

08-265-CD  
EMC Morg. vs Gloria Perry al

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62595  
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**

FILED  
MAY 14 2008  
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.

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

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

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

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

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

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

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

1. Plaintiff is

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>
<b>TOTAL</b>	<b>\$84,763.12</b>

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$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

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**

**Plaintiff**

**vs.**

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

**Defendant(s)**

**: CLEARFIELD County**  
**:**  
**: Court of Common Pleas**  
**:**  
**: CIVIL DIVISION**  
**:**  
**: NO. 08-265-CD**  
**:**  
**:**  
**:**  
**:**

**PRAECIPE TO SUBSTITUTE VERIFICATION**  
**TO CIVIL ACTION COMPLAINT**  
**IN MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

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

  
Francis S. Hallinan, Esquire  
Attorney for Plaintiff

Dated: 03/08/08

PHS: 168426

7/11/1961 NO CC  
LSM  
William A. Stew  
County Clerk of Court

**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

Title Vice President of Loan Documentation

Company: WELLS FARGO BANK, N.A.

Loan: 0155244437

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**

**Plaintiff**

**vs.**

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

**Defendant(s)**

**: CLEARFIELD County  
:  
: Court of Common Pleas  
:  
: CIVIL DIVISION  
:  
: NO. 08-265-CD  
:  
:  
:**

**CERTIFICATE OF SERVICE**

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

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

CA

0/3:40/W  
Vivian A. Shiss  
Prothonotary, Court of Common Pleas  
Sent to SHENIA  
ATTN  
610

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

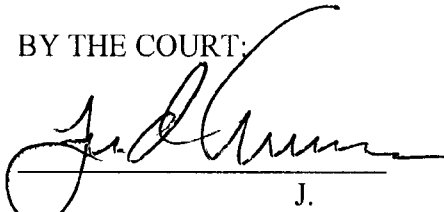
EMC Mortgage Corporation	:	Court of Common Pleas
3476 Stateview Boulevard	:	
Fort Mill, SC 29715	:	
Plaintiff	:	Civil Division
	:	
vs.	:	
	:	Clearfield County
Gloria G. Perry A/K/A Gloria J. Perry	:	
Marcia J. Bowser	:	
367 Treasure Lake	:	No. 08-0265-CD
DuBois, PA 15801	:	
Defendants	:	

**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.

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

NOCC.  
m/10.55cm  
MAR 28 2008  
GW

William A. Shaw  
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.

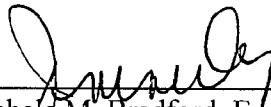
7. The Plaintiff is greatly prejudiced by the delay in the filing of the Sheriff's Affidavits of Service.

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

Date

3/27/08

  
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. 65849  
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EMC MORTGAGE CORPORATION  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff

v.

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

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-265-CD

CLEARFIELD COUNTY

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

ATTORNEY FILE COPY  
PLEASE RETURN

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

File #: 168426

FILED  
FEB 14 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

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

GLORIA G. PERRY  
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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.

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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  
\_\_\_\_\_  
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Attorneys for Plaintiff



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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

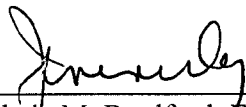
DATE: 1/7/08

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

3/27/08  
Date

  
\_\_\_\_\_  
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

ATTORNEYS FOR PLAINTIFF

EMC Mortgage Corporation  
3476 Stateview Boulevard  
Fort Mill, SC 29715  
Plaintiff

Court of Common Pleas

Civil Division

vs.

Clearfield County

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

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

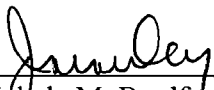
Peter F. Smith, Esquire  
30 South 2<sup>nd</sup> Street  
PO Box 130  
Clearfield, PA 16830-2347  
(Sheriff's Solicitor)

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

PHELAN HALLINAN & SCHMIEG, LLP

3/27/08  
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

ATTORNEYS FOR PLAINTIFF

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

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.

