT 9:21 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON JAMES A. DEMCHAK DEFENDANT AT RESIDENCE 614 FILBERT ST., CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO JAMES A. DEMCHAK, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: DAVIS / MORGILLO

**FILED**  
01/31/08 LM  
MAR 05 2008  

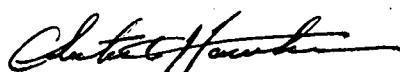

William A. Shaw  
Prothonotary/Clerk of Courts

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	651963	10.00
SHERIFF HAWKINS	PHELAN	651963	24.06

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

FILED NO CC  
m 111.000  
MAR 14 2008  
W.S.  
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

Washington Mutual Bank, FA S/I/I to North American Mortgage Company	:	Court of Common Pleas
7255 Baymeadows Way	:	
Jacksonville, FL 32256	:	Civil Division
Plaintiff	:	
vs.	:	Clearfield County
James A. Demchak	:	
614 Filbert Street	:	No. 08-0074-CD
Curwensville, PA 16833	:	
Defendant	:	

#### CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the March 4, 2008 Order granting Plaintiff's Motion to Direct Sheriff were served upon the following interested parties via first class mail on the date indicated below:

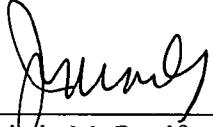
Chester A. Hawkins  
Sheriff of Clearfield County  
230 East Market Street  
Clearfield, PA 16830

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

James A. Demchak  
614 Filbert Street  
Curwensville, PA 16833

3/11/08  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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

WASHINGTON MUTUAL BANK, F.A., S/I/I	:	
TO NORTH AMERICAN MORTGAGE	:	
COMPANY	:	CLEARFIELD COUNTY
7255 BAYMEADOWS WAY	:	COURT OF COMMON PLEAS
JACKSONVILLE, FL 32256	:	
	:	
Plaintiff,	:	CIVIL DIVISION
v.	:	
	:	
JAMES A. DEMCHAK	:	NO. 08-74-CD
614 FILBERT STREET	:	
CURWENSVILLE, PA 16833	:	
	:	
Defendant(s).	:	

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

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against JAMES A. DEMCHAK, 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	\$ 56,016.51
Interest - 1/8/08 TO 4/28/08	\$ 1,333.92
<b>TOTAL</b>	<b><u>\$ 57,350.43</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: 4/30/08

144976

PRO PROTHY

FILED Atty pd.  
m12:05/30/2008 20.00  
APR 3 0 2008 ICC Notice  
William A. Shaw to Def.  
Notary/Clerk of Courts

William A. Shaw *to Def.*  
Prothonotary/Clerk of Courts

Statement  
to Atty  
(6K)

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

WASHINGTON MUTUAL BANK, F.A., S/I/I TO : COURT OF COMMON PLEAS  
NORTH AMERICAN MORTGAGE COMPANY

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

JAMES A. DEMCHAK : NO. 08-74-CD  
Defendants

TO: JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

DATE OF NOTICE: FEBRUARY 20, 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

*ALL COPY*  
PENNSYLVANIA LAWYER REFERRAL  
SERVICE  
PENNSYLVANIA BAR ASSOCIATION  
100 SOUTH STREET  
P.O. BOX 186  
HARRISBURG, PA 17108  
800-692-7375

*Linda Nguyen*  
LINDA NGUYEN, Legal Assistant

**PHELAN HALLINAN & SCHMIEG**

**By: DANIEL G. SCHMIEG**

**Identification No. 62205**

**ATTORNEY FOR PLAINTIFF**

**Suite 1400**

**One Penn Center at Suburban Station**

**1617 John F. Kennedy Boulevard**

**Philadelphia, PA 19103-1814**

**(215) 563-7000**

**WASHINGTON MUTUAL BANK, F.A., S/I/I**

**TO NORTH AMERICAN MORTGAGE**

**COMPANY**

**7255 BAYMEADOWS WAY**

**JACKSONVILLE, FL 32256**

**Plaintiff,**

**v.**

**CLEARFIELD COUNTY**

**COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 08-74-CD**

**JAMES A. DEMCHAK**

**614 FILBERT STREET**

**CURWENSVILLE, PA 16833**

**Defendant(s).**

**VERIFICATION OF NON-MILITARY SERVICE**

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

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant **JAMES A. DEMCHAK** is over 18 years of age and resides at **614 FILBERT STREET, CURWENSVILLE, PA 16833**.

This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE

**(Rule of Civil Procedure No. 236 - Revised**

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

WASHINGTON MUTUAL BANK, F.A., S/I/I :  
TO NORTH AMERICAN MORTGAGE :  
COMPANY :  
7255 BAYMEADOWS WAY :  
JACKSONVILLE, FL 32256 :  
  
Plaintiff, :  
v. :  
: :  
JAMES A. DEMCHAK :  
614 FILBERT STREET :  
CURWENSVILLE, PA 16833 :  
  
Defendant(s). :  
:

Notice is given that a Judgment in the above captioned matter has been entered against you  
on April 30, 2008.

BY William H. Shan DEPUTY  
*BT*

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

DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

This firm is a debt collector attempting to collect a debt. Any information we obtain will be used for that purpose. If you have previously received a discharge in bankruptcy, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
STATEMENT OF JUDGMENT

COPY

Washington Mutual Bank, F.A.  
North American Mortgage Company  
Plaintiff(s)

No.: 2008-00074-CD

Real Debt: \$57,350.43

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

James A. Demchak  
Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: April 30, 2008

Expires: April 30, 2013

Certified from the record this 30th day of April, 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**

WASHINGTON MUTUAL BANK,  
F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-74-CD Term 20.....

vs.

JAMES A. DEMCHAK

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	Prothonotary costs
Interest from 4/29/08 to Sale	\$57,350.43 13500
Per diem \$9.43	\$ _____
Add'l Costs	\$3,300.00
Writ Total	\$ _____

*Daniel Schney*  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

144976

**FILED** Atty ad. \$20.00  
MAY 28 2008 1CC & 6wnts  
w/prop. desc.  
to Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts  
(61)

No. 08-74-CD ..... Term 20 .... A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
NORTH AMERICAN MORTGAGE COMPANY

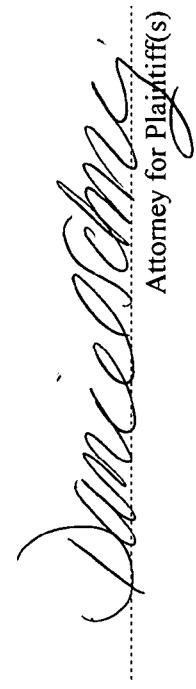
vs.

JAMES A. DEMCHAK

---

PRAECEIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



James A. Demchak

Attorney for Plaintiff(s)

Address: JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833 CURWENSVILLE, PA 16833

## **LEGAL DESCRIPTION**

ALL that certain lot with improvements thereon situate in the Borough of Curwensville, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

BEING known as Tax Parcel #6.1-H10-280-5.

BEING the same premises which Daniel J. Russell and Cynthia E. Russell, husband and wife, by Deed dated April 29, 1996 and recorded May 2, 1996 in Clearfield County in Deed Book Volume 1755 at Page 101, granted and conveyed unto Darrin L. Swanson and Lesa M. Swanson, husband and wife.

PARCEL IDENTIFICATION NO: H10-280-00005      CONTROL #: 006108835

TITLE TO SAID PREMISES IS VESTED IN James A. Demcak, by Deed from Darrin L. Swanson and Lesa M. Swanson, husband and wife, dated 06/23/2000, recorded 08/07/2000, in Deed Mortgage Inst# 200011352.

Premises being: 614 FILBERT STREET  
CURWENSVILLE, PA 16833

Tax Parcel No. H10-280-00005

**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**

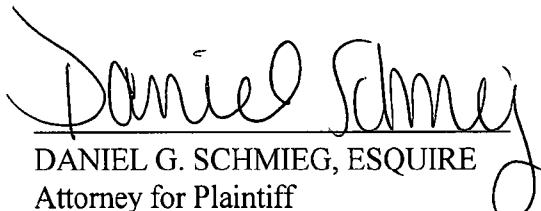
<b>WASHINGTON MUTUAL BANK, F.A., S/I/I</b>	<b>:</b>	
<b>TO NORTH AMERICAN MORTGAGE</b>	<b>:</b>	
<b>COMPANY</b>	<b>:</b>	<b>CLEARFIELD COUNTY</b>
<b>7255 BAYMEADOWS WAY</b>	<b>:</b>	<b>COURT OF COMMON PLEAS</b>
<b>JACKSONVILLE, FL 32256</b>	<b>:</b>	<b>CIVIL DIVISION</b>
<b>Plaintiff,</b>	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>NO. 08-74-CD</b>
	<b>:</b>	
<b>JAMES A. DEMCHAK</b>	<b>:</b>	
<b>614 FILBERT STREET</b>	<b>:</b>	
<b>CURWENSVILLE, PA 16833</b>	<b>:</b>	
	<b>:</b>	
<b>Defendant(s).</b>	<b>:</b>	

**CERTIFICATION**

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

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

  
**DANIEL G. SCHMIEG, ESQUIRE**

Attorney for Plaintiff

<b>WASHINGTON MUTUAL BANK, F.A., S/I/I</b>	:	
<b>TO NORTH AMERICAN MORTGAGE</b>	:	
<b>COMPANY</b>	:	<b>CLEARFIELD COUNTY</b>
<b>7255 BAYMEADOWS WAY</b>	:	<b>COURT OF COMMON PLEAS</b>
<b>JACKSONVILLE, FL 32256</b>	:	
 <b>Plaintiff,</b>	:	 <b>CIVIL DIVISION</b>
 v.	:	 <b>NO. 08-74-CD</b>
 <b>JAMES A. DEMCHAK</b>	:	
<b>614 FILBERT STREET</b>	:	
<b>CURWENSVILLE, PA 16833</b>	:	
 <b>Defendant(s).</b>	:	

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

**WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN MORTGAGE COMPANY**, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **614 FILBERT STREET, CURWENSVILLE, PA 16833**.

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

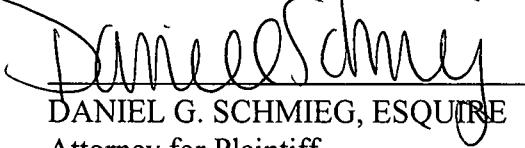
NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
<b>JAMES A. DEMCHAK</b>	<b>614 FILBERT STREET</b> <b>CURWENSVILLE, PA 16833</b>

2. Name and address of Defendant(s) in the judgment:

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
<b>Same as Above</b>	

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.

