

08-265-CD

EMC Morg. vs Gloria Perry al

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 168426

ATTORNEY FOR PLAINTIFF

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff

TERM

v.

NO. 08-265-CD

CLEARFIELD COUNTY

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

William A. Shaw *LM*
Prothonotary/Clerk of Courts
Atty pd 95.00
4CC Sheriff

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

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

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

3. On 09/29/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200616629. 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 05/01/2007 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	\$75,743.26
Interest	\$6,491.64
04/01/2007 through 01/07/2008	
(Per Diem \$23.02)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$45.66
09/29/2006 to 01/07/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$84,080.56
Escrow	
Credit	\$0.00
Deficit	\$682.56
Subtotal	<u>\$682.56</u>
TOTAL	\$84,763.12

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 \$84,763.12, together with interest from 01/07/2008 at the rate of \$23.02 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: 

62695

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 of those two certain tracts of land designated as Lots Nos. 120 and 121, Section No. 5

'Martinique' 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, p. 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 Treasure Lake, Inc., its successors, or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

BEING the same premises conveyed to Joseph D. Ferranti and Jonnie E. Ferranti, husband and wife, by Deed of Samuel G. Melillo, Jr. and Bernice J. Melillo, husband and wife, dated the 3rd day of October, 1990, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, in Deed Book Volume 1367, Page 505. Thereafter, Joseph D. Ferranti did become deceased on the 5th day of November, 1994, with all of his right, title and interest in said properties divulging by operation of law unto the said Jonnie E. Ferranti, the Grantor herein.

BEING KNOWN AS 367 TREASURE LAKE, DU BOIS, PA 15801

PARCEL NUMBER C02-005-00120-00-21

VERIFICATION

I hereby states that I am the attorney for the 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.

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

DATE: 1/7/08



Attorney for Plaintiff

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

EMC MORTGAGE CORPORATION

: **CLEARFIELD County**

Plaintiff

: **Court of Common Pleas**

vs.

: **CIVIL DIVISION**

GLORIA G. PERRY
A/K/A **GLORIA J. PERRY**
MARCIA J. BOWSER

: **NO. 08-265-CD**

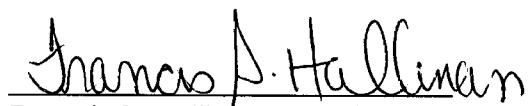
Defendant(s)

:

PRAECIPE TO SUBSTITUTE VERIFICATION
TO CIVIL ACTION COMPLAINT
IN MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

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


Francis S. Hallinan, Esquire
Attorney for Plaintiff

Dated: 03/08/08

PHS: 168426

NO CC
3/11/1982
(LM)
VILLADALE, PA 19082
SUSQUEHANNA COUNTY, PA

VERIFICATION

Thomas Westmoreland hereby states that he/she is
Vice President of Loan Documentation of WELLS FARGO BANK, N.A., servicing agent for Plaintiff
in this matter, that he/she is authorized to take this Verification, and that the statements made in
the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her
knowledge, information and belief. The undersigned understands that this statement is made
subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



Name: Thomas Westmoreland

DATE: January 9, 2008

TitleVice President of Loan Documentation

Company: WELLS FARGO BANK, N.A.

Loan: 0155244437

File #: 168426

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

EMC MORTGAGE CORPORATION

: CLEARFIELD County

Plaintiff

: Court of Common Pleas

vs.

: CIVIL DIVISION

**GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER**

: NO. 08-265-CD

Defendant(s)

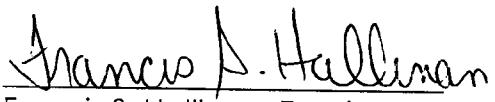
:

CERTIFICATE OF SERVICE

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

GLORIA G. PERRY A/K/A GLORIA J. PERRY
367 TREASURE LAKE
DU BOIS, PA 15801

MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801


Francis S. Hallinan, Esquire
Attorney for Plaintiff

Dated: 03/08/08

PHS: 168426

(A)

o/ 3:40(1)
Vivian A. Senn
Prothonotary Clerk of Court
Court to Shenia
ATT
6/10

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

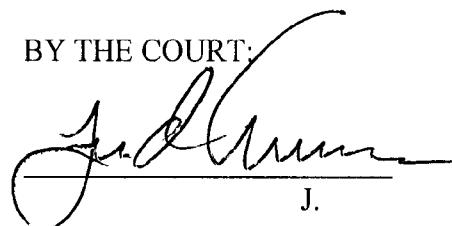
EMC Mortgage Corporation	:	Court of Common Pleas
3476 Stateview Boulevard	:	
Fort Mill, SC 29715	:	
Plaintiff	:	Civil Division
vs.	:	
Gloria G. Perry A/K/A Gloria J. Perry	:	Clearfield County
Marcia J. Bowser	:	
367 Treasure Lake	:	
DuBois, PA 15801	:	No. 08-0265-CD
Defendants	:	

ORDER

AND NOW, this 28 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. D. Dunn

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

EMC Mortgage Corporation
3476 Stateview Boulevard
Fort Mill, SC 29715

VS.

Gloria G. Perry A/K/A Gloria J. Perry
Marcia J. Bowser
367 Treasure Lake
DuBois, PA 15801
Defendants

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0265-CD Prothonotary/Clerk of Courts

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on February 14, 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 March 14, 2008, the Sheriff's office verbally advised counsel for Plaintiff that Marcia Bowser accepted service at the mortgaged premises and Gloria Perry accepted service at 310 Knarr Street, DuBois, PA 15801 on February 29, 2008.