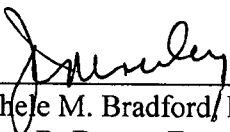
Plaintiff is without an adequate remedy at law and will suffer irreparable harm unless the requested relief is granted. This Court has plenary power to administer equity according to well-settled principals of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A. 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. Gunnnet 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 /

02/29/08

LN

**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

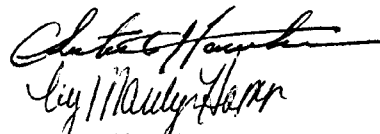
RETURN COSTS

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

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

FILED  
m 11:50 AM  
APR 07 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
No cc

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.

Clearfield County

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

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 2<sup>nd</sup> 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

MAY 16 2008

William A. Shaw

Prothonotary/Clerk of Courts

Atty PAID 20.00  
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

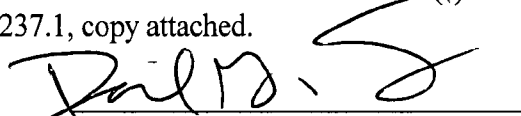
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES

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>

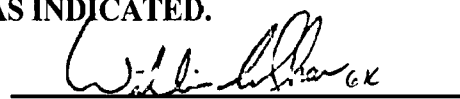
I hereby certify that (1) the addresses of the Plaintiff and Defendant(s) are as shown above, and (2) notice has been given in accordance with Rule 237.1, copy attached.



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

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

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

: NO. 08-265-CD

Defendants

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, Legal Assistant

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

ATTORNEY FOR PLAINTIFF

EMC MORTGAGE CORPORATION  
Plaintiff

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Vs.

: CLEARFIELD COUNTY

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

: 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.

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CLEARFIELD COUNTY  
DAVID S. MEHOLICK, COURT  
ADMINISTRATOR  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 x 5982

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

  
LINDA NGUYEN, Legal Assistant

  
DANIEL G. SCHMIEG, ESQUIRE

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

EMC MORTGAGE CORPORATION  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff,

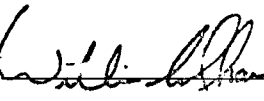
v.

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  
:  
:  
:  
:  
:

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

BY  DEPUTY  
CLERK

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  
Marcia J. Bowser  
Defendant(s)

Entry: \$20.00

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 BELCW 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.

\_\_\_\_\_  
Plair tiff/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 L. BOWSER

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

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

FRAECIPE 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. Jhy*

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

168426

FILED  
JUN 11 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. \$20.00  
rec'd writs  
w/prop. desc.  
to Sheriff

GP

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

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

EMC MORTGAGE CORPORATION

FILED

JUN 11 2008

vs.

William A. Shaw  
Prothonotary/Clerk of Courts

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

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

*Denil G. Delby*  
Attorney for Plaintiff(s)

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

DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

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

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

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

<b>Treasure Lake Property Owners Association, INC.</b>	<b>13 Treasure Lake Dubois, PA 15801</b>
--	--

<b>TENANT/OCCUPANT</b>	<b>367 TREASURE LAKE DU BOIS, PA 15801</b>
------------------------	--

<b>DOMESTIC RELATIONS CLEARFIELD COUNTY  COMMONWEALTH OF PENNSYLVANIA</b>	<b>CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830</b>
---	---

	<b>DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105</b>
--	---

<b>Commonwealth of Pennsylvania Bureau of Individual Tax Inheritance Tax Division</b>	<b>6<sup>th</sup> Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128</b>
---	--

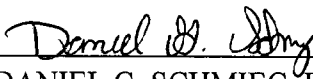
<b>Internal Revenue Service Federated Investors Tower</b>	<b>13<sup>TH</sup> Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222</b>
---	---

<b>Department of Public Welfare TPL Casualty Unit Estate Recovery Program</b>	<b>P.O. Box 8486 Willow Oak Building Harrisburg, PA 17105</b>
---	---

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

JUNE 10, 2008

Date

  
\_\_\_\_\_  
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 I. PERRY

MARCIA I. 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 Prothy Support, Common Pleas Court  
of CLEARFIELD County, Penna.

