

FILED

JAN 17 2008

Atty. pd. 95.00
icc Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

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

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 08-74-CD

CLEARFIELD COUNTY

JAMES A. DEMCHAK
614 FILBERT STREET
CURWENSVILLE, PA 16833

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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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
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

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

**PURSUANT TO THE FAIR DEBT COLLECTION
PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977),
DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE
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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:

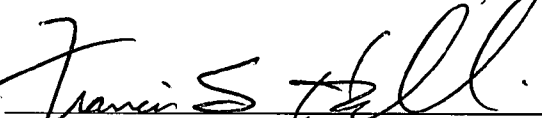
Principal Balance	\$48,121.68
Interest	\$5,157.03
11/01/2006 through 01/07/2008 (Per Diem \$11.91)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$82.00
06/23/2000 to 01/07/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,160.71
Escrow	
Credit	\$0.00
Deficit	\$855.80
Subtotal	<u>\$855.80</u>
TOTAL	\$56,016.51

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 Laura Vincent 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: 12/12/17

Name: Laura Vincent

Title: AVP

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

Loan: 8409971549

File #: 144976

FILED No. CC
m/11:28/00
FEB 28 2000
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
7255 Baymeadows Way
Jacksonville, FL 32256
Plaintiff

Court of Common Pleas

Civil Division

vs.

Clearfield County

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

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 2nd 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

A handwritten signature in black ink, appearing to read 'Michele M. Bradford', written over a horizontal line.

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

FILED

mjt:28/bv
FEB 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

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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

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2/27/08
Date

PHELAN HALLINAN & SCHMIEG, LLP

A handwritten signature in black ink, appearing to read 'Michele M. Bradford', written over a horizontal line.

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

CA

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

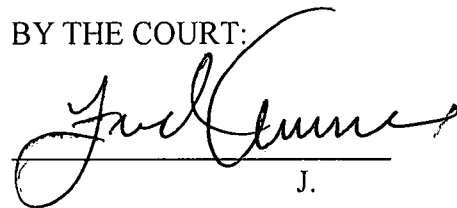
Washington Mutual Bank, FA S/I/I to North	:	Court of Common Pleas
American Mortgage Company	:	
7255 Baymeadows Way	:	
Jacksonville, FL 32256	:	Civil Division
Plaintiff	:	
vs.	:	Clearfield County
James A. Demchak	:	
614 Filbert Street	:	No. 08-0074-CD
Curwensville, PA 16833	:	
Defendant	:	

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
01/3:45
MAR 04 2008

1cc
Atty Bradford

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

1cc Sheriff

(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:

FILED *m/11:28/301*
FEB 28 2008
WAS William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

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*

FILED
JAN 17 2008

William A. Shaw
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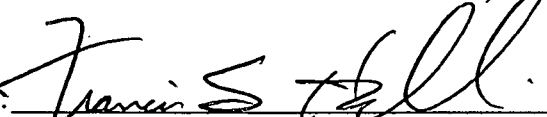
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10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

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
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MICHAEL E. CARLETON, ESQUIRE
Attorneys for Plaintiff

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BEING KNOWN AS 614 FILBERT STREET, CURWENSVILLE, PA 16833

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VERIFICATION

AVP James McCall hereby states that he/she is
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DATE: 12/17/17

James McCall
Name: James McCall
Title: AVP

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


Loan: 8409971549

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.

2/27/08
Date

PHELAN HALLINAN & SCHMIEG, LLP



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 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

013:40 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}
MAR 14 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

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

Court of Common Pleas

Civil Division

vs.

Clearfield County

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

No. 08-0074-CD

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:

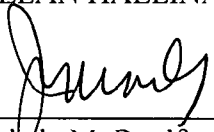
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, PA 16830

Peter F. Smith, Esquire
30 South 2nd 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

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

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).