4. On March 21, 2008, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment.

5. To date, the Clearfield County Sheriff's office has not filed the Affidavits of Service, which were made on February 29, 2008.

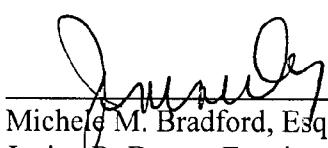
6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's office files the Affidavits of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$23.02 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds 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 Affidavits of Service.

WHEREFORE, Plaintiff respectfully requests that the Court enter an Order directing the Sheriff of Clearfield County to file the Affidavits of Service of the Complaint with the Prothonotary within seven days.

Respectfully submitted,
PHELAN HALLINAN & SCHMIEG, LLP

3/21/08
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
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

168426

ATTORNEY FOR PLAINTIFF

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

NO. 08-265-C.D

CLEARFIELD COUNTY

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

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

ATTORNEY FILE COPY
PLEASE RETURN
Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

File #: 168426

FILED
FEB 14 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:	Notice to Defend:
Pennsylvania Lawyer Referral Service	David S. Meholic, Court Administrator
Pennsylvania Bar Association	Clearfield County Courthouse
100 South Street	2 nd and Market Streets
PO Box 186	Clearfield, PA 16830
Harrisburg, PA 17108	814-765-2641 x 5982
800-692-7375	

**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

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

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

3. On 09/29/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200616629. 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 05/01/2007 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	\$75,743.26
Interest	\$6,491.64
04/01/2007 through 01/07/2008	
(Per Diem \$23.02)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$45.66
09/29/2006 to 01/07/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$84,080.56
Escrow	
Credit	\$0.00
Deficit	\$682.56
Subtotal	<u>\$682.56</u>
TOTAL	\$84,763.12

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 \$84,763.12, together with interest from 01/07/2008 at the rate of \$23.02 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: *Frank S. Hallinan* 62695

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 of those two certain tracts of land designated as Lots Nos. 120 and 121, Section No. 5

'Martinique' 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, p. 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 Treasure Lake, Inc., its successors, or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

BEING the same premises conveyed to Joseph D. Ferranti and Jonnie E. Ferranti, husband and wife, by Deed of Samuel G. Melillo, Jr. and Bernice J. Melillo, husband and wife, dated the 3rd day of October, 1990, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, in Deed Book Volume 1367, Page 505. Thereafter, Joseph D. Ferranti did become deceased on the 5th day of November, 1994, with all of his right, title and interest in said properties divulging by operation of law unto the said Jonnie E. Ferranti, the Grantor herein.

BEING KNOWN AS 367 TREASURE LAKE, DU BOIS, PA 15801

PARCEL NUMBER C02-005-00120-00-21

VERIFICATION

I hereby states that I am the attorney for the 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.

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



Attorney for Plaintiff

DATE: 1/7/08

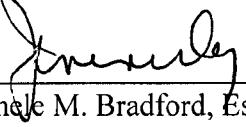
VERIFICATION

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

Date

3/27/08



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

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

EMC Mortgage Corporation
3476 Stateview Boulevard
Fort Mill, SC 29715

Plaintiff

vs.

Gloria G. Perry A/K/A Gloria J. Perry
Marcia J. Bowser
367 Treasure Lake
DuBois, PA 15801

Defendant(s)

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0265-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

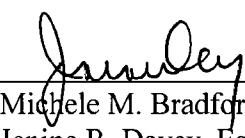
Peter F. Smith, Esquire
30 South 2nd Street
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Gloria G. Perry A/K/A Gloria J. Perry
Marcia J. Bowser
367 Treasure Lake
DuBois, PA 15801

Gloria G. Perry A/K/A Gloria J. Perry
310 Knarr Street
DuBcis, PA 15801

PHELAN HALLINAN & SCHMIEG, LLP

3/01/08
Date



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

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

EMC Mortgage Corporation
3476 Stateview Boulevard
Fort Mill, SC 29715

Plaintiff

vs.

Gloria G. Perry A/K/A Gloria J. Perry
Marcia J. Bowser
367 Treasure Lake
DuBois, PA 15801

Defendants

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0265-CD

BRIEF IN SUPPORT OF MOTION TO DIRECT THE SHERIFF TO FILE
AFFIDAVIT OF SERVICE

I. PROCEDURAL HISTORY

Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on February 14, 2008. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A". The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendants. On March 14, 2008, the Sheriff's office verbally advised

counsel for Plaintiff that Marcia Bowser accepted service at the mortgaged premises and Gloria Perry accepted service at 310 Knarr Street, DuBois, PA 15801 on February 29, 2008. On March 21, 2008, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment. To date, the Clearfield County Sheriff's office has not filed the Affidavits of Service, which were made on February 29, 2008. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's office files the Affidavits of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$23.02 per day on this mortgage account. Additionally, the Plaintiff continues to advance funds for real estate taxes and hazard insurance at its own expense.

II. LEGAL ANALYSIS

Pennsylvania Rule of Civil Procedure 400(a) requires that original process within the Commonwealth be made only by the Sheriff. Pa.R.C.P. 405(a) provides as follows:

When service of the original process has been made, the sheriff or other person making service shall make a return of service forthwith. . . .

The Plaintiff does not have the ability to use a private process server to serve foreclosure complaints in Clearfield County. The Plaintiff must rely on the Sheriff to do so. In addition, the Sheriff has a duty to file his return of service "forthwith". In the instant case, the Sheriff's office has not complied with that obligation.

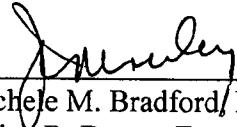
Plaintiff is without an adequate remedy at law and will suffer irreparable harm unless the requested relief is granted. This Court has plenary power to administer equity according to well-settled principals of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A. 779, 116 Pa. Super. 101 (1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them instead of encouraging technical niceties in the modes of procedure and forms of pleading. Gunnet v. Trout, 380 Pa. 504, 112 A.2d

333 (1955). This is certainly a case where the exercise of this Court's equity powers is appropriate and necessary.

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

3/27/08
Date



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103771
NO: 08-265-CD
SERVICE # 1 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: EMC MORTGAGE CORPORATION
VS.
DEFENDANT: GLORIA G. PERRY a/k/a GLORIA J. PERRY, MARCIA J. BOWSER

SHERIFF RETURN

NOW, February 29, 2008 AT 12:39 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON GLORIA G. PERRY aka GLORIA J. PERRY DEFENDANT AT 310 KNARR ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARCIA BOWSER, DAUGHTER A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

012:01 PM
LM
CLEARFIELD COUNTY SHERIFF'S OFFICE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103771
NO: 08-265-CD
SERVICE # 2 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: EMC MORTGAGE CORPORATION

vs.

DEFENDANT: GLORIA G. PERRY a/k/a GLORIA J. PERRY, MARCIA J. BOWSER

SHERIFF RETURN

NOW, February 29, 2008 AT 12:39 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARCIA J. BOWSER DEFENDANT AT 310 KNARR ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARCIA BOWSER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103771
NO. 08-265-CD
SERV CE # 3 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: EMC MORTGAGE CORPORATION

vs.

DEFENDANT: GLORIA G. PERRY a/k/a GLORIA J. PERRY, MARCIA J. BOWSER

SHERIFF RETURN

NOW, February 29, 2008 AT 12:39 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON GLORIA G. PERRY aka GLORIA J. PERRY DEFENDANT AT 310 KNARR ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARCIA BOWSER, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CCNTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103771
NO: 08-265-CD
SERVICE # 4 OF 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: EMC MORTGAGE CORPORATION

VS.

DEFENDANT: GLORIA G. PERRY a/k/a GLORIA J. PERRY, MARCIA J. BOWSER

SHERIFF RETURN

NOW, February 29, 2008 AT 12:39 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARCIA J. BOWSER DEFENDANT AT 310 KNARR ST., DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO MARCIA BOWSER, DE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: NEVLING /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103771
NO: 08-265-CD
SERVICES 4
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: EMC MORTGAGE CORPORATION

vs.

DEFENDANT: GLORIA G. PERRY a/k/a GLORIA J. PERRY, MARCIA J. BOWSER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	656497	40.00
SHERIFF HAWKINS	PHELAN	656497	55.19

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



*Chester A. Hawkins
July 11, 2008*

Chester A. Hawkins
Sheriff

5-1-11 NO
m115030
APR 07 2006
William A. Shaw
Prothonotary/Clerk of Court

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

EMC Mortgage Corporation
3476 Stateview Boulevard
Fort Mill, SC 29715

Plaintiff

: Court of Common Pleas

: Civil Division

vs.

Gloria G. Perry A/K/A Gloria J. Perry
Marcia J. Bowser
367 Treasure Lake
DuBois, PA 15801

Defendants

: Clearfield County

: No. 08-0265-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the March 28, 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

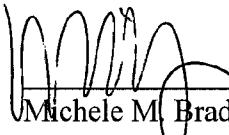
Peter F. Smith, Esquire
30 South 2nd Street
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Gloria G. Perry A/K/A Gloria J. Perry
Marcia J. Bowser
367 Treasure Lake
DuBois, PA 15801

Gloria G. Perry A/K/A Gloria J. Perry
310 Knarr Street
DuBois, PA 15801

4/3/08
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

FILED

in 11:42 am GK

MAY 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

Atty PA 1120cc
ICC & Statement to Atty
ICC w/notice to:
Marcia J. Bowser - 310 Knarr
St. DuBois PA 15801
Gloria G. Perry - 310 Knarr
St. DuBois PA 15801
(GK)

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff,

v.

GLORIA G. PERRY,
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801

Defendant(s).

:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**

: **CIVIL DIVISION**

: **NO. 08-265-CD**

:
:
:
:
:
:
:
:
:

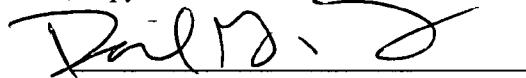
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **GLORIA G. PERRY, A/K/A GLORIA J. PERRY and MARCIA J. BOWSER**, 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:

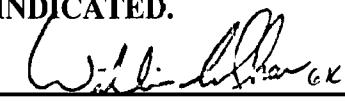
As set forth in the Complaint	\$ 84,763.12
Interest - 1/8/08 TO 5/14/08	\$ 2,946.56
TOTAL	<u>\$ 87,709.68</u>

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: 5-16-2008


PRO PROTHY

168426

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

EMC MORTGAGE CORPORATION
Plaintiff

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
Defendants

: CLEARFIELD COUNTY

: NO. 08-265-CD

FILE COPY

TO: GLORIA G. PERRY
A/K/A GLORIA J. PERRY
310 KNARR STREET
DU BOIS, PA 15801

DATE OF NOTICE: MARCH 21, 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
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

EMC MORTGAGE CORPORATION
Plaintiff

Vs.

GLORIA G. PERRY A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
Defendants

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 08-265-CD

TO: MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801

DATE OF NOTICE: MARCH 21, 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
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**

**EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715**

Plaintiff,

10

**GLORIA G. PERRY, A/K/A GLORIA J.
PERRY
MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801**

NO. 08-265-CD

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 **GLORIA G. PERRY, A/K/A GLORIA J. PERRY** is over 18 years of age and resides at **310 KNARR STREET, DU BOIS, PA 15801**.

(c) that defendant MARCIA J. BOWSER is over 18 years of age, and resides at **310 KNARR STREET, 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.

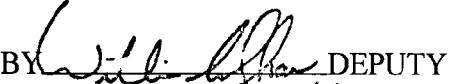
DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

EMC MORTGAGE CORPORATION :
3476 STATEVIEW BOULEVARD :
FORT MILL, SC 29715 :
Plaintiff, :
v. :
CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 08-265-CD
GLORIA G. PERRY,
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801
Defendant(s). :
:

Notice is given that a Judgment in the above captioned matter has been entered against you
on May 16, 2008.

BY  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.

FILED

MAY 16 2008

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

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

EMC Mortgage Corporation
Plaintiff(s)

No.: 2008-00265-CD

Real Debt: \$87,709.68

Atty's Comm: \$

Vs. Costs: \$

Int. From: \$

Gloria G. Perry Entry: \$20.00
Marcia J. Bowser
Defendant(s)

Instrument: In Rem Judgment

Date of Entry: 16th day of May, 2008

Expires: 16th Day of May, 2013

Certified from the record this 16th Day of May, 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**

EMC MORTGAGE
CORPORATION

vs.

GLORIA G. PERRY, A/K/A
GLORIA J. PERRY

MARCIA J. BOWSER

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-265-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	
	\$87,709.68

Interest from 05/15/2008 to Sale	\$ _____.
----------------------------------	-----------

Per diem \$14.42	
------------------	--

Add'l Costs	\$3,813.50
-------------	------------

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

Prothonotary costs	135.00
--------------------	--------

Daniel J. Sherry

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

168426

Atty pd. \$20.00
6/11/2008 1cc 6 wnts
JUN 11 2008 w/prop.desc.

William A. Shaw
Prothonotary/Clerk of Courts
to Sheriff

(GK)

No. 08-265-CD..... Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

EMC MORTGAGE CORPORATION

JUN 11 2008

vs.

William A. Shaw
Prothonotary/Clerk of Courts

GLORIA G. PERRY, A/K/A GLORIA J. PERRY
MARCIA J. BOWSER

PRAECLPICE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Denil G. Dwy
.....

Attorney for Plaintiff(s)

Address: GLORIA G. PERRY,
A/K/A GLORIA J. PERRY
310 KNARR STREET
DU BOIS, PA 15801

MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801

LEGAL DESCRIPTION

ALL of those two certain tracts of land designated as Lots Nos. 120 and 121, Section No. 5 'Martinique' 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, p. 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 Treasure Lake, Inc., its successors, or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

TITLE TO SAID PREMISES IS VESTED IN Marcia J. Bowser and Gloria G. Perry, by Deed from Jonnie E. Ferranti, a widow and unremarried, dated 09/21/2006, recorded 10/02/2006, in Deed Mortgage Inst# 200616628.

Premises being: 367 TREASURE LAKE
DU BOIS, PA 15801

Tax Parcel No. C02-005-00120-00-21

**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

**EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715**

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

Plaintiff,

V.

**GLORIA G. PERRY, A/K/A GLORIA J.
PERRY
MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801**

NO. 08-265-CD

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
- (X) Act 91 procedures have been fulfilled

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

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff,
v.

GLORIA G. PERRY, A/K/A GLORIA J.
PERRY
MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801

Defendant(s).

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

: NO. 08-265-CD

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

EMC MORTGAGE CORPORATION, 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 **367 TREASURE LAKE, 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.)

GLORIA G. PERRY, 310 KNARR STREET
A/K/A GLORIA J. PERRY DU BOIS, PA 15801

MARCIA J. BOWSER 310 KNARR STREET
DU BOIS, PA 15801

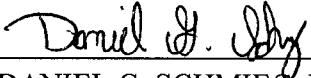
2. Name and address of Defendant(s) in the judgment:

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.

JUNE 10, 2008
Date



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

**EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715**

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION**

**GLORIA G. PERRY,
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801**

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129

EMC MORTGAGE CORPORATION, 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 **367 TREASURE LAKE, 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.)
None

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

NAME LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None

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

NAME LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
None

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

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

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.)

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

**13 Treare Lake
Dubois, PA 15801**

TENANT/OCCUPANT

**367 TREASURE LAKE
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**

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.

JUNE 10, 2008
Date

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

EMC MORTGAGE
CORPORATION

vs.

GLORIA G. PERRY, A/K/A
GLORIA J. PERRY

MARCIA J. BOWSER

Commonwealth of Pennsylvania:

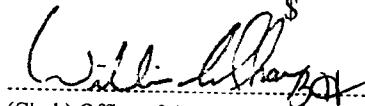
County of Clearfield

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: 367 TREASURE LAKE, DU BOIS, PA 15801
(See Legal Description attached)

Amount Due		
Interest from 05/15/2008 to Sale		\$87,709.68
Per diem \$14.42		135.00
Add'l Costs		\$
Writ Total		\$3,813.50


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

Dated 6/11/08
(SEAL)

No. 08-265-CD Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
EMC MORTGAGE CORPORATION

vs.

GLORIA G. PERRY, A/K/A GLORIA J. PERRY
MARCIA J. BOWSER

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$87,709.68

Int. from 05/15/2008
To Date of Sale (\$14.42 per diem)

Costs

Prothy Pd. 135.00

Sheriff

Daniell B. Dryer
Attorney for Plaintiff(s)

Address: GLORIA G. PERRY,
A/K/A GLORIA J. PERRY
310 KNARR STREET
DU BOIS, PA 15801

MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801

LEGAL DESCRIPTION

ALL of those two certain tracts of land designated as Lots Nos. 120 and 121, Section No. 5 'Martinique' 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, p. 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 Treasure Lake, Inc., its successors, or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

TITLE TO SAID PREMISES IS VESTED IN Marcia J. Bowser and Gloria G. Perry, by Deed from Jonnie E. Ferranti, a widow and unremarried, dated 09/21/2006, recorded 10/02/2006, in Deed Mortgage Inst# 200616628.

Premises being: 367 TREASURE LAKE
DU BOIS, PA 15801

Tax Parcel No. C02-005-00120-00-21

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

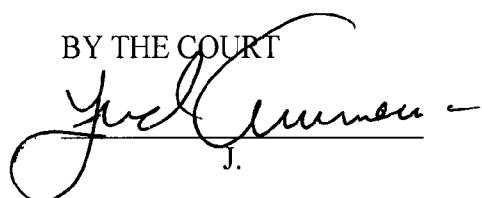
EMC MORTGAGE CORPORATION : Court of Common Pleas
Plaintiff :
vs. : Civil Division
GLORIA G. PERRY : CLEARFIELD County
A/K/A GLORIA J. PERRY : No. 08-265-CD
MARCIA J. BOWSER :
Defendants

RULE

AND NOW, this 18 day of July 2008, a Rule is entered upon the Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the 18th day of August 2008, at 10:30 in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT



168426

FILED 1CC
07/14/08 GOL Atty Bradford
JUL 18 2008
William A. Shaw
Prothonotary/Clerk of Courts
(68)

JUL 18 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 7/18/08

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:

111-111-1111 2CC Atty
0/3:30pm Bradford
AUG 18 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

EMC MORTGAGE CORPORATION : Court of Common Pleas
Plaintiff : Civil Division
vs. : CLEARFIELD County
GLORIA G. PERRY : No. 08-265-CD
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
Defendants

ORDER

AND NOW, this 18 day of August, 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	\$75,743.26
Interest Through August 1, 2008	\$11,235.20
Per Diem \$23.09	
Late Charges	\$45.66
Legal fees	\$2,210.00
Cost of Suit and Title	\$1,467.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$0.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

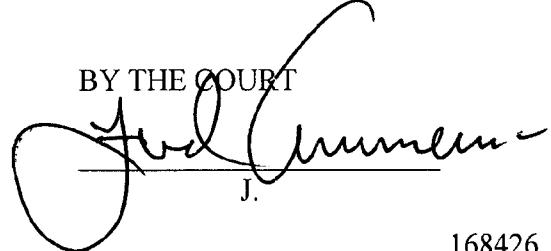
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,197.72</u>

TOTAL	\$91,899.34
--------------	-------------

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



A handwritten signature in black ink, appearing to read "J. C. Cullen". A horizontal line is drawn through the signature, with the initials "J.C." written below it.

168426

AUG 18 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 8/18/2008

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:

11-12-08
M 10:30 AM
JUL 16 2008
NO CC
Bead
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

EMC MORTGAGE CORPORATION	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs.	:	CLEARFIELD County
GLORIA G. PERRY	:	No. 08-265-CD
A/K/A GLORIA J. PERRY	:	
MARCI A. BOWSER	:	
Defendants		

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 February 14, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on May 16, 2008 in the amount of \$87,709.68. 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 Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	\$75,743.25
Interest Through August 1, 2008	\$11,235.20
Per Diem \$23.09	
Late Charges	\$45.66
Legal fees	\$2,210.00
Cost of Suit and Title	\$1,467.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$0.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,197.72</u>
 TOTAL	 \$91,899.34

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

7. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

8. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

DATE: 7/14/08

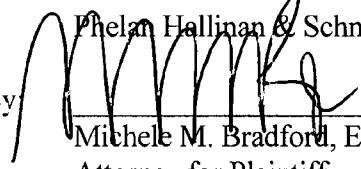
By 
Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

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 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

168426

ATTORNEY FOR PLAINTIFF

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

NO. 08-265CD

CLEARFIELD COUNTY

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

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

Defendants
ATTORNEY FILE COPY
DO NOT RETURN
CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

File #: 168426

FILED
FEB 14 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

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

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

3. On 09/29/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200616629. 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 05/01/2007 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	\$75,743.26
Interest	\$6,491.64
04/01/2007 through 01/07/2008	
(Per Diem \$23.02)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$45.66
09/29/2006 to 01/07/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$84,080.56
Escrow	
Credit	\$0.00
Deficit	\$682.56
Subtotal	<u>\$682.56</u>
TOTAL	\$84,763.12

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 \$84,763.12, together with interest from 01/07/2008 at the rate of \$23.02 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:  62695

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 of those two certain tracts of land designated as Lots Nos. 120 and 121, Section No. 5

'Martinique' 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, p. 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 Treasure Lake, Inc., its successors, or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

BEING the same premises conveyed to Joseph D. Ferranti and Jonnie E. Ferranti, husband and wife, by Deed of Samuel G. Melillo, Jr. and Bernice J. Melillo, husband and wife, dated the 3rd day of October, 1990, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, in Deed Book Volume 1367, Page 505. Thereafter, Joseph D. Ferranti did become deceased on the 5th day of November, 1994, with all of his right, title and interest in said properties divulging by operation of law unto the said Jonnie E. Ferranti, the Grantor herein.

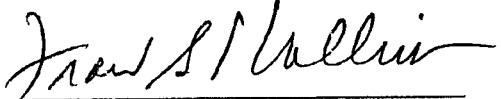
BEING KNOWN AS 367 TREASURE LAKE, DU BOIS, PA 15801

PARCEL NUMBER C02-005-00120-00-21

VERIFICATION

I hereby states that I am the attorney for the 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.

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



Attorney for Plaintiff

DATE: 1/7/08

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

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

MAY 16 2008

Attest:

William L. Chas
Prothonotary/
Clerk of Courts

EMC MORTGAGE CORPORATION
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff,

v.

GLORIA G. PERRY,
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801

Defendant(s).

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 08-265-CD
:
:

PRAECLPICE 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 GLORIA G. PERRY, A/K/A
GLORIA J. PERRY and MARCIA J. BOWSER, 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	\$ 84,763.12
Interest - 1/8/08 TO 5/14/08	\$2,946.56
TOTAL	<u>\$87,709.68</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
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 5-16-2008

William L. Chas
PRO PROTHTY

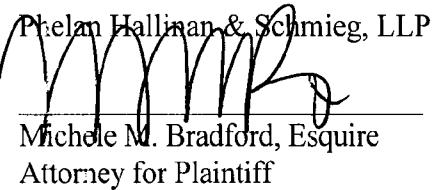
168426

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: 3/14/08

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 ATTORNEY FOR PLAINTIFF
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

EMC MORTGAGE CORPORATION

: Court of Common Pleas

Plaintiff

: Civil Division

vs.

:

CLEARFIELD County

GLORIA G. PERRY

:

A/K/A GLORIA J. PERRY

: No. 08-265-CD

MARCI A. BOWSER

:

Defendants

CERTIFICATION OF SERVICE

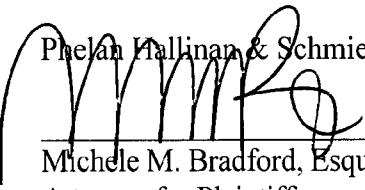
I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to the following individuals on the date indicated below.

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
310 KNARR STREET
DU BOIS, PA 15801

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

DATE: 7/14/08

By:


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

AFFIDAVIT OF SERVICE

PLAINTIFF EMC MORTGAGE CORPORATION CLEARFIELD County
No. 08-265-CD
Our File #: 168426

DEFENDANT(S) GLORIA G. PERRY, A/K/A GLORIA J. PERRY
MARCIA J. BOWSER

Please serve upon: MARCIA J. BOWSER Type of Action
- Notice of Sheriff's Sale

SERVE AT: 310 KNARR STREET Sale Date: AUGUST 1, 2008
DU BOIS, PA 15801

FILED NO
M 11/11/08
11 21 2008
CC
LM
William A. Shaw
Prothonotary/Clerk of Courts

SERVED

Served and made known to MARCIA J. Bowser, Defendant, on the 9th day of July,
2008 at 10:45, o'clock A.m., at 310 KNARR ST., DU BOIS, PA 15801,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s). Relationship is _____.
 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: Gloria is Marcia's mother. Gloria Perry does not reside at this residence

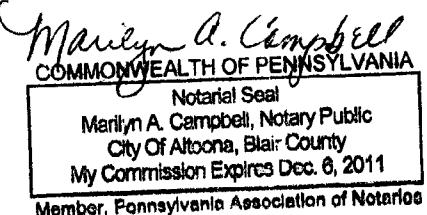
Description: Age 50 Height 5'2" Weight 140 lbs Race Cauc Sex F Other

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 ***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

7-10-08
MCC
M 10 30 AM
JUL 28 2008
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

EMC MORTGAGE CORPORATION

Plaintiff

vs.

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

: No. 08-265-CD

:

Defendants

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's July 18, 2008 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
310 KNARR STREET
DU BOIS, PA 15801

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

DATE: 7/25/08

By:

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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

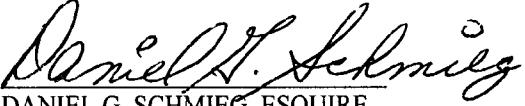
EMC MORTGAGE CORPORATION : CLEARFIELD COUNTY
Plaintiff, : COURT OF COMMON PLEAS
v. :
: CIVIL DIVISION
GLORIA G. PERRY, A/K/A GLORIA J. PERRY :
MARCIA J. BOWSER : NO. 08-265-CD
Defendant(s) :
:

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Plaintiff in the above action sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at: 367 TREASURE LAKE, DU BOIS, PA 15801.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given to Lienholders in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the Affidavit No. 2 (previously filed) and/or Amended Affidavit No. 2 on the date indicated. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: August 28, 2008

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

168426

No CC.
M/12:40pm
SEP - 2 2008
WAS
William A. Shaw
Prothonotary/Clerk of Courts

Name and
Address
of Sender

३०४

PHELAN HALLINAN & SCHMIEG

PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station, Suite 1400
11617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage
1		TENANT/OCCUPANT 367 TREASURE LAKE DU BOIS, PA 15801	
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		Treasure Lake Property Owners Association, INC. 13 Treasure Lake Dubois, PA 15801	
8			
9			
10			
11			
12		Re: GLORIA G. PERRY, A/K/A GLORIA J. PERRY 168426	TEAM 4 BSD
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)



502-780
JUL 02 2008
CODE 19103

10

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.

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) 553-7900

ATTORNEY FOR PLAINTIFF

EMC MORTGAGE CORPORATION
Plaintiff

: Court of Common Pleas

vs.

: Civil Division

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER

: CLEARFIELD County

: No. 08-265-CD

:

Defendants

CERTIFICATION OF SERVICE

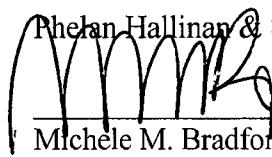
I hereby certify that a true and correct copy of the Court's August 18, 2008 Order was served upon the following individuals on the date indicated below.

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
310 KNARR STREET
DU BOIS, PA 15801

GLORIA G. PERRY
A/K/A GLORIA J. PERRY
MARCIA J. BOWSER
367 TREASURE LAKE
DU BOIS, PA 15801

DATE: 8/21/08

By:


Michele M. Bradford, Esquire
Attorney for Plaintiff

m 110:55/08 NOCC
W.A. Shaw
William A. Shaw
Notary/Clerk of Courts

AFFIDAVIT OF SERVICE

PLAINTIFF	EMC MORTGAGE CORPORATION	CLEARFIELD County
DEFENDANT(S)	GLORIA G. PERRY, A/K/A GLORIA J. PERRY MARCIA J. BOWSER	No. 08-265-CD Our File #: 168426
Please serve upon:	GLORIA G. PERRY, A/K/A GLORIA J. PERRY	Type of Action - Notice of Sheriff's Sale
SERVE AT:	15521 ROUTE 28 CORSICA, PA 15829	Sale Date: AUGUST 1, 2008

SERVED

Served and made known to GLORIA G. PERRY, Defendant, on the 18th day of August, 2008, at 5:40, o'clock p.m., at 15521 ROUTE 28, CORSICA

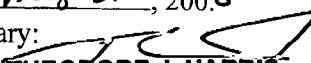
Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.
 Adult family member with whom Defendant(s) reside(s). Relationship is STEP - GRANDSON
 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 20^s Height 6'2" Weight 200 Race W Sex M Other

I, Ronald Moll, 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 18 day
of August, 2008

Notary: 

THEODORE J. HARRIS
NOTARY PUBLIC

STATE OF NEW JERSEY *ATTEMPT SERVICE NLT THREE (3) TIMES*****
MY COMMISSION EXPIRES 10/25/2012

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: 

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

No CC.
m/10:55 am
SEP 1 2008
LM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20783
NO: 08-265-CD

PLAINTIFF: EMC MORTGAGE CORPORATION

vs.

DEFENDANT: GLORIA G. PERRY A/K/A GLORIA J. PERRY AND MARCIA J. BOWSER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 6/11/2008

LEVY TAKEN 6/24/2008 @ 12:01:20 PM
POSTED 6/24/2008 @ 12:00 PM
SALE HELD 11/7/2008
SOLD TO EMC MORTGAGE CORPORATION
SOLD FOR AMOUNT \$1.00 PLUS COSTS
WRIT RETURNED 2/20/2009
DATE DEED FILED 2/20/2009

PROPERTY ADDRESS LOTS 120 AND 121, SECT. 5 "MARTINIQUE", A/K/A 367 TREASURE LAKE DUBOIS , PA 15801

*Sheriff's Office
012:51:30
FEB 20 2009
LS*
William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

@ SERVED GLORIA G. PERRY A/K/A GLORIA J. PERRY

DEPUTIES UNABLE TO SERVE GLORIA G. PERRY A/K/A GLORIA J. PERRY, DEFENDANT, AT 310 KNARR STREET, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA DEFENDANT MOVED.

7/2/2008 @ 10:30 AM SERVED MARCIA J. BOWSER

SERVED MARCIA J. BOWSER, DEFENDANT, AT HER RESIDENCE 310 KNARR STREET, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARCIA BOWSER

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.

8/21/2008 @ 2:10 PM SERVED GLORIA G. PERRY A/K/A GLORIA J. PERRY

JEFFERSON COUNTY DEPUTY HARRY DUNKLE SERVED GLORIA G. PERRY A/K/A GLORIA J. PERRY, DEFENDANT, AT 15521 RT 28, CORSICA, TOWNSHIP OF CLOVER, COUNTY OF JEFFERSON, PA. BY HANDING TO WILLIAM STEWART/ GRANDSON OF 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 30, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHEIFF SALE SCHEDULED FOR AUGUST 1, 2008 TO OCTOBER 3, 2008.

@ SERVED

NOW, OCTOBER 2, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR OCTOBER 3, 2008 TO NOVEMBER 7, 2008.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20783
NO: 08-265-CD

PLAINTIFF: EMC MORTGAGE CORPORATION

vs.

DEFENDANT: GLORIA G. PERRY A/K/A GLORIA J. PERRY AND MARCIA J. BOWSER

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$295.52

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2008

So Answers,


By: Amhera Sitter, Deputies
Chester A. Hawkins
Sheriff

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

EMC MORTGAGE
CORPORATION

vs.

GLORIA G. PERRY, A/K/A
GLORIA J. PERRY
MARCIA J. BOWSER

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-265-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: 367 TREASURE LAKE, DU BOIS, PA 15801
(See Legal Description attached)

Amount Due

Interest from 05/15/2008 to Sale

Per diem \$14.42

Add'l Costs

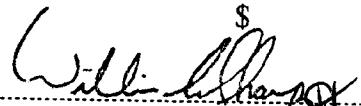
Writ Total

Prothonotary costs \$87,709.68
135.00

\$ _____.

\$3,813.50

\$ _____.


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

Dated 6/11/08
(SEAL)

168426

Received this writ this 6th day
of June A.D. 2008
At 11:00 A.M.P.M.

Chesler G. Hawkeis
Sheriff by Cynthia Butler, Delegatice

No. 08-265-CD Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

EMC MORTGAGE CORPORATION

vs.

GLORIA G. PERRY, A/K/A GLORIA J. PERRY
MARCIA J. BOWSER

<u>WRIT OF EXECUTION</u> (Mortgage Foreclosure)	
Costs	_____
Real Debt	\$87,709.68
Int. from 05/15/2008 To Date of Sale (\$14.42 per diem)	_____
Costs	_____
Prothy Pd.	<u>135.00</u>
Sheriff	_____
	<i>Daniel J. Schreyer</i> Attorney for Plaintiff(s)

Address: GLORIA G. PERRY,
A/K/A GLORIA J. PERRY
310 KNARR STREET
DU BOIS, PA 15801

MARCIA J. BOWSER
310 KNARR STREET
DU BOIS, PA 15801

LEGAL DESCRIPTION

ALL of those two certain tracts of land designated as Lots Nos. 120 and 121, Section No. 5 'Martinique' 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, p. 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 Treasure Lake, Inc., its successors, or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

TITLE TO SAID PREMISES IS VESTED IN Marcia J. Bowser and Gloria G. Perry, by Deed from Jonnie E. Ferranti, a widow and unremarried, dated 09/21/2006, recorded 10/02/2006, in Deed Mortgage Inst# 200616628.

Premises being: 367 TREASURE LAKE
DU BOIS, PA 15801

Tax Parcel No. C02-005-00120-00-21

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME GLORIA G. PERRY A/K/A GLORIA J. PERRY

NO. 08-265-CD

NOW, February 20, 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 Gloria G. Perry A/K/A Gloria J. Perry And Marcia J. Bowser to public venue or outcry at which time and place I sold the same to PHELAN HALLINAN & SCHMIEG, LLP he/she being the highest bidder, for the sum of \$1.00 plus costs 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	0.00
POSTAGE	7.14
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	9.00
COPIES	15.00
	5.00
BILLING/PHONE/FAX	10.00
CONTINUED SALES	40.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$295.52

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.00
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$29.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	87,709.68
INTEREST @ 14.4200 %	2,537.92
FROM 05/15/2008 TO 11/07/2008	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	3,813.50
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$94,101.10
COSTS:	
ADVERTISING	1,225.20
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	300.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	295.52
LEGAL JOURNAL COSTS	90.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	120.00
MUNICIPAL LIEN	
TOTAL COSTS	\$2,199.72

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



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

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

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

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 20783 TERM & NO. C8-265-CD

EMC MORTGAGE CORPORATION
VS.
GLORIA G. PERRY A/K/A GLORIA J. PERRY AND MARCIA J. BOWSER

DOCUMENTS TO BE SERVED:
NOTICE OF SALE
WRIT OF EXECUTION
COPY OF LEVY

SERVE BY: SEPT. 4, 2008

**MAKE REFUND PAYABLE TO PHELAN HALLINAN & SCHMIEG LLP
RETURN TO BE SENT TO THIS OFFICE**

SERVE: GLORIA G. PERRY A/K/A GLORIA J. PERRY

ADDRESS: 15521 RT 28
CORSICA, PA 15829

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF JEFFERSON COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Thursday, August 7, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-265 C.D..

Personally appeared before me, Harry Dunkle, Deputy for Carl J. Gotwald, Sr., Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on August 21, 2008 at 2:10 o'clock P.M. served the Notice of Sale, Writ of Execution and Copy of Levy upon GLORIA G. PERRY a/k/a GLORIA J. PERRY, Defendant, at the address of 15521 Route 28, Corsica, Township of Clover County of Jefferson, State of Pennsylvania, by handing to William Stewart, grandson of the defendant and adult person in charge at time of service, a true copy of the Notice, Writ and Copy of Levy and by making known to him the contents thereof.

Advance Costs Received:	\$125.00	
My Costs:	44.33	Paid
Prothy:	2.00	
Total Costs:	46.33	
REFUNDED:	\$ 78.67	

S. O. I. and subscribed
to before me this 25th -
day of August 2008.
By Deputy Sheriff
My Commission Expires 1st Honorary
Monday, January 2010

So Answers,

Harry Dunkle Deputy
Carl J. Gotwald Sr Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

July 30, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: EMC MORTGAGE CORPORATION v.
GLORIA G. PERRY and MARCIA J. BOWSER
367 TREASURE LAKE DU BOIS, PA 15801
Court No. 08-265-CD

Dear Sir/Madam:

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

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

Thank you for your correspondence in this matters.

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

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

October 2, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: EMC MORTGAGE CORPORATION v.
GLORIA G. PERRY and MARCIA J. BOWSER
367 TREASURE LAKE DU BOIS, PA 15801
Court No. 08-265-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for October 3, 2008 due to the following: Per Client.

The Property is to be relisted for the November 7, 2008 Sheriff Sale.

Thank you for your correspondence in this matter.

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