

08-336-CD
US Bank al vs Dawn E. Long

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 172639

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

NO. 08-336-CJ

CLEARFIELD COUNTY

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

FILED *Atty pd. 95.00*
m/12/40/08
FEB 27 2008
4CC
William A. Shaw
Prothonotary/Clerk of Courts
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:
Daniel J. Nelson, 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
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THE NAME AND ADDRESS OF THE ORIGINAL
CREDITOR, IF DIFFERENT FROM ABOVE.**

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

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

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

1. Plaintiff is

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE
FIRST BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

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

3. On 03/15/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR DECISION ONE MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200403849. 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 11/01/2007 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 | \$71,938.99 |
| Interest | \$2,936.79 |
| 10/01/2007 through 02/26/2008 | |
| (Per Diem \$19.71) | |
| Attorney's Fees | \$1,250.00 |
| Cumulative Late Charges | \$96.90 |
| 03/15/2004 to 02/26/2008 | |
| Cost of Suit and Title Search | <u>\$550.00</u> |
| Subtotal | \$76,772.68 |
| Escrow | |
| Credit | \$0.00 |
| Deficit | \$0.00 |
| Subtotal | <u>\$0.00</u> |
| TOTAL | \$76,772.68 |

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 \$76,772.68, together with interest from 02/26/2008 at the rate of \$19.71 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE I.D. 69849
SHEETAL R. SHAH-JANI, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
JENINE R. DAVEY, ESQUIRE
MICHAEL E. CARLETON, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain tract of land designated as Lot No. 38, Section No. 1 'Barbados' 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 Grantor or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

PARCEL NO. C02-001-00038-00-21

PROPERTY BEING: SEC 1 BOX 38 A/K/A 3099 BAY ROAD

VERIFICATION

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

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



Attorney for Plaintiff

DATE: 2/26/08

FILED
M 11/18/08
APR 10 2008
NO CC
GK
William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

U.S. Bank National Association, as Trustee for
Credit Suisse First Boston MBS Heat 2004-4
3476 Stateview Boulevard
Fort Mill, SC 29715
Plaintiff

: Court of Common Pleas

: Civil Division

vs.
Dawn E. Long
Sec 1 Lot 38
a/k/a 3099 Bay Road
DuBois, PA 15801
Defendant

: Clearfield County

: No. 08-336-CD

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on February 27, 2008. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".

2. The Sheriff of Clearfield County was requested to serve the Complaint upon the Defendant.

3. On March 18, 2008, the Sheriff's Office verbally advised counsel for Plaintiff that Defendant accepted service on March 14, 2008 at the Jefferson County Sheriff's Office, 200 Main Street, Courthouse, Brookville, Pennsylvania 15825.

4. The Jefferson County Sheriff's records reflect that they returned their Affidavit of Service to the Clearfield County Sheriff on March 17, 2008. A true and correct copy of the Jefferson County Sheriff's record is attached hereto, made part hereof and marked as Exhibit "B".

5. On April 4, 2008, Plaintiff sent the Defendant a ten day letter notifying her of its intention to file a default judgment.

6. To date, the Clearfield County Sheriff's Office has not filed the Affidavit of Service, which was made on March 14, 2008.

7. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's Office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$19.71 per day on this mortgage account.

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

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

Respectfully submitted,
PHELAN HALLINAN & SCHMIEG, LLP



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

4/9/08
Date

EXHIBIT “A”

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
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FILED
12:40
FEB 27 2008

William A. Shaw
Prothonotary/Clerk of Courts

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION,
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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-336-CD

CLEARFIELD COUNTY

v.
DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

*ATTORNEY FILE COPY
PLEASE RETURN*

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

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
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COURT OF COMMON PLEAS

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CIVIL DIVISION

v.

TERM

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NO.

CLEARFIELD COUNTY

Defendant

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DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
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9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$76,772.68, together with interest from 02/26/2008 at the rate of \$19.71 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: Michele M. Bradford

FRANCIS S. HALLINAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

~~MICHELE M. BRADFORD, ESQUIRE~~ I.D. 69849

SHEETAL R. SHAH-JANI, ESQUIRE

JUDITH T. ROMANO, ESQUIRE

JENINE R. DAVEY, ESQUIRE

MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

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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 Grantor or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

PARCEL NO. C02-001-00038-00-21

PROPERTY BEING: SEC 1 BOX 38 A/K/A 3099 BAY ROAD

VERIFICATION

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

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


Attorney for Plaintiff

DATE: 2/26/08

EXHIBIT “B”

FAX COVER SHEET

DATE:

4/9/08

TO:

Attn: Jason

COMPANY/DEPARTMENT:

Phelan, Hallinan & Schmieg

FAX NO.:

(215) 563-3826



FROM:

Tracy

COMPANY/DEPARTMENT:

Jefferson Co. Sheriff

NUMBER OF PAGES (INCLUDING COVER SHEET):

2

SPECIAL INSTRUCTIONS/COMMENTS: 08-336 C.D.

Dawn E. Long Affidavit of Service

JEFFERSON COUNTY SHERIFF'S DEPARTMENT

COURTHOUSE, 200 MAIN STREET

BROOKVILLE, PA 15825

TELEPHONE: 814/849-1613

TELEFAX: 814/849-1614

04/09/2008

No. 08-336 C.D.

Rec: March 3, 2008

CLEARFIELD COUNTY

Atty: PHELAN, HALLINAN & SCHMIEG
1617 John F. Kennedy Blvd.
Suite 1400
Philadelphia, PA 19103
(215)563-7000

Ret: March 17, 2008

J.S. BANK, N.A.,
Plaintiff

TS.

DAWN E. LONG,
DefendantNOTICE & COMPLAINT IN
MORTGAGE FORECLOSURE

Sheriff's Costs

| | |
|-------------|--------------|
| Docket | \$ 9.00 |
| Service | 9.00 |
| Mileage | <u>14.14</u> |
| Costs | 32.14 |
| Prothly: | <u>2.00</u> |
| Total Costs | \$34.14 |

Received \$125.00 3/3/08

Refund Advance Lsas Costs
March 17, 2008 CK#15354
\$90.86

Personally appeared before me, Carl J. Gotwald, Sr., Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on March 14, 2008 at 1:00 o'clock P.M. served the Notice and Complaint in Mortgage Foreclosure upon DAWN E. LONG, Defendant, in our office located at 200 Main Street, Borough of Brookville, County of Jefferson, State of Pennsylvania, by handing to the defendant personally, a true copy of the Notice and Complaint and by making known to her the contents thereof.

| | | |
|-------------------------|----------|------|
| Advance Costs Received: | \$125.00 | |
| My Costs: | 32.14 | Paid |
| Prothly: | 2.00 | |
| Total Costs: | 34.14 | |
| REFUNDED: | \$ 90.86 | |

So Answers,

CARL J. GOTWALD, SR.
SHERIFF

Pd. Co. \$ 32.14
4/1/08

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.