MAY 27, 2008  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

<b>WASHINGTON MUTUAL BANK, F.A., S/I/I</b>	:	
<b>TO NORTH AMERICAN MORTGAGE</b>	:	
<b>COMPANY</b>	:	<b>CLEARFIELD COUNTY</b>
<b>7255 BAYMEADOWS WAY</b>	:	<b>COURT OF COMMON PLEAS</b>
<b>JACKSONVILLE, FL 32256</b>	:	
<b>Plaintiff,</b>	:	<b>CIVIL DIVISION</b>
<b>v.</b>	:	<b>NO. 08-74-CD</b>
 	:	
<b>JAMES A. DEMCHAK</b>	:	
<b>614 FILBERT STREET</b>	:	
<b>CURWENSVILLE, PA 16833</b>	:	
 	:	
<b>Defendant(s).</b>	:	

**AFFIDAVIT PURSUANT TO RULE 3129**

**WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN MORTGAGE COMPANY**, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **614 FILBERT STREET, CURWENSVILLE, PA 16833**.

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.)
<b>None</b>	

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.)
------	---

<b>Clearfield Bank &amp; Trust Company</b>	<b>407 Walnut Street Curwensville, PA 16833</b>
--	---

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.)
<b>None</b>	

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.)
<b>None</b>	

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

**614 FILBERT STREET  
CURWENSVILLE, PA 16833**

**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**

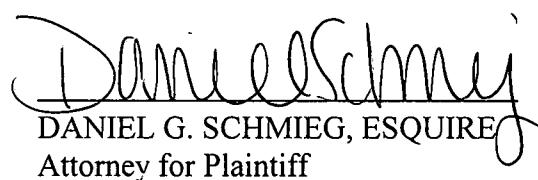
**13<sup>TH</sup> Floor, Suite 1300  
1001 Liberty Avenue  
Pittsburgh, PA 15222**

**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.

MAY 27, 2008  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**COPY**

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

WASHINGTON MUTUAL BANK,  
F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY.  
vs.

JAMES A. DEMCHAK

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. ..... Term 20  
No. 08-74-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: 614 FILBERT STREET, CURWENSVILLE, PA 16833  
(See Legal Description attached)

Amount Due	
Interest from 4/29/08 to Sale	\$ _____
Per diem \$9.43	
Add'l Costs	\$3,300.00
Writ Total	\$ <i>Willie L. Chayko</i>

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

Dated 5/28/08  
(SEAL)

No. 08-74-CD ..... Term 20 ... A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
NORTH AMERICAN MORTGAGE COMPANY

vs.

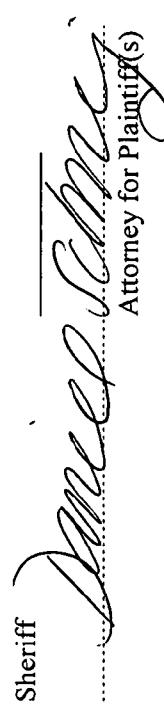
JAMES A. DEMCHAK

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Real Debt	\$57,350.43
Int. from 4/29/08 TO To Date of Sale (\$9.43 per diem)	
Costs	
Prothy Pd.	<u>135.00</u>

Sheriff   
Attorney for Plaintiff(s)

Address: JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833 614 FILBERT STREET  
CURWENSVILLE, PA 16833 CURWENSVILLE, PA 16833

## **LEGAL DESCRIPTION**

ALL that certain lot with improvements thereon situate in the Borough of Curwensville, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

BEING known as Tax Parcel #6.1-H10-280-5.

BEING the same premises which Daniel J. Russell and Cynthia E. Russell, husband and wife, by Deed dated April 29, 1996 and recorded May 2, 1996 in Clearfield County in Deed Book Volume 1755 at Page 101, granted and conveyed unto Darrin L. Swanson and Lesa M. Swanson, husband and wife.

PARCEL IDENTIFICATION NO: H10-280-00005      CONTROL #: 006108835

TITLE TO SAID PREMISES IS VESTED IN James A. Demcak, by Deed from Darrin L. Swanson and Lesa M. Swanson, husband and wife, dated 06/23/2000, recorded 08/07/2000, in Deed Mortgage Inst# 200011352.

Premises being: 614 FILBERT STREET  
CURWENSVILLE, PA 16833

Tax Parcel No. H10-280-00005

SALE DATE: August 1, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL ACTION – LAW

**WASHINGTON MUTUAL BANK, F.A.,  
S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY**

No.: 08-74-CD

vs.

**JAMES A. DEMCHAK**

FILED <sup>NO CC</sup>  
07/11/2008  
JUL 07 2008  
GM

William A. Shaw  
Prothonotary/Clerk of Courts

**AFFIDAVIT PURSUANT TO RULE 3129.1  
AND RETURN OF SERVICE PURSUANT TO  
Pa. R.C.P. 405 OF NOTICE OF SALE**

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at:

**614 FILBERT STREET, CURWENSVILLE, PA 16833.**

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given 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 attached Affidavit No. 2 (previously filed) and Amended Affidavit No. 2 on the date indicated, and a copy of the notice is attached as an Exhibit. 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 SCHMIEG, ESQUIRE  
Attorney for Plaintiff

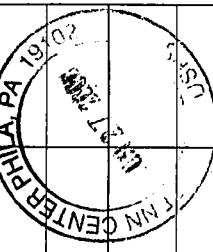
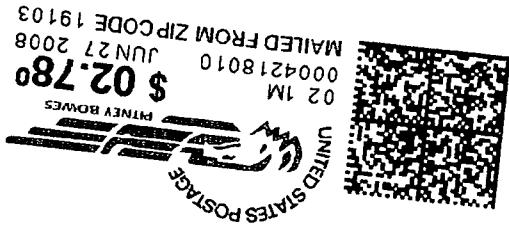
July 1, 2008

Name and  
Address  
of Sender

CQS  
PHELAN HALLINAN & SCHMIEG  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814

8

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 614 FILBERT STREET CURWENSVILLE, PA 16833		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 <sup>th</sup> Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 <sup>TH</sup> Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7		Clearfield Bank & Trust Company 407 Walnut Street Curwenville, PA 16833		
8				
9				
10				
11				
12		<i>Re: JAMES A. DEMCHAK</i>	144976	TEAM 4 B.S.D
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.



## AFFIDAVIT OF SERVICE

FILED  
M 11/11/08 No  
JUL 21 2008

William A. Shaw  
Prothonotary/Clerk of Courts

PLAINTIFF                    WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
                                  NORTH AMERICAN MORTGAGE COMPANY

DEFENDANT(S)                JAMES A. DEMCHAK

Please serve upon:           JAMES A. DEMCHAK

SERVE AT:                    614 FILBERT STREET  
                                  CURWENSVILLE, PA 16833

Type of Action  
- Notice of Sheriff's Sale

Sale Date: August 1, 2008

Served and made known to James A. Demchak, Defendant, on the 9th day of July,  
2008, at 12:00, o'clock p.m., at 614 Filbert St., Curwenville, PA 16833,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s). Relationship is wife, Lisa Demchak  
 Adult in charge of Defendant(s)'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)'s office or usual place of business.  
 an officer of said Defendant(s)'s company.  
 Other: \_\_\_\_\_

Description: Age 35 Height 5'1" Weight 250 Race White Sex F Other

I, D.M. Ellis, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this 10th day  
of July, 2008  
Notary:

By: D.M. Ellis

NOT SERVED

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., Defendant NOT FOUND because:

\_\_\_\_\_ Moved    \_\_\_\_\_ Unknown    \_\_\_\_\_ No Answer    \_\_\_\_\_ Vacant  
1st attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 2nd attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 3rd  
attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Other:

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary:                      By:

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

Marilyn A. Campbell  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Marilyn A. Campbell, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Dec. 6, 2011  
Member, Pennsylvania Association of Notaries

FILED NOCC  
B6 JUL 10 33 PM 2008  
JUL 28 2008

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

ATTORNEY FOR PLAINTIFF

WASHINGTON MUTUAL BANK, F.A., S/I/I TO	:	Court of Common Pleas
NORTH AMERICAN MORTGAGE COMPANY	:	
	:	Civil Division
Plaintiff	:	
	:	CLEARFIELD County
vs.	:	
	:	No. 08-74-CD
JAMES A. DEMCHAK	:	
	:	
Defendant		

**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 January 17, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on April 30, 2008 in the amount of \$57,350.43. 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 August 1, 2008.

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

Principal Balance	\$48,121.68
Interest Through August 1, 2008	\$7,579.11
Per Diem \$11.87	
Late Charges	\$102.50
Legal fees	\$1,500.00
Cost of Suit and Title	\$1,347.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$8.90
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium / Private Mortgage Insurance	\$70.64
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$658.02)
Escrow Deficit	\$3,254.49
<hr/>	
<b>TOTAL</b>	<b>\$61,326.80</b>

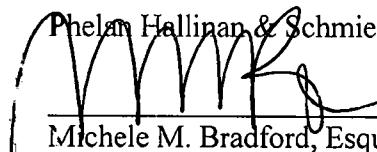
6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

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 Defendant.

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: 7/25/08

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

# **Exhibit “A”**

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 52205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
SHEETAL SHAH-JANI, ESQ., Id. No. 81760  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
JENINE R. DAVEY, ESQ., Id. No. 87077  
MICHAEL E. CARLETON, ESQ., Id. No. 203009  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 144976

ATTORNEY FOR PLAINTIFF

WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
NORTH AMERICAN MORTGAGE COMPANY  
7255 BAYMEADOWS WAY  
JACKSONVILLE, FL 32256

Plaintiff

v.

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

ATTORNEY FILE COPY.  
PLEASE RETURN  
Defendant

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-74-CD

CLEARFIELD COUNTY

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

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE



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.**

<b>Lawyer Referral Service:</b> Pennsylvania Lawyer Referral Service Pennsylvania Bar Association 100 South Street PO Box 186 Harrisburg, PA 17108 800-692-7375	<b>Notice to Defend:</b> David S. Meholic, 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

WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
NORTH AMERICAN MORTGAGE COMPANY  
7255 BAYMEADOWS WAY  
JACKSONVILLE, FL 32256

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

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

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

3. On 06/23/2000 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200011353. 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 12/01/2006 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	\$48,121.68
Interest	\$5,157.03
11/01/2006 through 01/07/2008	
(Per Diem \$11.91)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$82.00
06/23/2000 to 01/07/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,160.71
Escrow	
Credit	\$0.00
Deficit	\$855.80
Subtotal	<u>\$855.80</u>
<b>TOTAL</b>	<b>\$56,016.51</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 \$56,016.51, together with interest from 01/07/2008 at the rate of \$11.91 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 with improvements thereon situate in the Borough of Curwensville, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

BEING known as Tax Parcel #6.1-H10-280-5.

BEING KNOWN AS 614 FILBERT STREET, CURWENSVILLE, PA 16833

BEING the same premises which Darrin L. Swanson and Lesa M. Swanson, husband and wife by deed dated June 23, 2000 and to be recorded contemporaneously herewith, granted and conveyed unto James Demchak and Leasa Demchak, husband and wife.

VERIFICATION

AVP

Jeanne Vachell hereby states that he/she is  
of WASHINGTON MUTUAL BANK, F.A., S/I TO NORTH  
AMERICAN MORTGAGE 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.