Dated 6/11/08  
(SEAL)

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

**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**

\_\_\_\_\_  
*David W. Shugart*  
 \_\_\_\_\_  
 Attorney for Plaintiff(s)

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



LA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

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  
:

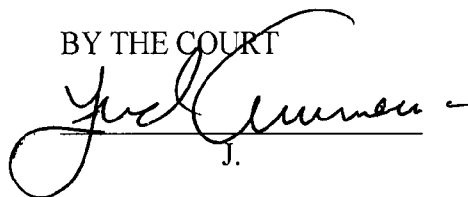
Defendants

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 18<sup>th</sup> day of August 2008, at 10:30 in the Clearfield County Courthouse, Clearfield, Pennsylvania.  
A.M.

BY THE COURT

  
J.

168426

FILED  
014:00301  
JUL 18 2008

Att'y Bradford

William A. Shaw  
Prothonotary/Clerk of Courts

(60)

JUL 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7/8/08

☒ 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:

2008 AUG 18 09:30 AM  
AUG 18 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
2008 ATT  
Bradford  
LM

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

EMC MORTGAGE CORPORATION : Court of Common Pleas  
: Civil Division  
Plaintiff :  
: CLEARFIELD County  
vs. :  
: No. 08-265-CD  
GLORIA G. PERRY :  
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  
Escrow Deficit

(\$0.00)  
\$1,197.72

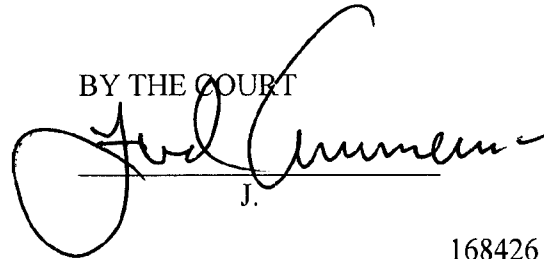
**TOTAL**

\$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

  
\_\_\_\_\_  
J.

168426

PROTHONOTARY

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:

FILED NO CC  
mjo:39/81  
JUL 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
by: Michele M. Bradford, Esquire  
Atty. I.D. No. 69849  
One Penn Center, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

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

**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	\$75,743.26
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	\$1,197.72
	<hr/>
<b>TOTAL</b>	<b>\$91,899.34</b>

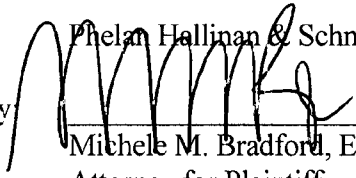
6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

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

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

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

DATE: 7/14/88

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

EMC MORTGAGE CORPORATION  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff

v.

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

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-265-CD

CLEARFIELD COUNTY

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

ATTORNEY FILE COPY  
PLEASE RETURN  
Debtors

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  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

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

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

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

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

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

1. Plaintiff is

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>
<b>TOTAL</b>	<b>\$84,763.12</b>

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$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

Attorney for Plaintiff

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

MAY 16 2008

*William L. Shaw*  
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

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*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 5-16-2008

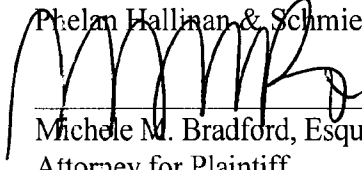
*William L. Shaw*  
PRO PROTHY

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: 7/14/08

By:   
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

Plaintiff

:  
:  
:  
:  
:  
:  
:  
:

Court of Common Pleas

Civil Division

vs.

CLEARFIELD County

GLORIA G. PERRY

A/K/A GLORIA J. PERRY

MARCIA J. BOWSER

No. 08-265-CD

Defendants

**CERTIFICATION OF SERVICE**

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

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

FILED NO  
M 11 30 2008 CC  
(15)

Please serve upon:

MARCIA J. BOWSER

Type of Action

- Notice of Sheriff's Sale

William A. Shaw  
Prothonotary/Clerk of Courts

SERVE AT:

310 KNARR STREET  
DU BOIS, PA 15801

Sale Date: AUGUST 1, 2008

## 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: DMEllis

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

## 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

FILED  
JUL 10 30/84  
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

Court of Common Pleas

Civil Division

vs.

CLEARFIELD County

GLORIA G. PERRY

A/K/A GLORIA J. PERRY

MARCIA J. BOWSER

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  
Plaintiff,  
v.

GLORIA G. PERRY, A/K/A GLORIA J. PERRY  
MARCIA J. BOWSER  
Defendant(s)

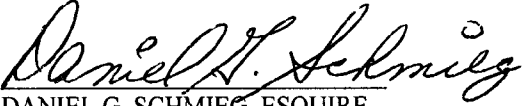
: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 08-265-CD  
:

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

Plaintiff in the above action sets forth as of the date the Praecipe 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

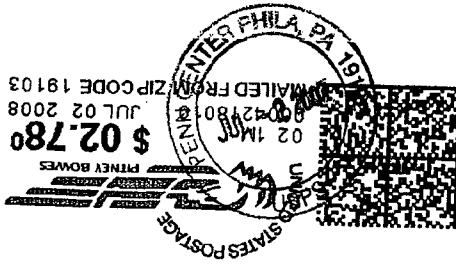
No CC.  
m/12:40pm  
SEP - 2 2008  
  
William A. Shaw  
Prothonotary/Clerk of Courts

CQS

Name and  
Address  
of Sender



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



Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage
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 <sup>th</sup> Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128	
5		Internal Revenue Service, Federated Investors Tower, 13 <sup>TH</sup> Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222	
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105	
7		Treasure Lake Property Owners Association, INC. 13 Treasure Lake Dubois, PA 15801	
8			
9			
10			
11			
12		<b>Re: GLORIA G. PERRY, A/K/A GLORIA J. PERRY 168426 TEAM 4 BSD</b>	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.

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

EMC MORTGAGE CORPORATION

Plaintiff

vs.

GLORIA G. PERRY

A/K/A GLORIA J. PERRY

MARCIA J. BOWSER

ATTORNEY FOR PLAINTIFF

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 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: 9/2/08

By: [Signature]

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire

Attorney for Plaintiff

7/10/55/51 NOCC  
William A. Shaw  
Notary/Clerk of Courts

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: <u>AUGUST 1, 2008</u>

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

☐ 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: \_\_\_\_\_

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.

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

S  
012:51:30  
FEB 20 2009  
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 SHERIFF SALE SCHEDULED FOR AUGUST 1, 2008 TO OCTOBER 3, 2008.

@

SERVED

NOW, OCTOBER 2, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO 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

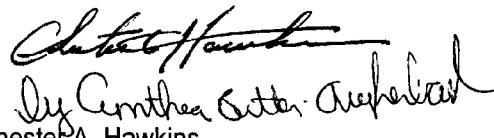
SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

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

\_\_\_\_\_

So Answers,



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 I. PERRY

MARCIA I. 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

\$

*Willie L. Hays*

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

Dated 6/11/08  
(SEAL)

168426

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

Charles A. Hawkins  
Sheriff by Caroline Butler Deputy

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

---

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

Daniel W. Shmigg  
Attorney for Plaintiff(s)

Address: GLORIA G. PERRY,                      MARCIA J. BOWSER  
              A/K/A GLORIA J. PERRY                310 KNARR STREET  
              310 KNARR STREET                    DU BOIS, PA 15801  
              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	
<b>TOTAL SHERIFF COSTS</b>	<b>\$295.52</b>

**DEED COSTS:**

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

**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	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$94,101.10</b>

**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	
<b>TOTAL COSTS</b>	<b>\$2,199.72</b>

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

CHESTER A. HAWKINS, Sheriff



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 deputize 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,

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	

So Answers,

Subscribed

to before me this 21<sup>st</sup>

day of August 2008

By Wanda Silvers, deputy

My Commission Expires 1st Monday, January 2010

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**

Representing Lenders in  
Pennsylvania and New Jersey

Foreclosure Manager

July 30, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: 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

PHS # 168426

**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 matters.

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