4/9/09
Date

PHELAN HALLINAN & SCHMIEG, LLP



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

U.S. Bank National Association, as Trustee for
Credit Suisse First Boston MBS Heat 2004-4 :
3476 Stateview Boulevard :
Fort Mill, SC 29715 :
Plaintiff :
vs. :
:

Court of Common Pleas
Civil Division

Dawn E. Long :
Sec 1 Lot 38 :
a/k/a 3099 Bay Road :
DuBois, PA 15801 :
Defendant :
:

Clearfield County
No. 08-336-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, Pennsylvania 16830

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

Dawn E. Long
Sec 1 Lot 38
a/k/a 3099 Bay Road
DuBois, PA 15801

4/9/09
Date

PHELAN HALLINAN & SCHMIEG, LLP



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

FILED

0 1:33 p.m. UK
APR 14 2008

1cc ATTY BRADFORD
1cc Sheriff (without memo)
William A. Shaw
Prothonotary/Clerk of Courts

(GR)

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

| | | |
|--|---|-----------------------|
| U.S. Bank National Association, as Trustee for Credit Suisse First Boston MBS Heat 2004-4 3476 Stateview Boulevard Fort Mill, SC 29715 Plaintiff | : | Court of Common Pleas |
| | : | Civil Division |
| vs. | : | Clearfield County |
| Dawn E. Long Sec 1 Lot 38 a/k/a 3099 Bay Road DuBois, PA 15801 Defendant | : | No. 08-336-CD |

ORDER

AND NOW, this 14th day of APRIL, 2008, upon consideration of Plaintiff's Motion to Direct Sheriff to File Affidavit of Service, and any response thereto, it is hereby:

ORDERED and DECREED that the Sheriff of Clearfield County is hereby directed to complete and file an Affidavit of Service of the foreclosure Complaint within seven days of the date of this Order.

BY THE COURT:


J.

FILED

APR 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4-14-08

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:

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 3 Services

Sheriff Docket # **103812**

U.S. BANK NATIONAL ASSOCIATION, as Trustee

Case # 08-336-CD

vs.

DAWN E. LONG

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 14, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO DAWN E. LONG, DEFENDANT. SEC 1 LOT 38 aka 3099 BAY ROAD, DUBOIS "VACANT".

SERVED BY: /

FILED
04/15/08
APR 15 2008
LS

William A. Shaw
Prothonotary/Clerk of Courts

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 2 of 3 Services

Sheriff Docket # **103812**

U.S. BANK NATIONAL ASSOCIATION, as Trustee

Case # 08-336-CD

VS.

DAWN E. LONG

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF RETURNS

NOW April 14, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO DAWN E. LONG, DEFENDANT. 1728 TREASURE LAKE, DUBOIS "VACANT".

SERVED BY: /

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103812
NO: 08-336-CD
SERVICE # 3 OF 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, as Trustee
vs.
DEFENDANT: DAWN E. LONG

SHERIFF RETURN

NOW, February 28, 2008, SHERIFF OF JEFFERSON COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON
DAWN E. LONG.

NOW, March 14, 2008 AT 1:00 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DAWN
E. LONG, DEFENDANT. THE RETURN OF JEFFERSON COUNTY IS HERETO ATTACHED AND MADE PART OF
THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103812
NO: 08-336-CD
SERVICES 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, as Trustee

vs.

DEFENDANT: DAWN E. LONG

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | PHELAN | 671522 | 30.00 |
| SHERIFF HAWKINS | PHELAN | 671522 | 50.19 |
| JEFFERSON CO. | PHELAN | 671525 | 34.14 |

Sworn to Before Me This

So Answers,

____ Day of _____ 2008


Chester A. Hawkins
Sheriff

No. 08-336 C.D.

Personally appeared before me, Carl J. Gotwald, Sr., Sheriff of Jefferson County, Pennsylvania, who according to law deposes and says that on March 14, 2008 at 1:00 o'clock P.M. served the Notice and Complaint in Mortgage Foreclosure upon DAWN E. LONG, Defendant, in our office located at 200 Main Street, Borough of Brookville, County of Jefferson, State of Pennsylvania, by handing to the defendant personally, a true copy of the Notice and Complaint and by making known to her the contents thereof.

| | | |
|-------------------------|----------|------|
| Advance Costs Received: | \$125.00 | |
| My Costs: | 32.14 | Paid |
| Prothy: | 2.00 | |
| Total Costs: | 34.14 | |
| REFUNDED: | \$ 90.86 | |

So Answers,

Sworn and subscribed
to before me this 20th
day of March 2008
By Kristen J Hoffman
DEPUTY CLERK OF COURTS

Carl J. Gotwald Sr Sheriff
JEFFERSON COUNTY, PENNSYLVANIA

My Commission Expires the
1st Monday, January 2010

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

FEB 27 2008

Attest.

William L. Shan
Prothonotary/
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
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ONE PENN CENTER PLAZA, SUITE 1400
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(215) 563-7000 172639

ATTORNEY FOR PLAINTIFF

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AS TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-336-CD

CLEARFIELD COUNTY

v.
DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

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.

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Pennsylvania Bar Association
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Harrisburg, PA 17108
800-692-7375

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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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE
FIRST BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

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

3. On 03/15/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR DECISION ONE MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200403849. 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 11/01/2007 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 | \$71,938.99 |
| Interest | \$2,936.79 |
| 10/01/2007 through 02/26/2008 | |
| (Per Diem \$19.71) | |
| Attorney's Fees | \$1,250.00 |
| Cumulative Late Charges | \$96.90 |
| 03/15/2004 to 02/26/2008 | |
| Cost of Suit and Title Search | <u>\$550.00</u> |
| Subtotal | \$76,772.68 |
| Escrow | |
| Credit | \$0.00 |
| Deficit | \$0.00 |
| Subtotal | <u>\$0.00</u> |
| TOTAL | \$76,772.68 |

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 \$76,772.68, together with interest from 02/26/2008 at the rate of \$19.71 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: Michele M. Bradford

FRANCIS S. HALLINAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

~~MICHELE M. BRADFORD, ESQUIRE~~ I.D.69849

SHEETAL R. SHAH-JANI, ESQUIRE

JUDITH T. ROMANO, ESQUIRE

JENINE R. DAVEY, ESQUIRE

MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain tract of land designated as Lot No. 38, Section No. 1 'Barbados' 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 Grantor or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

PARCEL NO. C02-001-00038-00-21

PROPERTY BEING: SEC 1 BOX 38 A/K/A 3099 BAY ROAD

VERIFICATION

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

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


Attorney for Plaintiff

DATE: 2/26/08

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

FEB 27 2008

Attest.



William L. Chen
Prothonotary/
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
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U.S. BANK NATIONAL ASSOCIATION,
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BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff
v.

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

Defendant

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM

NO. 08-336-CD
CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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PHELAN HALLINAN & SCHMIEG, LLP

By: Michele M. Bradford
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DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE 1.D.69849
SHEETAL R. SHAH-JANI, ESQUIRE
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MICHAEL E. CARLETON, ESQUIRE
Attorneys for Plaintiff

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PARCEL NO. C02-001-00038-00-21

PROPERTY BEING: SEC 1 BOX 38 A/K/A 3099 BAY ROAD

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Attorney for Plaintiff

DATE: 2/26/08

COPY

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

FEB 27 2008

Attest.



William A. Cahn
Prothonotary/
Clerk of Courts

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

172639

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff
v.