DATE: 12/12/12

Jeanne Vachell  
Name: Jeanne Vachell  
Title: AVP

Company: WASHINGTON MUTUAL BANK.  
F.A., S/I TO NORTH AMERICAN  
MORTGAGE COMPANY

Loan: 8409971549

File #: 144976

# **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

FILED

APR 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts

WASHINGTON MUTUAL BANK, F.A., S/I/I  
TO NORTH AMERICAN MORTGAGE  
COMPANY  
7255 BAYMEADOWS  
JACKSONVILLE, FL 32256  
Plaintiff,  
v.

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

Defendant(s).

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: NO. 08-74-CD

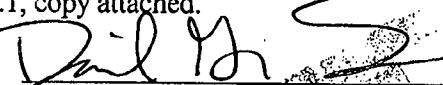
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **JAMES A. DEMCHAK**, 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	\$ 56,016.51
Interest - 1/8/08 TO 4/28/08	\$ 1,333.92
<b>TOTAL</b>	<b><u>\$ 57,350.43</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: 4/30/08

  
PRO PROTHY

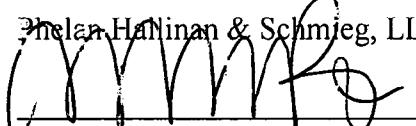
144976

**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: 7/25/08

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

WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
NORTH AMERICAN MORTGAGE COMPANY

Plaintiff

: Court of Common Pleas

: Civil Division

vs.

: CLEARFIELD County

JAMES A. DEMCHAK

: No. 08-74-CD

Defendant

**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 A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

DATE:

7/25/08

By:

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

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

WASHINGTON MUTUAL BANK, F.A., S/I/I TO : Court of Common Pleas  
NORTH AMERICAN MORTGAGE COMPANY :  
Plaintiff : Civil Division  
vs. : CLEARFIELD County  
JAMES A. DEMCHAK : No. 08-74-CD  
Defendant

**ORDER**

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

Principal Balance	\$48,121.68
Interest Through August 1, 2008	\$7,579.11
Per Diem \$11.87	
Late Charges	\$102.50
Legal fees	\$1,500.00
Cost of Suit and Title	\$1,347.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$8.90
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	
Private Mortgage Insurance	\$70.64
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits	(\$658.02)
Escrow Deficit	<u>\$3,254.49</u>

<b>TOTAL</b>	<b>\$51,326.80</b>
--------------	--------------------

Plus interest from August 1, 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.

144976

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

WASHINGTON MUTUAL BANK, F.A., S/I/T TO : Court of Common Pleas  
NORTH AMERICAN MORTGAGE COMPANY :  
Plaintiff : Civil Division  
vs. :  
CLEARFIELD County  
JAMES A. DEMCHAK : No. 08-74-CD  
Defendant :  
:

RULE

AND NOW, this 30<sup>th</sup> day of July 2008, a Rule is entered upon the  
Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to  
Reassess Damages.

Rule Returnable on the 25<sup>th</sup> day of August 2008, at 11:15 in the Clearfield  
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT  
  
J.

144976

FILED  
01/30/08  
JUL 31 2008  
Atty Bradford

  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

JUL 31 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/31/08

Will be responsible for serving all appropriate parties.  
 The Plaintiff(s)' office has provided service to the following parties:  
 Plaintiff(s) \_\_\_\_\_  
 Defendant(s) \_\_\_\_\_  
 Defendant(s) Attorney \_\_\_\_\_  
 Other \_\_\_\_\_  
 Special Instructions:

FILED  
M 19:10 AM  
AUG 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
No CC

CD

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

WASHINGTON MUTUAL BANK, F.A., S/I/I TO : Court of Common Pleas  
NORTH AMERICAN MORTGAGE COMPANY :  
Plaintiff : Civil Division  
vs. :  
JAMES A. DEMCHAK : CLEARFIELD County  
Defendant : No. 08-74-CD

PRAECIPE

**TO THE PROTHONOTARY:**

Plaintiff hereby withdraws its Motion to Reassess Damages, filed on July 28, 2008 in the  
above referenced action.

DATE: 8/10/08

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

WASHINGTON MUTUAL BANK, F.A., S/I/I TO  
NORTH AMERICAN MORTGAGE COMPANY

: Court of Common Pleas

: Civil Division

Plaintiff

: CLEARFIELD County

vs.

: No. 08-74-CD

JAMES A. DEMCHAK

Defendant

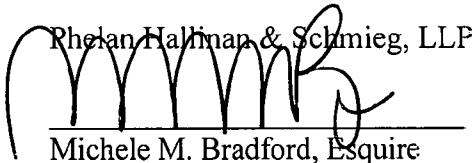
**CERTIFICATE OF SERVICE**

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

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

DATE: 8/6/88

By:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20781

NO: 08-74-CD

PLAINTIFF: WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN MORTGAGE COMPANY  
VS.  
DEFENDANT: JAMES A. DEMCHAK

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 5/28/2008

LEVY TAKEN 6/4/2008 @ 3:20 PM

POSTED 6/4/2008 @ 3:20 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/19/2009

DATE DEED FILED **NOT SOLD**

S  
**FILED**  
01/15/09  
JAN 19 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

**DETAILS**

3/20/2008 @ 3:20 PM SERVED JAMES A. DEMCHAK

SERVED JAMES A. DEMCHAK, DEFENDANT, AT HIS RESIDENCE 614 FILBERT STREET, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LISA DEMCHAK, WIFE/ADULT AT RESIDENCE

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, JULY 30, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR AUGUST 1, 2008 TO SEPTEMBER 5, 2008.

@ SERVED

NOW, SEPTEMBER 4, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR SEPTEMBER 5, 2008 TO NOVEMBER 7, 2008, DUE TO BANKRUPTCY FILING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20781  
NO: 08-74-CD

PLAINTIFF: WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN MORTGAGE COMPANY  
vs.  
DEFENDANT: JAMES A. DEMCHAK

Execution REAL ESTATE

SHERIFF RETURN

---

SHERIFF HAWKINS \$208.84

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

*Chester A. Hawkins*  
Ivy Griffiths Boller, Auditor  
Chester A. Hawkins  
Sheriff

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

WASHINGTON MUTUAL BANK,  
F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY  
vs.

JAMES A. DEMCHAK

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. ..... Term 20  
No. 08-74-CD ..... Term 20  
No. ..... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

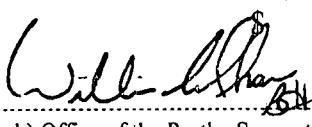
County of Clearfield

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: 614 FILBERT STREET, CURWENSVILLE, PA 16833  
(See Legal Description attached)

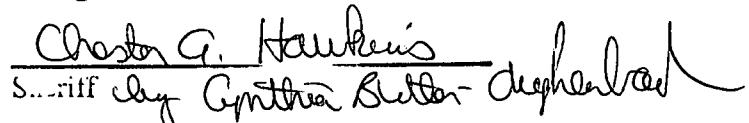
Amount Due	\$57,350.43
Prothonotary costs	135.00
Interest from 4/29/08 to Sale	\$ _____.
Per diem \$9.43	
Add'l Costs	\$3,300.00
Writ Total	

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

Dated May 28, 2008  
(SEAL)

144976

Received this writ this 28<sup>th</sup> day  
of May A.D. 2008  
At 3:00 A.M./P.M.

  
Sheriff by Cynthia Sutton - Deppenbaud

**LEGAL DESCRIPTION**

ALL that certain lot with improvements thereon situate in the Borough of Curwensville, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

BEING known as Tax Parcel #6.1-H10-280-5.

BEING the same premises which Daniel J. Russell and Cynthia E. Russell, husband and wife, by Deed dated April 29, 1996 and recorded May 2, 1996 in Clearfield County in Deed Book Volume 1755 at Page 101, granted and conveyed unto Darrin L. Swanson and Lesa M. Swanson, husband and wife.

PARCEL IDENTIFICATION NO: H10-280-00005      CONTROL #: 006108835

TITLE TO SAID PREMISES IS VESTED IN James A. Demcak, by Deed from Darrin L. Swanson and Lesa M. Swanson, husband and wife, dated 06/23/2000, recorded 08/07/2000, in Deed Mortgage Inst# 200011352.

Premises being: 614 FILBERT STREET  
CURWENSVILLE, PA 16833

Tax Parcel No. H10-280-00005

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME JAMES A. DEMCHAK

NO. 08-74-CD

NOW, January 17, 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 November 07, 2008, I exposed the within described real estate of James A. Demchak to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	6.06
LEVY	15.00
MILEAGE	6.06
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	6.72
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$208.84</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	57,350.43
INTEREST @ 9.4300	1,810.56
FROM 04/29/2008 TO 11/07/2008	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
SATISFACTION FEE	20.00
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$59,180.99</b>

**COSTS:**

ADVERTISING	363.94
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	208.84
LEGAL JOURNAL COSTS	90.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,077.78</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**

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

July 30, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY v.  
JAMES A. DEMCHAK  
614 FILBERT STREET CURWENSVILLE, PA 16833  
Court No. 08-74-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is  
scheduled for July 30, 2008 due to the following: Service Of Nos.

The Property is to be relisted for the September 5, 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

August 29, 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: WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY v.  
JAMES A. DEMCHAK  
614 FILBERT STREET CURWENSVILLE, PA 16833  
Court No. 08-74-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is  
scheduled for September 5, 2008 due to the following: Bankruptcy.

The Property is to be relisted for the November 7, 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

November 4, 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: WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN  
MORTGAGE COMPANY v.  
JAMES A. DEMCHAK  
614 FILBERT STREET CURWENSVILLE, PA 16833  
Court No. 08-74-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is  
scheduled for November 7, 2008 due to the following: Bankruptcy.

Defendants filed a Chapter 13, Bankruptcy Number 08-70833, Bankruptcy on  
July 30, 2008.

You are hereby directed to immediate discontinue the advertising of the sale and  
processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as  
possible.

Thank you for your correspondence in this matter.

Very Truly Yours,  
LYNNETTE BRITTON for  
Phelan Hallinan & Schmieg, LLP

PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,  
SUCCESSOR IN INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE CORPORATION AS  
RECEIVER OF WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH  
AMERICAN MORTGAGE COMPANY

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 08-74-CD

CLEARFIELD COUNTY

vs.

JAMES A. DEMCHAK

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	\$57,350.43
Interest from 04/29/2008 to Sale	\$ _____
Per diem \$9.43	
Writ Total	\$ _____

*Adam H. Davis*

Phelan Hallinan, LLP  
Adam H. Davis, Esq., Id. No.203034  
Attorney for Plaintiff

Note: Please attach description of Property.

PH # 639040

**FILED** *on \$20.00 Atty  
m 112.25m 1cc + 1writ to  
AUG 22 2013 Atty*  
S *William A. Shaw*  
Prothonotary/Clerk of Courts *1cc + 6 writs  
to Shff*

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK  
F/K/A WASHINGTON MUTUAL BANK, FA S/T/T TO NORTH AMERICAN  
MORTGAGE COMPANY

vs.

