

08-348-CD

Bank of NY vs Robert Showers et al

Date: 8/11/2009

**Clearfield County Court of Common Pleas**

User: LMILLER

Time: 10:20 AM

ROA Report

Page 1 of 2

Case: 2008-00348-CD

Current Judge: Fredric Joseph Ammerman

Bank of New York, et al vs. Robert J. Showers, et al

**Mortgage Foreclosures**

Date		Judge
2/28/2008	New Case Filed.	No Judge
	X Filing: Complaint in Mortgage Foreclosure, situated in the Township of Decatur. Paid by: Hallinan, Francis S., Esquire Receipt number: 1922862 Dated: 2/28/2008 Amount: \$95.00 (Check) 6CC shff.	No Judge
4/25/2008	X Praeclipe to Substitute Verification to Civil Action Complaint in Mortgage Foreclosure, filed by s/ Francis S. Hallinan, Esquire. No CC	No Judge
6/23/2008	X Sheriff Return, June 23, 2008 After diligent search I returned the within Complaint in Mortgage Foreclosure "NOT FOUND" as to Robert J. Showers June 23, 2008 After diligent search I returned the within Complaint in Mortgage Foreclosure "NOT FOUND" as to Tracy L. Showers. March 14, 2008 at 1:51 pm Served the within Complaint in Mortgage Foreclosure on Robert J. Showers by handing to Tracy Showers. March 14, 2008 at 1:51 pm Served the within Complaint in Mortgage Foreclosure on Tracy L. Showers by handing to Tracy L. Showers. February 29, 2008, Sheriff of Centre County was deputized. March 25, 2008 Attempted to serve the within Complaint in Mortgage Foreclosure on Robert J. Showers. March 25, 2008 Attempmted to serve the within Complaint in Mortgage Foreclosure on Tracy L. Showers. So Answers, Chester A. Hawkins, Sheriff by s/Marilyn Hamm Shff Hawkins costs pd by Phelan \$100.00 Centre Co. costs pd by Phelan \$52.50	No Judge
11/26/2008	X Filing: Praeclipe for In Rem Judgment for failure to Answer and Assessment of Damages. Paid by: Hallinan, Francis S. (attorney for Bank of New York) Receipt number: 1926982 Dated: 11/26/2008 Amount: \$20.00 (Check) For Bank of New York (plaintiff) Judgment entered in favor of the Plaintiff and against the defendants in the amount of \$293,002.89. 1CC & notice to deft. and statement to Atty.	No Judge
12/15/2008	X Filing: Writ of Execution Paid by: Hallinan, Francis S. (attorney for Bank of New York) Receipt number: 1927184 Dated: 12/15/2008 Amount: \$20.00 (Check) For: Bank of New York (plaintiff) Writ of Execution against Defendants in the amount of \$293,002.89. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & 6 Writs w/prop. desc. to Sheriff	No Judge
3/23/2009	X Sheriff Return, NOT SOLD So Answers, Chester A. Hawkins, Sheriff by s/Cynthia Butler-Aughenbaugh. Shff Hawkins costs pd by Atty. \$217.48	No Judge
5/11/2009	X Filing: Writ of Execution / Possession Paid by: Hallinan, Francis S. (attorney for Bank of New York) Receipt number: 1929384 Dated: 5/11/2009 Amount: \$20.00 (Check) For: Bank of New York (plaintiff) Writ of Execution in the amount of \$293,002.89. Filed by s/ Daniel G. Schmieg, Esquire. 1CC & 6 Writs w/prop. descr. to Sheriff	No Judge
7/1/2009	X Plaintiff's Motion to Reassess Damages, filed by s/ Jenine R. Davey, Esquire. No CC	No Judge
	X Certification of Service, filed. That a true and correct copies of Plaintiff's Motion to Reassess Damages and Brief in Support was sent on 6/30/09 to Robert J. Showers and Tracy L. Showers, filed by s/ Jenine R. Davey Esq. 1CC Atty.	Fredric Joseph Ammerman
7/2/2009	X Rule, this 2nd day of July, 2009, a rule is entered upon Defendants. Rule Returnable on the 18th day of August, 2009, at 10:00 a.m. Courtroom 1. by The Court, /s/ Fredric J. Ammerman, Pres. Judge	Fredric Joseph Ammerman

Supreme Court of Pennsylvania



Administrative Office of Pennsylvania Courts  
P.O. Box 719  
Mechanicsburg, Pennsylvania 17055-0719  
(717)795-2000

NANCY M. SOBOLEVITCH  
COURT ADMINISTRATOR  
OF  
PENNSYLVANIA

ACT 119 OF 1996  
TRANSMITTAL OF FILING FEES

COUNTY: \_\_\_\_\_

MONTH/YR COLLECTED: \_\_\_\_\_

AMOUNT: \_\_\_\_\_ # OF NEW FILINGS: \_\_\_\_\_

COUNTY CONTACT PERSON/TITLE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Please remit checks to the following address:

Administrative Office of Pennsylvania Courts  
Financial Systems Unit  
P.O. Box 719  
Mechanicsburg, PA 17055-0719

\*\* Checks are due no later than the 15th day following the end of the month

Date: 8/11/2009  
Time: 10:20 AM  
Page 2 of 2

**Clearfield County Court of Common Pleas**  
ROA Report  
Case: 2008-00348-CD  
Current Judge: Fredric Joseph Ammerman  
Bank of New York, et al vs. Robert J. Showers, et al

User: LMILLER

**Mortgage Foreclosures**

Date	Judge
7/9/2009	<input checked="" type="checkbox"/> Certification of Service, filed. That a true and correct copy of the Court's July 2, 2009 Rule was served on Robert J. Showers and Tracy L. Showers on 7/8/09, filed by s/ Andrew L. Spivack Esq. No CC.
	<input checked="" type="checkbox"/> Affidavit of Service filed of Lienholders Pursuant to Rule 3129.1 and Return Service Pursuant to PA.R.C.P. 405 of Notice of Sale, filed by s/ Jenine R. Davey Esq. No CC.
7/20/2009	<input checked="" type="checkbox"/> Praeclipe to Substitute Legal Description, filed by s/ Francis S. Hallinan, Esquire. no CC

Supreme Court of Pennsylvania



Administrative Office of Pennsylvania Courts  
P.O. Box 719  
Mechanicsburg, Pennsylvania 17055-0719  
(717)795-2000

NANCY M. SOBOLEVITCH  
COURT ADMINISTRATOR  
OF  
PENNSYLVANIA

ACT 119 OF 1996  
TRANSMITTAL OF FILING FEES

COUNTY: \_\_\_\_\_

MONTH/YR COLLECTED: \_\_\_\_\_

AMOUNT: \_\_\_\_\_ # OF NEW FILINGS: \_\_\_\_\_

COUNTY CONTACT PERSON/TITLE: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Please remit checks to the following address:

Administrative Office of Pennsylvania Courts  
Financial Systems Unit  
P.O. Box 719  
Mechanicsburg, PA 17055-0719

\*\* Checks are due no later than the 15th day following the end of the month

FILED  
in 1:56 p.m. 6k ATTY PAID \$95.00  
FEB 26 2008 6 cc to Sheriff  
William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
SHEETAL R. SHAH-JANI, ESQ., Id. No. 81760  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
JENINE R. DAVEY, ESQ., Id. No. 87077  
MICHAEL E. CARLETON, ESQ., Id. No. 203009  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 171307

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

Plaintiff

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-348-CD

CLEARFIELD COUNTY

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

**NOTICE**

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

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

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

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

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

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

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

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

1. Plaintiff is

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

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

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

3. On 07/23/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200412477. 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 10/01/2007 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	\$263,456.32
Interest	\$10,535.36
09/01/2007 through 02/11/2008	
(Per Diem \$64.24)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$430.60
07/23/2004 to 02/11/2008	
Cost of Suit and Title Search	\$550.00
Subtotal	\$276,222.28
Escrow	
Credit	(\$114.51)
Deficit	\$0.00
Subtotal	<u>(\$114.51)</u>
<b>TOTAL</b>	<b>\$276,107.77</b>

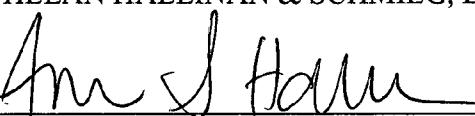
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$276,107.77, together with interest from 02/11/2008 at the rate of \$64.24 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 6/20/95  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

## LEGAL DESCRIPTION

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas

Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

BEING a portion of the same piece or parcel of real property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell dated October 10, 1994 and recorded in Clearfield County Record Book 1636 at Page 387.

Parcel No. 112-0-P12-000-00334

BEGINNING at an iron pin which is the northwest corner of Grantor's property, THENCE S 23 degrees 00 minutes 00 seconds E a distance of seven hundred twenty-two and thirty-one hundredths feet (722.31) to an existing axle, which is the southwest corner of Grantor's property, THENCE N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths feet (343.47) to a point;

THENCE N 30 degrees 36 minutes W a distance of one hundred fifty feet (150.00) to a point; THENCE S 48 degrees 01 hour 45 seconds W a distance of eighty-four feet (84) to a point; THENCE S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths feet (179.47) to a point; THENCE N 23 degrees 00 minutes 00 seconds W a distance of seven hundred six and thirty-one hundredths feet (763.31) to the southern edge of SR 2019; THENCE N 88 degrees 18 minutes 45 seconds W along SR 2019 a distance of fourteen feet (14) to a point and the place of beginning. Being the parcel described in the attached sketch.

EXCEPTING AND RESERVING all previous exceptions and reservations in the chain of title.

BEING a piece or parcel of real property reserved from a prior conveyance from Robert T. Showers and Joan A. Showers, the Grantors herein to Robert J. Showers and Tracy L. Showers, the Grantees, herein by Deed dated September 18, 1995 and recorded in Clearfield County, property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell, dated October 10, 1994 and recorded in Clearfield County, Record Book 1636 at Page 387.

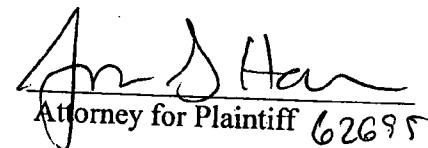
PROPERTY BEING: 2592 SIX MILE ROAD

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.

  
Andrew J. Han  
Attorney for Plaintiff 62695

DATE: 2/11/08

FILED  
APR 25 2008  
NO CC  
M1118701  
CJD

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

**THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY, NA,  
AS SUCCESSOR-IN-INTEREST TO  
JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS  
TRUSTEE -SURF-BC4**

: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **NO. 2008-348-CD**  
:  
: **CLEARFIELD COUNTY**  
:  
:  
:  
:

VS

## ROBERT J. SHOWERS TRACY L. SHOWERS

**Defendant(s)**

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

## TO THE PROTHONOTARY:

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

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By: Francis S. Hallinan  
Francis S. Hallinan, Esquire

Date: 04/23/08

## VERIFICATION

Denise Bailey

hereby states that he/she is

Assistant Secretary

of LITTON LOAN SERVICING, LP, SERVICING AGENT

FOR THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE -SURF-BC4, servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: Feb 15 2008

  
Name: **Denise Bailey**  
Title: **Assistant Secretary**  
**Litton Loan Servicing LP**  
**Attorney In Fact**

Company: LITTON LOAN SERVICING, LP, SERVICING AGENT FOR THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE -SURF-BC4

Loan: 14309629

File #: 171307

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

**THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY, NA,  
AS SUCCESSOR-IN-INTEREST TO  
JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS  
TRUSTEE -SURF-BC4**

: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **NO. 2008-348-CD**  
:  
: **CLEARFIELD COUNTY**

**Plaintiff**

VS.

## ROBERT J. SHOWERS TRACY L. SHOWERS

**Defendant(s)**

## CERTIFICATE OF SERVICE

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By: Francis S. Hallinan  
Francis S. Hallinan, Esquire

Date: 04/23/08

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 6 Services

Sheriff Docket # **103818**

THE BANK OF NEW YORK

Case # 08-348-CD

vs.