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
TOTAL	<u>\$ 57,350.43</u>

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/30/08


PRO PROTHY

144976

FILED *Atty. pd.*
m/2:05/08 *\$20.00*
APR 30 2008
William A. Shaw
Prothonotary/Clerk of Courts
cc - Notice to Def.
Statement to Atty
GW

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

WASHINGTON MUTUAL BANK, F.A., S/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

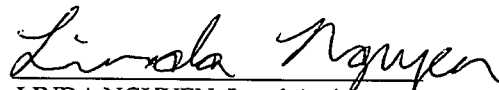
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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


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


LINDA NGUYEN, Legal Assistant

(215) 563-7000

• • • • •

NO. 08-74-CD


DANIEL G. SCHMIEG, ESQUIRE

COPY

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).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-74-CD

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

BY William L. Schlegel DEPUTY
BSH

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

Daniel G. Schmieg

DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

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

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

COPY

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

vs.

JAMES A. DEMCHAK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-74-CD Term 20

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due

Interest from 4/29/08 to Sale

Per diem \$9.43

Add'l Costs

Writ Total

Prothonotary costs

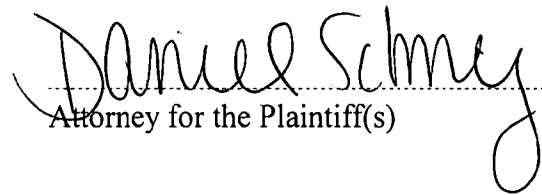
\$57,350.43

135.00

\$ _____

\$3,300.00

\$


Attorney for the Plaintiff(s)

Note: Please attach description of Property.

144976

FILED

MAY 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

Att'y fee \$20.00
1CC & 6writs
w/prop. desc.
to Sheriff

(60)

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

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

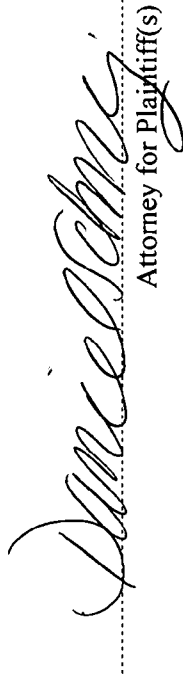
WASHINGTON MUTUAL BANK, F.A., S/I/I TO
NORTH AMERICAN MORTGAGE COMPANY

vs.

JAMES A. DEMCHAK

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

.....

Attorney for Plaintiff(s)

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

LEGAL DESCRIPTION

A&L 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

(215) 563-7000

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

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).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-74-CD

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 Praecept 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.)

JAMES A. DEMCHAK

**614 FILBERT STREET
CURWENSVILLE, PA 16833**

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

NAME

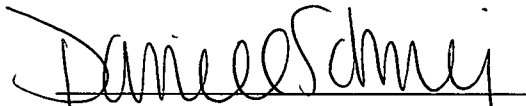
LAST KNOWN ADDRESS (If address cannot be
reasonably ascertained, please so indicate.)

Same as Above

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

MAY 27, 2008

Date


DANIEL G. SCHMIEG, ESQUIRE
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

Defendant(s).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-74-CD

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 Praecipe 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.)

None

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

NAME

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

**Clearfield Bank & Trust
Company**

**407 Walnut Street
Curwensville, PA 16833**

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

NAME

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

None

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

NAME

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

None

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

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

TENANT/OCCUPANT	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 th Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128
--	---


Internal Revenue Service Federated Investors Tower	13 TH 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 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)

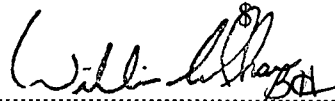
Amount Due

Interest from 4/29/08 to Sale
Per diem \$9.43
Add'l Costs
Writ Total

Prothonotary costs \$57,350.43
135.00

\$ _____

\$3,300.00



(Clerk) Office of the Prothy Support, 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)

Costs

Real Debt \$57,350.43

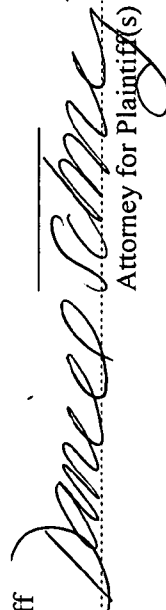
Int. from 4/29/08 TO
To Date of Sale (\$9.43 per diem)

Costs

Prothy Pd.

135.00

Sheriff


Attorney for Plaintiff(s)

Address: JAMES A. DEMCHAK

614 FILBERT STREET 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 NO CC
m 11:13 AM
JUL 07 2008

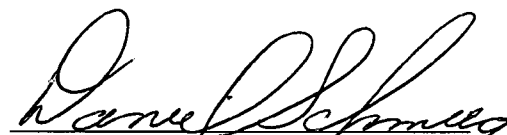
William A. Shaw
Prothonotary/Clerk of Courts

**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 Praecipe 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

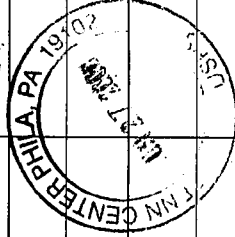
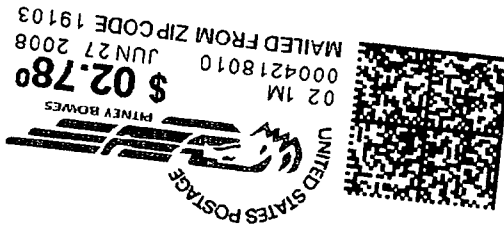
July 1, 2008

CQS

Name and
Address
of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 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 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 TH 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 Curwensville, PA 16833		
8				
9				
10				
11				
12		Re: JAMES A. DEMCHAK 144976 TEAM 4 BSD		
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 CC
JUL 21 2008
William A. Shaw
Prothonotary/Clerk of Courts

PLAINTIFF WASHINGTON MUTUAL BANK, F.A., S/I TO
NORTH AMERICAN MORTGAGE COMPANY CLEARFIELD County
No. 08-74-CD

DEFENDANT(S) JAMES A. DEMCHAK

Our File #: 144976

Please serve upon: JAMES A. DEMCHAK

Type of Action
- Notice of Sheriff's Sale

SERVE AT: 614 FILBERT STREET
CURWENSVILLE, PA 16833

Sale Date: August 1, 2008

Served and made known to JAMES A. DEMCHAK ^{SERVED}, Defendant, on the 9th day of July,
2008, at 12:00, o'clock P.m., at 614 FILBERT ST., CURWENSVILLE, 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 Cauc 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

Marilyn A. Campbell
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Marilyn A. Campbell, Notary Public
City Of Altoona, Blair County
My Commission Expires Dec. 8, 2011
Member, Pennsylvania Association of Notaries

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

FILED No CC
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 TO
NORTH AMERICAN MORTGAGE COMPANY

Plaintiff

vs.

JAMES A. DEMCHAK

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-74-CD

PLAINTIFF'S MOTION TO REASSESS DAMAGES

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on 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 /	\$70.64
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$658.02)
Escrow Deficit	\$3,254.49
	<hr/>
TOTAL	\$61,326.80

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

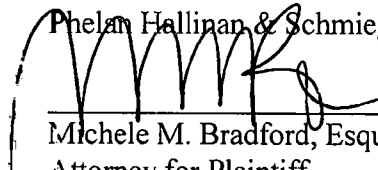
By: 
Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 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

ATTORNEY FILE COPY
PLEASE RETURN
Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-74-CD

CLEARFIELD COUNTY

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

**COPY
FILED
JAN 17 2008**

William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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

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

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

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

Notice to Defend:
David S. Meholick, Court Administrator
Clearfield County Courthouse
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

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

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

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

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

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

1. Plaintiff is

WASHINGTON MUTUAL BANK, F.A., S/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:

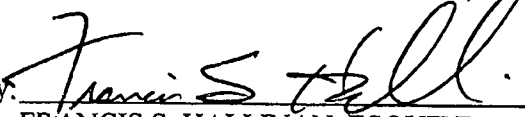
Principal Balance	\$48,121.68
Interest	\$5,157.03
11/01/2006 through 01/07/2008 (Per Diem \$11.91)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$82.00
06/23/2000 to 01/07/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$55,160.71
Escrow	
Credit	\$0.00
Deficit	\$855.80
Subtotal	<u>\$855.80</u>
TOTAL	\$56,016.51

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 Sandra Wood 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

Sandra Wood
Name: Sandra Wood
Title: AVP

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

7255 BAYMEADOWS, J
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
TOTAL	<u>\$ 57,350.43</u>

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

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/30/08

PRO PROTHY

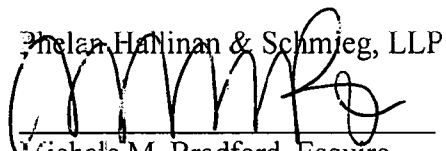
144976

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:


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 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 /	\$70.64
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits
Escrow Deficit

(\$658.02)

\$3,254.49

TOTAL

\$51,326.80

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 TO
NORTH AMERICAN MORTGAGE COMPANY
Plaintiff

vs.

JAMES A. DEMCHAK

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-74-CD

RULE

AND NOW, this 30th 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 25th day of August 2008, at 11:15 in the Clearfield
County Courthouse, Clearfield, Pennsylvania.
A.M.

BY THE COURT

Richard J. Zimmerman
J.

144976

FILED^{ICC}

01/39/08
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

X You are responsible for serving all appropriate parties.
The Prothonotary's office has provided service to the following parties:
 Plaintiffs Plaintiff(s) Attorney Other
 Defendants Defendant(s) Attorney
 Special Instructions:

FILED
 3:19:10 PM
 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/TI TO
 NORTH AMERICAN MORTGAGE COMPANY
 Plaintiff

Court of Common Pleas
 Civil Division
 CLEARFIELD County
 No. 08-74-CD

vs.

JAMES A. DEMCHAK

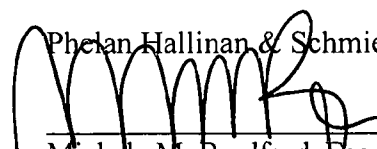
Defendant

PRAECIPE

TO THE PROTHONOTARY:

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

DATE: 8/16/08

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 TO
NORTH AMERICAN MORTGAGE COMPANY

Plaintiff

vs.

JAMES A. DEMCHAK

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-74-CD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praecipe 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:

Phelell 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/// 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
01/11/15/08
JAN 19 2008
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

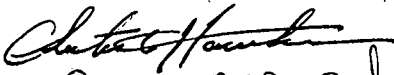
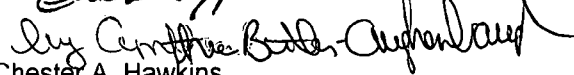
Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$208.84

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,



Chester A. Hawkins
Sheriff

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

WASHINGTON MUTUAL BANK,
F.A., S/I/L 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)

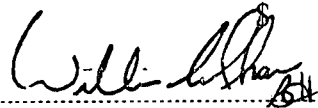
Amount Due

Interest from 4/29/08 to Sale
Per diem \$9.43
Add'l Costs
Writ Total

Prothonotary costs \$57,350.43
135.00

\$ _____

\$3,300.00



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

Dated May 28, 2008
(SEAL)

144976

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

Charles G. Haukeis
Sheriff by Gynthia Butler deputy

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	
TOTAL SHERIFF COSTS	\$208.84

DEED COSTS:

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

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	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$59,180.99

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	
TOTAL COSTS	\$1,077.78

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

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

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

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/A 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

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

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/M 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 matters.

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

PHS # 144976

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 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

m 12:25 pm
AUG 22 2013

William A. Shaw
Prothonotary/Clerk of Courts

*cc \$2000 Atty
1cc + 1 writ to
Atty
1cc + 6 writs
to SHFL*

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/M TO NORTH AMERICAN
MORTGAGE COMPANY

vs.

JAMES A. DEMCHAK

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Phelan H. Hallinan
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 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

Writ Total

Prothonotary costs

\$155.00

William L. Shanahan

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated August 22 2013

(SEAL)

PH # 639040

No.: 08-74-CD

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/J TO NORTH AMERICAN MORTGAGE COMPANY

vs.

JAMES A. DEMCHAK

WRIT OF EXECUTION
(Mortgage Foreclosure)

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

Filed



Phelan Hallinan, LLP

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

Attorney for Plaintiff

Address where papers may be served:

JAMES A. DEMCHAK

614 FILLBERT STREET

CURWENSVILLE, PA 16814-1207

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 *1cc Adj*
m/12/20/13 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
	:	
vs	:	CLEARFIELD County
	:	
JAMES A. DEMCHAK Defendant	:	No. 08-74-CD

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

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

FILED *ICC Amy Davis*
m/12:20pm
AUG 22 2013
William A. Shaw
Prothonotary/Clerk of Courts
(S)
Attorney For Plaintiff

WASHINGTON MUTUAL BANK, F.A., S/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 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 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 Praecipe 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/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: *Adam H Davis*
Phelan Hallinan, LLP
Adam H. Davis, Esq., Id. No.203034
Attorney for Plaintiff

FILED NOA
m 12:25pm
AUG 22 2013
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 Abby
m/12:25pm
AUG 22 2013 1cc shift
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 Praecipe 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
1517 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 9/C

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Plaintiff

v.

JAMES A. DEMCHAK

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No.: 08-74-CD

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>
TOTAL	\$60,453.29

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:

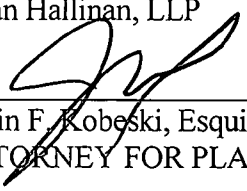

Justin F. Kobeski, Esquire
ATTORNEY FOR PLAINTIFF

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 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

7255 BAYMEADOWS
JACKSONVILLE, FL 32256

Plaintiff,

v.

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
TOTAL	<u>\$ 57,350.43</u>

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

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/30/08

PRO PROTHY

144976

Exhibit “B”

B18 (Official Form 18) (12/07)

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
313 Pruner Street
Osceola Mills, PA 16666

Leasa D. Demchak
614 Filbert Street
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

v.

JAMES A. DEMCHAK

Defendant

: Court of Common Pleas

: 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.

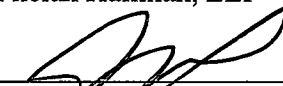
JAMES A. DEMCHAK
614 FILBERT STREET
CURWENSVILLE, PA 16833-1207

DATE:

9/24/13

Phelan Hallinan, LLP

By:



Justin F. Kobeski, Esquire
ATTORNEY FOR PLAINTIFF

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Plaintiff

v.

JAMES A. DEMCHAK

Defendant Prothonotary/Clerk of Courts

Court of Common Pleas

Civil Division

CLEARFIELD County

No.: 08-74-CD

FILED

SEP 26 2013

013:2911CC atty
William A. Shaw

Kobaski

6K

RULE

AND NOW, this 26th 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 7th day of November 2013, at 11:00 in the Clearfield County Courthouse, Clearfield, Pennsylvania, Courtroom #1.
am

BY THE COURT

Judith J. Corman
J.

639040

FILED

OCT 04 2013
William A. Shaw
Prothonotary/Clerk of Courts
sent to App

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

Plaintiff

vs.

JAMES A. DEMCHAK

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

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/ lxb
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.

PA.

☐ 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

16 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)
FILED NOCC
5 m 11:03 am
NOV 04 2013

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

William A. Shaw
Prothonotary/Clerk of Courts

**JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION**
Plaintiff,

v.

JAMES A. DEMCHAK
Defendant(s)

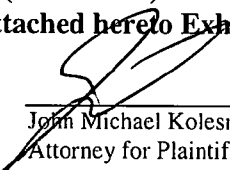
: **CLEARFIELD COUNTY**
:
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **No.: 08-74-CD**
:

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".

Date: 11/1/13


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.

**JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION**
Plaintiff

v.

JAMES A. DEMCHAK
Defendant(s)

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

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 Praecipe 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)

**JAMES A. DEMCHAK 614 FILBERT STREET
CURWENSVILLE, PA 16833-1207**
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 407 WALNUT STREET
C/O GRETA M. WESTEN 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.

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)

TENANT/OCCUPANT

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

LEASA D. DEMCHAK 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: 11/11/13

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage
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 documents reconstructing 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 S913 and S921 for limitations of coverage.
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Form 3877 Facsimile

PH # 639040

U.S. POSTAGE & METS BOWES
ZIP 19103 \$001.66
02 IN
0001381181 OCT 02 2013



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

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 GRETA M. 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. DEMCHAK (CLEARFIELD) PH # 639040/1021 Page 1 of 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)

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.

U.S. POSTAGE & METS BOWES

ZIP 19103 \$ 004.42⁰
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0001381191 SEP 26 2013



Form 3877 Facsimile

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED 2CC AH
4 019410m Hallinan
NOV 13 2013
William A. Shaw
Prothonotary/Clerk of Courts

JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION

Plaintiff

v.

JAMES A. DEMCHAK

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No.: 08-74-CD

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	(\$123.92)

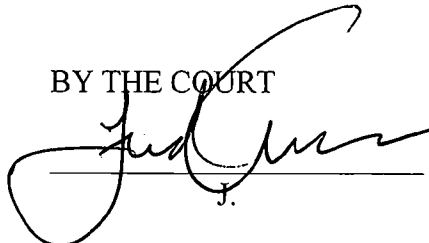
TOTAL

\$60,453.29

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

Plaintiff

v.

JAMES A. DEMCHAK

Defendant

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 08-74-CD

: CLEARFIELD COUNTY

S
FILED *20c A-14*
01251cm
MAR 06 2014 *Wendt*

BRIAN K. SPENCER *ICC SMC*
PROTHONOTARY & CLERK OF COURTS *Colc*

ORDER

AND NOW, this *6th* 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:

ORIGINAL

Fred Ammer
J.

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. CC
m/11:47am
MAR 06 2014
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

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 2, 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
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

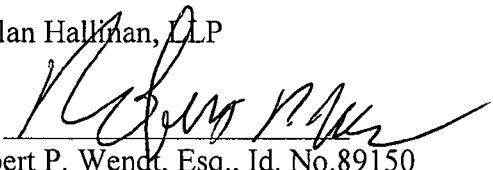
Pennsylvania Rule of Civil Procedure 3129.3 provides for the postponement of a Sheriff's Sale of real property by special order of Court.

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 1, 2014 Sheriff's Sale.

9 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
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

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

v.

JAMES A. DEMCHAK

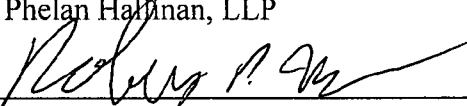
Defendant

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

Phelan Hallinan, LLP
By: 
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 PRUCHASE
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**

(Handwritten: 15)
FILED *NoCC*
9/23/13
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 PRUCHASE
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

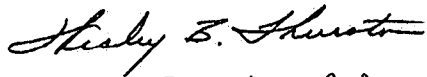
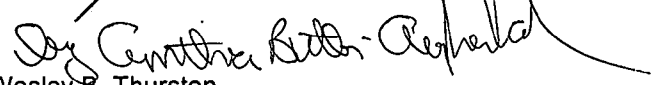
Execution REAL ESTATE

SHERIFF RETURN

Sheriff Thurston \$239.16

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,



Wesley B. Thurston
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 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

Writ Total

\$ _____

Prothonotary costs

\$155.00

Will [Signature]
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.

Christopher A. Hauke
Sgt. Cynthia Butler - Clearfield

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

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

vs.

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 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	
TOTAL SHERIFF COSTS	\$239.16

DEED COSTS:

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

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	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	

TOTAL DEBT AND INTEREST	\$78,125.86
--------------------------------	--------------------

COSTS:

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	

TOTAL COSTS	\$1,290.91
--------------------	-------------------

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

Representing Lenders in
Pennsylvania

Foreclosure Manager

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

Representing Lenders in
Pennsylvania

Foreclosure Manager

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
of 2:51pm
MAR 06 2014

2cc Aky
Wendt

BRIAN K. SPENCER ICC SHLL
PROTHONOTARY & CLERK OF COURTS
Cik

ORDER

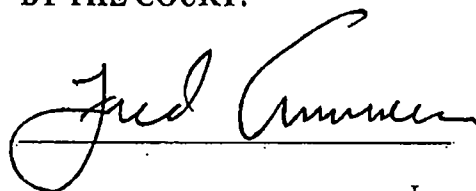
AND NOW, this 6th day of March 2014, after consideration of Plaintiff's
Motion to Postpone Sheriff's Sale of the mortgaged property, it is hereby

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:

ORIGINAL



J.

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

Representing Lenders in
Pennsylvania

Foreclosure Manager

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/E 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 immediately 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.

James A. Demchak
Defendant(s)

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

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 Praecipe 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

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

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.

PH # 639040

FILED *BNT*
OCT 29 2015
M112441/BNT
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
1cc Shrf, Atty Brush

*Whereby certify this to be a true
and attested copy of the original
statement filed in this case.*
OCT 28 2015
A TRUE COPY
ATTEST: *Brian K. Spencer*
PROTHONOTARY-CLERK

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**

Leasa D. Demchak 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:



Phelan 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

\$ _____.



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

Note: Please attach description of Property.

PH # 639040

FILED

OCT 29 2015

S M11211 BWT
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

20pd lcc Atty Brushwood + lwrit
lcc + 6writs + chuck shrf

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

PRAECIPE 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

\$60,453.29

Interest from 11/02/2013 to Sale

\$ _____

Per diem \$9.94

Writ Total

\$ _____

Bank. Spive BNT

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated

10/29/2015
(SEAL)

Prothonotary costs \$175.00

PH # 639040

No.: 08-74-CD

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

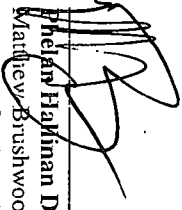
vs.

James A. Demchak

WRIT OF EXECUTION
(Mortgage Foreclosure)

•	<u>Costs</u>
Real Debt	\$60,453.29
Int. from	
To Date of Sale (\$9.94 per diem)	
Costs	
Prothy Pd.	
Sheriff	

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

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
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BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS
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PHELAN HALLINAN DIAMOND & JONES, LLP
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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**

v.

James A. Demchak
Defendant(s)

: CLEARFIELD County

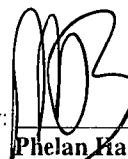
CERTIFICATION

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
- (X) 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

OCT 29 2015

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BRIAN K. SPENCER

PROTHONOTARY & CLERK OF COURTS

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PHELAN HALLINAN DIAMOND & JONES, LLP
Paul Cressman, Esq., Id. No.318079
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Attorney for Plaintiff

2016 JAN 18 A 11:13

BRIAN K. SPENCER
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CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

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

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".

Date:

1/15/16

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

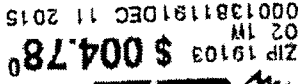
IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

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

Philadelphia, PA 19103

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Form 3877 Facsimile



PHILADELPHIA, PA 19102
DEC 11 2015
USPS

SHERIFF'S OFFICE OF CLEARFIELD COUNTY

Wesley B Thurston
Sheriff



Gary A Knaresboro
Solicitor

Michael Churner
Chief Deputy

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

March 22, 2016

SO ANSWERS,

WESLEY B THURSTON, SHERIFF

by Cynthia Butler-Aughenbaugh

FILED pd \$5.00
NGCC
MAR 22 2016
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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	