JAMES A. DEMCHAK

---

PRAECLICE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

  
\_\_\_\_\_  
Phelan Hallinan, LLP  
Adam H. Davis, Esq., Id. No. 203034  
Attorney for Plaintiff

Address where papers may be served:  
JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833-1207

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

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

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,  
SUCCESSOR IN INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER  
OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON  
MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MCRTGAGE  
COMPANY

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO.: 08-74-CD

CLEARFIELD COUNTY

vs.

JAMES A. DEMCHAK  
Commonwealth of Pennsylvania

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207

(See Legal Description attached)

Amount Due	\$57,350.43
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Interest from 04/29/2008 to Sale	\$ _____
----------------------------------	----------

Per diem \$9.43	
-----------------	--

Writ Total	\$ _____
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Prothonotary costs	\$155.00
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*Walter L. Linn Jr.*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated August 22 2013  
(SEAL)

PH # 639040

IN THE COURT OF COMMON PLEAS OF  
CLERAFIELD COUNTY, PENNSYLVANIA

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM  
THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK  
F/K/A WASHINGTON MUTUAL BANK, FA S/I TO NORTH AMERICAN MORTGAGE COMPANY  
vs.

JAMES A. DEMCHAK

WRIT OF EXECUTION  
(Mortgage Foreclosure)

	Costs
Real Debt	\$57,350.43
Int. from	
To Date of Sale (\$9.43 per diem)	
Costs	
Prothy Pd.	
Sheriff	

Filed

Robert H. Davis

Phelan Hallinan, LLP

Adam H. Davis, Esq., Id. No. 203034  
Attorney for Plaintiff

Address where papers may be served:

JAMES A. DEMCHAK  
614 FIBER STREET  
CURWENSVILLE, PA 16833-1207

**LEGAL DESCRIPTION**

ALL that certain lot with improvements thereon situate in the Borough of Curwensville, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN James A. Demcak, by Deed from Darrin L. Swanson and Lesa M. Swanson, husband and wife, dated 06/23/2000, recorded 08/07/2000, in Deed Mortgage Inst# 200011352.

Tax Parcel: 006-1-H10-280-00005

Premises Being: 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207

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

Attorney For Plaintiff

FILED *cc A+L*  
m 12:20pm Davis  
AUG 22 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN MORTGAGE COMPANY Plaintiff	:	Court of Common Pleas
	:	Civil Division
	:	CLEARFIELD County
vs	:	No. 08-74-CD
JAMES A. DEMCHAK Defendant	:	

PRAECIPE FOR VOLUNTARY SUBSTITUTION OF PARTY PLAINTIFF  
PURSUANT TO Pa.R.C.P., 2352

TO THE PROTHONOTARY:

Kindly substitute JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY as successor Plaintiff for the originally named Plaintiff.

The material facts on which the right of succession and substitution are based as follows:

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY is the current Plaintiff in the foreclosure action by virtue of a corporate merger, whereby WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN MORTGAGE COMPANY is now known as JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY.

Kindly amend the information on the docket accordingly.

Date: 8/21/13

By: Adam H. Davis  
Adam H. Davis, Esq., Id. No. 203034  
Attorney for Plaintiff

PH # 639040

**FILED** *ICC A/H*

*Davis*

Attorney For Plaintiff

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

*m 1/20/13*  
AUG 22 2013  
William A. Shaw  
Prothonotary/Clerk of Courts

WASHINGTON MUTUAL BANK, F.A., S/I/I TO NORTH AMERICAN MORTGAGE COMPANY	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs	:	CLEARFIELD County
JAMES A. DEMCHAK	:	No. 08-74-CD
Defendant	:	

**PRAECIPE TO MARK JUDGMENT TO USE PLAINTIFF**  
**ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please mark the judgment in the above-captioned matter to the use of JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY, located at 7255 BAYMEADOWS WAY, JACKSONVILLE, FL 32256.

Date: 8/21/13

PHELAN HALLINAN, LLP

By: Adam H. Davis  
Adam H. Davis, Esq., Id. No. 203034  
Attorney for Plaintiff

PH # 639040

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY.

Date: 8/21/13

PHELAN HALLINAN, LLP

By: Adam H. Davis  
Adam H. Davis, Esq., Id. No.203034  
Attorney for Plaintiff

PH # 639040

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

Attorney for Plaintiff

WASHINGTON MUTUAL BANK, F.A., S/I/I TO Court of Common Pleas  
NORTH AMERICAN MORTGAGE COMPANY  
Plaintiff Civil Division

v.  
JAMES A. DEMCHAK CLEARFIELD County  
Defendant No. 08-74-CD  
PH # 639040

**CERTIFICATION OF SERVICE**

I hereby certify true and correct copies of the foregoing Plaintiff's Praecept to mark judgment to JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY and substitution of party plaintiff was served by regular mail to the person(s) on the date listed below:

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833-1207

Date: 8/21/13

PHELAN HALLINAN, LLP

By: Adam H. Davis  
Adam H. Davis, Esq., Id. No. 203034  
Attorney for Plaintiff

PHELAN HALLINAN, LLP  
Adam H. Davis, Esq., Id. No.203034  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
Adam.Davis@PhelanHallinan.com  
215-563-7000

Attorneys for Plaintiff

**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,  
SUCCESSOR IN INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE CORPORATION AS  
RECEIVER OF WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I TO NORTH  
AMERICAN MORTGAGE COMPANY**

Plaintiff

v.

**JAMES A. DEMCHAK**  
Defendant(s)

: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**  
: **NO.: 08-74-CD**  
: **CLEARFIELD COUNTY**  
:

**CERTIFICATION**

The undersigned attorney hereby states that he/she is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because:

- the mortgage is an FHA Mortgage
- the premises is non-owner occupied
- the premises is vacant
- Act 91 procedures have been fulfilled
- Act 91 is Not Applicable pursuant to Pa Bulletin, Doc No 11-1197, 41 Pa.B. 3943

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

By: Adam H. Davis  
Phelan Hallinan, LLP  
Adam H. Davis, Esq., Id. No.203034  
Attorney for Plaintiff

FILED NOV  
M 12:25pm  
AUG 22 2013  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY Plaintiff : COURT OF COMMON PLEAS  
 : CIVIL DIVISION  
 : NO.: 08-74-CD  
 : CLEARFIELD COUNTY

v.

JAMES A. DEMCHAK

Defendant(s)

**FILED** *1cc A/Hy  
 8/22/2013 2:25pm  
 1cc shft*  
 AUG 22 2013  
 William A. Shaw  
 Prothonotary/Clerk of Courts

**AFFIDAVIT PURSUANT TO RULE 3129.1**

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information concerning the real property located at **614 FILBERT STREET, CURWENSVILLE, PA 16833-1207**.

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

Name

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

**JAMES A. DEMCHAK**

**614 FILBERT STREET  
 CURWENSVILLE, PA 16833-1207**

2. Name and address of Defendant(s) in the judgment:

Name

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

**SAME AS ABOVE.**

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

Name

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

**None.**

4. Name and address of last recorded holder of every mortgage of record:

Name

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

**CLEARFIELD BANK & TRUST COMPANY**

**407 WALNUT STREET  
 CURWENSVILLE, PA 16833**

**CLEARFIELD BANK & TRUST COMPANY  
 C/O GRETA M. WESTEN**

**407 WALNUT STREET  
 CURWENSVILLE, PA 16833**

5. Name and address of every other person who has any record lien on the property:

Name

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

**None.**

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale.

Name

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

None.

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

Name

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

**TENANT/OCCUPANT**

**614 FILBERT STREET  
CURWENSVILLE, PA 16833-1207**

**DOMESTIC RELATIONS  
CLEARFIELD COUNTY**

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

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF WELFARE**

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

**INTERNAL REVENUE SERVICE ADVISORY**

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

**U.S. DEPARTMENT OF JUSTICE  
U.S. ATTORNEY FOR THE WESTERN  
DISTRICT OF PA  
U.S. POST OFFICE & COURTHOUSE**

**700 GRANT STREET  
SUITE 4000  
PITTSBURGH, PA 15219**

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

Date: 8/21/13

By:

Adam H. Davis

**Phelan Hallinan, LLP**

**Adam H. Davis, Esq., Id. No.203034**

**Attorney for Plaintiff**

**PHELAN HALLINAN, LLP**

**1617 JFK Boulevard, Suite 1400**

**One Penn Center Plaza, Philadelphia, PA 19103**

**215-563-7000**

Phelan Hallinan, LLP  
Justin F. Kobeski, Esq., Id. No.200392  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
justin.kobeski@phelanhallinan.com  
215-563-7000

ATTORNEY FOR PLAINTIFF

FILED

SEP 25 2013

William A. Shaw  
Prothonotary/Clerk of Courts  
No C/C

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION

Plaintiff

Court of Common Pleas

Civil Division

v.

JAMES A. DEMCHAK

CLEARFIELD County

No.: 08-74-CD

Defendant

**PLAINTIFF'S MOTION TO REASSESS DAMAGES**

Plaintiff, by its Attorneys, Phelan Hallinan, LLP, 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 January 17, 2008.
2. Judgment was entered on April 30, 2008 in the amount of \$57,350.43. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "A".
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. A Sheriff's Sale of the mortgaged property at 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207 (hereinafter the "Property") was postponed or stayed for the following reason:

a.) The Defendant, JAMES A. DEMCHAK and LEASA D. DEMCHAK, filed a Chapter 07 Bankruptcy at Docket Number 08-70833 on July 30, 2008. The Bankruptcy stay ended when the Bankruptcy Court entered an Order dated December 11, 2012 discharging the defendants of personal liability. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "B".

5. The Property is listed for Sheriff's Sale on November 1, 2013.

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

Principal Balance	\$44,262.67
Interest Through November 1, 2013	\$7,314.25
Legal fees	\$2,375.00
Cost of Suit and Title	\$1,621.56
Sheriff's Sale Costs	\$962.78
Property Inspections	\$186.20
Property Preservation	\$40.00
Appraisal/Brokers Price Opinion	\$78.00
Mortgage Insurance Premium to be paid	\$64.92
Escrow Deficit	\$3,671.83
Suspense/Misc. Credits	<u>(\$123.92)</u>
 <b>TOTAL</b>	 <b>\$60,453.29</b>

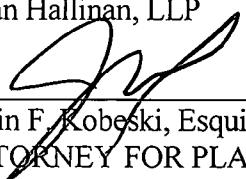
7. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

8. 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 Defendant.

9. 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: 9/24/13

Phelan Hallinan, LLP  
By:   
Justin F. Kobeski, Esquire  
ATTORNEY FOR PLAINTIFF

# **Exhibit “A”**

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

APR 30 2008

William A. Shaw  
Prothonotary/Clerk of Courts

WASHINGTON MUTUAL BANK, F.A., S/I/I  
TO NORTH AMERICAN MORTGAGE  
COMPANY  
7255 BAYMEADOWS  
JACKSONVILLE, FL 32256  
Plaintiff,  
v.