ROBERT J. SHOWERS and TRACY L. SHOWERS

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW June 23, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO ROBERT J. SHOWERS, DEFENDANT. 2592 SIX MILE ROAD, PHILIPSBURG "VACANT".

SERVED BY: /

**FILED**  
JUN 23 2008  
02:45 PM  
William A. Shaw  
Prothonotary/Clerk of Courts

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 2 of 6 Services

Sheriff Docket # **103818**

THE BANK OF NEW YORK

Case # 08-348-CD

vs.

ROBERT J. SHOWERS and TRACY L. SHOWERS

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW June 23, 2008 AFTER DILIGENT SEARCH IN MY BAILIWICK I RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT FOUND" AS TO TRACY L. SHOWERS, DEFENDANT. 2592 SIX MILE ROAD, PHILIPSBURG "VACANT".

SERVED BY: /

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

DOCKET # 103818  
NO: 08-348-CD  
SERVICE # 3 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK  
VS.  
DEFENDANT: ROBERT J. SHOWERS and TRACY L. SHOWERS

**SHERIFF RETURN**

NOW, March 14, 2008 AT 1:51 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT J. SHOWERS DEFENDANT AT 696 OLD ROUTE 322, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TRACY SHOWERS, WIFE A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

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

DOCKET # 103818  
NO: 08-348-CD  
SERVICE # 4 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK  
vs.  
DEFENDANT: ROBERT J. SHOWERS and TRACY L. SHOWERS

**SHERIFF RETURN**

---

NOW, March 14, 2008 AT 1:51 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TRACY L. SHOWERS DEFENDANT AT 696 OLD ROUTE 322, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO TRACY L. SHOWERS, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

SERVED BY: HUNTER / DEHAVEN

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

DOCKET # 103818  
NO: 08-348-CD  
SERVICE # 5 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK

vs.

DEFENDANT: ROBERT J. SHOWERS and TRACY L. SHOWERS

**SHERIFF RETURN**

---

NOW, February 29, 2008, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT J. SHOWERS.

NOW, March 25, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT J. SHOWERS, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

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

DOCKET # 103818  
NO: 08-348-CD  
SERVICE # 6 OF 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK

vs.

DEFENDANT: ROBERT J. SHOWERS and TRACY L. SHOWERS

**SHERIFF RETURN**

---

NOW, February 29, 2008, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TRACY L. SHOWERS.

NOW, March 25, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON TRACY L. SHOWERS, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103818  
NO: 08-348-CD  
SERVICES 6  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: THE BANK OF NEW YORK  
vs.  
DEFENDANT: ROBERT J. SHOWERS and TRACY L. SHOWERS

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	667264	60.00
SHERIFF HAWKINS	PHELAN	667264	40.00
CENTRE CO.	PHELAN		52.50

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins*  
*by Marilyn Hearn*  
Chester A. Hawkins  
Sheriff

# **SHERIFF'S OFFICE**

## **CENTRE COUNTY**

PHELAN, HALLINAN & SCHMI

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

**PHELAN HALLINAN & SCHMIEG, LLP**

One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
215-563-7000  
FAX: 215-563-3826  
e-mail [jason.ricco@fedphe.com](mailto:jason.ricco@fedphe.com)

Jason Ricco, ext. 1482  
Service Department

March 3, 2008

Office of the Sheriff  
Centre County Courthouse  
Room 102  
Bellfonte, PA 16823

**\*\*\* ATTN: VICKI \*\*\***

RE: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE -SURF-BC4 vs. ROBERT J. SHOWERS and TRACY L. SHOWERS  
Clearfield County

Hello Vicki. How are you? In regards to our phone conversation today I have enclosed a check in the amount of \$75.00 so this complaint can be served in your County. Please be advised that this complaint was filed in Clearfield County and deputized to your office. The service package will be showing up with no check attached. Please attach this check and complete service of the complaint.

Thank you for your cooperation and sorry for any inconvenience.

Very truly yours,



Jason Ricco  
for Phelan Hallinan & Schmieg, LLP

/jmr  
File# 171307  
Enclosure



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

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

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

KAREN BAUGHMAN  
CLERK TYPIST

PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 103818

TERM & NO. 08-348-CD

THE BANK OF NEW YORK

COMPLAINT IN MORTGAGE FORECLOSURE

vs.

ROBERT J. SHOWERS and TRACY L. SHOWERS

**SERVE BY: 03/29/08  
COURT DATE:**

**MAKE REFUND PAYABLE TO ADV. DIRECTLY FROM ATTORNEY**

**SERVE:** ROBERT J. SHOWERS

**ADDRESS:** 901 NORTH FRONT ST., PHILIPSBURG, PA 16861

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, February 29, 2008.

RESPECTFULLY,

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

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS  
SHERIFF

Sheriff's Office  
Clearfield County

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

OFFICE (814) 765-2641 [REDACTED]

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM  
DEPT. CLERK

CYNTHIA AUGHENBAUGH  
OFFICE MANAGER

KAREN BAUGHMAN  
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## DEPUTATION

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

PAGE 103818

TERM & NO. 08-348-CD

THE BANK OF NEW YORK

COMPLAINT IN MORTGAGE FORECLOSURE

VS.

ROBERT J. SHOWERS and TRACY L. SHOWERS

**SERVE BY: 03/29/08**  
**COURT DATE:**

**MAKE REFUND PAYABLE TO ADV. DIRECTLY FROM ATTORNEY**

**SERVE:** TRACY L. SHOWERS

**ADDRESS:** 901 NORTH FRONT ST., PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, February 29, 2008.

RESPECTFULLY,

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

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

171307

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

Plaintiff

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

FEB 28 2008

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

File #: 171307

Attest.

*William L. Ober*  
Prothonotary/  
Clerk of Courts

**NOTICE**

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

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

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

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

3. On 07/23/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200412477. 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 10/01/2007 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	\$263,456.32
Interest	\$10,535.36
09/01/2007 through 02/11/2008	
(Per Diem \$64.24)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$430.60
07/23/2004 to 02/11/2008	
Cost of Suit and Title Search	\$550.00
Subtotal	\$276,222.28
Escrow	
Credit	(\$114.51)
Deficit	\$0.00
Subtotal	<u>(\$114.51)</u>
<b>TOTAL</b>	<b>\$276,107.77</b>

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$276,107.77, together with interest from 02/11/2008 at the rate of \$64.24 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 62695

DANIEL G. SCHMIEG, ESQUIRE

MICHELE M. BRADFORD, ESQUIRE

SHEETAL R. SHAH-JANI, ESQUIRE

JUDITH T. ROMANO, ESQUIRE

JENINE R. DAVEY, ESQUIRE

MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

## LEGAL DESCRIPTION

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas

Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

BEING a portion of the same piece or parcel of real property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell dated October 10, 1994 and recorded in Clearfield County Record Book 1636 at Page 387.

Parcel No. 112-0-P12-000-00334

BEGINNING at an iron pin which is the northwest corner of Grantor's property, THENCE S 23 degrees 00 minutes 00 seconds E a distance of seven hundred twenty-two and thirty-one hundredths feet (722.31) to an existing axle, which is the southwest corner of Grantor's property, THENCE N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths feet (343.47) to a point;

THENCE N 30 degrees 36 minutes W a distance of one hundred fifty feet (150.00) to a point; THENCE S 48 degrees 01 hour 45 seconds W a distance of eighty-four feet (84) to a point; THENCE S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths feet (179.47) to a point; THENCE N 23 degrees 00 minutes 00 seconds W a distance of seven hundred six and thirty-one hundredths feet (763.31) to the southern edge of SR 2019; THENCE N 88 degrees 18 minutes 45 seconds W along SR 2019 a distance of fourteen feet (14) to a point and the place of beginning. Being the parcel described in the attached sketch.

EXCEPTING AND RESERVING all previous exceptions and reservations in the chain of title.

BEING a piece or parcel of real property reserved from a prior conveyance from Robert T. Showers and Joan A. Showers, the Grantors herein to Robert J. Showers and Tracy L. Showers, the Grantees, herein by Deed dated September 18, 1995 and recorded in Clearfield County, property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell, dated October 10, 1994 and recorded in Clearfield County, Record Book 1636 at Page 387.

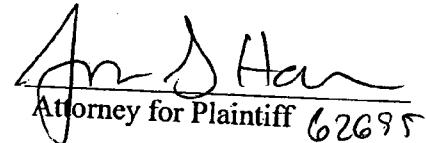
PROPERTY BEING: 2592 SIX MILE ROAD

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.

  
Andrew J. Han  
Attorney for Plaintiff 62695

DATE: 2/11/08

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  
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(215) 563-7000

171307

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

Plaintiff

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Defendants

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

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

**FEB 28 2008**

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

File #: 171307

Attest.

*William J. Schaeffer*  
Prothonotary/  
Clerk of Courts

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100 South Street  
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Notice to Defend:  
Daniel J. Nelson, Court Administrator  
Clearfield County Courthouse  
2<sup>nd</sup> and Market Streets  
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814-765-2641 x 5982

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DO SO IN WRITING WITHIN THIRTY (30) DAYS OF  
RECEIPT OF THIS PLEADING, COUNSEL FOR  
PLAINTIFF WILL OBTAIN AND PROVIDE  
DEFENDANT(S) WITH WRITTEN VERIFICATION  
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED  
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN  
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COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)  
THE NAME AND ADDRESS OF THE ORIGINAL  
CREDITOR, IF DIFFERENT FROM ABOVE.**

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THE END OF THE THIRTY (30) DAY PERIOD  
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THE BANK OF NEW YORK NATIONAL TRUST COMPANY,  
NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE  
BANK, NATIONAL ASSOCIATION, AS TRUSTEE -SURF-BC4  
4828 LOOP CENTRAL DRIVE  
HOUSTON, TX 77081-2226

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

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

3. On 07/23/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200412477. 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 10/01/2007 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	\$263,456.32
Interest 09/01/2007 through 02/11/2008 (Per Diem \$64.24)	\$10,535.36
Attorney's Fees	\$1,250.00
Cumulative Late Charges 07/23/2004 to 02/11/2008	\$430.60
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Subtotal	\$276,222.28
Escrow	
Credit	(\$114.51)
Deficit	\$0.00
Subtotal	<u>(\$114.51)</u>
<b>TOTAL</b>	<b>\$276,107.77</b>

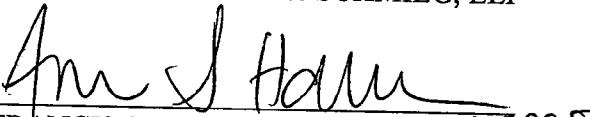
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$276,107.77, together with interest from 02/11/2008 at the rate of \$64.24 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 C2695

DANIEL G. SCHMIEG, ESQUIRE

MICHELE M. BRADFORD, ESQUIRE

SHEETAL R. SHAH-JANI, ESQUIRE

JUDITH T. ROMANO, ESQUIRE

JENINE R. DAVEY, ESQUIRE

MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

## LEGAL DESCRIPTION

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas

Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

BEING a portion of the same piece or parcel of real property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell dated October 10, 1994 and recorded in Clearfield County Record Book 1636 at Page 387.

Parcel No. 112-0-P12-000-00334

BEGINNING at an iron pin which is the northwest corner of Grantor's property, THENCE S 23 degrees 00 minutes 00 seconds E a distance of seven hundred twenty-two and thirty-one hundredths feet (722.31) to an existing axle, which is the southwest corner of Grantor's property, THENCE N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths feet (343.47) to a point;

THENCE N 30 degrees 36 minutes W a distance of one hundred fifty feet (150.00) to a point; THENCE S 48 degrees 01 hour 45 seconds W a distance of eighty-four feet (84) to a point; THENCE S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths feet (179.47) to a point; THENCE N 23 degrees 00 minutes 00 seconds W a distance of seven hundred six and thirty-one hundredths feet (763.31) to the southern edge of SR 2019; THENCE N 88 degrees 18 minutes 45 seconds W along SR 2019 a distance of fourteen feet (14) to a point and the place of beginning. Being the parcel described in the attached sketch.

EXCEPTING AND RESERVING all previous exceptions and reservations in the chain of title.

BEING a piece or parcel of real property reserved from a prior conveyance from Robert T. Showers and Joan A. Showers, the Grantors herein to Robert J. Showers and Tracy L. Showers, the Grantees, herein by Deed dated September 18, 1995 and recorded in Clearfield County, property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell, dated October 10, 1994 and recorded in Clearfield County, Record Book 1636 at Page 387.

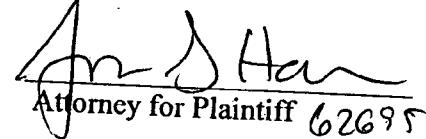
PROPERTY BEING: 2592 SIX MILE ROAD

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.

  
Andrew J. Han  
Attorney for Plaintiff 62695

DATE: 2/11/08

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

171307

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

Plaintiff

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Defendants

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

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

FEB '28 2008

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

File #: 171307

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

**NOTICE**

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

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

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

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

3. On 07/23/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200412477. 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.
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(Per Diem \$64.24)	
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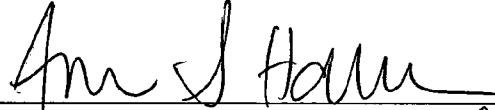
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By: 

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JUDITH T. ROMANO, ESQUIRE

JENINE R. DAVEY, ESQUIRE

MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

## LEGAL DESCRIPTION

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Parcel No.112-0-P12-000-00373

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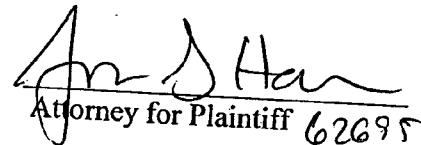
PROPERTY BEING: 2592 SIX MILE ROAD

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.

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Andrew J. Han  
Attorney for Plaintiff 62695

DATE: 2/11/08

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171307

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4828 LOOP CENTRAL DRIVE  
HOUSTON, TX 77081-2226

Plaintiff

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Defendants

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

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

FEB 28 2008

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

File #: 171307

Attest.

*William J. Showers*  
Prothonotary/  
Clerk of Courts

**NOTICE**

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

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RECEIPT OF THIS PLEADING, COUNSEL FOR  
PLAINTIFF WILL OBTAIN AND PROVIDE  
DEFENDANT(S) WITH WRITTEN VERIFICATION  
THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED  
TO BE VALID. LIKEWISE, IF REQUESTED WITHIN  
THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING,  
COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S)  
THE NAME AND ADDRESS OF THE ORIGINAL  
CREDITOR, IF DIFFERENT FROM ABOVE.**

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

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

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

1. Plaintiff is

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

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

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

3. On 07/23/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200412477. 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 10/01/2007 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	\$263,456.32
Interest	\$10,535.36
09/01/2007 through 02/11/2008	
(Per Diem \$64.24)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$430.60
07/23/2004 to 02/11/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$276,222.28
Escrow	
Credit	(\$114.51)
Deficit	\$0.00
Subtotal	<u>(\$114.51)</u>
<b>TOTAL</b>	<b>\$276,107.77</b>

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$276,107.77, together with interest from 02/11/2008 at the rate of \$64.24 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 6/26/95  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE  
Attorneys for Plaintiff

## LEGAL DESCRIPTION

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas

Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

BEING a portion of the same piece or parcel of real property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell dated October 10, 1994 and recorded in Clearfield County Record Book 1636 at Page 387.

Parcel No. 112-0-P12-000-00334

BEGINNING at an iron pin which is the northwest corner of Grantor's property, THENCE S 23 degrees 00 minutes 00 seconds E a distance of seven hundred twenty-two and thirty-one hundredths feet (722.31) to an existing axle, which is the southwest corner of Grantor's property, THENCE N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths feet (343.47) to a point;

THENCE N 30 degrees 36 minutes W a distance of one hundred fifty feet (150.00) to a point; THENCE S 48 degrees 01 hour 45 seconds W a distance of eighty-four feet (84) to a point; THENCE S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths feet (179.47) to a point; THENCE N 23 degrees 00 minutes 00 seconds W a distance of seven hundred six and thirty-one hundredths feet (763.31) to the southern edge of SR 2019; THENCE N 88 degrees 18 minutes 45 seconds W along SR 2019 a distance of fourteen feet (14) to a point and the place of beginning. Being the parcel described in the attached sketch.

EXCEPTING AND RESERVING all previous exceptions and reservations in the chain of title.

BEING a piece or parcel of real property reserved from a prior conveyance from Robert T. Showers and Joan A. Showers, the Grantors herein to Robert J. Showers and Tracy L. Showers, the Grantees, herein by Deed dated September 18, 1995 and recorded in Clearfield County, property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell, dated October 10, 1994 and recorded in Clearfield County, Record Book 1636 at Page 387.

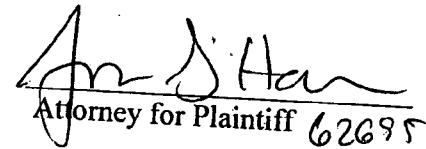
PROPERTY BEING: 2592 SIX MILE ROAD

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.

  
Andrew J. Han  
Attorney for Plaintiff 62685

DATE: 2/11/08

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center Plaza  
1617 JFK Boulevard, Ste.1400  
Philadelphia, PA 19103  
(215) 320-0007

Attorney for Plaintiff

**THE BANK OF NEW YORK NATIONAL  
TRUST**

vs.

**ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866**

: **CLEARFIELD COUNTY**  
: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**  
: **NO. 2008-348-CD**  
:

**TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866**

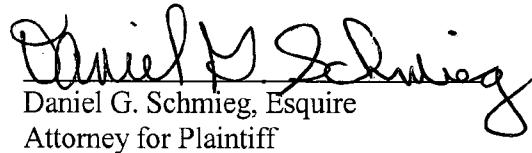
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against **ROBERT J. SHOWERS** and **TRACY L. SHOWERS**, 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:

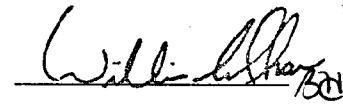
As set forth in Complaint	\$276,107.77
Interest - 02/12/2008 - 10/31/2008	<u>\$16,895.12</u>
<b>TOTAL</b>	<b>\$293,002.89</b>

I hereby certify that (1) the addresses of the Defendant(s) are as shown above, and (2) that 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: 11/26/08

  
PRO PROTHY

PHS# 171307

**FILED** Atty pd.  
NOV 11 2008 \$20.00  
NOV 26 2008 100% Notice  
to Def.  
William A. Shaw  
Prothonotary/Clerk of Courts  
Statement to Atty

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center Plaza  
1617 JFK Boulevard, Ste.1400  
Philadelphia, PA 19103  
(215) 320-0007

Attorney for Plaintiff

**THE BANK OF NEW YORK NATIONAL TRUST** : **CLEARFIELD COUNTY**  
vs. :  
**ROBERT J. SHOWERS** : **COURT OF COMMON PLEAS**  
**TRACY L. SHOWERS** :  
: **CIVIL DIVISION**  
: **NO. 2008-348-CD**  
:

**VERIFICATION OF NON-MILITARY SERVICE**

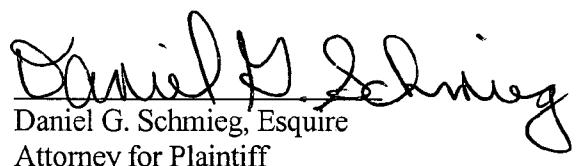
Daniel G. Schmieg, Esquire, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 **ROBERT J. SHOWERS** is over 18 years of age and resides at **696 OLD ROUTE 322, PHILLIPSBURG, PA 16866.**

(c) that defendant **TRACY L. SHOWERS** is over 18 years of age, and resides at **696 OLD ROUTE 322, PHILLIPSBURG, PA 16866.**

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  
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP  
By: LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST  
TO JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE -SURF-BC4

COURT OF COMMON PLEAS  
CIVIL DIVISON  
NO. 2008-348-CD

Plaintiff

CLEARFIELD COUNTY

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

Defendant(s)

FILE COPY

TO: ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILIPSBURG, PA 16866

**DATE OF NOTICE: October 20, 2008**

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

**IMPORTANT NOTICE**

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) 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 notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

Office of the Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 15853  
(814) 765-2641 x5988

Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

  
JASON RICCO  
Legal Assistant

PHELAN HALLINAN & SCHMIEG, LLP  
By: LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST  
TO JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE -SURF-BC4

COURT OF COMMON PLEAS  
CIVIL DIVISON  
NO. 2008-348-CD

Plaintiff

CLEARFIELD COUNTY

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

Defendant(s)

TO: TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILIPSBURG, PA 16866

FILE COPY

DATE OF NOTICE: October 20, 2008

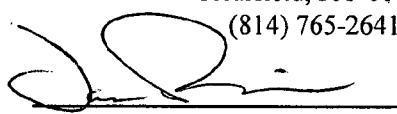
THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

**IMPORTANT NOTICE**

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) 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 notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

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Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641



JASON RICCO  
Legal Assistant

(Rule of Civil Procedure No. 236) - Revised

THE BANK OF NEW YORK NATIONAL  
TRUST

vs.

ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: NO. 2008-348-CD

Notice is given that a Judgment in the above captioned matter has been entered  
against you on November 26, 2008.

By: William Schmieg DEPUTY

If you have any questions concerning this matter please contact:

Daniel G. Schmieg  
Daniel G. Schmieg, Esquire  
Attorney or Party Filing  
1617 JFK Boulevard, Ste. 1400  
Philadelphia, PA 19103  
(215) 563-7000

**\*\*THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND  
ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU  
HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS IS NOT AND  
SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT  
ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.\*\***

*COPY*

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

Bank of New York  
JPMorgan Chase Bank, National Association  
Plaintiff(s)

No.: 2008-00348-CD

Real Debt: \$293,002.89

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Robert J. Showers  
Tracy L. Showers  
Defendant(s)

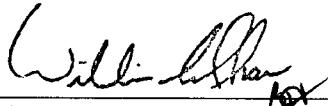
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: November 26, 2008

Expires: November 26, 2013

Certified from the record this 26th day of November, 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)**  
**Pa.R.C.P. 3180-3183**

THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY,  
NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN  
CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-  
SURF BC4

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-348-CD

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

vs.

ROBERT J. SHOWERS

TRACY L. SHOWERS

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	\$293,002.89
------------	--------------

Interest from 11/1/08 to Sale	\$ _____
-------------------------------	----------

Per diem \$48.16	\$ _____
------------------	----------

Add'l Costs	\$3,120.00
-------------	------------

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

Prothonotary costs 135.00

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

Note: Please attach description of Property.

171307

**FILED** 11/06/08  
DEC 15 2008  
44y pd 20.00  
1cc and  
6 wnts w/prop.  
desc to Sheriff

S William A. Shaw  
Prothonotary/Clerk of Courts

(61)

No. 2008-348-CD .....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

**FILED**

**DEC 15 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO  
JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-SURF-BC4

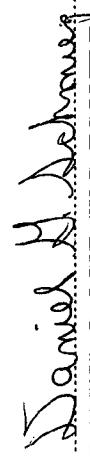
vs.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

---

PRAECEIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4  
4828 LOOP CENTRAL DRIVE  
HOUSTON, TX 77081-2226

:  
CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
:  
CIVIL DIVISION  
:  
NO. 2008-348-CD

Plaintiff,

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

:  
:  
:  
:

Defendant(s).

#### AFFIDAVIT PURSUANT TO RULE 3129.1

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information concerning the real property located at 2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
ROBERT J. SHOWERS	696 OLD ROUTE 322 PHILLIPSBURG, PA 16866
TRACY L. SHOWERS	696 OLD ROUTE 322 PHILLIPSBURG, PA 16866

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.A. §4904 relating to unsworn falsification to authorities.

DECEMBER 12, 2008  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4  
4828 LOOP CENTRAL DRIVE  
HOUSTON, TX 77081-2226

:  
: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 2008-348-CD  
:  
:

Plaintiff,

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

:  
:  
:  
:

Defendant(s).

**AFFIDAVIT PURSUANT TO RULE 3129.1**

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866**.

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.)
<b>LEEZER LUMBER, INC.</b>	<b>332 SCOFIELD STREET</b> <b>CURWENSVILLE, PA 16833</b>

<b>FIRST COMMONWEALTH BANK</b>	<b>654 PHILADELPHIA STREET</b> <b>P.O. BOX 400</b> <b>INDIANA, PA 15701-0400</b>
--------------------------------	--

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.)
<b>NATIONAL LABOR RELATIONS BOARD</b>	<b>2592 SIX MILE ROAD</b> <b>PHILIPSBURG, PA 16866</b>

<b>WILMINGTON FINANCE, A DIVISION OF AIG FEDERAL SAVINGS BANK</b>	<b>401 PLYMOUTH ROAD</b> <b>SUITE 400</b> <b>PLYMOUTH MEETING, PA 19462</b>
---	---

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.)

**LEEZER LUMBER C/O  
KIMBERLY M. KUBISTA  
BELIN & KUBISTA**

**15 N. FRONT STREET  
CLEARFIELD, PA 16830  
2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866**

**TENANT/OCCUPANT**

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

**DOMESTIC RELATIONS  
CLEARFIELD COUNTY**

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

**COMMONWEALTH OF  
PENNSYLVANIA**

**6<sup>th</sup> Floor, Strawberry Sq., Dept 28061  
Harrisburg, PA 17128**

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

**13<sup>TH</sup> Floor, Suite 1300  
1001 Liberty Avenue  
Pittsburgh, PA 15222**

**Internal Revenue Service  
Federated Investors Tower**

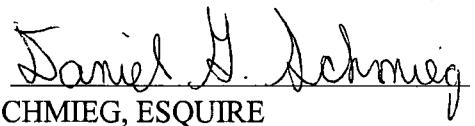
**P.O. Box 8486  
Willow Oak Building  
Harrisburg, PA 17105**

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

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.A. §4904 relating to unsworn falsification to authorities.

DECEMBER 12, 2008

Date

  
**DANIEL G. SCHMIEG, ESQUIRE**  
Attorney for Plaintiff

**PHELAN HALLINAN & SCHMIEG  
By: DANIEL G. SCHMIEG  
Identification No. 62205  
Suite 1400  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000**

**ATTORNEY FOR PLAINTIFF**

**THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4  
4828 LOOP CENTRAL DRIVE  
HOUSTON, TX 77081-2226**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 2008-348-CD**

**Plaintiff,**

V.

**ROBERT J. SHOWERS  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866**

**Defendant(s).**

## CERTIFICATION

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

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

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

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

COPY

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

THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY,  
NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN  
CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-  
SURE-BC4

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. \_\_\_\_\_  
No. 2008-348-CD  
No. \_\_\_\_\_

**WRIT OF EXECUTION  
(Mortgage Foreclosure)**

vs.

ROBERT J. SHOWERS

TRACY L. SHOWERS

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866  
(See Legal Description attached)

Amount Due	\$293,002.89
------------	--------------

Interest from 11/1/08 to Sale	\$ _____
Per diem \$48.16	
Add'l Costs	\$3,120.00
Writ Total	\$ _____

Prothonotary costs \$ 135.00

Office of the Prothonotary of Clearfield  
County, Pennsylvania

Dated 12/15/08  
(SEAL)

No. 2008-348-CD .....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO  
JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-SURF-BC4

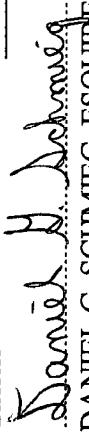
vs.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs	\$293,002.89
Real Debt	
Int. from 1/1/08 To Date of Sale (\$48.16 per diem)	
Costs	135.00
Prothy Pd.	

Sheriff

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

**LEGAL DESCRIPTION**

**ALL** that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

**Parcel No.112-0-P12-000-00373**

**BEGINNING** at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. **CONTAINING** 8.0 acres, more or less, as derived from map of Bernard Lucas Associates dated May 29, 1970.

**EXCEPTING AND RESERVING** therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

**BEING** a portion of the same piece or parcel of real property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell dated October 10, 1994 and recorded in Clearfield County Record Book 1636 at Page 387.

**Parcel No. 112-0-P12-000-00334**

**BEGINNING** at an iron pin which is the northwest corner of Grantor's property, **THENCE** S 23 degrees 00 minutes 00 seconds E a distance of seven hundred twenty-two and thirty-one hundredths feet (722.31) to an existing axle, which is the southwest corner of Grantor's property, **THENCE** N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths feet (343.47) to a point;

**THENCE** N 30 degrees 36 minutes W a distance of one hundred fifty feet (150.00) to a point; **THENCE** S 48 degrees 01 minute 45 seconds W a distance of eighty-four feet (84) to a point; **THENCE** S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths feet (179.47) to a point; **THENCE** N 23 degrees 00 minutes 00 seconds W a distance of seven hundred six and thirty-one hundredths feet (706.31) to the southern edge of SR 2019; **THENCE** N 88 degrees 18 minutes 45 seconds W along SR 2019 a distance of fourteen feet (14) to a point and the place of beginning. Being the parcel described in the attached sketch.

**EXCEPTING AND RESERVING all previous exceptions and reservations in the chain of title.**

**BEING a piece or parcel of real property reserved from a prior conveyance from Robert T. Showers and Joan A. Showers, the Grantors herein to Robert J. Showers and Tracy L. Showers, the Grantees, herein by Deed dated September 18, 1995 and recorded in Clearfield County, property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell, dated October 10, 1994 and recorded in Clearfield County, Record Book 1636 at Page 387.**

**PARCEL IDENTIFICATION NO: 112-0-P12-000-00373, CONTROL #: 112096614**  
**112-0-P12-000-00334**

**TITLE TO SAID PREMISES IS VESTED IN Robert J. Showers and Tracy L. Showers, h/w, as tenants by the entireties, by Deed from Robert T. Showers and Joan A. Showers, h/w, dated 03/03/2005, recorded 05/24/2005, in Deed Mortgage Inst# 200506568.**

Premises being: 2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20895  
NO: 08-348-CD

PLAINTIFF: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4

VS.

DEFENDANT: ROBERT J. SHOWERS AND TRACY L. SHOWERS

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 12/15/2008

LEVY TAKEN 1/5/2009 @ 10:24 AM

POSTED 1/5/2009 @ 10:24 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/23/2009

DATE DEED FILED NOT SOLD

5  
**FILED**  
010-413-1  
MAR 23 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

**DETAILS**

@ SERVED ROBERT J. SHOWERS

DEPUTIES UNABLE TO SERVE ROBERT J. SHOWERS, DEFENDANT, AT 696 OLD ROUTE 322, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA THE RESIDENCE WAS VACANT.

@ SERVED TRACY L. SHOWERS

DEPUTIES UNABLE TO SERVE TRACY L. SHOWERS, DEFENDANT, AT 696 OLD ROUTE 322, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA THE RESIDENCE WAS VACANT.

@ SERVED

NOW, MARCH 3, 2009 RECEIVED A FAX FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR MARCH 6, 2009 DUE TO CHAPTER 13 BANKRUPTCY FILING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20895  
NO: 08-348-CD

PLAINTIFF: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4

vs.

DEFENDANT: ROBERT J. SHOWERS AND TRACY L. SHOWERS

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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20895

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VS.

DEFENDANT: ROBERT J. SHOWERS AND TRACY L. SHOWERS

Execution REAL ESTATE

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$177.48

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

*Chester Hawkins*  
by *Anthony Beller-Cheyne*  
Chester A. Hawkins  
Sheriff

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

THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY,  
NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN  
CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-  
SURE-BC4

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .....  
No. 2008-348-CD  
No. .....

WRIT OF EXECUTION  
(Mortgage Foreclosure)

vs.

ROBERT J. SHOWERS

TRACY L. SHOWERS

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866  
(See Legal Description attached)

Amount Due	\$293,002.89
Interest from 11/1/08 to Sale	\$ _____
Per diem \$48.16	
Add'l Costs	\$3,120.00
Writ Total	

*William Shantz*  
Prothonotary costs 135.00

OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 12/15/08  
(SEAL)

171307

Received this writ this 15th day  
of December A.D. 2008  
At 2:00 A.M./P.M.

*Chet A. Heubis*  
Sheriff by *Cynthia Butler-Chesterfield*

No. 2008-348-CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO  
JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-SURF-BC4

vs.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

Recd \_\_\_\_\_ day \_\_\_\_\_ of \_\_\_\_\_ A.D. \_\_\_\_\_  
V.A. A.W.P.W.

Costs	\$293,002.89
Real Debt	
Int. from 1/1/08	
To Date of Sale (\$48.16 per diem)	
Costs	_____
Protho Pd.	<u>135.00</u>
Sheriff	_____
DANIEL G. SCHMIEG, ESQUIRE	.....
Attorney for Plaintiff	

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

## LEGAL DESCRIPTION

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**BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas Associates dated May 29, 1970.**

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**BEING a portion of the same piece or parcel of real property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell dated October 10, 1994 and recorded in Clearfield County Record Book 1636 at Page 387.**

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**PARCEL IDENTIFICATION NO: 112-0-P12-000-00373, CONTROL #: 112096614  
112-0-P12-000-00334**

**TITLE TO SAID PREMISES IS VESTED IN Robert J. Showers and Tracy L. Showers, h/w, as tenants by the entireties, by Deed from Robert T. Showers and Joan A. Showers, h/w, dated 03/03/2005, recorded 05/24/2005, in Deed Mortgage Inst# 200506568.**

Premises being: 2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME ROBERT J. SHOWERS NO. 08-348-CD

NOW, March 22, 2009, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on March 06, 2009, I exposed the within described real estate of Robert J. Showers And Tracy L. Showers to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR SERVICE	15.00
MILEAGE	18.72
LEVY	15.00
MILEAGE	18.72
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	5.04
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$177.48</b>

**DEED COSTS:**

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

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	293,002.89
INTEREST @ 48.1600	6,020.00
FROM 11/01/2008 TO 03/06/2009	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$299,062.89</b>

**COSTS:**

ADVERTISING	905.50
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	177.48
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,217.98</b>

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

CHESTER A. HAWKINS, Sheriff

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

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

March 3, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS  
SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE -SURF-BC4 v.  
ROBERT J. SHOWERS and TRACY L. SHOWERS  
2592 SIX MILE ROAD PHILIPSBURG, PA 16866  
Court No. 2008-348-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is  
scheduled for March 6, 2009 due to the following: Bankruptcy.

Defendants filed a Chapter 13, Bankruptcy Number 1:08-01052, Bankruptcy on  
March 27, 2008.

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

Please return the original Writ of Execution to the Prothonotary as soon as  
possible. In addition, please forward a copy of the cost sheet pertaining to this sale  
to our office via facsimile to 215-567-0072 or regular mail at your earliest  
convenience.

Thank you for your correspondence in this matter.

Very Truly Yours,  
KATHERINE TRAUTZ for

## PHÉLAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

**Identification No. 62205**

## **Suite 1400**

**One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000**

**ATTORNEY FOR PLAINTIFF**

**THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 2008-348-CD**

**Plaintiff, : NO. 2008-348-CD**

Y.

**ROBERT J. SHOWERS  
TRACY L. SHOWERS**

• NO. 2008-348-CD

**Defendant(s).**

## CERTIFICATION

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

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

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

DANIEL G. SCHMIDT, ESQUIRE  
Attorney for Plaintiff

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

THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY,  
NA, AS SUCCESSOR-IN-INTEREST  
TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS  
TRUSTEE-SURE-BC4

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-348-CD

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

vs.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

To the PROTHONOTARY:

Issue writ of execution in the above matter:

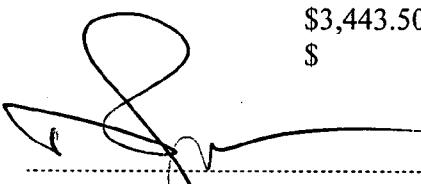
Amount Due

Interest from 11/1/08 to Sale  
Per diem \$MAY 7, 2009  
Add'l Costs  
Writ Total

Prothonotary costs \$293,002.89  
155.00

\$ \_\_\_\_\_

\$3,443.50  
\$ \_\_\_\_\_

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Note: Please attach description of Property.

171307

**FILED** Atty pd. 20.00  
MAY 11 2009

5  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
1cc & Lowers  
w/prop. desc.  
to Sheriff  
60

No. 2008-348-CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCESSOR-IN-INTEREST TO  
JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-SURF-BC4

**FILED**

**MAY 11 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

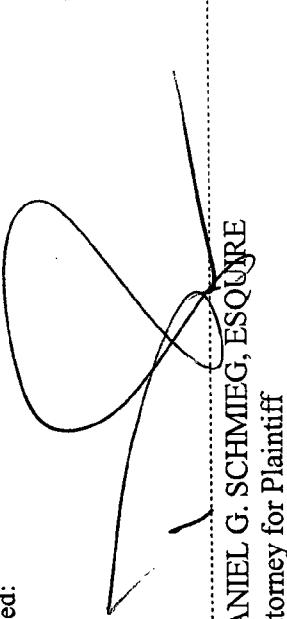
vs.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

---

PRAECLPPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

	<b>BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN- INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE- SURF-BC4</b>	:	
		:	<b>CLEARFIELD COUNTY COURT OF COMMON PLEAS</b>
		:	<b>CIVIL DIVISION</b>
	<b>Plaintiff,</b>	:	<b>NO. 2008-348-CD</b>
<b>v.</b>		:	
<b>ROBERT J. SHOWERS</b>		:	
<b>TRACY L. SHOWERS</b>		:	
		:	
	<b>Defendant(s).</b>	:	

**AFFIDAVIT PURSUANT TO RULE 3129.1**

**THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-  
BC4**, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date  
the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located  
at **2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866**.

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

<b>NAME</b>	<b>ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
-------------	---

<b>ROBERT J. SHOWERS</b>	<b>696 OLD ROUTE 322 PHILLIPSBURG, PA 16866</b>
--------------------------	---

<b>TRACY L. SHOWERS</b>	<b>696 OLD ROUTE 322 PHILLIPSBURG, PA 16866</b>
-------------------------	---

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

<b>NAME</b>	<b>ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
-------------	---

**Same as Above**

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:

<b>NAME</b>	<b>ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
-------------	---

**LEEZER LUMBER, INC.**

**332 SCOFIELD STREET**

**CURWENSVILLE, PA 16833**

<b>LEEZER LUMBER C/O KIMBERLY M. KUBISTA, ESQ</b>	<b>BELIN &amp; KUBISTA 15 N. FRONT STREET CLEARFIELD, PA 16830</b>
---	--

**FIRST COMMONWEALTH BANK  
C/O THOMAS E. REIBER, ESQ**

**TUCKER ARENSBERG  
FIRM # 287  
1500 ONE PPG PLACE  
PITTSBURGH, PA 15222**

**FIRST COMMONWEALTH BANK**

**654 PHILADELPHIA STREET  
P.O. BOX 400  
INDIANA, PA 15701-0400**

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

ADDRESS (If address cannot be reasonably ascertained,  
please so indicate.)  
**1099 14<sup>TH</sup> STREET N.W.  
WASHINGTON D.C. 20570-0001**

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

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

**TENANT/OCCUPANT  
2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866**

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

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

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

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

**Department of Public Welfare  
TPL Casualty Unit  
Estate Recovery Program  
P.O. Box 8486  
Willow Oak Building  
Harrisburg, PA 17105**

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

Date MAY 7, 2009

  
**DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff**

**COPY**

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

THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY,  
NA, AS SUCCESSOR-IN-INTEREST  
TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS  
TRUSTEE-SURE-BC4

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
No. .....  
No. 2008-348-CD  
No. .....

**WRIT OF EXECUTION**  
(Mortgage Foreclosure)

vs.

ROBERT J. SHOWERS

TRACY L. SHOWERS

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866  
(See Legal Description attached)

Amount Due	\$293,002.89
Interest from 11/1/08 to Sale	155.00
Per diem \$MAY 7, 2009	\$ _____.
Add'l Costs	\$3,443.50
Writ Total	

*Will Shober*  
-----  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 5/11/09  
(SEAL)  
171307

No. 2008-348-CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCESSOR-IN-INTEREST TO  
JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-SURF-BC4

vs.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

W<sup>RE</sup>IT OF EXECUTION  
(Mortgage Foreclosure)

Costs	\$293,002.89
Real Debt	
Int. from 11/1/08 To Date of Sale (\$MAY 7, 2009 per diem)	
Costs	
Prothy Pd.	<u>155.00</u>
Sheriff	

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

**LEGAL DESCRIPTION**

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

TITLE TO SAID PREMISES IS VESTED IN Robert J. Showers and Tracy L. Showers, h/w, as tenants by the entireties, by Deed from Robert T. Showers and Joan A. Showers, h/w, dated 03/03/2005, recorded 05/24/2005, in Deed Mortgage Inst# 200506568.

Premises being: 2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866

Tax Parcel No. P12-000-00373

FILED

1:30 P.M. 61K  
JUL 01 2009

NO CC  
S  
William A. Shaw  
Prothonotary/Clerk of Courts (61)

Phelan Hallinan & Schmieg, LLP  
By: Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
Michele M. Bradford, Esq., Id. No. 69849  
Judith T. Romano, Esq., Id. No. 58745  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Mulcahy, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK NATIONAL TRUST : Court of Common Pleas  
COMPANY, NA, AS SUCCESSOR-IN- :  
INTEREST TO JPMORGAN CHASE BANK, : Civil Division  
NATIONAL ASSOCIATION, AS TRUSTEE - :  
SURF-BC4 : CLEARFIELD County  
Plaintiff : No. 2008-348-CD  
v. :  
Defendants

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
Defendants

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorneys, Phelan Hallinan & Schmieg, LLP, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on February 28, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on November 26, 2008 in the amount of \$293,002.89. 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 2592 SIX MILE ROAD, PHILIPSBURG, PA 16866 (hereinafter the "Property") was postponed or stayed for the following reason:
  - a.) The Defendants filed a Chapter 13 Bankruptcy at Docket Number 1:08-01052 on March 27, 2008. The Plaintiff obtained relief from the bankruptcy stay by order of court dated February 13, 2009. A true and correct copy of the Relief Order is attached hereto, made part hereof, and marked as Exhibit "C".
5. The Property is listed for Sheriff's Sale on August 7, 2009.

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

Principal Balance	\$263,456.32
Interest Through August 7, 2009	\$45,428.41
Per Diem \$64.24	
Late Charges	\$4,736.60
Legal fees	\$1,250.00
Cost of Suit and Title	\$1,385.00
Sheriff's Sale Costs	\$1,122.98
Property Inspections/ Property Preservation	\$98.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$25.00
Suspense/Misc. Credits	(\$1,688.60)
Escrow Deficit	<u>\$13,575.92</u>
<b>TOTAL</b>	<b>\$329,389.63</b>

7. Plaintiff paid the following in taxes during the time the loan was in default:

03/17/08	City Tax	\$867.67
08/28/08	Lender Placed Insurance	\$2,515.45
09/08/08	School Tax	\$3,058.87
03/23/09	City Tax	\$867.06
	Recovering Escrow	(\$114.51)
	Estimated Escrow Disbursements	\$6,441.38
<b>TOTAL</b>		<b>\$13,575.92</b>

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

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

10. 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: 6/30/09

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg

Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
Sheetal R. Shah-Jani, Esquire  
Jerine R. Davey, Esquire  
Lauren R. Tabas, Esquire  
Vivek Srivastava, Esquire  
Jay B. Jones, Esquire  
Peter J. Mulcahy, Esquire  
Andrew L. Spivack, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtenay R. Dunn, Esquire  
Andrew C. Bramblett, Esquire  
ATTORNEY FOR PLAINTIFF

# **Exhibit "A"**

**COPIED**

**FEB 28 2008**

*1:56 p.m.*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

171307

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

Plaintiff

v.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Defendants

**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

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

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

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

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

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

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

1. Plaintiff is

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

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

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

3. On 07/23/2004 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WILMINGTON FINANCE which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200412477. 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.

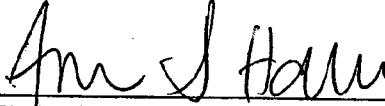
4. The premises subject to said mortgage is described as attached.

5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 10/01/2007 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.

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 1993, 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 \$276,107.77, together with interest from 02/11/2008 at the rate of \$64.24 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 6/20/95

DANIEL G. SCHMIEG, ESQUIRE

MICHELE M. BRADFORD, ESQUIRE

SHEETAL R. SHAH-JANI, ESQUIRE

JUDITH T. ROMANO, ESQUIRE

JENINE R. DAVEY, ESQUIRE

MICHAEL E. CARLETON, ESQUIRE

Attorneys for Plaintiff

6. The following amounts are due on the mortgage:

Principal Balance	\$263,456.32
Interest 09/01/2007 through 02/11/2008 (Per Diem \$64.24)	\$10,535.36
Attorney's Fees	\$1,250.00
Cumulative Late Charges 07/23/2004 to 02/11/2008	\$430.60
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$276,222.28
Escrow	
Credit	(\$114.51)
Deficit	\$0.00
Subtotal	<u>(\$114.51)</u>
<b>TOTAL</b>	<b>\$276,107.77</b>

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

## LEGAL DESCRIPTION

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc., thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas

Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

BEING a portion of the same piece or parcel of real property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell dated October 10, 1994 and recorded in Clearfield County Record Book 1636 at Page 387.

Parcel No. 112-0-P12-000-00334

BEGINNING at an iron pin which is the northwest corner of Grantor's property, THENCE S 23 degrees 00 minutes 00 seconds E a distance of seven hundred twenty-two and thirty-one hundredths feet (722.31) to an existing axle, which is the southwest corner of Grantor's property, THENCE N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths feet (343.47) to a point;

THENCE N 30 degrees 36 minutes W a distance of one hundred fifty feet (150.00) to a point; THENCE S 48 degrees 01 hour 45 seconds W a distance of eighty-four feet (84) to a point; THENCE S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths feet (179.47) to a point; THENCE N 23 degrees 00 minutes 00 seconds W a distance of seven hundred six and thirty-one hundredths feet (763.31) to the southern edge of SR 2019; THENCE N 88 degrees 18 minutes 45 seconds W along SR 2019 a distance of fourteen feet (14) to a point and the place of beginning. Being the parcel described in the attached sketch.

EXCEPTING AND RESERVING all previous exceptions and reservations in the chain of title.

BEING a piece or parcel of real property reserved from a prior conveyance from Robert T. Showers and Joan A. Showers, the Grantors herein to Robert J. Showers and Tracy L. Showers, the Grantees, herein by Deed dated September 18, 1995 and recorded in Clearfield County, property granted and conveyed to the Grantors herein by Deed of Cheryl L. Rockwell, dated October 10, 1994 and recorded in Clearfield County, Record Book 1636 at Page 387.

PROPERTY BEING: 2592 SIX MILE ROAD

**VERIFICATION**

Denise Bailey

hereby states that he/she is

Assistant Secretary

of LITTON LOAN SERVICING, LP, SERVICING AGENT

FOR THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE -SURF-BC4, servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



Name: Denise Bailey  
Title: Assistant Secretary  
Litton Loan Servicing LP  
Attorney In Fact

DATE: Feb 15 2008

Company: LITTON LOAN SERVICING, LP, SERVICING AGENT FOR THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE -SURF-BC4

Loan: 14309629

File #: 171307

# **Exhibit “B”**

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center Plaza  
1617 JFK Boulevard, Ste.1400  
Philadelphia, PA 19103  
(215) 320-0007

Attorney for Plaintiff

**THE BANK OF NEW YORK NATIONAL  
TRUST**

vs.

**ROBERT J. SHOWERS**  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

**TRACY L. SHOWERS**  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

: **CLEARFIELD COUNTY**  
: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**  
: **NO. 2008-348-CD**

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

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against **ROBERT J. SHOWERS** and **TRACY L. SHOWERS**, 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 Complaint	<b>\$276,107.77</b>
Interest - 02/12/2008 - 10/31/2008	<b>\$16,895.12</b>
<b>TOTAL</b>	<b>\$293,002.89</b>

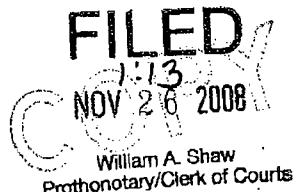
I hereby certify that (1) the addresses of the Defendant(s) are as shown above, and (2) that notice has been given in accordance with Rule 237.1, copy attached.

*Daniel G. Schmieg*  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 11/26/08

PHS# 171307



PRO PROTHY

# **Exhibit "C"**

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In Re: : Chapter 13  
ROBERT JAMES SHOWERS : Case No. 1:08-bk-01052-JJT  
TRACY L. SHOWERS :  
Debtor(s) : 11 U.S.C. §362(d)

LITTON LOAN SERVICING, LP AS :  
SERVICING AGENT FOR THE BANK OF :  
NEW YORK NATIONAL TRUST :  
COMPANY, N.A., AS SUCCESSOR-IN- :  
INTEREST TO JPMORGAN CHASE :  
BANK, NATIONAL ASSOCIATION, AS :  
TRUSTEE – SURF-BC4 :  
Movant :  
v. :  
ROBERT JAMES SHOWERS :  
TRACY L. SHOWERS :  
Debtor(s) :  
And :  
CHARLES J. DeHART, III :  
Trustee :  
Respondent :  
:

**ORDER MODIFYING §362 AUTOMATIC STAY**

Upon the application of PARKER McCAY P.A. Attorneys for Litton Loan Servicing, LP as servicing agent for The Bank of New York National Trust Company, N.A., as successor-in-interest to JPMorgan Chase Bank, National Association, as Trustee – SURF-BC4, under Bankruptcy Code section 362(d) for relief from the automatic stay as to certain real property as hereinafter set forth, and for cause shown;

1. The automatic stay of Bankruptcy Code section 362(a) is vacated to permit the Movant, its successors and/or assigns, to institute or resume and prosecute to conclusion one or more

actions in the court(s) of appropriate jurisdiction to pursue the Movant's rights in the following property described below to the extent and in the manner provided by any applicable contract documents and non-bankruptcy law.

***2592 Six Mile Road, Philipsburg, Pennsylvania 16866***

2. The Movant, its successors and/or assigns may join the Debtors and any Trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.



John J. Thomas, Bankruptcy Judge

(PR)

*This document is electronically signed and filed on the same date.*

Dated: February 13, 2009

**VERIFICATION**

I hereby state that I am the attorney for Plaintiff in this action, that I am 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 my knowledge, information and belief. The undersigned understands that this statement herein is made subject to the sworn penalties of 18 Pa.C.S. 4904 relating to the unsworn falsification of authorities.

DATE: 6/30/09

By:

Jenunay

Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
Sheetal R. Shah-Jani, Esquire  
Jenine R. Davey, Esquire  
Lauren R. Tabas, Esquire  
Vivek Srivastava, Esquire  
Jay B. Jones, Esquire  
Peter J. Mulcahy, Esquire  
Andrew L. Spivack, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtenay R. Dunn, Esquire  
Andrew C. Bramblett, Esquire  
ATTORNEY FOR PLAINTIFF

5  
**FILED**

11:34 p.m. GK  
JUL 01 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
By: Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
Michele M. Bradford, Esq., Id. No. 69849  
Judith T. Romano, Esq., Id. No. 58745  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Mulcahy, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE - SURF-BC4	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
	:	No. 2008-348-CD

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
Defendants

**CERTIFICATION OF SERVICE**

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

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
901 NORTH FRONT STREET  
PHILIPSBURG, PA 16866

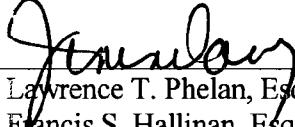
ROBERT J. SHOWERS  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILIPSBURG, PA 16866

TRACY L. SHOWERS  
ROBERT J. SHOWERS  
P.O. BOX 703  
PHILIPSBURG, PA 16866

DATE: 6/30/09

By:

Phelan Hallinan & Schmieg, LLP

  
Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
Sheetal R. Shah-Jani, Esquire  
Jenine R. Davey, Esquire  
Lauren R. Tabas, Esquire  
Vivek Srivastava, Esquire  
Jay B. Jones, Esquire  
Peter J. Mulcahy, Esquire  
Andrew L. Spivack, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtenay R. Dunn, Esquire  
Andrew C. Bramblett, Esquire  
ATTORNEY FOR PLAINTIFF

UP  
FILED ICC Atty  
01:22pm JUL 02 2009 Davey  
GW

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST : Court of Common Pleas  
COMPANY, NA, AS SUCCESSOR-IN- :  
INTEREST TO JPMORGAN CHASE BANK, : Civil Division  
NATIONAL ASSOCIATION, AS TRUSTEE - : CLEARFIELD County  
SURF-BC4 :  
Plaintiff : No. 2008-348-CD  
v. :  
:

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
Defendants

RULE

AND NOW, this 2<sup>nd</sup> day of July 2009, a Rule is entered upon the  
Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to  
Reassess Damages.

Rule Returnable on the 18<sup>th</sup> day of August 2009, at 10:00 in the Clearfield  
County Courthouse, Clearfield, Pennsylvania. Courtroom # 1.

BY THE COURT

Judie J. Zimmerman  
J.J.

171307

FILED

JUL 02 2009

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 7-2-2009

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

FILED  
JUL 09 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
WAS

Phelan Hallinan & Schmieg, LLP  
By: Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
Michele M. Bradford, Esq., Id. No. 69849  
Judith T. Romano, Esq., Id. No. 58745  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Mulcahy, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE - SURF-BC4	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
	:	No. 2008-348-CD

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
Defendants

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the Court's July 2, 2009 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16865

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
901 NORTH FRONT STREET  
PHILIPSBURG, PA 16866

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILIPSBURG, PA 16866

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
P.O. BOX 703  
Philipsburg, PA 16866

DATE: 7/8/09

Phelan Hallinan & Schmieg, LLP

By:

Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
Sheetal R. Shah-Jani, Esquire  
Jenine R. Davey, Esquire  
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Vivek Srivastava, Esquire  
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Andrew L. Spivack, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtenay R. Dunn, Esquire  
Andrew C. Bramblett, Esquire  
ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, : CLEARFIELD COUNTY  
AS SUCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, : COURT OF COMMON PLEAS  
NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4 :  
Plaintiff, : CIVIL DIVISION  
v. :  
: NO. 2008-348-CD

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
Defendant(s)

**AFFIDAVIT OF SERVICE OF LIENHOLDERS PURSUANT TO RULE 3129.1**  
**AND RETURN OF SERVICE PURSUANT TO Pa. R.C.P. 405 OF NOTICE OF SALE**

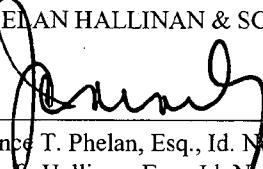
COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

I, the undersigned attorney for THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4 hereby verify as follows:

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: 2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866.

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to all known Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

PHELAN HALLINAN & SCHMIEG, LLP

By: 

Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
Michele M. Bradford, Esq., Id. No. 69849  
Judith T. Romano, Esq., Id. No. 58745  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Mulcahy, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
Attorneys for Plaintiff

5 FILED NO CC  
MILL 2009  
JUL 09 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Date: 7/18/09

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

Name and  
Address  
of Sender

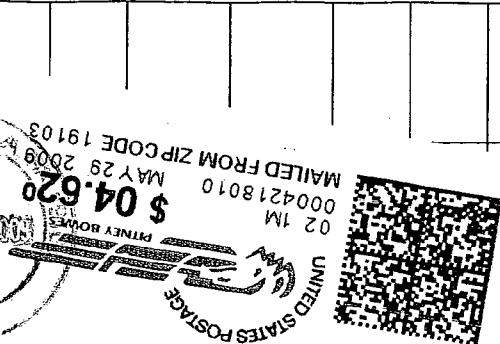
CQS  
PHELAN HALLINAN & SCHMIEG  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814

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
1		TENANT/OCCUPANT 2592 SIX MILE ROAD PHILLIPSBURG, PA 16866
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105
4		Commonwealth of Pennsylvania, Bureau of Individual Tax Inheritance Tax Division, 6 <sup>th</sup> Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128
5		Internal Revenue Service, Federated Investors Tower 13 <sup>th</sup> Floor, Suite 1300, 1001 Liberty Avenue Pittsburgh, PA 15222
6		Department of Public Welfare, TPL Casualty Unit Estate Recovery Program, P.O. Box 8486, Willow Oak Building Harrisburg, PA 17105
7		NATIONAL LABOR RELATIONS BOARD 1099 14 <sup>th</sup> STREET N.W. WASHINGTON D.C. 20570-0001
8		FIRST COMMONWEALTH BANK 654 PHILADELPHIA STREET P.O. BOX 400 INDIANA, PA 15701-0400
9		LEEZER LUMBER, INC. 332 SCOFIELD STREET CURWENSVILLE, PA 16833
10		LEEZER LUMBER C/O KIMBERLY M. KUBISTA, ESQ BELIN & KUBISTA 15 N. FRONT STREET CLEARFIELD, PA 16830
11		FIRST COMMONWEALTH BANK C/O THOMAS E. REIBER, ESQ TUCKER ARENSBERG FIRM # 287 1500 ONE PPG PLACE PITTSBURGH, PA 15222
12	JVS	Re: ROBERT J. SHOWERS 171307 TEAM 3



1617



**FILED**

JUL 09 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
Michele M. Bradford, Esq., Id. No. 69849  
Judith T. Romano, Esq., Id. No. 58745  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Mulcahy, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
One Penn Center at Suburban Station  
Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

FILED NO  
M 11/4/2009 cc  
JUL 20 2009  
S (610)  
William A. Shaw  
Prothonotary/Clerk of Courts

Attorney for Plaintiff

THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCCESSOR  
IN INTEREST TO JPMORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE -SURF-BC4

VS

**Plaintiff**

**Court of Common Pleas  
CLEARFIELD County  
No. 2008-348-CD**

ROBERT J. SHOWERS  
TRACY L. SHOWERS

**Defendant(s)**

**PRAECLipe TO SUBSTITUTE LEGAL DESCRIPTION**

## TO THE PROTHONOTARY:

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

7/17/2009  
Date

J. Hall

Lawrence T. Phelan, Esquire  
~~Francis S. Hallinan, Esquire~~  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
Sheetal R. Shah-Jani, Esquire  
Jenine R. Davey, Esquire  
Lauren R. Tabas, Esquire  
Vivek Srivastava, Esquire  
Jay B. Jones, Esquire  
Peter J. Mulcahy, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Attorneys for Plaintiff

PHS # 171307

LEGAL DESCRIPTION

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

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010109cm Mark  
AUG 18 2009 Peacock

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST : Court of Common Pleas  
COMPANY, NA, AS SUCCESSOR-IN- :  
INTEREST TO JPMORGAN CHASE BANK, : Civil Division  
NATIONAL ASSOCIATION, AS TRUSTEE - :  
SURF-BC4 : CLEARFIELD County  
Plaintiff :  
v. : No. 2008-348-CD

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
Defendants

ORDER

AND NOW, this 18 day of August, 2009 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:

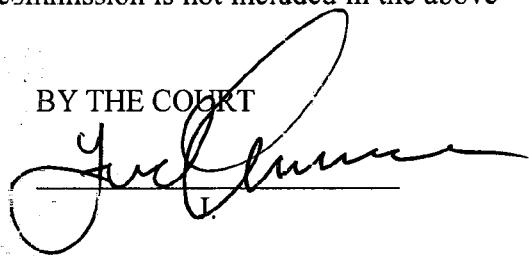
Principal Balance	\$263,456.32
Interest Through August 7, 2009	\$45,428.41
Per Diem \$64.24	
Late Charges	\$4,736.60
Legal fees	\$1,250.00
Cost of Suit and Title	\$1,385.00
Sheriff's Sale Costs	\$1,122.98
Property Inspections/ Property Preservation	\$98.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	

Non Sufficient Funds Charge	\$25.00
Suspense/Misc. Credits	(\$1,688.60)
Escrow Deficit	<u>\$13,575.92</u>
<b>TOTAL</b>	<b>\$329,389.63</b>

Plus interest from August 7, 2009 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



UA  
PHELAN HALLINAN & SCHMIEG, LLP  
BY: Vivek Srivastava, Esq.  
Attorney I.D. No.: 202331  
One Penn Center Plaza, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Plaintiff

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF BC4	:	CLEARFIELD COUNTY COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
v.	:	NO. 2008-348-CD
ROBERT J. SHOWERS	:	
TRACY L. SHOWERS	:	
Defendants	:	

FILED  
M 10 2009  
AUG 31 2009

5  
William A. Shaw  
Prothonotary/Clerk of Courts  
No CC  
GD

**MOTION FOR SERVICE OF NOTICE OF SALE  
PURSUANT TO SPECIAL ORDER OF COURT**

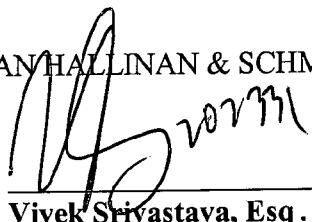
Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP, petitions this Honorable Court for an Order directing service of the Notice of Sale upon the above-captioned Defendants, **ROBERT J. SHOWERS** and **TRACY L. SHOWERS**, by certified mail and regular mail to 2952 SIX MILE ROAD, PHILLIPSBURG, PA 16866 and RR 3 BOX 155A, PHILLIPSBURG, PA 16866 and P.O. BOX 703, PHILIPSBURG, PA 16866, and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **NOVEMBER 13, 2009**.
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendants be served with a notification of Sheriff's Sale at least thirty (30) days prior to the

scheduled sale date.

3. Attempts to serve Defendants with the Notice of Sale have been unsuccessful, as indicated by the Returns of Service attached hereto as Exhibit "A", NO SERVICE WAS MADE AT THE MORTGAGED PROPERTY AS THE PROPERTY IS VACANT.
4. Attempts to serve Defendants with the Notice of Sale have been unsuccessful, as indicated by the Returns of Service attached hereto as Exhibit "A", NO SERVICE WAS MADE AT RR 3 BOX 155A, PHILIPSBURG, PA 16866 AS THERE WAS NO ANSWER.
5. Plaintiff attempted to serve the Defendants, ROBERT J. SHOWERS and TRACY L. SHOWERS via certified mail, return receipt requested at P.O. BOX 703 PHILIPSBURG, PA 16866. Said return receipt was not returned to our office. By way of the United States Postal Service's website ([www.usps.com](http://www.usps.com)), Plaintiff, by and through its attorneys, was able to track and confirm that certified mail Attached hereto as Exhibit "C" is a copy of the postmarked receipt for certified mail and the United States Postal Service's tracking information.
6. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendants. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results therefrom is attached hereto as Exhibit "D".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 2952 SIX MILE ROAD, PHILLIPSBURG, PA 16866 and RR 3 BOX 155A, PHILLIPSBURG, PA 16866 and P.O. BOX 703 PHILIPSBURG, PA 16866.

PHELAN HALLINAN & SCHMIEG, LLP  
By:   
Vivek Srivastava, Esq.  
Attorney for Plaintiff

**AFFIDAVIT OF SERVICE**

**PLAINTIFF** THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4

**DEFENDANT(S)** ROBERT J. SHOWERS  
TRACY L. SHOWERS

**Please serve upon:** ROBERT J. SHOWERS

**SERVE AT:** 2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866

**CLEARFIELD County**  
No. 2008-348-CD  
Our File #: 171307

**Type of Action**  
- Notice of Sheriff's Sale

**Sale Date:** AUGUST 7, 2009

**EXHIBIT A****SERVED**

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_\_, at \_\_\_\_\_

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.

Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_.

Adult in charge of Defendant(s)'s residence who refused to give name or relationship.

Manager/Clerk of place of lodging in which Defendant(s) reside(s).

Agent or person in charge of Defendant(s)'s office or usual place of business.

\_\_\_\_\_ an officer of said Defendant(s)'s company.

Other: \_\_\_\_\_

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other

I, \_\_\_\_\_, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary:

By:

NOT SERVED

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the 7th day of June, 2009, at 12:15 o'clock P.m., Defendant NOT FOUND because:

Moved  Unknown  No Answer  Vacant  
1st attempt Date: 6/7/09 Time: 12:15 pm, 2nd attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 3rd  
attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Other: \_\_\_\_\_

Sworn to and subscribed  
before me this 8th day  
of June, 2009

Notary:

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814

D.M. ELLIS

D.M. Ellis

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

EXHIBIT A

**AFFIDAVIT OF SERVICE**

**PLAINTIFF** THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4

**DEFENDANT(S)** ROBERT J. SHOWERS  
TRACY L. SHOWERS

**Please serve upon:** TRACY L. SHOWERS

**SERVE AT:** 2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866

CLEARFIELD County  
No. 2008-348-CD  
Our File #: 171307

Type of Action  
- Notice of Sheriff's Sale

Sale Date: AUGUST 7, 2009

**SERVED**

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_\_.m., at \_\_\_\_\_,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
 Agent or person in charge of Defendant(s)'s office or usual place of business.  
 \_\_\_\_\_ an officer of said Defendant(s)'s company.  
 Other: \_\_\_\_\_

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other

I, \_\_\_\_\_, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary: By:

**NOT SERVED**

**\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\***

On the 7th day of June, 2009, at 12:15 o'clock \_\_\_\_\_.m., Defendant NOT FOUND because:

Moved  Unknown  No Answer  Vacant  
1st attempt Date: 6/7/09 Time: 12:15 PM, 2nd attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 3rd  
attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_.  
Other: \_\_\_\_\_

Sworn to and subscribed  
before me this 8th day  
of June, 2009

Notary:

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

D.M. - ELLIS

By: D.M. Ellis

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

EXHIBIT B

**AFFIDAVIT OF SERVICE**

**PLAINTIFF**

THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4

CLEARFIELD County  
No. 2008-348-CD  
Our File #: 171307

**DEFENDANT(S)**

ROBERT J. SHOWERS  
TRACY L. SHOWERS

Type of Action  
- Notice of Sheriff's Sale

Sale Date: NOVEMBER 13, 2009

Please serve upon: ROBERT J. SHOWERS

SERVE AT: RR 3 BOX 155A  
PHILLIPSBURG, PA 16866

**SERVED**

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_\_.m., at \_\_\_\_\_

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
 Agent or person in charge of Defendant(s)'s office or usual place of business.  
 an officer of said Defendant(s)'s company.  
 Other: \_\_\_\_\_

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other

I, \_\_\_\_\_, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary:

By:

**NOT SERVED**

**\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\***

On the 22<sup>nd</sup> day of August, 2009, at 10:12 o'clock A.m., Defendant NOT FOUND because:

Moved \_\_\_\_\_ Unknown  No Answer \_\_\_\_\_ Vacant \_\_\_\_\_  
1st attempt Date: 8/16/09 Time: 7:05 PM, 2nd attempt Date: 8/18/09 Time: 3:20 PM, 3rd  
attempt Date: 8/22/09 Time: 10:12 AM.  
Other:

Sworn to and subscribed  
before me this 24<sup>th</sup> day  
of AUGUST, 2009

Notary:

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

*D.M. Ellis*  
*D.M. Ellis*

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

EXHIBIT 6

**AFFIDAVIT OF SERVICE**

**PLAINTIFF** THE BANK OF NEW YORK NATIONAL  
TRUST COMPANY, NA, AS SUCCESSOR-IN-  
INTEREST TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS TRUSTEE-  
SURF-BC4

CLEARFIELD County  
No. 2008-348-CD  
Our File #: 171307

**DEFENDANT(S)** ROBERT J. SHOWERS  
TRACY L. SHOWERS

Type of Action  
- Notice of Sheriff's Sale

Sale Date: NOVEMBER 13, 2009

**Please serve upon:** TRACY L. SHOWERS

**SERVE AT:** RR 3 BOX 155A  
PHILLIPSBURG, PA 16866

**SERVED**

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_,  
200\_\_\_\_, at \_\_\_\_\_, o'clock \_\_\_\_\_m, at \_\_\_\_\_

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
 Agent or person in charge of Defendant(s)'s office or usual place of business.  
 \_\_\_\_\_ an officer of said Defendant(s)'s company.  
 Other: \_\_\_\_\_

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other

I, \_\_\_\_\_, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_\_\_.

Notary:

By:

NOT SERVED

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the 22<sup>nd</sup> day of August, 2009, at 10:12 o'clock A.m., Defendant NOT FOUND because:

Moved \_\_\_\_\_ Unknown  No Answer \_\_\_\_\_ Vacant \_\_\_\_\_  
1st attempt Date: 8/16/09 Time: 7:05 am, 2nd attempt Date: 8/18/09 Time: 3:20 pm, 3rd  
attempt Date: 8/22/09 Time: 10:12 am.  
Other:

Sworn to and subscribed  
before me this 24<sup>th</sup> day  
of August, 2009.

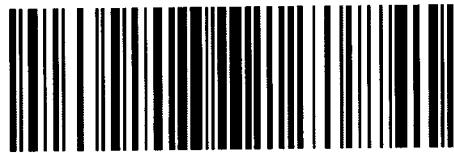
Notary:

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

D.M. ELLIS  
Dmellis

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



7178 2417 6099 0030 3809

EXHIBIT C

4 / JJN                   **RESTRICTED DELIVERY**  
TRACY L. SHOWERS  
P.O. BOX 703  
PHILIPSBURG, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)



EXHIBIT  
Home | Help

[Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0030 3809

Class: **First-Class Mail®**

Service(s): **Return Receipt Electronic**

Status: **Delivered**

Your item was delivered at 9:24 AM on July 17, 2009 in PHILADELPHIA, PA 19101.

#### Detailed Results:

- Delivered, July 17, 2009, 9:24 am, PHILADELPHIA, PA 19101
- Unclaimed, July 11, 2009, 4:00 pm, PHILIPSBURG, PA
- Notice Left, July 08, 2009, 2:51 pm, PHILIPSBURG, PA 16866
- Arrival at Pick-Up-Point, June 22, 2009, 8:27 am, PHILIPSBURG, PA 16866
- Electronic Shipping Info Received, June 19, 2009

[Track & Confirm](#)

Enter Label/Receipt Number.

### Notification Options

#### Return Receipt (Electronic)

Verify who signed for your item by email. [Go >](#)

[Site Map](#)

[Customer Service](#)

[Forms](#)

[Gov't Services](#)

[Careers](#)

[Privacy Policy](#)

[Terms of Use](#)

[Business Customer Ga](#)

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No FEAR Act EEO Data

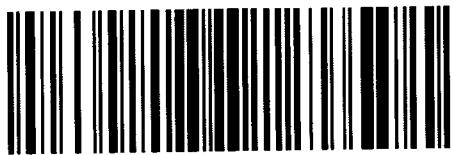
FOIA



Equal Employment Opportunity Data



Intergovernmental Relations



7178 2417 6099 0030 3793

EXHIBIT C

4 / JJN                   **RESTRICTED DELIVERY**  
ROBERT J. SHOWERS  
P.O. BOX 703  
Philipsburg, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#) [Track & Confirm](#)

## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0030 3793

Class: **First-Class Mail®**

Service(s): **Return Receipt Electronic**

Status: **Delivered**

Your item was delivered at 9:24 AM on July 17, 2009 in PHILADELPHIA, PA 19101.

#### Detailed Results:

- Delivered, July 17, 2009, 9:24 am, PHILADELPHIA, PA 19101
- Unclaimed, July 11, 2009, 4:00 pm, PHILIPSBURG, PA
- Notice Left, July 08, 2009, 2:51 pm, PHILIPSBURG, PA 16866
- Arrival at Pick-Up-Point, June 22, 2009, 8:27 am, PHILIPSBURG, PA 16866
- Electronic Shipping Info Received, June 19, 2009

### Notification Options

#### Return Receipt (Electronic)

Verify who signed for your item by email. [Go >](#)

[Track & Confirm](#)

Enter Label/Receipt Number.

[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer G...](#)

Copyright© 2009 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



Equal Employment Opportunity Commission

Introducing the  
Business Customer G...

**EXHIBIT D**

**FULL SPECTRUM SERVICES, INC.**  
**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 171307  
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**  
Subject: Robert J. Showers & Tracy L. Showers

Property Address: 2592 Six Mile Road, Philipsburg, PA 16866  
Possible Mailing Address: P.O. Box 703, Philipsburg, PA 16866

I, Brendan Booth, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:

**I. CREDIT INFORMATION**

**A. SOCIAL SECURITY NUMBER**

Our search verified the following information to be true and correct

Robert J. Showers - xxx-xx-6564

Tracy L. Showers - xxx-xx-8884

**B. EMPLOYMENT SEARCH**

Robert J. Showers & Tracy L. Showers - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that Robert J. Showers reside(s) at: 2592 Six Mile Road, Philipsburg, PA 16866 & Tracy L. Showers reside(s) at: RR 3 Box 155A, Philipsburg, PA 16866

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which had no listing for Robert J. Showers & Tracy L. Showers, however did provide a listing for C. Croyle at: 2592 Six Mile Road, Philipsburg, PA 16866. On 07-30-09 our office made several telephone calls to the phone number (814) 342-0894 and received the following information: answering machine.

**B.** On 07-30-09 our office made several telephone calls to the phone number (814) 342-7647 and received the following information: no answer. On 07-30-09 our office made several telephone calls to the phone number (814) 342-2711 and received the following information: answering machine.

**III. INQUIRY OF NEIGHBORS**

On 07-30-09 our office made several phone calls in an attempt to contact Aaron J. Reams (814) 342-2742, 2352 Six Mile Road, Philipsburg, PA 16866: no answer.

On 07-30-09 our office made several phone calls in an attempt to contact Rose McGowan (814) 342-2012, 2330 Six Mile Road, Philipsburg, PA 16866: answering machine.

On 07-30-09 our office made several phone calls in an attempt to contact Joan R. Timchak (814) 342-0695, 2638 Six Mile Road, Philipsburg, PA 16866: no answer.

**IV. ADDRESS INQUIRY**

**A. NATIONAL ADDRESS UPDATE**

On 07-30-09 we reviewed the National Address database and found the following information: Robert J. Showers & Tracy L. Showers - P.O. Box 703, Philipsburg, PA 16866.

EXHIBIT D

**B. ADDITIONAL ACTIVE MAILING ADDRESSES**

Per our inquiry of creditors, the following is a possible mailing address: P.O. Box 703, Philipsburg, PA 16866.

**V. DRIVERS LICENSE INFORMATION**

**A. MOTOR VEHICLE & DMV OFFICE**

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Robert J. Showers & Tracy L. Showers.

**VI. OTHER INQUIRIES**

**A. DEATH RECORDS**

As of 07-30-09 Vital Records and all public databases have no death record on file for Robert J. Showers & Tracy L. Showers.

**B. COUNTY VOTER REGISTRATION**

The county voter registration was unable to confirm a registration for Robert J. Showers & Tracy L. Showers residing at: last registered address.

**VII. ADDITIONAL INFORMATION OF SUBJECT**

**A. DATE OF BIRTH**

Robert J. Showers - 12-01-1962  
Tracy L. Showers - 01-01-1965

**B. A.K.A.**

Robert James Showers  
Tracy Lee Showers

\* Our accessible databases have been checked and cross-referenced for the above named individual(s).

\* Please be advised our database information indicates the subject resides at the current address.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.

Brendan Booth

AFFIANT - Brendan Booth  
Full Spectrum Services, Inc.

Sworn to and subscribed before me this 31<sup>st</sup> day of July, 2009.

Nicole J. Kelleher  
NICOLE J. KELLEHER  
ID # 2383408  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 3/11/2014

The above information is obtained from available public records  
and we are only liable for the cost of the affidavit.

IND

**PHELAN HALLINAN & SCHMIEG, LLP**

**BY: Vivek Srivastava, Esq.**

**Attorney I.D. No.: 202331**

**One Penn Center Plaza, Suite 1400**

**Philadelphia, PA 19103-1814**

**(215) 563-7000**

**Attorney for Plaintiff**

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF BC4	:	CLEARFIELD COUNTY COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
v.	:	NO. 2008-348-CD
ROBERT J. SHOWERS	:	
TRACY L. SHOWERS	:	
Defendants	:	

### **PLAINTIFF'S MEMORANDUM OF LAW**

Pursuant to Pennsylvania Rule of Civil Procedure, Rule 3129.2, it is necessary in a foreclosure action for the Sheriff or Process Server to serve upon the Defendants Notice of the Sale of the mortgaged premises. Specifically, Pa.R.C.P., Rule 3129.2 (c) provides in applicable part as follows:

The written notice shall be prepared by the plaintiff, shall contain the same information as the handbills or may consist of the handbill and shall be served at least thirty days before the sale on all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1.

- (1) Service of the Notice shall be made:
  - (i) upon a defendant...
    - (A) by the sheriff or by a competent adult in the manner prescribed by Rule 402 (a) for the service of original process upon a defendant, or
    - (B) by the plaintiff mailing a copy of the manner prescribed by Rule 403 to the addresses set forth in the affidavit; or
  - (C) if service cannot be made as provided in the subparagraph (A) or (B), the notice shall be served pursuant to special order of court as

prescribed by Rule 430, except that if original process was served pursuant to a special order of court under Rule 430 upon the defendant in the judgment, the notice may be served upon that defendant in the manner provided by the order for service of original process without further application to the court.

Because the whereabouts of Defendants, ROBERT J. SHOWERS and TRACY L. SHOWERS, are unknown, a reasonable investigation of their last known address was made in accordance with Pa.R.C.P. 430(a).

Pennsylvania Rule of Civil Procedure, Rule 430 (a) provides as follows:

(a) If service cannot be made under the applicable rule the Plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

Note: A Sheriff's Return or Affidavit of Service of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa.Super. 362, 357 A.2d 580 (1976). Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address. Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

An illustration of good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends and employers of the defendant and (3) examinations of local telephone directories, voter registration records, local tax records and motor vehicle records.

As indicated by the attached Affidavits of Return of Service, marked hereto as Exhibits "A, & B", the Process Server has been unable to serve the Notice of Sale.

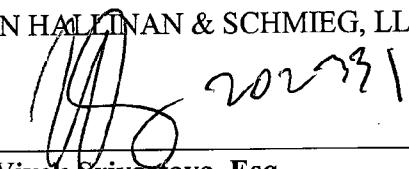
As indicated by the attached copy of the postmarked receipt for certified mail and the United States Postal Service's tracking information marked hereto as Exhibit "C", the Plaintiff was unable to serve the Notice of Sale via certified mail.

A good faith effort to discover the whereabouts of the Defendants has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked as Exhibit "D".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 2952 SIX MILE ROAD, PHILLIPSBURG, PA 16866 and RR 3 BOX 155A, PHILLIPSBURG, PA 16866 and P.O. BOX 703 PHILIPSBURG, PA 16866.

Respectfully submitted,

PHELAN HALPIN & SCHMIEG, LLP

By:  202731

Vivek Srivastava, Esq.  
Attorney for Plaintiff

## VERIFICATION

Vivek Srivastava, Esquire, hereby states that he is the attorney for the Plaintiff in this action, that he is authorized to take the verification and that the statements made in the foregoing Motion for Service of Notice of Sale pursuant to Special Order of Court are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

Date: 04/26/04

 202331

Vivek Srivastava, Esq.

**PHELAN HALLINAN & SCHMIEG, LLP**  
**BY: Vivek Srivastava, Esq.**  
**Attorney I.D. No.: 202331**  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF BC4	:	CLEARFIELD COUNTY COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
v.	:	NO. 2008-348-CD
ROBERT J. SHOWERS	:	
TRACY L. SHOWERS	:	
Defendants	:	

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Service of Notice of Sale Pursuant to Special Order of Court, Proposed Order, Memorandum of Law, Certification of Service and Verification in the above captioned matter was sent by first class mail, postage prepaid to the following interested parties on the date indicated below.

**ROBERT J. SHOWERS**  
**TRACY L. SHOWERS**  
**2952 SIX MILE ROAD**  
**PHILLIPSBURG, PA 16866**  
and  
**RR 3 BOX 155A**  
**PHILLIPSBURG, PA 16866**  
and  
**P.O. BOX 703**  
**PHILIPSBURG, PA 16866**

 202731

**Vivek Srivastava, Esq.**  
Attorney for Plaintiff

Date:

06/24/09

**Phelan Hallinan & Schmieg, LLP**

Suite 1400

One Penn Center Plaza  
Philadelphia, PA 19103-1814  
Phone (215) 563-7000  
Fax (215) 563-5534

Pat Wilkins, Legal Assistant  
Sales Department

Representing Lenders in  
Pennsylvania and New Jersey

ROBERT J. SHOWERS  
TRACY L. SHOWERS  
2952 SIX MILE ROAD  
PHILLIPSBURG, PA 16866  
and  
RR 3 BOX 155A  
PHILLIPSBURG, PA 16866

Re: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF BC4 vs. ROBERT J. SHOWERS and TRACY L. SHOWERS  
No. 2008-348-CD  
Premises: 2952 SIX MILE ROAD, PHILLIPSBURG, PA 16866

Dear Sir/Madam:

Enclosed please find Plaintiff's Motion for Service of Notice of Sale Pursuant to Special Order of Court and proposed Order.

Very truly yours,

By: \_\_\_\_\_  
Pat Wilkins

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

THE BANK OF NEW YORK NATIONAL TRUST \* NO. 08-348-CD  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST \*  
TO JP MORGAN CHASE BANK, NATIONAL \*  
ASSOCIATION, AS TRUSTEE-SURF BC4 \*  
\*  
vs \*  
ROBERT J. SHOWERS \*  
TRACY L. SHOWERS \*  
Defendants \*

ORDER

NOW, this 1<sup>st</sup> day of September, 2009, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendants **