

08-90-CD

Bank of NY vs Timothy R. Ruttinger et al

FILED *Atty pd. 95.00*
m/18/08 40761
JAN 18 2008 *cc 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 R. SHAH-JANI, ESQ., Id. No. 81760
JUDITH T. ROMANO, ESQ., Id. No. 58745
JENINE R. DAVEY, ESQ., Id. No. 87077
MICHAEL E. CARLETON, ESQ., Id. No. 203009
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 165831

THE BANK OF NEW YORK TRUST COMPANY,
N.A., AS SUCCESSOR-IN-INTREST TO
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, F/K/A JPMORGAN CHASE BANK,
AS TRUSTEE -SURF-BC4
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226

Plaintiff

v.
TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
587 TREASURE LAKE,
A/K/A SECTION 15, LOT # 442 & 443
DU BOIS, PA 15801

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. *08-90-CD*

CLEARFIELD COUNTY

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

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

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

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

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

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

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

1. Plaintiff is

THE BANK OF NEW YORK TRUST COMPANY,
N.A., AS SUCCESSOR-IN-INTREST TO
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, F/K/A JPMORGAN CHASE BANK,
AS TRUSTEE -SURF-BC4
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226

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

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
587 TREASURE LAKE
A/K/A SECTION 15, LOT # 442 & 443
DU BOIS, PA 15801

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

3. On 08/20/2003 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE, A DIVISION OF AIG FEDERAL SAVINGS BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200316353. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.

4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 07/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified

by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$89,964.85
Interest 06/01/2007 through 01/10/2008 (Per Diem \$33.58)	\$7,521.92
Attorney's Fees	\$1,250.00
Cumulative Late Charges 08/20/2003 to 01/10/2008	\$195.08
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$99,481.85
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Credit	\$0.00
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Subtotal	<u>\$1,064.28</u>
TOTAL	\$100,546.13

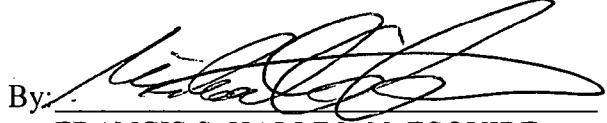
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$100,546.13, together with interest from 01/10/2008 at the rate of \$33.58 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: 

203008

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 those certain tracts of land designated as Lots Nos. 442 and 443, Section No. 15, 'Bimini', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

BEING the same premises (Lot No. 442) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 121, as the property of Donna Cartwright, et al.; and by quitclaim deed of Donna Cartwright, et al., dated

February 23, 1998, and recorded in Deeds and Records Book No. 1921, page 197; and the same premises (Lot No. 443) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 124, as the property of Robert Kohm, et ux.. Said lot was also the subject of an Action to Quiet Title filed to No. 98-168-CD, on which a final Order dated March 10, 1998, was recorded in Deeds and Records Book No. 1921, page 178.

Parcel Identification Number: 128-C2-15-442-21 & 128-C2-15-443-21

PROPERTY BEING: 587 TREASURE LAKE, A/K/A SECTION 15, LOT # 442 & 443

VERIFICATION

I hereby state that I am the attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the Court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that I am authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of my knowledge, information and belief. Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.


203009
Attorney for Plaintiff

DATE: 1/10/08

FILED NO
M 10:46 AM
MAR 06 2008
WM

William A. Shaw
Prothonotary/Clerk of Courts

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

The Bank of New York Trust Company, NA, as Successor-In-Interest to JP Morgan Chase Bank, National Association, F/K/A JP Morgan Chase Bank, as Trustee-SURF-BC4
4828 Loop Central Drive
Houston, TX 77081-2226
Plaintiff

vs.

Timothy R. Ruttinger
Susan M. Bosak
587 Treasure Lake,
A/K/A Section 15, Lot #442 & 443
DuBois, PA 15801
Defendants

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0090-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:

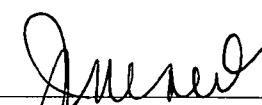
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, PA 16830

Peter F. Smith, Esquire
30 South 2nd Street
PO Box 130
Clearfield, PA 16830-2347

Timothy R. Ruttinger
Susan M. Bosak
587 Treasure Lake,
A/K/A Section 15, Lot #442 & 443
DuBois, PA 15801

PHELAN HALLINAN & SCHMIEG, LLP

3/5/08
Date



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

The Bank of New York Trust Company, NA, as Successor-In-Interest to JP Morgan Chase Bank, National Association, F/K/A JP Morgan Chase Bank, as Trustee-SURF-BC4	:	Court of Common Pleas
4828 Loop Central Drive	:	Civil Division
Houston, TX 77081-2226	:	
Plaintiff	:	
vs.	:	Clearfield County
Timothy R. Ruttinger	:	
Susan M. Bosak	:	
587 Treasure Lake,	:	No. 08-0090-CD
A/K/A Section 15, Lot #442 & 443	:	
DuBois, PA 15801	:	
Defendants	:	

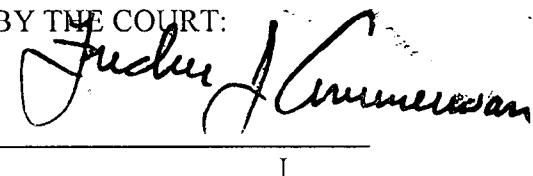
ORDER

AND NOW, this 7th 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 ^{6K}
03/25/08
MAR 07 2008
ICC Atty Davey

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

DATE: 3/7/08

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

MAR 07 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED ^{NO CC}
M 10:44 AM
MAR 06 2008
©K

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

The Bank of New York Trust Company, NA, as Successor-In-Interest to JP Morgan Chase Bank, National Association, F/K/A JP Morgan Chase Bank, as Trustee-SURF-BC4	:	Court of Common Pleas
4828 Loop Central Drive	:	
Houston, TX 77081-2226	:	
Plaintiff	:	
	:	
vs.	:	Clearfield County
	:	
Timothy R. Ruttinger	:	
Susan M. Bosak	:	
587 Treasure Lake,	:	
A/K/A Section 15, Lot #442 & 443	:	No. 08-0090-CD
DuBois, PA 15801	:	
Defendants	:	

Civil Division

Clearfield County

No. 08-0090-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 18, 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 Defendants.

3. On February 20, 2008, the Sheriff's office verbally advised counsel for Plaintiff that Timothy R. Ruttinger accepted service at the mortgaged premises on February 11, 2008.

4. On March 4, 2008, Plaintiff sent the Defendants a ten day letter notifying them of its intention to file a default judgment.

5. To date, the Clearfield County Sheriff's office has not filed the Affidavit of Service, which was made on February 11, 2008.

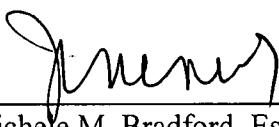
6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$33.58 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds 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.

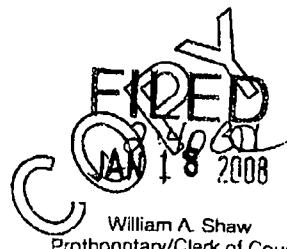
Respectfully submitted,
PHELAN HALLINAN & SCHMIEG, LLP

3/5/08
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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MICHELE M. BRADFORD, ESQ., Id. No. 69849
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165831

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Plaintiff

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TIMOTHY R. RUTTINGER
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587 TREASURE LAKE,
A/K/A SECTION 15, LOT # 442 & 443
DU BOIS, PA 15801

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

PHELAN

File #: 165831

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-90-CD

CLEARFIELD COUNTY

ATTORNEY FILE COPY
PLEASE RETURN

NOTICE

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By:  203009

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SHEETAL R. SHAH-JANI, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
JENINE R. DAVEY, ESQUIRE
MICHAEL E. CARLETON, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL those certain tracts of land designated as Lots Nos. 442 and 443, Section No. 15, 'Bimini', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

BEING the same premises (Lot No. 442) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 121, as the property of Donna Cartwright, et al.; and by quitclaim deed of Donna Cartwright, et al., dated

February 23, 1998, and recorded in Deeds and Records Book No. 1921, page 197; and the same premises (Lot No. 443) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 124, as the property of Robert Kohm, et ux.. Said lot was also the subject of an Action to Quiet Title filed to No. 98-168-CD, on which a final Order dated March 10, 1998, was recorded in Deeds and Records Book No. 1921, page 178.

Parcel Identification Number: 128-C2-15-442-21 & 128-C2-15-443-21

PROPERTY BEING: 587 TREASURE LAKE, A/K/A SECTION 15, LOT # 442 & 443

VERIFICATION

I hereby state that I am the attorney for Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the Court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that I am authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of my knowledge, information and belief.

Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

The undersigned understands that this statement is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsifications to authorities.



2009

Attorney for Plaintiff

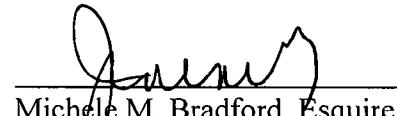
DATE: 1/10/08

VERIFICATION

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

PHELAN HALLINAN & SCHMIEG, LLP

3/5/08
Date



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

FILED
M 11.18.08
MAR 13 2008
NO CC

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

The Bank of New York Trust Company, NA, as Successor-In-Interest to JP Morgan Chase Bank, National Association, F/K/A JP Morgan Chase Bank, as Trustee-SURF-BC4
4828 Loop Central Drive
Houston, TX 77081-2226
Plaintiff

vs.

Timothy R. Ruttinger
Susan M. Bosak
587 Treasure Lake,
A/K/A Section 15, Lot #442 & 443
DuBois, PA 15801
Defendants

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0090-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the March 7, 2008 Order granting Plaintiff's Motion to Direct Sheriff to File Affidavit of Service were served upon the following interested parties via first class mail on the date indicated below:

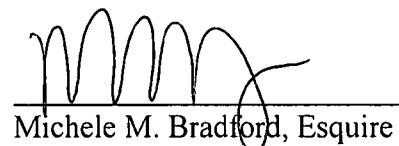
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, PA 16830

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

Timothy R. Ruttinger
Susan M. Bosak
587 Treasure Lake,
A/K/A Section 15, Lot #442 & 443
DuBois, PA 15801

3/12/09
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 # 103658
NO: 08-90-CD
SERVICE # 1 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A.
vs.
DEFENDANT: TIMOTHY R. RUTTINGER and SUSAN M. BOSAK

SHERIFF RETURN

NOW, February 11, 2008 AT 10:55 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TIMOTHY R. RUTTINGER DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TIMOTHY R. RUTTINGER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

587 TREASURE LAKE aka SECTION 15 LOT "443" "OCCUPIED"

SERVED BY: HAWKINS /

FILED
03/20/08
MAR 17 2008
WAS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103658
NO: 08-90-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A.

vs.

DEFENDANT: TIMOTHY R. RUTTINGER and SUSAN M. BOSAK

SHERIFF RETURN

NOW, February 11, 2008 AT 11:05 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON SUSAN M. BOSAK DEFENDANT AT SHERIFF'S OFFICE, 1 N. 2ND ST., SUITE 116, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TIMOTHY R. RUTTINGER, HUSBAND A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

587 TREASURE LAKE aka SECTION 15 LOT "443" "OCCUPIED"

SERVED BY: HAWKINS /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103658
NO: 08-90-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A.

vs.

DEFENDANT: TIMOTHY R. RUTTINGER and SUSAN M. BOSAK

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	658072	20.00
SHERIFF HAWKINS	PHELAN	658072	44.19

Sworn to Before Me This

____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

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

ATTORNEY FOR PLAINTIFF

FILED
M 12:55 PM
MAR 31 2008
cc
©

William A. Shaw
Prothonotary/Clerk of Courts

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR-IN-
INTEREST TO JPMORGAN CHASE
BANK, NATIONAL ASSOCIATION,
F/K/A JPMORGAN CHASE BANK, AS
TRUSTEE-SURF-BC4

: CLEARFIELD County
: Court of Common Pleas
: CIVIL DIVISION
: NO. 08-90-CD

Plaintiff

:
:
:
:

vs.

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK

Defendant(s)

PRAECLPTE TO SUBSTITUTE VERIFICATION
TO CIVIL ACTION COMPLAINT
IN MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

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

Francis S. Hallinan
Francis S. Hallinan, Esquire
Attorney for Plaintiff

Dated: 03/27/08

PHS: 165831

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

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST
COMPANY, N.A. AS SUCCESSOR-IN-
INTEREST TO JPMORGAN CHASE
BANK, NATIONAL ASSOCIATION,
F/K/A JPMORGAN CHASE BANK, AS
TRUSTEE-SURF-BC4

: CLEARFIELD County
: Court of Common Pleas
: CIVIL DIVISION
: NO. 08-90-CD

Plaintiff

:
:
:
:
:

vs.

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK

Defendant(s)

CERTIFICATE OF SERVICE

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

TIMOTHY R. RUTTINGER
587 TREASURE LAKE A/K/A SECTION 15, LOT#442 & 443
DU BOIS, PA 15801

SUSAN M. BOSAK
587 TREASURE LAKE A/K/A SECTION 15, LOT # 442 & 443
DU BOIS, PA 15801

Francis S. Hallinan
Francis S. Hallinan, Esquire
Attorney for Plaintiff

Dated: 03/27/08

PHS: 165831

**THE BANK OF NEW YORK TRUST
COMPANY, N.A., AS SUCCESSOR-IN-
INTEREST TO JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION, F/K/A
JPMORGAN CHASE BANK, AS TRUSTEE -
SURF-BC4
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226**

**TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
587 TREASURE LAKE,
A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801**

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

FILED *pd \$20.00 Atty*
m/11:55cm ICC & notice to
defts
MAY 02 2008 *ICC & statement*
to Atty.
LM
William A. Shaw
Prothonotary/Clerk of Courts

Kindly enter an in rem judgment in favor of the Plaintiff and against **TIMOTHY R. RUTTINGER and SUSAN M. BOSAK**, 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	\$ 100,546.13
Interest - 1/11/08 TO 4/30/08	\$ 3,727.38
TOTAL	\$ 104,273.51

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: May 2, 2008

PRO PROTHY

165831

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS
N.A., AS SUCCESSOR-IN-INTEREST TO JPMORGAN : CIVIL DIVISION
CHASE BANK, NATIONAL ASSOCIATION, F/K/A : CLEARFIELD COUNTY
JPMORGAN CHASE BANK, AS TRUSTEE-SURF-BC4
Plaintiff
Vs. : NO. 08-90-CD

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
Defendants

FILE COPY

TO: SUSAN M. BOSAK
587 TREASURE LAKE A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801

DATE OF NOTICE: MARCH 4, 2007

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
LINDA NGUYEN, Legal Assistant

PHELAN HALLINAN AND SCHMIEG
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST COMPANY, : COURT OF COMMON PLEAS
N.A., AS SUCCESSOR-IN-INTREST TO JPMORGAN
CHASE BANK, NATIONAL ASSOCIATION, F/K/A : CIVIL DIVISION
JPMORGAN CHASE BANK, AS TRUSTEE-SURF-BC4 : CLEARFIELD COUNTY
Plaintiff
Vs. : NO. 08-90-CD

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
Defendants

FILE COPY

TO: **TIMOTHY R. RUTTINGER**
587 TREASURE LAKE A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801

DATE OF NOTICE: **MARCH 4, 2007**

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.

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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
LINDA NGUYEN, Legal Assistant

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

THE BANK OF NEW YORK TRUST
COMPANY, N.A., AS SUCCESSOR-IN-
INTEREST TO JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION, F/K/A
JPMORGAN CHASE BANK, AS TRUSTEE -
SURF-BC4
4828 LOOP CENTRAL DRIVE
HOUSTON, TX 77081-2226

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-90-CD

Plaintiff,

v.

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
587 TREASURE LAKE,
A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801

:
:
:
:

Defendant(s).

VERIFICATION OF NON-MILITARY SERVICE

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

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

(b) that defendant **TIMOTHY R. RUTTINGER** is over 18 years of age and resides at **587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443, DU BOIS, PA 15801**.

(c) that defendant **SUSAN M. BOSAK** is over 18 years of age, and resides at **587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443, DU BOIS, PA 15801**.

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


DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised)

COPY

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

THE BANK OF NEW YORK TRUST :
COMPANY, N.A., AS SUCCESSOR-IN- :
INTEREST TO JPMORGAN CHASE BANK, :
NATIONAL ASSOCIATION, F/K/A :
JPMORGAN CHASE BANK, AS TRUSTEE - :
SURF-BC4 :
4828 LOOP CENTRAL DRIVE :
HOUSTON, TX 77081-2226 :
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-90-CD

Plaintiff,
v.

TIMOTHY R. RUTTINGER :
SUSAN M. BOSAK :
587 TREASURE LAKE, :
A/K/A SECTION 15, LOT #422 & 443 :
DU BOIS, PA 15801 :
Defendant(s).

Notice is given that a Judgment in the above captioned matter has been entered against you
on May 2, 2008.

BY Willie H. Thompson DEPUTY

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


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

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

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

Bank of New York Trust Company, N.A.
JP Morgan Chase Bank, National Association
Plaintiff(s)

No.: 2008-00090-CD

COPY

Real Debt: \$104,273.51

Atty's Comm: \$

Vs.

Costs: \$

Timothy R. Ruttinger
Susan M. Bosak
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: Default Judgment

Date of Entry: May 2, 2008

Expires: May 2, 2013

Certified from the record this May 2, 2008



cm

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

PRAECLP FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
P.R.C.P. 3180-3183

THE BANK OF NEW YORK
TRUST COMPANY, N.A., AS
SUCCESSOR-IN-INTEREST TO
JP MORGAN CHASE BANK,
NATIONAL ASSOCIATION, F/K/A
JP MORGAN CHASE BANK, AS
TRUSTEE - SURF-BC4

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-90-CD Term 20.....

**PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)**

vs.

TIMOTHY R. RUTTINGER

SUSAN M. BOSAK

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	\$104,273.51
	135.00
Interest from 5/1/08 TO to Sale	\$ _____
Per diem \$17.14	
Add'l Costs	\$3,410.00
Writ Total	\$ _____


Daniel Schmeier
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

165831

FILED Atty pd \$20.00
MAY 12 2008 11:47 AM
MAY 21 2008 REC & LEWIS
w/ prop desc.
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

No. 08-90-CD..... Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

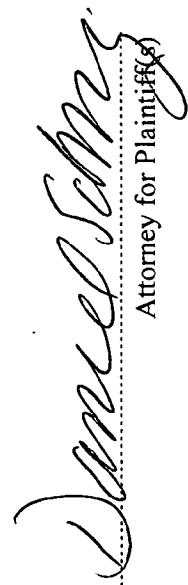
THE BANK OF NEW YORK TRUST COMPANY,
N.A., AS SUCCESSOR-IN-INTEREST TO
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, F/K/A JPMORGAN CHASE BANK,
AS TRUSTEE - SURF-BC4

vs.

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



James Schmitz
Attorney for Plaintiff(s)

Address: TIMOTHY R. RUTTINGER SUSAN M. BOSAK
587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443 587
TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801 DU BOIS, PA 15801

LEGAL DESCRIPTION

ALL those certain tracts of land designated as Lots Nos. 442 and 443, Section No. 15, 'Bimini', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

BEING the same premises (Lot No. 442) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 121, as the property of Donna Cartwright, et al.; and by quitclaim deed of Donna Cartwright, et al., dated February 23, 1998, and recorded in Deeds and Records Book No. 1921, page 197; and the same premises (Lot No. 443) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 124, as the property of Robert Kohm, et ux.. Said lot was also the subject of an Action to Quiet Title filed to No. 98-168-CD, on which a final Order dated March 10, 1998, was recorded in Deeds and Records Book No. 1921, page 178.

PARCEL IDENTIFICATION NO: 128-C02-015-00442-00-21, Control #: 128075751
128-C02-015-00443-00-21, Control #: 128083327

TITLE TO SAID PREMISES IS VESTED IN Timothy R. Ruttinger and Susan M. Bosak, as joint tenants with the right of survivorship, by Deed from Timothy R. Ruttinger, dated 04/27/1998, recorded 04/27/1998, in Deed Book 1926, page 434.

Premises being: 587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801

Tax Parcel No. 128-C02-015-00442-00-21 & 128-C02-015-00443-00-21

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK TRUST	:	
COMPANY, N.A., AS SUCCESSOR-IN-	:	
INTEREST TO JPMORGAN CHASE BANK,	:	CLEARFIELD COUNTY
NATIONAL ASSOCIATION, F/K/A	:	COURT OF COMMON PLEAS
JPMORGAN CHASE BANK, AS TRUSTEE -	:	
SURF-BC4	:	CIVIL DIVISION
4828 LOOP CENTRAL DRIVE	:	
HOUSTON, TX 77081-2226	:	NO. 08-90-CD
	:	

Plaintiff,

v.

TIMOTHY R. RUTTINGER	:	
SUSAN M. BOSAK	:	
587 TREASURE LAKE, A/K/A SECTION 15,	:	
LOT #422 & 443	:	
DU BOIS, PA 15801	:	

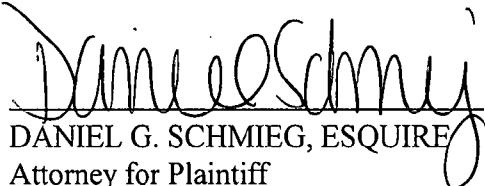
Defendant(s).

CERTIFICATION

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

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

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

THE BANK OF NEW YORK TRUST COMPANY, :
N.A., AS SUCCESSOR-IN-INTEREST TO :
JPMORGAN CHASE BANK, NATIONAL :
ASSOCIATION, F/K/A JPMORGAN CHASE :
BANK, AS TRUSTEE - SURF-BC4 :
4828 LOOP CENTRAL DRIVE :
HOUSTON, TX 77081-2226 :
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-90-CD

Plaintiff, :
v.

TIMOTHY R. RUTTINGER :
SUSAN M. BOSAK :
587 TREASURE LAKE, :
A/K/A SECTION 15, LOT #422 & 443 :
DU BOIS, PA 15801 :
:

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, F/K/A JPMORGAN CHASE BANK, AS TRUSTEE - SURF-BC4, 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 587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443, DU BOIS, PA 15801.

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

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

**TIMOTHY R.
RUTTINGER** 587 TREASURE LAKE, A/K/A SECTION 15,
LOT #422 & 443
DU BOIS, PA 15801

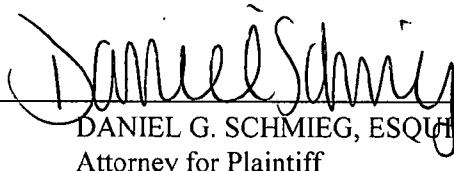
SUSAN M. BOSAK 587 TREASURE LAKE, A/K/A SECTION 15,
LOT #422 & 443
DU BOIS, PA 15801

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.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

MAY 20, 2008
Date

THE BANK OF NEW YORK TRUST COMPANY, :
N.A., AS SUCCESSOR-IN-INTEREST TO :
JPMORGAN CHASE BANK, NATIONAL :
ASSOCIATION, F/K/A JPMORGAN CHASE :
BANK, AS TRUSTEE - SURF-BC4 :
4828 LOOP CENTRAL DRIVE :
HOUSTON, TX 77081-2226 :
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

Plaintiff,

v.

**TIMOTHY R. RUTTINGER
SUSAN M. BOSAK
587 TREASURE LAKE, A/K/A SECTION 15, LOT
#422 & 443
DU BOIS, PA 15801**

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129

**THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTEREST TO
JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, F/K/A JPMORGAN CHASE BANK, AS TRUSTEE
- SURF-BC4, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date
the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at 587
TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443, DU BOIS, PA 15801.**

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.)

S & T BANK **701 EAST PITTSBURGH STREET**
GREENSBURG, PA 15601

**JP MORGAN CHASE
BANK** **500 BENT CREEK BOULEVARD
COLUMBIA, PA 17512**

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

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

None

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

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

None

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

NAME

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

None

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

NAME

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

TENANT/OCCUPANT

**587 TREASURE LAKE, A/K/A SECTION 15,
LOT #422 & 443
DU BOIS, PA 15801**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

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

**COMMONWEALTH OF
PENNSYLVANIA**

**DEPARTMENT OF WELFARE
PO BOX 2675
HARRISBURG, PA 17105**

**Commonwealth of Pennsylvania
Bureau of Individual Tax
Inheritance Tax Division**

**6th Floor, Strawberry Sq., Dept 28061
Harrisburg, PA 17128**

**Internal Revenue Service
Federated Investors Tower**

**13TH Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222**

**Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program**

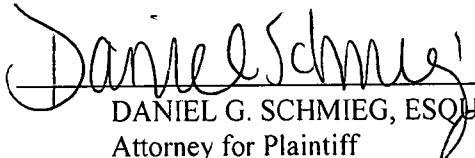
**P.O. Box 8486
Willow Oak Building
Harrisburg, PA 17105**

**Treasure Lake Property
Owners Association, Inc.**

**13 Treasure Lake
Dubois, PA 15801**

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 20, 2008
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

COPY

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

THE BANK OF NEW YORK
TRUST COMPANY, N.A., AS
SUCCESSOR-IN-INTEREST TO
JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION, F/K/A
JPMORGAN CHASE BANK, AS
TRUSTEE, SURE-BC4

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-90-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

VS.

TIMOTHY R. RUTTINGER

SUSAN M. BOSAK

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: 587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443, DU BOIS, PA 15801
(See Legal Description attached)

Amount Due	Prothonotary costs	
Interest from 5/1/08 TO to Sale	\$104,273.51	135.00
Per diem \$17.14	\$	
Add'l Costs	\$3,410.00	
Writ Total	\$	

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

Dated 5/21/08
(SEAL)

165831

No. 08:90-CD..... Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK TRUST COMPANY,
N.A., AS SUCCESSOR-IN-INTEREST TO
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, F/K/A JPMORGAN CHASE BANK,
AS TRUSTEE - SURF-BC4

vs.

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs	
Real Debt	\$104,273.51
Int. from 5/1/08 TO To Date of Sale (\$17.14 per diem)	
Costs	
Prothy Pd.	<u>136.00</u>
Sheriff	

Timothy R. Ruttiner
Attorney for Plaintiff(s)

Address: TIMOTHY R. RUTTINGER SUSAN M. BOSAK
587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443587
TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801 DU BOIS, PA 15801

LEGAL DESCRIPTION

ALL those certain tracts of land designated as Lots Nos. 442 and 443, Section No. 15, 'Bimini', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

BEING the same premises (Lot No. 442) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 121, as the property of Donna Cartwright, et al.; and by quitclaim deed of Donna Cartwright, et al., dated February 23, 1998, and recorded in Deeds and Records Book No. 1921, page 197; and the same premises (Lot No. 443) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 124, as the property of Robert Kohm, et ux.. Said lot was also the subject of an Action to Quiet Title filed to No. 98-168-CD, on which a final Order dated March 10, 1998, was recorded in Deeds and Records Book No. 1921, page 178.

PARCEL IDENTIFICATION NO: 128-C02-015-00442-00-21, Control #: 128075751
128-C02-015-00443-00-21, Control #: 128083327

TITLE TO SAID PREMISES IS VESTED IN Timothy R. Ruttinger and Susan M. Bosak, as joint tenants with the right of survivorship, by Deed from Timothy R. Ruttinger, dated 04/27/1998, recorded 04/27/1998, in Deed Book 1926, page 434.

Premises being: 587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801

Tax Parcel No. 128-C02-015-00442-00-21 & 128-C02-015-00443-00-21

PHELAN HALLINAN & SCHMIEG, LLP
BY: FRANCIS S. HALLINAN, ESQUIRE
Identification No. 62695
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

The Bank of New York Trust Company, N.A., as
Successor-in-interest to JP Morgan Chase Bank,
National Association, f/k/a JP Morgan Chase Bank,
As trustee -SURF-BC4

ATTORNEY FOR PLAINTIFF

FILED *1cc, 1 Cert of
m/11/20 Lm Set + 1 Cert
JUL 21 2008 Of disc issued
to Atty Hallinan*
William A. Shaw
Prothonotary/Clark of Courts
Court of Common Pleas

Plaintiff

: Civil Division

vs.

: Clearfield County

Timothy R. Ruttinger
Susan M. Bosak

Defendant(s)

: No. 08-90-CD

PRAECIPE

TO THE PROTHONOTARY:

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

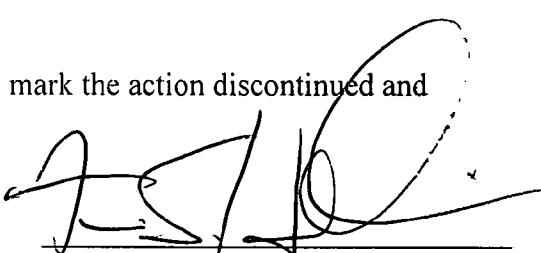
Please mark the above referenced case Settled, Discontinued and Ended.

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

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

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

Date: 7/16/08


Francis S. Hallinan, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CERTIFICATE OF SATISFACTION OF JUDGMENT

No.: 2008-00090-CD

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

Debt: \$104,273.51

Vs.

Atty's Comm.:

Timothy R. Ruttinger
Susan M. Bosak

Interest From:

Cost: \$7.00

NOW, Monday, July 21, 2008 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 21st day of July, A.D. 2008.



Prothonotary

lm

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

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

Vs.

No. 2008-00090-CD

Timothy R. Ruttinger
Susan M. Bosak

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on July 21, 2008, marked:

Discontinued and ended

Record costs in the sum of \$142.00 have been paid in full by Phelan Hallinan & Schmieg LLP.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 21st day of July A.D. 2008.



William A. Shaw, Prothonotary



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20779

NO: 08-90-CD

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, F/K/A JPMORGAN CHASE BANK, AS TRUSTEE-SURF-BC4
vs.

DEFENDANT: TIMOTHY R. RUTTINGER AND SUSAN M. BOSAK

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 5/21/2008

LEVY TAKEN 6/4/2008 @ 1:29 PM

POSTED 6/4/2008 @ 1:30 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 10/23/2008

DATE DEED FILED **NOT SOLD**

FILED

10/4/08
OCT 23 2008

S William A. Shaw
Prothonotary/Clerk of Courts
LM

DETAILS

6/10/2008 @ 2:30 PM SERVED TIMOTHY R. RUTTINGER

SERVED TIMOTHY R. RUTTINGER, DEFENDANT, AT HIS RESIDENCE 587 TREASURE LAKE A/K/A SECT. 14, LOT #422 & 443 A/K/A 129 PETITE TERRE COURT, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TIMOTHY R. RUTTINGER

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.

6/10/2008 @ 2:30 PM SERVED SUSAN M. BOSAK

SERVED SUSAN M. BOSAK, DEFENDANT, AT HER RESIDENCE 587 TREASURE LAKE A/K/A SECT. 15, LOT #422 & 423 129 PETITE TERRE COURT, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO TIMOTHY RUTTINGER, HUSBAND/CO-DEFENDANT

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

@ SERVED

NOW, JULY 1, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR AUGUST 1, 2008 THE SUM OF \$8,664.64 WAS PAID TO CURE THE DEFAULT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20779
NO: 08-90-CD

PLAINTIFF: THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, F/K/A JPMORGAN CHASE BANK, AS TRUSTEE-SURF-BC4
VS.

DEFENDANT: TIMOTHY R. RUTTINGER AND SUSAN M. BOSAK

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$400.90

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,


By: Cynthia Butler - Deputy Sheriff
Chester A. Hawkins
Sheriff

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

THE BANK OF NEW YORK
TRUST COMPANY, N.A., AS
SUCCESSOR-IN-INTEREST TO
JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION, F/K/A
JPMORGAN CHASE BANK, AS
TRUSTEE, SURE-BC4

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-90-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

VS.

TIMOTHY R. RUTTINGER

SUSAN M. BOSAK

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: 587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443, DU BOIS, PA 15801
(See Legal Description attached)

Amount Due		\$104,273.51
Interest from 5/1/08 TO to Sale	Prothonotary costs	135.00
Per diem \$17.14		\$
Add'l Costs		\$3,410.00
Writ Total		

Walter L. Shanahan

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

Dated 5/21/08
(SEAL)

165831

Received this writ this 21st day
of May A.D. 2008
At 3:00 A.M./P.M.

Chester A. Hawke
Sheriff by Cynthia Butch-Clyburn

No. 08-90-CD Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK TRUST COMPANY,
N.A., AS SUCCESSOR-IN-INTEREST TO
JPMORGAN CHASE BANK, NATIONAL
ASSOCIATION, F/K/A JPMORGAN CHASE BANK,
AS TRUSTEE - SURF-BC4

vs.

TIMOTHY R. RUTTINGER
SUSAN M. BOSAK

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs	
Real Debt	\$104,273.51
Int. from 5/1/08 TO To Date of Sale (\$17.14 per diem)	
Costs	_____
Protho Pd.	<u>135.00</u>
Sheriff	

Address: TIMOTHY R. RUTTINGER SUSAN M. BOSAK
587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443
TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801 DU BOIS, PA 15801


Attorney for Plaintiff

LEGAL DESCRIPTION

ALL those certain tracts of land designated as Lots Nos. 442 and 443, Section No. 15, 'Bimini', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 25.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc., recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Developer or Treasure Lake Property Owners Association, Inc., which lien shall run with the land and be an encumbrance against it.

BEING the same premises (Lot No. 442) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 121, as the property of Donna Cartwright, et al.; and by quitclaim deed of Donna Cartwright, et al., dated February 23, 1998, and recorded in Deeds and Records Book No. 1921, page 197; and the same premises (Lot No. 443) which were conveyed to Timothy R. Ruttinger by deed of The Tax Claim Bureau of Clearfield County, Pennsylvania, dated November 19, 1996, and recorded at Clearfield, Pennsylvania, in Deeds and Records Book No. 1805, page 124, as the property of Robert Kohm, et ux.. Said lot was also the subject of an Action to Quiet Title filed to No. 98-168-CD, on which a final Order dated March 10, 1998, was recorded in Deeds and Records Book No. 1921, page 178.

PARCEL IDENTIFICATION NO: 128-C02-015-00442-00-21, Control #: 128075751
128-C02-015-00443-00-21, Control #: 128083327

TITLE TO SAID PREMISES IS VESTED IN Timothy R. Ruttinger and Susan M. Bosak, as joint tenants with the right of survivorship, by Deed from Timothy R. Ruttinger, dated 04/27/1998, recorded 04/27/1998, in Deed Book 1926, page 434.

Premises being: 587 TREASURE LAKE, A/K/A SECTION 15, LOT #422 & 443
DU BOIS, PA 15801

Tax Parcel No. 128-C02-015-00442-00-21 & 128-C02-015-00443-00-21

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME TIMOTHY R. RUTTINGER

NO. 08-90-CD

NOW, October 23, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on , I exposed the within described real estate of Timothy R. Ruttinger And Susan M. Bosak 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 \$8,664.64 and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	19.19
LEVY	15.00
MILEAGE	19.19
POSTING	15.00
CSDS	10.00
COMMISSION	173.29
POSTAGE	5.04
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	19.19
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	8,664.64
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$400.90

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	104,273.51
INTEREST @ 17.1400	(12,566,413.
FROM 05/01/2008 TO	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	3,410.00
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	(\$12,458,690.31)

COSTS:

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	400.90
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$535.90

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

CHESTER A. HAWKINS, Sheriff

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

July 1, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: THE BANK OF NEW YORK TRUST COMPANY, N.A., AS SUCCESSOR-IN-INTREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, F/K/A JPMORGAN CHASE BANK, AS TRUSTEE -SURF-BC4 v.
TIMOTHY R. RUTTINGER and SUSAN M. BOSAK
587 TREASURE LAKE, A/K/A SECTION 15, LOT # 442 & 443 DU BOIS, PA
15801
Court No. 08-90-CD

Dear Sir/Madam:

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

§8,664.64 was received in consideration of the stay.

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

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

Thank you for your correspondence in this matters.

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