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 08-74-CD

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833

Defendant(s):

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 A. DEMCHAK,  
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	\$ 56,016.51
Interest - 1/8/08 TO 4/28/08	\$ 1,333.92
<b>TOTAL</b>	<b><u>\$ 57,350.43</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: 4/30/08

  
PRO PROTHY

144976

# **Exhibit “B”**

**United States Bankruptcy Court**

WESTERN DISTRICT OF PENNSYLVANIA

**Case No. 08-70833-JAD**

**Chapter 7**

**In re** Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

James A. Demchak	Leasa D. Demchak
313 Pruner Street	614 Filbert Street
Osceola Mills, PA 16666	Curwensville, PA 16833

Social Security / Individual Taxpayer ID No.:

xxx-xx-7689	xxx-xx-3685
-------------	-------------

Employer Tax ID / Other nos.:

**DISCHARGE OF DEBTOR**

It appearing that the debtor is entitled to a discharge,

**IT IS ORDERED:**

The debtor is granted a discharge under section 727 of title 11, United States Code, (the Bankruptcy Code).

BY THE COURT

Dated: 12/11/12

Jeffery A. Deller  
United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

Phelan Hallinan, LLP  
Justin F. Kobeski, Esq., Id. No.200392  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
justin.kobeski@phelanhallinan.com  
215-563-7000

ATTORNEY FOR PLAINTIFF

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION

Plaintiff

Court of Common Pleas

v.

JAMES A. DEMCHAK

Defendant

Civil Division

CLEARFIELD County

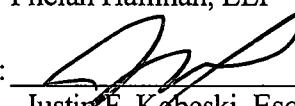
No.: 08-74-CD

**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 individual on the date indicated below.

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833-1207

DATE: 9/24/13

Phelan Hallinan, LLP  
By:   
Justin F. Kobeski, Esquire  
ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION : Court of Common Pleas

Plaintiff : Civil Division

v.

**FILED**

JAMES A. DEMCHAK : SEP 26 2013 : No.: 08-74-CD

013:2911CC ATTY

William A. Shaw

Defendant Prothonotary/Clerk of Courts Kobaski

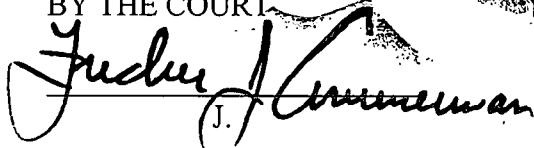
6K

RULE

AND NOW, this 26<sup>th</sup> day of September 2013, a Rule is entered upon the  
Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to  
Reassess Damages.

Rule Returnable on the 7<sup>th</sup> day of November 2013, at 11:00 <sup>am</sup> in the Clearfield  
County Courthouse, Clearfield, Pennsylvania, Courtroom #1.

BY THE COURT

  
J. Cunningham

639040

FILED

OCT 04 2013

William A. Shaw

Prothonotary/Clerk of Courts

WHT → ATR

Phelan Hallinan, LLP  
Adam H. Davis, Esq., Id. No.203034  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
Adam.Davis@PhelanHallinan.com  
215-563-7000

ATTORNEY FOR PLAINTIFF

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION

Court of Common Pleas

Plaintiff

Civil Division

vs.

JAMES A. DEMCHAK

CLEARFIELD County

Defendant

No.: 08-74-CD

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the Court's September 26, 2013 Rule  
directing the Defendant to show cause as to why Plaintiff's Motion to Reassess Damages should  
not be granted was served upon the following individual on the date indicated below.

JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833-1207

DATE: 10/3/13

Phelan Hallinan, LLP  
By: Adam H. Davis  
Adam H. Davis, Esq., Id. No.203034  
Attorney for Plaintiff

AFFIDAVIT OF SERVICE

PLAINTIFF

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION

CLEARFIELD COUNTY

PH # 639040

DEFENDANT

JAMES A. DEMCHAK

SERVICE TEAM/lxh

COURT NO.: 08-74-CD

SERVE JAMES A. DEMCHAK AT:

313 PRUNER ST  
OSCEOLA MILLS, PA 16666-1130

\*\*PLEASE RUSH SERVICE ATTEMPTS\*\*

TYPE OF ACTION

XX Notice of Sheriff's Sale

SALE DATE: November 1, 2013

SERVED

Served and made known to JAMES A. DEMCHAK, Defendant on the 29 day of SEPT., 2013, at 4:37, o'clock P. M., at 313 PRUNER ST., OSCEOLA Mills, in the manner described below:

Defendant personally served. PR.

Adult family member with whom 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.

\_\_\_\_\_ an officer of said Defendant's company.

Other: \_\_\_\_\_

Description: Age 65 Height 5'8" Weight 300 Race W Sex M Other \_\_\_\_\_

I, Deborah Ellis, a competent adult, hereby verify that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above. I understand that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: 9-29-13

NAME: Deborah M. Ellis

PRINTED NAME: Deborah M. Ellis

TITLE: PROCESS SERVER

NOT SERVED

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock . M., I, \_\_\_\_\_, a competent adult hereby state that Defendant NOT FOUND because:

Vacant  Does Not Exist  Moved  Does Not Reside (Not Vacant)

No Answer on \_\_\_\_\_ at \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_

Service Refused

Other: \_\_\_\_\_

I understand that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

BY: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

ATTORNEY FOR PLAINTIFF

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

(W) S  
FILED NOCC  
m 11:44 am  
OCT 08 2013

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN, LLP  
John Michael Kolesnik, Esq., Id. No.308877  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
John.Kolesnik@phelanhallinan.com  
215-563-7000

Attorney for Plaintiff

(LG)  
S m 11.03cm  
**FILED** NOCC  
NOV 04 2013

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

William A. Shaw  
Prothonotary/Clerk of Courts

JPMORGAN CHASE BANK, NATIONAL

CLEARFIELD COUNTY

ASSOCIATION

:

Plaintiff,

:

v.

COURT OF COMMON PLEAS

JAMES A. DEMCHAK

:

Defendant(s)

CIVIL DIVISION

:

No.: 08-74-CD

:

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.2

COMMONWEALTH OF PENNSYLVANIA )

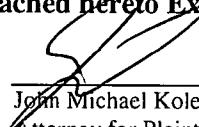
SS:

PHILADELPHIA COUNTY )

SS:

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

Date: 11/11/13

  
John Michael Kolesnik, Esq., Id. No.308877  
Attorney for Plaintiff

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

<b>JPMORGAN CHASE BANK, NATIONAL ASSOCIATION</b>	:	<b>COURT OF COMMON PLEAS</b>
Plaintiff	:	<b>CIVIL DIVISION</b>
<b>v.</b>	:	<b>NO.: <u>08-74-CD</u></b>
<b>JAMES A. DEMCHAK</b>	:	
Defendant(s)	:	<b>CLEARFIELD COUNTY</b>

**AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1**

**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **614 FILBERT STREET, CURWENSVILLE, PA 16833-1207**.

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

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

<b>JAMES A. DEMCHAK</b>	<b>614 FILBERT STREET, CURWENSVILLE, PA 16833-1207</b>
-------------------------	--

2. Name and address of Defendant(s) in the judgment:

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

<b>JAMES A. DEMCHAK</b>	<b>614 FILBERT STREET CURWENSVILLE, PA 16833-1207</b>
-------------------------	---

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

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

**None.**

4. Name and address of last recorded holder of every mortgage of record:

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

<b>CLEARFIELD BANK &amp; TRUST COMPANY</b>	<b>407 WALNUT STREET CURWENSVILLE, PA 16833</b>
--	---

<b>CLEARFIELD BANK &amp; TRUST COMPANY C/O GRETA M. WESTEN</b>	<b>407 WALNUT STREET CURWENSVILLE, PA 16833</b>
--	---

5. Name and address of every other person who has any record lien on the property:

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

**None.**

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale.

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

**None.**

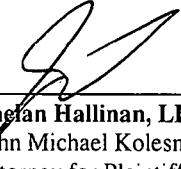
PH # 639040

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
<b>TENANT/OCCUPANT</b>	<b>614 FILBERT STREET CURWENSVILLE, PA 16833-1207</b>
<b>LEASA D. DEMCHAK C/O ANN B. WOOD</b>	<b>318 EAST LOCUST STREET PO BOX 670 CLEARFIELD, PA 16830</b>
<b>DOMESTIC RELATIONS CLEARFIELD COUNTY</b>	<b>CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830</b>
<b>COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE</b>	<b>P.O. BOX 2675 HARRISBURG, PA 17105</b>
<b>INTERNAL REVENUE SERVICE ADVISORY</b>	<b>1000 LIBERTY AVENUE ROOM 704 PITTSBURGH, PA 15222</b>
<b>U.S. DEPARTMENT OF JUSTICE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PA U.S. POST OFFICE &amp; COURTHOUSE</b>	<b>700 GRANT STREET SUITE 4000 PITTSBURGH, PA 15219</b>

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

Date: 11/1/13

By: 

**Phelan Hallinan, LLP**  
John Michael Kolesnik, Esq., Id. No.308877  
Attorney for Plaintiff  
**PHELAN HALLINAN, LLP**  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza, Philadelphia, PA 19103  
215-563-7000

Name and  
Address  
Of Sender

Phelan Hallinan, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103

AZK/JSG - 11/01/2013 SALE

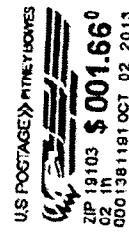
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1	****	LEASA D. DEMCHAK C/O ANN B. WOOD 318 EAST LOCUST STREET PO BOX 670 CLEARFIELD, PA 16830	\$0.46
		RE: JAMES A. DEMCHAK (CLEARFIELD)	PH # 639040/1026 Page 1 of 1 45 DAY \$0.46

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  
for the reconstruction of nonnegotiable documents under Express Mail document reconstruction  
pieces subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express  
The maximum indemnity payable is \$25,000 for registered mail sent with optional insurance.  
R900 S113 and S921 for limitations of coverage.



PH # 639040

Name and  
Address  
Of Sender

Phelan Hallinan, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103

AZK/DDA - 11/01/2013 SALE

U.S. POSTAGE >>> ATTORNEY BOXES

ZIP 19103 \$ 004.42<sup>0</sup>  
02 10 02 18 19 20 26 2013



Line	Article Number	Name of Addressee, Street, and Post Office	Address	Postage
1	****	TENANT/OCCUPANT 614 FILBERT STREET CURWENSVILLE, PA 16833-1207		\$0.45
2	****	CLEARFIELD BANK & TRUST COMPANY 407 WALNUT STREET CURWENSVILLE, PA 16833		\$0.45
3	****	CLEARFIELD BANK & TRUST COMPANY C/O, GRETAM WESTEN 407 WALNUT STREET CURWENSVILLE, PA 16833		\$0.45
4	****	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		\$0.45
5	****	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE P.O. BOX 2675 HARRISBURG, PA 17105		\$0.45
6	****	INTERNAL REVENUE SERVICE ADVISORY 1000 LIBERTY AVENUE ROOM 704 PITTSBURGH, PA 15222		\$0.45
7	****	U.S. DEPARTMENT OF JUSTICE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PA U.S. POST OFFICE & COURTHOUSE 700 GRANT STREET SUITE 4000 PITTSBURGH, PA 15219		\$0.45
		(RE: JAMES A. DEMING (CLEARFIELD))	PHL (639040/1021) Page 1 of 1, 1 Writ Team	\$3.15

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	Information
			<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of non-poolable 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 R400, S913 and S921 for limitations of coverage.</p>

Form 3877 Facsimile

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED 2cc Atty  
Ogden Hallinan  
NOV 13 2013  
6K

William A. Shaw  
Prothonotary/Clerk of Courts

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION : Court of Common Pleas  
Plaintiff : Civil Division  
v. : CLEARFIELD County  
JAMES A. DEMCHAK : No.: 08-74-CD  
Defendant

ORDER

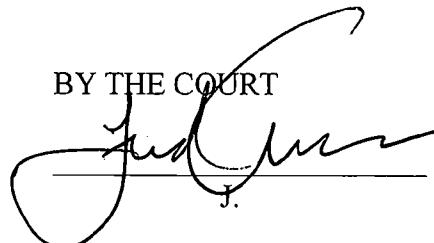
AND NOW, this 7 day of November, 2013 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	\$44,262.67
Interest Through November 1, 2013	\$7,314.25
Legal fees	\$2,375.00
Cost of Suit and Title	\$1,621.56
Sheriff's Sale Costs	\$962.78
Property Inspections	\$186.20
Property Preservation	\$40.00
Appraisal/Brokers Price Opinion	\$78.00
Mortgage Insurance Premium to be paid	\$64.92
Escrow Deficit	\$3,671.83
Suspense/Misc. Credits	<u>(\$123.92)</u>
<b>TOTAL</b>	<b>\$60,453.29</b>

Plus interest 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



JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF  
WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I/I  
TO NORTH AMERICAN MORTGAGE  
COMPANY

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 08-74-CD  
CLEARFIELD COUNTY

Plaintiff

v.

JAMES A. DEMCHAK

Defendant

S  
FILED 2cc A/Hy  
O/25km  
MAR 06 2014 Wendt

BRIAN K. SPENCER 1C Sh/SL  
PROTHONOTARY & CLERK OF COURTS  
Colo

ORDER

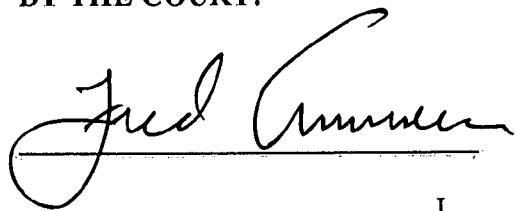
AND NOW, this <sup>6<sup>th</sup></sup> day of March 2014, after consideration of Plaintiff's

Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

**ORDERED** that the sale of 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207 is postponed two months to the Sheriff's Sale scheduled for May 9, 2014.

No further advertising or additional notice to lienholders or Defendant is required. However, the Sheriff is directed to announce the continuation to the assembled bidders and Plaintiff is to forward a copy of this Order to Defendant via first class mail.

BY THE COURT:

  
J.

ORIGINAL

Phelan Hallinan, LLP  
Robert P. Wendt, Esq., Id. No.89150  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
Robert.Wendt@phelanhallinan.com  
215-563-7000

Attorney for Plaintiff

FILED No 00  
M 1 11 47 am  
MAR 06 2014  
S BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF  
WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I/I  
TO NORTH AMERICAN MORTGAGE  
COMPANY

: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 08-74-CD  
:  
: CLEARFIELD COUNTY  
:  
:  
:

**Plaintiff**

V.

JAMES A. DEMCHAK

Defendant

## **MOTION FOR POSTPONEMENT OF SHERIFF'S SALE**

Plaintiff, by its counsel, Phelan Hallinan, LLP, petitions this Honorable Court for a postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property known as 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207 involved herein has been scheduled for March 7, 2014.
2. Plaintiff has agreed to enter into settlement negotiations with the Defendant to possibly resolve the mortgage default.
3. A two month postponement of the Sheriff's sale will enable Plaintiff and Defendant to complete negotiations.

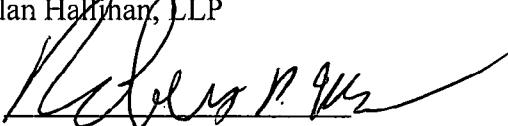
4. Unless the Court grants this Motion to postpone the Sheriff Sale, the Plaintiff will have to re-advertise the property to comply with Pa.R.C.P. 3129.2 which will result in additional costs to the parties.

5. A brief postponement of the Sheriff's Sale will not prejudice Defendant and will, in fact, inure to his/her benefit.

**WHEREFORE**, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued to May 1, 2014.

Date: March 5, 2014

Phelan Hallinan, LLP

By:   
Robert P. Wendt, Esq., Id. No.89150  
Attorney for Plaintiff

Phelan Hallinan, LLP  
Robert P. Wendt, Esq., Id. No.89150  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
[Robert.Wendt@phelanhallinan.com](mailto:Robert.Wendt@phelanhallinan.com)  
215-563-7000

Attorney for Plaintiff

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF  
WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I/I  
TO NORTH AMERICAN MORTGAGE  
COMPANY

**Plaintiff**

V.

JAMES A. DEMCHAK

Defendant

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S  
MOTION TO POSTPONE SHERIFF'S SALE**

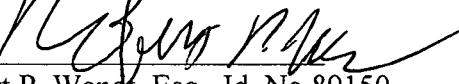
Pennsylvania Rule of Civil Procedure 3129.3 provides for the postponement of a Sheriff's Sale of real property by special order of Court.

In the case sub judice, a Sheriff's Sale of the mortgaged premises known as 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207 has been scheduled for March 7, 2014. However, a two month postponement is requested in order to attempt a resolution of the default. Inasmuch as the postponement will inure to the benefit of the Defendant, Defendant will not be injured by the granting of the relief requested.

**WHEREFORE**, Plaintiff respectfully requests a two month continuance of the Sheriff's Sale of the mortgaged premises to the May 5, 2014 Sheriff's Sale.

Phelan Hallinan, LLP

Date: March 5, 2014

By:   
Robert P. Wendt, Esq., Id. No.89150  
Attorney for Plaintiff

Phelan Hallinan, LLP  
Robert P. Wendt, Esq., Id. No.89150  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
[Robert.Wendt@phelanhallinan.com](mailto:Robert.Wendt@phelanhallinan.com)  
215-563-7000

Attorney for Plaintiff

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF  
WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I/I  
TO NORTH AMERICAN MORTGAGE  
COMPANY

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 08-74-CD  
CLEARFIELD COUNTY

Plaintiff

V.

JAMES A. DEMCHAK

Defendant

## **CERTIFICATION OF SERVICE**

I hereby certify that true and correct copies of the Motion to Postpone Sheriff's Sale relative to the above matter and Memorandum of Law have been sent via first class mail to the individual indicated below on March 5, 2014.

JAMES A. DEMCHAK  
313 PRUNER ST  
OSCEOLA MILLS, PA 16666-1130

Date: March 5, 2014

By: Robert P. Wendt  
Robert P. Wendt, Esq., Id. No.89150  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21650  
NO: 08-74-CD

PLAINTIFF: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY

vs.

DEFENDANT: JAMES A. DEMCHAK

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 8/22/2013

LEVY TAKEN 9/13/2013 @ 2:32 PM

POSTED 9/13/2013 @ 2:32 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 7/21/2014

DATE DEED FILED NOT SOLD

15  
FILED No CC  
S of 2:37pm  
JUL 21 2014

BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

DETAILS

10/15/2013 @ 9:25 AM SERVED JAMES DEMCHAK  
MOVED TO OSCEOLA MILLS, PA.

10/15/2013 @ 9:25 AM SERVED JAMES DEMCHAK

SERVED JAMES DEMCHAK, DEFENDANT, AT HIS RESIDENCE 313 PRUNER STREET, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TAMMY MONOSKEY, FRIEND OF DEFENDANT/ADULT AT RESIDENCE

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, OCTOBER 31, 2013, RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR NOVEMBER 1, 2014 TO JANUARY 10, 2104 DUE TO LOSS MITIGATION.

@ SERVED

NOW, JANUARY 10, 2014 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR JANUARY 10, 2104 TO MARCH 7, 2014 PER CLIENT REQUEST.

@ SERVED

NOW, MARCH 6, 2014 RECEIVED A COPY OF THE COURT ORDER REQUESTING POSTPONEMENT OF THE SHERIFF SALE SCHEDULED FOR MARCH 7, 2014 TO MAY 9, 2014

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21650  
NO: 08-74-CD

PLAINTIFF: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY

VS.

DEFENDANT: JAMES A. DEMCHAK

Execution REAL ESTATE

**SHERIFF RETURN**

---

Sheriff Thurston \$239.16

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,

*Wesley B. Thurston*  
*Do Gwetha Bitha Rehfeld*  
Wesley B. Thurston  
Sheriff

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

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

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,  
SUCCESSOR IN INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER  
OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON  
MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE  
COMPANY

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 08-74-CD

CLEARFIELD COUNTY

vs.

JAMES A. DEMCHAK  
Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207  
(See Legal Description attached)

Amount Due	
	\$57,350.43

Interest from 04/29/2008 to Sale	\$ _____
----------------------------------	----------

Per diem \$9.43	\$ _____
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Writ Total	\$ _____
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Prothonotary costs	155.00
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*Willie A. Thompson*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated August 22, 2013  
(SEAL)

PH # 639040

Received this writ this 22nd day  
of August A.D. 2013  
At 3:00 A.M./P.M.

Chester A. Thompson  
Sgt. 3rd Cenftral Btch - Aughleveet

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION,  
SUCCESSOR IN INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE CORPORATION AS  
RECEIVER OF WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH  
AMERICAN MORTGAGE COMPANY : COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: NO.: 08-74-CD  
: Plaintiff : CLEARFIELD COUNTY  
: vs.  
: Plaintiff : CLEARFIELD COUNTY

JAMES A. DEMCHAK

Defendant(s)

**NOTICE OF SHERIFF'S SALE OF REAL PROPERTY**

TO: JAMES A. DEMCHAK  
614 FILBERT STREET  
CURWENSVILLE, PA 16833-1207

\*\*THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.\*\*

Your house (real estate) at **614 FILBERT STREET, CURWENSVILLE, PA 16833-1207** is scheduled to be sold at the Sheriff's Sale on FRIDAY, NOVEMBER 1, 2013 at 10:00 A.M. in the **CLEARFIELD** County Courthouse, 1 North 2nd Street, Ste. 116, Clearfield, PA 16830 to enforce the court judgment of \$57,350.43 obtained by **JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY** (the mortgagee) against you. In the event the sale is continued, an announcement will be made at said sale in compliance with Pa.R.C.P. Rule 3129.3.

**NOTICE OF OWNER'S RIGHTS**

**YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE**

To prevent this Sheriff's Sale, you must take **immediate action**:

1. The sale will be canceled if you pay to the mortgagee the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call: **215-563-7000 x1230**.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice on page two on how to obtain an attorney.)

**YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE.**

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling 215-563-7000.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call 215-563-7000.
4. If the amount due from the Buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have the right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your house. A proposed schedule of distribution of the money bid for your house will be prepared by the Sheriff not later than thirty (30) days after the sale. The schedule shall be kept on file with the sheriff and will be made available for inspection in his office. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the filing of the proposed schedule.
7. You may also have other rights and defenses, or ways of getting your home back, if you act immediately after the sale.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

### LEGAL DESCRIPTION

ALL that certain lot with improvements thereon situate in the Borough of Curwensville, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN James A. Demcak, by Deed from Darrin L. Swanson and Lesa M. Swanson, husband and wife, dated 06/23/2000, recorded 08/07/2000, in Deed Mortgage Inst# 200011352.

Tax Parcel: 006-1-H10-280-00005

Premises Being: 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207

SEIZED, taken in execution to be sold as the property of JAMES A. DEMCHAK, at the suit of JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY. JUDGMENT NO. 08-74-CD

**SHORT DESCRIPTION**

By virtue of a Writ of Execution No. 08-74-CD

**JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST  
BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS  
RECEIVER OF WASHINGTON MUTUAL BANK F/K/A WASHINGTON MUTUAL  
BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE COMPANY**

v.

**JAMES A. DEMCHAK**

owner(s) of property situate in the **BOROUGH OF CURWENSVILLE, CLEARFIELD**  
County, Pennsylvania, being

**614 FILBERT STREET, CURWENSVILLE, PA 16833-1207**

**Parcel No. 006-1-H10-280-00005**

**(Acreage or street address)**

Improvements thereon: **RESIDENTIAL DWELLING**

Judgment Amount: **\$57,350.43**

**Attorneys for Plaintiff**  
Phelan Hallinan, LLP

**SEIZED, taken in execution to be sold as the property of JAMES A. DEMCHAK, at  
the suit of JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST BY  
PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE CORPORATION AS RECEIVER OF WASHINGTON  
MUTUAL BANK F/K/A WASHINGTON MUTUAL BANK, FA S/I/I TO NORTH AMERICAN MORTGAGE  
COMPANY. JUDGMENT NO. JUDGMENT NO. 08-74-CD**

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME JAMES DEMCHAK

NO. 08-74-CD

NOW, July 21, 2014, 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 May 09, 2014, I exposed the within described real estate of James A. Demchak to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	6.78
LEVY	15.00
MILEAGE	6.78
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	8.82
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	
ADD'L POSTING	
ADD'L MILEAGE	6.78
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	60.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$239.16</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	57,350.43
INTEREST @ 9.4300	20,755.43
FROM 04/29/2008 TO 05/09/2014	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	
SATISFACTION FEE	20.00
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$78,125.86</b>
<b>COSTS:</b>	
ADVERTISING	316.75
TAXES - COLLECTOR	
TAXES - TAX CLAIM	0.00
ASSESSMENT FEE	
LIEN SEARCH	200.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	239.16
LEGAL JOURNAL COSTS	300.00
PROTHONOTARY	155.00
MORTGAGE SEARCH	80.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,290.91</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.

Wesley B. Thurston, Sheriff

**Phelan Hallinan, LLP**  
**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

October 29, 2013

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION v.  
JAMES A. DEMCHAK  
614 FILBERT STREET CURWENSVILLE, PA 16833-1207  
No.: 08-74-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for November 1, 2013 due to the following: Loss Mitigation.

The Property is to be relisted for the January 10, 2014 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,  
Nancy Ellis for  
Phelan Hallinan, LLP

**Phelan Hallinan, LLP**  
**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

January 10, 2014

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I TO NORTH AMERICAN  
MORTGAGE COMPANY v.  
JAMES A. DEMCHAK  
614 FILBERT STREET CURWENSVILLE, PA 16833-1207  
No.: 08-74-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for  
January 10, 2014 due to the following: Per Client.

The Property is to be relisted for the March 7, 2014 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,  
David Tran for  
Phelan Hallinan, LLP

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE  
FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF  
WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I/I  
TO NORTH AMERICAN MORTGAGE  
COMPANY

Plaintiff

v.

JAMES A. DEMCHAK

Defendant

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 08-74-CD  
CLEARFIELD COUNTY

FILED 2014  
O/25/cm  
MAR 06 2014 Wendt

BRIAN K. SPENCER 1CC Shf  
PROTHONOTARY & CLERK OF COURTS  
616

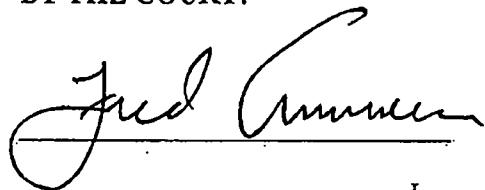
ORDER

AND NOW, this 6<sup>th</sup> day of March 2014, after consideration of Plaintiff's Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

ORDERED that the sale of 614 FILBERT STREET, CURWENSVILLE, PA 16833-1207 is postponed two months to the Sheriff's Sale scheduled for May 9, 2014.

No further advertising or additional notice to lienholders or Defendant is required. However, the Sheriff is directed to announce the continuation to the assembled bidders and Plaintiff is to forward a copy of this Order to Defendant via first class mail.

BY THE COURT:

  
J.

ORIGINAL

**Phelan Hallinan, LLP**  
**1617 JFK Boulevard, Suite 1400**  
**One Penn Center Plaza**  
**Philadelphia, PA 19103**  
**215-563-7000**  
**Fax: 215-568-7616**

Foreclosure Manager

Representing Lenders in  
Pennsylvania

May 1, 2014

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, SUCCESSOR IN  
INTEREST BY PURCHASE FROM THE FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER OF WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/IT TO NORTH AMERICAN  
MORTGAGE COMPANY v.  
JAMES A. DEMCHAK  
614 FILBERT STREET CURWENSVILLE, PA 16833-1207  
No.: 08-74-CD**

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for May 9, 2014 due to the following:

Please be advised that no funds were reported to be received.

You are hereby directed to immediate discontinue the advertising of the sale and processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as possible. In addition, please forward a copy of the cost sheet pertaining to this sale to our office via facsimile to 215-567-0072 or regular mail at your earliest convenience.

Thank you for your cooperation in this matter.

Very Truly Yours,  
PATRICK WIRT for  
Phelan Hallinan, LLP

JPMorgan Chase Bank, National Association, Successor in Interest by Purchase From The Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank f/k/a Washington Mutual Bank, Fa S/i/i to North American Mortgage Company Plaintiff v. : COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO.: 08-74-CD  
CLEARFIELD COUNTY

James A. Demchak  
Defendant(s)

AFFIDAVIT PURSUANT TO RULE 3129.1

JPMorgan Chase Bank, National Association, Successor in Interest by Purchase From The Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank f/k/a Washington Mutual Bank, Fa S/i/i to North American Mortgage Company, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information concerning the real property located at 614 Filbert Street, Curwensville, PA 16833-1207.

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

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

James A. Demchak

313 Pruner st  
Osceola Mills, PA 16666-1130

FILED

(BNT)

2. Name and address of Defendant(s) in the judgment:

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

James A. Demchak

313 Pruner st  
Osceola Mills, PA 16666-1130

OCT 29 2015  
M112441BNT  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
1CC Shrf, Atty Brush

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

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

None.

4. Name and address of last recorded holder of every mortgage of record:

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

Clearfield Bank & Trust Company

407 Walnut Street  
Curwensville, PA 16833

Clearfield Bank & Trust Company C/O Greta  
M. Westen

407 Walnut Street  
Curwensville, PA 16833

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

OCT 29 2015

A TRUE COPY  
ATTEST: BRIAN K. SPENCER  
PROTHONOTARY-CLERK

5. Name and address of every other person who has any record lien on the property:

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

None.

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale.

Name

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

None.

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

Name

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

Tenant/Occupant

614 Filbert Street  
Curwensville, PA 16833-1267

Leasa D. Deinchak C/O Ann B. Wood

318 East Locust Street  
PO Box 670  
Clearfield, PA 16830

Domestic Relations  
Clearfield County

Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 16830

Commonwealth of Pennsylvania  
Department of Welfare

P.O. Box 2675  
Harrisburg, PA 17105

Internal Revenue Service Advisory

1000 Liberty Avenue Room 704  
Pittsburgh, PA 15222

U.S. Department of Justice  
U.S. Attorney for The Western District of PA  
U.S. Post Office & Courthouse

700 Grant Street  
Suite 4000  
Pittsburgh, PA 15219

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

Date: 10/27/2015

By:

  
Pheilan Hallinan Diamond & Jones, LLP  
Matthew Brushwood, Esq., Id. No. 310592  
Attorney for Plaintiff  
PHELAN HALLINAN DIAMOND & JONES, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza, Philadelphia, PA 19103  
215-563-7000

PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183

JPMorgan Chase Bank, National Association, Successor in  
Interest by Purchase From The Federal Deposit Insurance  
Corporation as Receiver of Washington Mutual Bank f/k/a  
Washington Mutual Bank, Fa S/i/i to North American Mortgage  
Company

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 08-74-CD

CLEARFIELD COUNTY

vs.

James A. Demchak

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	
	\$60,453.29

Interest from 11/02/2013 to Sale	\$ _____
----------------------------------	----------

Per diem \$9.94	\$ _____
-----------------	----------

Writ Total	\$ _____
------------	----------

  
Bielan Hallinan Diamond & Jones, LLP  
Matthew Brushwood, Esq., Id. No.310592  
Attorney for Plaintiff

Note: Please attach description of Property.

PH # 639040

FILED

S OCT 29 2015  
M 111211 BNT  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
20pd lcc Atty Brushwood + 1writ  
lcc + 6writs + chuck Shrif

No.: 08-74-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

JPMorgan Chase Bank, National Association, Successor in Interest by Purchase  
From The Federal Deposit Insurance Corporation as Receiver of Washington  
Mutual Bank f/k/a Washington Mutual Bank, Fa S/i/i to North American  
Mortgage Company

vs.

James A. Demchak

---

PRAYER FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Filed: 

Phelan Hallinan Diamond & Jones, LLP  
Matthew Brushwood, Esq., Id. No. 310592  
Attorney for Plaintiff

Address where papers may be served:

James A. Demchak  
313 Pruner St  
Osceola Mills, PA 16666-1130

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

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

JPMorgan Chase Bank, National Association, Successor in Interest by  
Purchase From The Federal Deposit Insurance Corporation as Receiver  
of Washington Mutual Bank f/k/a Washington Mutual Bank, Fa S/i/i to  
North American Mortgage Company

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 08-74-CD

CLEARFIELD COUNTY

vs.

James A. Demchak  
Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 614 Filbert Street, Curwensville, PA 16833-1207  
(See Legal Description attached)

Amount Due	
Interest from 11/02/2013 to Sale	\$ _____
Per diem \$9.94	\$ _____
Writ Total	\$ _____

*Frank. Squire BNT*

OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 10/29/2015  
(SEAL)

Prothonotary costs \$175.00

PH # 639040

IN THE COURT OF COMMON PLEAS OF  
CLERAFIELD COUNTY, PENNSYLVANIA

JPMorgan Chase Bank, National Association, Successor in Interest by Purchase From The Federal Deposit Insurance Corporation as Receiver of Washington Mutual Bank f/k/a Washington Mutual Bank, Fa S/i/i to North American Mortgage Company

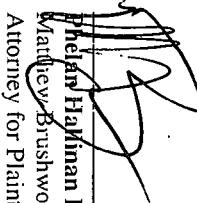
vs.

James A. Demchak

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Real Debt	Costs
Int. from	\$60,453.29
To Date of Sale (\$9.94 per diem)	_____
Costs	_____
Prophy Pd.	_____
Sheriff	_____

Filed

  
Michael Halinan Diamond & Jones, LLP  
Matthew Brushwood, Esq., Id. No. 310592  
Attorney for Plaintiff

Address where papers may be served:

James A. Demchak  
313 Pruner st  
Osceola Mills, PA 16666-1130

LEGAL DESCRIPTION

ALL that certain lot with improvements thereon situate in the Borough of Curwensville, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at East corner of lot, now or formerly of W. A. Dale, and Filbert Street; thence by said lot Westward one hundred and ninety (190) feet to an alley; thence by said alley Northward, sixty (60) feet to lot, now or formerly of E.A. Irvin; thence by said lot, Eastward one hundred and ninety (190) feet to Filbert Street; thence by said street Southward, sixty (60) feet to place of beginning.

UNDER and SUBJECT to all existing easements, covenants, conditions and restrictions of record.

TITLE TO SAID PREMISES IS VESTED IN James A. Demcak, by Deed from Darrin L. Swanson and Lesa M. Swanson, husband and wife, dated 06/23/2000, recorded 08/07/2000, in Deed Mortgage Inst# 200011352.

Tax Parcel: 006-1-H10-280-00005

Premises Being: 614 Filbert Street, Curwensville, PA 16833-1207

FILED

S OCT 29 2015  
M1123 S/BUT  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

NO 8

PHELAN HALLINAN DIAMOND & JONES, LLP  
Matthew Brushwood, Esq., Id. No.310592  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
matthew.brushwood@phelanhallinan.com  
215-563-7000

Attorneys for Plaintiff

**JPMorgan Chase Bank, National Association, Successor in Interest  
by Purchase From The Federal Deposit Insurance Corporation as  
Receiver of Washington Mutual Bank f/k/a Washington Mutual  
Bank, Fa S/i/i to North American Mortgage Company**  
Plaintiff

: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: NO.: 08-74-CD  
: CLEARFIELD County

v.  
**James A. Demchak**  
Defendant(s)

### CERTIFICATION

The undersigned attorney hereby states that he/she is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because:

- the mortgage is an FHA Mortgage
- the premises is non-owner occupied
- the premises is vacant
- Act 91 procedures have been fulfilled
- Act 91 is Not Applicable pursuant to Pa Bulletin, Doc No 11-1197, 41 Pa.B. 3943

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

By:   
Phelan Hallinan Diamond & Jones, LLP  
Matthew Brushwood, Esq., Id. No.310592  
Attorney for Plaintiff

FILED *BN*  
S OCT 29 2015  
M112331 BNT  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS  
cc Shrf

PHELAN HALLINAN DIAMOND & JONES, LLP  
Paul Cressman, Esq., Id. No.318079  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
paul.cressman@phelanhallinan.com  
215-563-7000

FILED  
Attorney for Plaintiff  
MIBMT  
2016 JAN 18 A 11:13  
NO CC  
BRIAN K. SPENCER  
PROTHONOTARY &  
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, SUCCESSOR IN INTEREST BY  
PURCHASE FROM THE FEDERAL DEPOSIT  
INSURANCE CORPORATION AS RECEIVER OF  
WASHINGTON MUTUAL BANK F/K/A  
WASHINGTON MUTUAL BANK, FA S/I TO  
NORTH AMERICAN MORTGAGE COMPANY  
Plaintiff,

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
No.: 08-74-CD

v.

**JAMES A. DEMCHAK**  
Defendant(s)

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.2

COMMONWEALTH OF PENNSYLVANIA )  
PHILADELPHIA COUNTY ) SS:

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

Paul Cressman, Esq., Id. No.318079  
Attorney for Plaintiff

Date: 1/15/16

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

Name and  
Address Of  
Sender

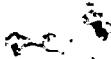
Phelan Hallinan Diamond & Jones, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19101

ATK/GL - 02/04/2016 SALE

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	***	TENANT/OCUPANT 614 FILBERT STREET CURWENSVILLE, PA 16833-1247	\$0.47	
2	***	Clearfield Bank & Trust Company 407 WALNUT STREET CURWENSVILLE, PA 16833	\$0.47	
3	***	Clearfield Bank & Trust Company C/O Greta M. Weston 407 WALNUT STREET CURWENSVILLE, PA 16833	\$0.47	
3	***	Leasa D. Dernchak C/O Ann B. Wood 318 EAST LOCUST STREET PO BOX 670 CLEARFIELD, PA 16830	\$0.47	
4	***	Domestic Relations Clearfield County CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830	\$0.47	
5	***	Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105	\$0.47	
6	***	Internal Revenue Service Advisory 1000 Liberty Avenue Room 704 Pittsburgh, PA 15222	\$0.47	
7	***	U.S. Department of Justice U.S. Attorney for The Western District of PA U.S. Post Office & Courthouse 700 Grant Street Suite 4000 Pittsburgh, PA 15219	\$0.47	
		PA 15222-DEMOCRATIC CLEARFIELD	\$4.23	

Total Number of Pieces Listed by Sender:	Postage Received at Post Office	Postage Received by Recipient (Receiving Employee)	The full declaration of value is required for all domestic and international mail. The maximum indemnity payable for the reconstruction of non-ascertained documents under Express Mail is \$10,000 per piece subject to a limit of \$500.00 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$570. The maximum indemnity payable is \$25,000 for registered mail, with optional insurance. See Domestic Mail Manual, Section 3813, and 3814, for limits, terms of coverage.
---	------------------------------------	--	--

Form 3877 Facsimile



# SHERIFF'S OFFICE OF CLEARFIELD COUNTY

Wesley B Thurston  
Sheriff

Michael Churner  
Chief Deputy



Gary A Knaresboro  
Solicitor

Cynthia Butler-Aughenbaugh  
Office Manager

JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
vs.  
JAMES A. DEMCHAK

Case Number  
2008-74-CD

## SHERIFF'S RETURN OF SERVICE

11/19/2015 12:18 PM - DEPUTY JEFF RHONE, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS THE LEVY WAS COMPLETED AT 614 FILBERT STREET, CURWENSVILLE, PA 16833

11/19/2015 12:18 PM - DEPUTY JEFF RHONE, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE LEVY WAS MADE AND THE HANDBILL WAS POSTED UPON THE PROPERTY LOCATED AT 614 FILBERT STREET, CURWENSVILLE, PA 16833.

11/19/2015 02:00 PM - DEPUTY JEFF RHONE, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THAT THE REQUESTED WRIT OF EXECUTION, NOTICE OF SHERIFF'S SALE, AND A COPY OF THE LEVY WAS SERVED BY "PERSONALLY" HANDING A TRUE COPY TO A PERSON REPRESENTING THEMSELVES TO BE PORSCHA GARDNER, GIRLFRIEND'S DAUGHTER, WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR JAMES A. DEMCHAK AT 313 PRUNER STREET, OSCEOLA MILLS, PA 16666.

11/19/2015 02:00 PM - DEPUTY JEFF RHONE, BEING DULY SWORN ACCORDING TO LAW, DEPOSES AND SAYS, THE SALE NOTICE WAS SERVED UPON JAMES A. DEMCHAK AT 313 PRUNER STREET, OSCEOLA MILLS, PA 16666 BY HANDING A TRUE AND ATTESTED COPY TO A PORSCHA GARDNER, DEFENDANT'S GIRLFRIEND'S DAUGHTER, ADULT-IN-CHARGE OF RESIDENCE AT TIME OF SERVICE, AND MADE KNOWN THE CONTENTS THEREOF.

SHERIFF COST: \$200.26

SO ANSWERS,

WESLEY B THURSTON, SHERIFF

March 22, 2016

BKT  
FILED pd \$5.00  
NGCC  
S MAR 22 2016  
013:18/UP  
BRIAN K. SPENCER  
PROTHONOTARY & CLERK OF COURTS

COSTS					
DATE	CATEGORY	MEMO	CHK #	DEBIT	CREDIT
11/18/2015	Advance Fee	Advance Fee	1561872	\$0.00	\$2,500.00
11/18/2015	RDR	(PAID 03/07/2016)		\$15.00	\$0.00
11/18/2015	Service	(PAID 03/07/2016)		\$15.00	\$0.00
11/18/2015	Mileage	(PAID 03/07/2016)		\$6.90	\$0.00
11/18/2015	Levy	(PAID 03/07/2016)		\$15.00	\$0.00
11/18/2015	Posting	(PAID 03/07/2016)		\$15.00	\$0.00
11/18/2015	Auctioneer	(PAID 03/07/2016)		\$10.00	\$0.00
11/18/2015	Postage	(PAID 03/07/2016)		\$5.88	\$0.00
11/18/2015	Hand Bills	(PAID 03/07/2016)		\$15.00	\$0.00
11/18/2015	Distribution Costs	(PAID 03/07/2016)		\$25.00	\$0.00
11/18/2015	Advertising (Handbills)	(PAID 03/07/2016)		\$15.00	\$0.00
11/18/2015	Deed Preparation	(PAID 03/07/2016)		\$30.00	\$0.00
11/18/2015	Surcharge			\$20.00	\$0.00
11/18/2015	Additional Mileage	(PAID 03/07/2016)		\$6.48	\$0.00
11/18/2015	Bid / Settlement Amount	(PAID 03/07/2016)		\$1.00	\$0.00
11/18/2015	Copies	(PAID 03/07/2016)		\$20.00	\$0.00
11/18/2015	Billing/Phone/Fax	(PAID 03/07/2016)		\$5.00	\$0.00
11/18/2015	Progress	(PAID 02/04/2016)	10529	\$319.00	\$0.00
11/18/2015	Legal Journal	(PAID 02/04/2016)	10530	\$300.00	\$0.00
11/18/2015	Assessment (Clearfield County)	(PAID 03/21/2016)	10694	\$10.00	\$0.00
11/18/2015	Mortgage Search	(PAID 03/21/2016)	10695	\$40.00	\$0.00
11/18/2015	Lien Search	(PAID 03/21/2016)	10696	\$100.00	\$0.00
11/18/2015	Deed & Acknowledgment	(PAID 03/21/2016)	10697	\$5.00	\$0.00
11/18/2015	Recorder of Deeds	(PAID 03/21/2016)	10698	\$65.50	\$0.00
03/21/2016	Refund	(PAID 03/21/2016)	10699	\$1,440.24	\$0.00
				\$2,500.00	\$2,500.00
				BALANCE:	\$0.00