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

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:
Daniel J. Nelson, 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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE
FIRST BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

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

3. On 03/15/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR DECISION ONE MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200403849. 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 11/01/2007 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 | \$71,938.99 |
| Interest | \$2,936.79 |
| 10/01/2007 through 02/26/2008 | |
| (Per Diem \$19.71) | |
| Attorney's Fees | \$1,250.00 |
| Cumulative Late Charges | \$96.90 |
| 03/15/2004 to 02/26/2008 | |
| Cost of Suit and Title Search | <u>\$550.00</u> |
| Subtotal | \$76,772.68 |
| Escrow | |
| Credit | \$0.00 |
| Deficit | \$0.00 |
| Subtotal | <u>\$0.00</u> |
| TOTAL | \$76,772.68 |

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 \$76,772.68, together with interest from 02/26/2008 at the rate of \$19.71 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: Michele M Bradford

FRANCIS S. HALLINAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

~~MICHELE M. BRADFORD, ESQUIRE 1.D.69849~~

SHEETAL R. SHAH-JANI, ESQUIRE

JUDITH T. ROMANO, ESQUIRE

JENINE R. DAVEY, ESQUIRE

MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain tract of land designated as Lot No. 38, Section No. 1 'Barbados' 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 Grantor or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

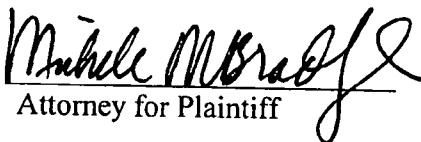
PARCEL NO. C02-001-00038-00-21

PROPERTY BEING: SEC 1 BOX 38 A/K/A 3099 BAY ROAD

VERIFICATION

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

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


Attorney for Plaintiff

DATE: 2/26/08

FILED NO
m 110:51824 CC
APR 23 2008 CR

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

**U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CREDIT SUISSE FIRST BOSTON
MBS HEAT 2004-4**

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 08-336-CD
:
: CLEARFIELD COUNTY

vs.

DAWN E. LONG

1

**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.

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: Francis Hall
Francis S. Hallinan, Esquire

Date: 4-21-08

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

**U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CREDIT SUISSE FIRST BOSTON
MBS HEAT 2004-4**

: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 08-336-CD**
Plaintiff : **CLEARFIELD COUNTY**

vs.

DAWN E. LONG

Defendant(s)

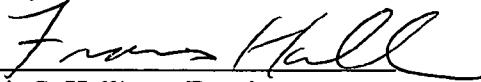
CERTIFICATE OF SERVICE

I hereby certify that a strue and correct copy of Plaintiff's Praecipe to attach Verification of Complaint was sent via first class mail to the following on the date listed below:

DAWN E. LONG
SEC 1 LOT 38 A/K/A 3097 BAY ROAD
DUBOIS, PA 15801

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851-6656

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: 
Francis S. Hallinan, Esquire

Date: 4-21-08

FILED *1cc Atty
in 11:42 am
Bradford*
APR 28 2008

William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

| | | |
|--|---|-----------------------|
| US Bank National Association, as Trustee for | : | Court of Common Pleas |
| Credit Suisse First Boston MBS Heat 2004-4 | : | |
| 3476 Stateview Boulevard | : | |
| Fort Mill, SC 29715 | : | |
| Plaintiff | : | |
| vs. | : | Clearfield County |
| Dawn E. Long | : | |
| Sec 1 Lot 38 | : | No. 08-0336-CD |
| a/k/a 3099 Bay Road | : | |
| DuBois, PA 15801 | : | |
| Defendant | : | |

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the 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:

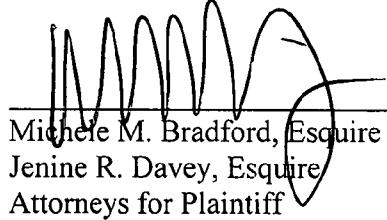
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, PA 16830

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

Dawn E. Long
Sec 1 Lot 38
a/k/a 3099 Bay Road
DuBois, PA 15801

4/24/08
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 *Atty pd.*
07/01/2008 \$20.00
JUN 10 2008 ICC Notice
to Def.

William A. Shaw
Prothonotary/Clerk of Courts

Statement to

Atty

(6)

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715**

Plaintiff,

v.

**DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851**

Defendant(s).

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 08-336-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 **DAWN E. LONG and**, 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:

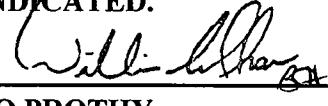
| | |
|-------------------------------|----------------------------|
| As set forth in the Complaint | \$ 76,772.68 |
| Interest - 2/27/08 TO 6/6/08 | \$ 1,990.71 |
| TOTAL | <u>\$ 78,763.39</u> |

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: 6/10/08


PRO PROTHY

172639

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

U.S. BANK NATIONAL ASSOCIATION, AS : COURT OF COMMON PLEAS
TRUSTEE FOR CREDIT SUISSE FIRST BOSTON : CIVIL DIVISION
MBS HEAT 2004-4 : CLEARFIELD COUNTY
Plaintiff : NO. 08-336-CD
Vs.
DAWN E. LONG Defendants

TO: DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

FILE COPY

DATE OF NOTICE: APRIL 4, 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

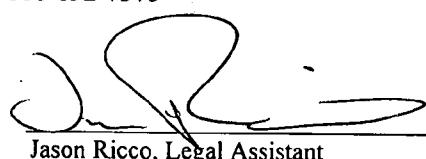
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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


Jason Ricco, 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**

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715**

Plaintiff.

Y.

**DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851**

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 **DAWN E. LONG** is over 18 years of age and resides at **1022 SANDY VALLEY ROAD, REYNOLDSVILLE, PA 15851**.

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

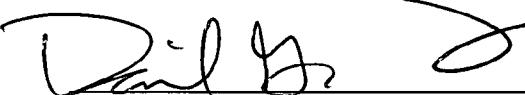
COPY

U.S. BANK NATIONAL ASSOCIATION, AS :
TRUSTEE FOR CREDIT SUISSE FIRST :
BOSTON MBS HEAT 2004-4 : CLEARFIELD COUNTY
3476 STATEVIEW BOULEVARD : COURT OF COMMON PLEAS
FORT MILL, SC 29715 :
Plaintiff, : CIVIL DIVISION
v. : NO. 08-336-CD
DAWN E. LONG :
1022 SANDY VALLEY ROAD :
REYNOLDSVILLE, PA 15851 :
Defendant(s). :
:

Notice is given that a Judgment in the above captioned matter has been entered against you
on June 10, 2008.

BY Willie H. Chapman DEPUTY

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


DANIEL G. SCHMIEG, ESQUIRE

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

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

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

COPY

U.S. Bank National Association
Plaintiff(s)

No.: 2008-00336-CD

Real Debt: \$78,763.39

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Dawn E. Long
Defendant(s)

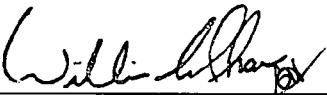
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: June 10, 2008

Expires: June 10, 2013

Certified from the record this 10th day of June, 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**

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CREDIT SUISSE FIRST BOSTON
MBS. HEAT. 2004-4

vs.

DAWN E. LONG

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-336-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 | |
|------------|-------------|
| | \$78,763.39 |

| | |
|-----------------------------------|------------|
| Interest from 06/07/2008- to Sale | \$ _____. |
| Per diem \$12.95 | |
| Add'l Costs | \$4,441.00 |
| Writ Total | \$ |

Prothonotary costs 135.00

Daniel D. Schmieg

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

172639

FILED Atty pd.
M 10:55 AM 20.00
SEP 15 2008 100-60000
William A. Shaw w/prop. desc.
Prothonotary/Clerk of Courts to Sheriff

(Signature)

No. 08-336-CD Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST BOSTON
MBS HEAT 2004-4

vs.

DAWN E. LONG

PRAEFACE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed.

Dawn E. Long
.....

Attorney for Plaintiff(s)

Address: DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

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

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-336-CD

Plaintiff,

v.

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

:
:
:
:
:
:
:
:

Defendant(s).

CERTIFICATION

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

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

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

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

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715**

:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 08-336-CD**

Plaintiff,
v.

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

Defendant(s).

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4**, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG,
ESQUIRE, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information
concerning the real property located at **SEC 1 LOT 38, A/K/A 3097 BAY ROAD, DUBOIS, 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.) |
|---------------------|--|
| DAWN E. LONG | 1022 SANDY VALLEY ROAD REYNOLDSVILLE, PA 15851 |

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.

SEPTEMBER 10, 2008
Date

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

| | | |
|---|---|------------------------------|
| U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MBS HEAT 2004-4 3476 STATEVIEW BOULEVARD FORT MILL, SC 29715 | : | |
| | : | |
| Plaintiff, | : | CLEARFIELD COUNTY |
| v. | : | COURT OF COMMON PLEAS |
| | : | |
| DAWN E. LONG | : | CIVIL DIVISION |
| 1022 SANDY VALLEY ROAD | : | |
| REYNOLDSVILLE, PA 15851 | : | |
| | : | |
| Defendant(s). | : | NO. 08-336-CD |
| | : | |

AFFIDAVIT PURSUANT TO RULE 3129

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4**, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG,
ESQUIRE, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information
concerning the real property located at **SEC 1 LOT 38, A/K/A 3097 BAY ROAD, DUBOIS, 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.) |
| JOHN CONNELLY AND KIMBERLY CONNELLY, H/W | 574 HILL CHURCH ROAD, HUMMELSTOWN, PA 17036 |

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

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

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

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

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

| NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|---|---|
| TENANT/OCCUPANT | SEC 1 LOT 38, A/K/A 3097 BAY ROAD DUBOIS, 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 1901 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.

SEPTEMBER 10, 2008
Date

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

COPY

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

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CREDIT SUISSE FIRST BOSTON
MBS. HEAT. 2004-4.

vs.

DAWN E. LONG

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-336-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: SEC 1 LOT 38, A/K/A 3097 BAY ROAD, DUBOIS, PA 15801
(See Legal Description attached)

| | |
|-----------------------------------|-------------|
| Amount Due | \$78,763.39 |
| Prothonotary costs | 135.00 |
| Interest from 06/07/2008- to Sale | \$ _____ |
| Per diem \$12.95 | |
| Add'l Costs | \$4,441.00 |
| Writ Total | \$ _____ |

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

Dated 9/15/08
(SEAL)

No. 08-336-CD Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST BOSTON
MBS HEAT 2004-4

vs.

DAWN E. LONG

WRIT OF EXECUTION
(Mortgage Foreclosure)

| | |
|---|---------------|
| Costs | |
| Real Debt | \$78,763.39 |
| Int. from 06/07/2008- To Date of Sale (\$12.95 per diem) | |
| Costs | |
| Prothy Rd. | <u>135.00</u> |
| Sheriff | |

Daniel & Jennifer

Attorney for Plaintiff(s)

Address: DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

LEGAL DESCRIPTION

ALL that certain tract of land designated as Section 1, Lot 38, 'Barbados', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Clearfield County Recorder's 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 Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.**

BEING the same premises which were conveyed to John Connelly and Kimber L. Connelly, husband and wife, by deed of C. Ray Lundberg and Barbara Lynn Lundberg, husband and wife, dated September 16, 1994, and recorded in the Office of the Recorder of Deeds in and for Clearfield County in Deed Book Volume 1632 at page 184.

TITLE TO SAID PREMISES IS VESTED IN Dawn E. Long, a single individual, by Deed from John Connelly and Kimberly L. Connelly, h/w, dated 02/24/2004, recorded 03/15/2004, in Deed Mortgage Inst# 200403848.

Note: Grantor signed deed as Kimberly, not Kimber.

TITLE TO SAID PREMISES IS VESTED IN

Premises being: SEC 1 LOT 38, A/K/A 3097 BAY ROAD
DUBOIS, PA 15801

Tax Parcel No. C02-001-00038-00-21

JP
FILED *m112:4981* N2C
OCT 20 2008 GIC

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR CREDIT SUISSE FIRST :
BOSTON MBS HEAT 2004-4 : Civil Division
Plaintiff : CLEARFIELD County
v. : No. 08-336-CD

DAWN E. LONG

Defendant

PLAINTIFF'S MOTION TO REASSESS DAMAGES

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on February 27, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on June 10, 2008 in the amount of \$78,763.39. 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. A Sheriff's Sale of the mortgaged property at SEC 1 LOT 38 A/K/A 3097 BAY ROAD, DUBOIS, PA 15801 (hereinafter the "Property") was postponed or stayed for the following reason:

a.) The Defendant filed a Chapter 7 Bankruptcy at Docket Number 08-11150 on June 17, 2008. Plaintiff obtained relief from the bankruptcy to proceed with foreclosure by order of court dated August 6, 2008. A true and correct copy of the Relief Court Order is attached hereto, made part hereof, and marked as Exhibit "C".

5. The Property is listed for Sheriff's Sale on December 5, 2008.

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

| | |
|---|--------------------|
| Principal Balance | \$71,938.99 |
| Interest Through December 5, 2008 | \$8,463.50 |
| Per Diem \$19.71 | |
| Late Charges | \$129.20 |
| Legal fees | \$2,650.00 |
| Cost of Suit and Title | \$1,592.50 |
| Sheriff's Sale Costs | \$0.00 |
| Property Inspections/ Property Preservation | \$250.00 |
| Appraisal/Brokers Price Opinion | \$285.00 |
| Mortgage Insurance Premium / | \$0.00 |
| Private Mortgage Insurance | |
| Non Sufficient Funds Charge | \$0.00 |
| Suspense/Misc. Credits | (\$0.00) |
| Escrow Deficit | \$1,003.72 |
| TOTAL | \$86,312.91 |

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

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

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

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

DATE: 10/12/88

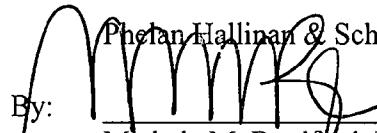
By: 
Michele M. Bradford, Esquire
Attorney for Plaintiff

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 172639

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff
v.

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

Defendant

**CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE**

ATTORNEY FILE COPY
PLEASE RETURN

FILED
Q440
FEB 27 2008
William A. Shaw
Prothonotary/Clerk of Courts

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-336-CD

CLEARFIELD COUNTY

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

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:
Daniel J. Nelson, 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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CREDIT SUISSE
FIRST BOSTON MBS HEAT 2004-4
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

DAWN E. LONG
SEC 1 LOT 38
A/K/A 3099 BAY ROAD
DOBOIS, PA 15801

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

3. On 03/15/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR DECISION ONE MORTGAGE COMPANY, LLC which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200403849. 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 11/01/2007 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 | \$71,938.99 |
| Interest | \$2,936.79 |
| 10/01/2007 through 02/26/2008 | |
| (Per Diem \$19.71) | |
| Attorney's Fees | \$1,250.00 |
| Cumulative Late Charges | \$96.90 |
| 03/15/2004 to 02/26/2008 | |
| Cost of Suit and Title Search | <u>\$550.00</u> |
| Subtotal | \$76,772.68 |
| Escrow | |
| Credit | \$0.00 |
| Deficit | \$0.00 |
| Subtotal | <u>\$0.00</u> |
| TOTAL | \$76,772.68 |

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 \$76,772.68, together with interest from 02/26/2008 at the rate of \$19.71 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: Michele M. Bradford
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE 1.D69849
SHEETAL R. SHAH-JANI, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
JENINE R. DAVEY, ESQUIRE
MICHAEL E. CARLETON, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain tract of land designated as Lot No. 38, Section No. 1 'Barbados' 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 Grantor or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

PARCEL NO. C02-001-00038-00-21

PROPERTY BEING: SEC 1 BOX 38 A/K/A 3099 BAY ROAD

VERIFICATION

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

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



Attorney for Plaintiff

DATE: 2/26/08

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

FILED
JUN 10 2008
William A. Shaw
Prothonotary/Clerk of Courts

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

v.

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

Defendant(s).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 08-336-CD

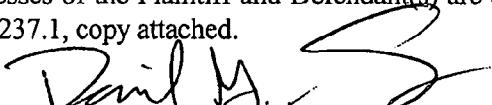
PRAECLICE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against DAWN E. LONG and, 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 | \$ 76,772.68 |
| Interest - 2/27/08 TO 6/6/08 | \$ 1,990.71 |
| TOTAL | <u>\$ 78,763.39</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: 6/10/08


PRO PROTHY

172639

Exhibit “C”

UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

DAWN E. LONG

A/K/A DAWN E. KNESS

A/K/A DANA E. LONG

Debtor

: Bk. No. 08-11150 WWB

: Chapter No. 7

: Document No. 11

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST BOSTON
MBS HEAT 2004-4

Movant

v.

DAWN E. LONG

A/K/A DAWN E. KNESS

A/K/A DANA E. LONG

and

TAMERA OCHS ROTHSCHILD, Esquire (Trustee)

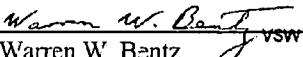
Respondents

DEFALUT ORDER ON MOTION FOR RELIEF FROM THE AUTOMATIC STAY

This 6th day of August, 2008, upon default, no response objecting to the Motion having been timely filed by an interested party, and upon Movant's Certification of Service and Certification of No Objection, it is:

ORDERED that the above-captioned Motion is granted insofar as it requests relief from the Automatic Stay imposed by 11 U.S.C. §362.

Movant shall, within five (5) days hereof, serve a copy of the within Order on parties in interest (unless they are otherwise served) and file a Certificate of Service.


Warren W. Bentz
U.S. Bankruptcy Judge

cc: Jay B. Jones, Esquire
Office of the U.S. Trustee

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: 10/17/08

By:


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

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

| | | |
|------------------------------------|---|-----------------------|
| U.S. BANK NATIONAL ASSOCIATION, AS | : | Court of Common Pleas |
| TRUSTEE FOR CREDIT SUISSE FIRST | : | |
| BOSTON MBS HEAT 2004-4 | : | Civil Division |
| | : | |
| Plaintiff | : | CLEARFIELD County |
| | : | |
| v. | : | No. 08-336-CD |
| | : | |

DAWN E. LONG

Defendant

CERTIFICATION OF SERVICE

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

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851-6656

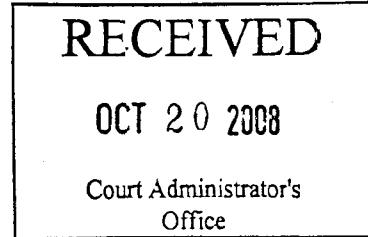
DAWN E. LONG
SEC 1 LOT 38 A/K/A 3097 BAY ROAD
DUBOIS, PA 15801

DAWN E. LONG
1728 TREASURE LAKE
DUBOIS, PA 15301

DATE: 10/17/08

By:

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



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

| | | |
|------------------------------------|---|-----------------------|
| U.S. BANK NATIONAL ASSOCIATION, AS | : | Court of Common Pleas |
| TRUSTEE FOR CREDIT SUISSE FIRST | : | |
| BOSTON MBS HEAT 2004-4 | : | Civil Division |
| Plaintiff | : | |
| | : | CLEARFIELD County |
| v. | : | |
| | : | No. 08-336-CD |
| DAWN E. LONG | : | |
| Defendant | | |

MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION TO REASSESS DAMAGES

I. BACKGROUND OF CASE

DAWN E. LONG executed a Promissory Note agreeing to pay principal, interest, late charges, real estate taxes, hazard insurance premiums, and mortgage insurance premiums as these sums became due. Plaintiff's Note was secured by a Mortgage on the Property located at SEC 1 LOT 38 A/K/A 3097 BAY ROAD, DUBOIS, PA 15801. The Mortgage indicates that in the event a default in the mortgage, Plaintiff may advance any necessary sums, including taxes, insurance, and other items, in order to protect the security of the Mortgage.

In the instant case, Defendant defaulted under the Mortgage by failing to tender numerous, promised monthly mortgage payments. Accordingly, after it was clear that the default would not be cured, Plaintiff commenced the instant mortgage foreclosure action. Judgment was subsequently entered by the Court, and the Property is currently scheduled for Sheriff's Sale.

Because of the period of time between the initiation of the mortgage foreclosure action, the entry of judgment and the Sheriff's Sale date, damages as previously assessed are outdated and need to be adjusted to include current interest, real estate taxes, insurance premiums, costs of collection, and other expenses which Plaintiff has been obligated to pay under the Mortgage in order to protect its interests. It is also appropriate to give Defendant credit for monthly payments tendered through bankruptcy, if any.

II. LEGAL ARGUMENT TO AMEND PLAINTIFF'S IN REM JUDGMENT

It is settled law in Pennsylvania that the Court may exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. 20 P.L.E., Judgments § 191. Stephenson v. Butts, 187 Pa.Super. 55, 59, 142 A.2d 319, 321 (1958). Chase Home Mortgage Corporation of the Southwest v. Good, 537 A.2d 22, 24 (Pa.Super. 1988). The Pennsylvania Superior Court has repeatedly cited the right of a foreclosing creditor to amend its judgment prior to the Sheriff's sale. Nationsbanc Mortgage Corp. v. Grillo, 827 A.2d 489 (Pa.Super. 2003). Morgan Guaranty Trust Co. of N.Y. v. Mowl, 705 A.2d 923 (Pa. Super. 1998). Union National Bank of Pittsburgh v. Ciongcli, 407 Pa.Super. 171, 595 A.2d 179 (1991).

The Supreme Court of Pennsylvania recognized in Landau v. Western Pa. Nat. Bank, 445 Pa. 117, 282 A.2d 335 (1971), that the debt owed on a Mortgage is subject to change and, in fact, can be expected to change from day to day because the bank must advance sums in order to protect its collateral. Because a Mortgage lien is not extinguished until the debt is paid, Plaintiff must protect its collateral up until the date of sale. Beckman v. Altoona Trust Co., 332 Pa. 545, 2 A.2d 826 (1939). Because a judgment in mortgage foreclosure is strictly in rem, it is critical that the judgment reflect those amounts expended by the Plaintiff in protecting the property. Meco Reality Company v. Burns, 414 Pa. 495, 200 A.2d 335 (1971). Plaintiff submits that if it goes to sale without the requested amended judgment, and if there is competitive bidding for the Property, Plaintiff will suffer a significant loss in that it would not be able to recoup monies it advanced to protect its interests. Conversely, amending the in rem judgment will not be detrimental to Defendant as it imputes no personal liability.

In B.C.Y. v. Bukovich, the Pennsylvania Superior Court reiterated its long standing rule that a Court has the inherent power to correct a judgment to conform to the facts of a case. 257 Pa. Super. 157, 390 A.2d 276 (1978). In the within case, the amount of the original judgment does not adequately reflect the additional sums due on the Mortgage due to Defendant's failure to tender payments during the foreclosure proceeding and the advances made by the mortgage company. The Mortgage plainly requires the mortgagor to tender to the mortgagee monthly payments of principal and interest until the Promissory Note accompanying the Mortgage is paid in full. The mortgagor is also required to remit to the mortgagee sufficient sums to pay monthly mortgage insurance premiums, fire insurance premiums, taxes and other assessments relating to the Property. The mortgagor has breached the terms of the Mortgage, and Plaintiff has been forced to incur significant unjust financial losses on this loan.

III. THE FORECLOSURE JUDGMENT IS IN REM ONLY

The within case is a mortgage foreclosure action, the sole purpose of which is to take the mortgaged property to Sheriff's Sale. Pennsylvania law makes clear that an action in mortgage foreclosure is strictly in rem and does not include any personal liability. Newtown Village Partnership v. Kimmel, 424 Pa. Super 53, 55, 621 A.2d 1036, 1037 (1993). Signal Consumer Discount Company v. Babuscio, 257 Pa. Super 101, 109, 390 A.2d 266, 270 (1978). Pennsylvania Rule of Civil Procedure 1141(a).

However, Pennsylvania law requires that the foreclosure action demand judgment for the amount due. Pa.R.C.P. 1147(6). The purpose of the dollar amount in the in rem judgment is for bidding at the Sheriff's Sale. In the event that a third party real estate speculator were to bid on the mortgaged property at the Sheriff's Sale and become the successful purchaser, Plaintiff would receive the amount of the in rem judgment from the Sheriff.

IV. INTEREST

The Mortgage clearly requires that the Defendant shall promptly pay when due the principal and interest due on the outstanding debt. In addition, the Note specifies the rate of interest to be charged until the debt is paid in full or otherwise satisfied. Specifically, interest from 30 days prior to the date of default through the date of the impending Sheriff's sale has been requested.

V. TAXES AND INSURANCE

If Plaintiff had not advanced monies for taxes and insurance throughout the foreclosure proceeding, Plaintiff would have risked loss of its collateral. If the Property were sold at a tax sale, Plaintiff's interest very well may be divested, and Plaintiff would sustain a complete loss on the

outstanding balance due on the loan. If the Property were damaged in a fire, Plaintiff would not be able to obtain insurance proceeds to restore the Property if it did not pay the insurance premiums.

Most importantly, the Mortgage specifically provides that the mortgagee may advance the monies for taxes and insurance and charge these payments against the escrow account. Plaintiff is simply seeking to have the Court enforce the terms of the Mortgage.

VI. ATTORNEY'S FEES

The amount of attorney's fees requested in the Motion to Reassess Damages is in accordance with the loan documents and Pennsylvania law. Pennsylvania Courts have long and repeatedly concluded that a request of five percent of the outstanding principal balance is reasonable and enforceable as an attorney's fee. Robinson v. Loomis, 51 Pa. 78 (1865); First Federal Savings and Loan Association v. Street Road Shopping Center, 68 D&C 2d 751, 755 (1974).

In Federal Land Bank of Baltimore v. Fetner, the Superior Court held that an attorney's fee of ten percent of the original mortgage amount is not unconscionable. 410 A.2d 344 (Pa. Super. 1979). Recently, the Superior Court cited Fetner in confirming that an attorney's fee of ten percent included in the judgment in mortgage foreclosure action was reasonable. Citicorp v. Morrisville Hampton Realty, 562 A.2d 1120 (Pa. Super. 1995). Importantly, Plaintiff recognizes this Honorable Court's equitable authority to set attorney's fees and costs as it deems reasonable.

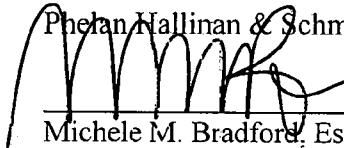
VII. CONCLUSION

Therefore, Plaintiff respectfully submits that if the enforcement of its rights is delayed by legal proceedings, and such delays require the mortgagee to expend additional sums provided for by the Mortgage, then the expenses necessarily become part of the mortgagee's lien and should be included in the judgment.

Plaintiff respectfully requests that this Honorable Court grant its Motion to Reassess Damages. Plaintiff submits that it has acted in good faith in maintaining the Property in accordance with the Mortgage, and has relied on terms of the Mortgage with the understanding that it would recover the monies it expended to protect its collateral.

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

DATE: 10/12/08

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR CREDIT SUISSE FIRST :
BOSTON MBS HEAT 2004-4 : Civil Division
Plaintiff :
v. : CLEARFIELD County
No. 08-336-CD
DAWN E. LONG :
Defendant

RULE

AND NOW, this 21st day of October 2008, a Rule is entered upon the
Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to
Reassess Damages.

Rule Returnable on the 21st day of November 2008, at 10:00 A.M.
County Courthouse, Clearfield, Pennsylvania.

Judge J. Zimmerman
BY THE COURT
J.

172639

FILED *01/11/2009* *cc*
OCT 21 2008 *Atty Bradford*
S *William A. Shaw* *cc*
William A. Shaw
Prothonotary/Clerk of Courts

FILED

OCT 21 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/21/08

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:

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR CREDIT SUISSE FIRST :
BOSTON MBS HEAT 2004-4 : Civil Division
Plaintiff :
: CLEARFIELD County
v. :
: No. 08-336-CD
:

DAWN E. LONG

Defendant

ORDER

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

| | |
|---|-------------|
| Principal Balance | \$71,938.99 |
| Interest Through December 5, 2008 | \$8,463.50 |
| Per Diem \$19.71 | |
| Late Charges | \$129.20 |
| Legal fees | \$2,650.00 |
| Cost of Suit and Title | \$1,592.50 |
| Sheriff's Sale Costs | \$0.00 |
| Property Inspections/ Property Preservation | \$250.00 |
| Appraisal/Brokers Price Opinion | \$285.00 |
| Mortgage Insurance Premium / | \$0.00 |
| Private Mortgage Insurance | |
| Non Sufficient Funds Charge | \$0.00 |

| | |
|------------------------|-------------------|
| Suspense/Misc. Credits | (\$0.00) |
| Escrow Deficit | <u>\$1,003.72</u> |

| | |
|--------------|--------------------|
| TOTAL | \$86,312.91 |
|--------------|--------------------|

Plus interest from December 5, 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.

172639

S
FILED ^{NO cc}
M 11/12/08
OCT 28 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR CREDIT SUISSE FIRST :
BOSTON MBS HEAT 2004-4 : Civil Division
Plaintiff :
v. : CLEARFIELD County
DAWN E. LONG : No. 08-336-CD

Defendant

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's October 21, 2008 Rule directing the Defendant to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851-6656

DAWN E. LONG
SEC 1 LOT 38 A/K/A 3097 BAY ROAD
DUBOIS, PA 15801

DAWN E. LONG
1728 TREASURE LAKE
DUBOIS, PA 15801

DATE: 10/27/08

By:

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

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-336-CD

Plaintiff,

v.

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

Defendant(s).

FILED

OCT 31 2008

William A. Shaw
Prothonotary/Clerk of Courts

Mo C/C

AMENDED
AFFIDAVIT PURSUANT TO RULE 3129

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT
SUISSE FIRST BOSTON MBS HEAT 2004-4, Plaintiff in the above action, by its attorney,
DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecepice for the Writ of
Execution was filed, the following information concerning the real property located at **SEC 1**
LOT 38, A/K/A 3097 BAY ROAD, DUBOIS, PA 15801.

1. 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

13 Treasure Lake
Dubois, PA 15801

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

October 27, 2008
Date

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

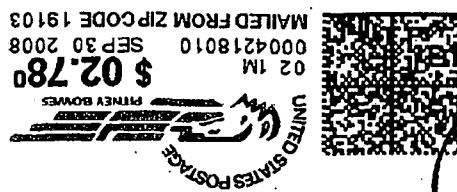
Name and
Address
of Sender

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

►

PHELAN HALLINAN & SCHMIEG

| Line | Article Number | Name of Addressee, Street, and Post Office Address | Postage | Fee |
|--|----------------|--|---|--|
| 1 | | TENANT/OCCUPANT SEC 1 LOT 38, A/K/A 3097 BAY ROAD DUBOIS, 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 | | JOHN CONNELLY AND KIMBERLY CONNELLY, H/W 574 HILL CHURCH ROAD, HUMMELSTOWN, PA 17036 | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| 11 | | | | |
| 12 | TMW | Re: DAWN E. LONG | 172639 | TEAM 4 |
| 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 \$50,000 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. |



Name and
Address
of Sender

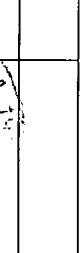
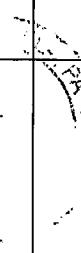
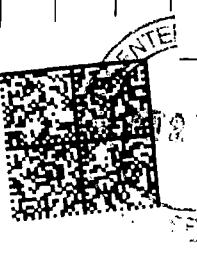
PHELAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814



PHELAN HALLINAN & SCHMIEG

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

| Line | Article Number | Name of Addressee, Street, and Post Office Address | Postage | Fee |
|--|----------------|--|---|--|
| 1 | | Treasure Lake Property Owners Association 13 Treasure Lake Dubois, PA 15801 | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| 11 | | | | |
| 12 | | Re: DAWN E. LONG | 172639 | Clearfield |
| | | | | \$XFF TEAM 5 |
| 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. |



FILED NO
M 11 12 2008
NOV 12 2008
60

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE

PLAINTIFF U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST
BOSTON MBS HEAT 2004-4

CLEARFIELD County
No. 08-336-CD
Our File #: 172639

DEFENDANT(S) DAWN E. LONG

Type of Action
- Notice of Sheriff's Sale

Please serve upon: DAWN E. LONG

Sale Date: DECEMBER 5, 2008

SERVE AT: 1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

SERVED

Served and made known to DAWN E. LONG, Defendant, on the 26th day of OCTOBER,
2008, at 2:21, o'clock p.m., at 71 RICHARD ST., BROOKVILLE *

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

Adult family member with whom Defendant(s) resides. 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) resides(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 30 Height 5'1" Weight 100 Race W Sex F 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.

* SA IS RESIDENCE OF DEFENDANT'S PARENTS W HO STATED
THAT MS. LONG CURRENTLY RESIDES @ 71 RICHARD ST.

BROOKVILLE, PA.

Sworn to and subscribed
before me this 26th day
of October, 2008

Notary:

Jathan C. Lewis
Notary Public
State of New Jersey

On the PATRICK A. HARRIS day of June 16, 2013, 2008, 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 _____, 2008.

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

143

FILED 3cc
01/07/2008 Amy Chota
NOV 21 2008 (610)
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR CREDIT SUISSE FIRST :
BOSTON MBS HEAT 2004-4 : Civil Division
Plaintiff : CLEARFIELD County
v. : No. 08-336-CD
DAWN E. LONG :
Defendant

ORDER

AND NOW, this 21 day of November, 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 | \$71,938.99 |
| Interest Through December 5, 2008 | \$8,463.50 |
| Per Diem \$19.71 | |
| Late Charges | \$129.20 |
| Legal fees | \$2,650.00 |
| Cost of Suit and Title | \$1,592.50 |
| Sheriff's Sale Costs | \$0.00 |
| Property Inspections/ Property Preservation | \$250.00 |
| Appraisal/Brokers Price Opinion | \$285.00 |
| Mortgage Insurance Premium / | \$0.00 |
| Private Mortgage Insurance | |
| Non Sufficient Funds Charge | \$0.00 |

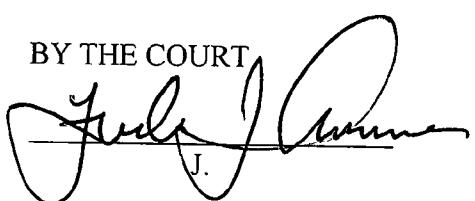
ORIGIN

| | |
|------------------------|-------------------|
| Suspense/Misc. Credits | (\$0.00) |
| Escrow Deficit | <u>\$1,003.72</u> |

| | |
|--------------|--------------------|
| TOTAL | \$86,312.91 |
|--------------|--------------------|

Plus interest from December 5, 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.

172639

S
FILED NOCC
M/11/2008
NOV 26 2008
LMP

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR CREDIT SUISSE FIRST :
BOSTON MBS HEAT 2004-4 : Civil Division
Plaintiff :
v. : CLEARFIELD County

DAWN E. LONG

Defendant

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's November 21, 2008 Order was served upon the following individuals on the date indicated below.

DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851-6656

DAWN E. LONG
SEC 1 LOT 38 A/K/A 3097 BAY ROAD
DUBOIS, PA 15801

DAWN E. LONG
1728 TREASURE LAKE
DUBOIS, PA 15801

DATE: 11/25/08

By:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20845

NO: 08-336-CD

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MBS HEAT

2004-4

vs.

DEFENDANT: DAWN E. LONG

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 9/15/2008

LEVY TAKEN 9/30/2008 @ 11:30 AM

POSTED 9/30/2008 @ 11:30 AM

SALE HELD 12/5/2008

SOLD TO U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON
MBS HEAT 2004-4

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 12/17/2008

DATE DEED FILED 12/17/2008

PROPERTY ADDRESS SEC. 1, LOT 38 A/K/A 3097 BAY ROAD DUBOIS , PA 15801

SERVICES

10/2/2008 @ SERVED DAWN E. LONG

SERVED DAWN E. LONG, DEFENDANT, BY REG & CERT MAIL TO 1022 SANDY VALLEY ROAD, REYNOLDSVILLE, JEFFERSON COUNTY,
PENNSYLVANIA CERT #70060810000145073916, SIGNED FOR BY CAROL KNESS AGENT FOR DEFENDANT

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

@ SERVED

SERVED DEFENDANT BY REG. & CERT MAIL BECAUSE THE ATTORNEY'S OFFICE DID NOT WANT TO DEPUTIZE FOR SERVICE. THEY
USED A PROCESS SERVER.

FILED
03-17-09
DEC 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20845
NO: 08-336-CD

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MBS HEAT

2004-4

vs.

DEFENDANT: DAWN E. LONG

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$194.31

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

____ Day of _____ 2008

So Answers,


Dr. Arthur B. Burch, Chaplain
Chester A. Hawkins
Sheriff

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

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CREDIT SUISSE FIRST BOSTON
MBS. HEAT. 2004-4

vs.

DAWN E. LONG

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-336-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: SEC 1 LOT 38, A/K/A 3097 BAY ROAD, DUBOIS, PA 15801
(See Legal Description attached)

| | |
|-----------------------------------|-------------|
| Amount Due | \$78,763.39 |
| Prothonotary costs | 135.00 |
| Interest from 06/07/2008- to Sale | \$ _____ |
| Per diem \$12.95 | |
| Add'l Costs | \$4,441.00 |
| Writ Total | |

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

Dated 9/15/08
(SEAL)

172639

Received this writ this 15th day
of September A.D. 2008
At 11:00 A.M./P.M.

Chesler A. Hawley
Sheriff by Cynthia Butler - Deafendant

No. 08-336-CD Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CREDIT SUISSE FIRST BOSTON
MBS HEAT 2004-4

vs.

DAWN E. LONG

WRIT OF EXECUTION
(Mortgage Foreclosure)

| | |
|---|---------------|
| Costs | |
| Real Debt | \$78,763.39 |
| Int. from 06/07/2008- To Date of Sale (\$12.95 per diem) | |
| Costs | |
| Prothy Pd. | <u>135.00</u> |
| Sheriff | |

Daniel & Schmer
.....
Attorney for Plaintiff(s)

Address: DAWN E. LONG
1022 SANDY VALLEY ROAD
REYNOLDSVILLE, PA 15851

LEGAL DESCRIPTION

ALL that certain tract of land designated as Section 1, Lot 38, 'Barbados', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Clearfield County Recorder's 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 Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.**

BEING the same premises which were conveyed to John Connelly and Kimber L. Connelly, husband and wife, by deed of C. Ray Lundberg and Barbara Lynn Lundberg, husband and wife, dated September 16, 1994, and recorded in the Office of the Recorder of Deeds in and for Clearfield County in Deed Book Volume 1632 at page 184.

TITLE TO SAID PREMISES IS VESTED IN Dawn E. Long, a single individual, by Deed from John Connelly and Kimber L. Connelly, h/w, dated 02/24/2004, recorded 03/15/2004, in Deed Mortgage Inst# 200403848.

Note: Grantor signed deed as Kimberly, not Kimber.

TITLE TO SAID PREMISES IS VESTED IN

**Premises being: SEC 1 LOT 38, A/K/A 3097 BAY ROAD
DUBOIS, PA 15801**

Tax Parcel No. C02-001-00038-00-21

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME DAWN E. LONG

NO. 08-336-CD

NOW, December 17, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on December 05, 2008, I exposed the within described real estate of Dawn E. Long to public venue or outcry at which time and place I sold the same to U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CREDIT SUISSE FIRST BOSTON MBS HEAT 2004-4 he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

| | |
|----------------------------|-----------------|
| RDR SERVICE | 15.00 |
| MILEAGE | |
| LEVY | 15.00 |
| MILEAGE | 22.23 |
| POSTING | 15.00 |
| CSDS | 10.00 |
| COMMISSION | 0.00 |
| POSTAGE | 6.08 |
| HANDBILLS | 15.00 |
| DISTRIBUTION | 25.00 |
| ADVERTISING | 15.00 |
| ADD'L SERVICE | |
| DEED | 30.00 |
| ADD'L POSTING | |
| ADD'L MILEAGE | |
| ADD'L LEVY | |
| BID AMOUNT | 1.00 |
| RETURNS/DEPUTIZE | |
| COPIES | 15.00 |
| | 5.00 |
| BILLING/PHONE/FAX | 5.00 |
| CONTINUED SALES | |
| MISCELLANEOUS | |
| TOTAL SHERIFF COSTS | \$194.31 |

DEED COSTS:

| | |
|-------------------------|----------------|
| ACKNOWLEDGEMENT | 5.00 |
| REGISTER & RECORDER | 28.50 |
| TRANSFER TAX 2% | 0.00 |
| TOTAL DEED COSTS | \$28.50 |

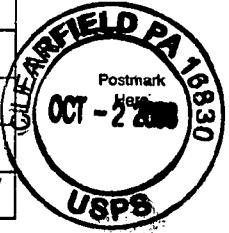
PLAINTIFF COSTS, DEBT AND INTEREST:

| | |
|--------------------------------|--------------------|
| DEBT-AMOUNT DUE | 78,769.39 |
| INTEREST @ 12.9500 % | 2,343.95 |
| FROM 06/07/2008 TO 12/05/2008 | |
| PROTH SATISFACTION | |
| LATE CHARGES AND FEES | |
| COST OF SUIT-TO BE ADDED | 4,441.00 |
| FORECLOSURE FEES | |
| ATTORNEY COMMISSION | |
| REFUND OF ADVANCE | |
| REFUND OF SURCHARGE | 20.00 |
| SATISFACTION FEE | |
| ESCROW DEFICIENCY | |
| PROPERTY INSPECTIONS | |
| INTEREST | |
| MISCELLANEOUS | |
| TOTAL DEBT AND INTEREST | \$85,574.34 |
| COSTS: | |
| ADVERTISING | 1,446.60 |
| TAXES - COLLECTOR | |
| TAXES - TAX CLAIM | |
| DUE | |
| LIEN SEARCH | 100.00 |
| ACKNOWLEDGEMENT | 5.00 |
| DEED COSTS | 28.50 |
| SHERIFF COSTS | 194.31 |
| LEGAL JOURNAL COSTS | 162.00 |
| PROTHONOTARY | 135.00 |
| MORTGAGE SEARCH | 40.00 |
| MUNICIPAL LIEN | |
| TOTAL COSTS | \$2,111.41 |

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

| | | | |
|--|--|--|--|
| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
| <ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. | | <p>A. Signature <i>Carol Kress</i></p> <p><input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Carol Kress</i></p> <p>C. Date of Delivery 10-3-08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> | |
| 1. Article Addressed to: | | | |
| <p>DAWN E. LONG</p> <p>1022 SANDY VALLEY ROAD</p> <p>REYNOLDSVILLE, PA 15851</p> | | | |
| 2. Article Number (Transfer from service label) | | 7006 0810 0001 4507 3916 | |
| PS Form 3811, February 2004 | | Domestic Return Receipt | |
| | | 102595-02-M-1540 | |

| | |
|--|---|
| U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT | |
| <i>(Domestic Mail Only; No Insurance Coverage Provided)</i> | |
| For delivery information visit our website at www.usps.com | |
| OFFICIAL USE | |
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ 5.49 |
|  | |
| Sent To | |
| Street, Apt. No. or PO Box No. | DAWN E. LONG |
| City, State, ZIP+4 | 1022 SANDY VALLEY ROAD REYNOLDSVILLE, PA 15851 |

PS Form 3800, June 2002

See Reverse for Instructions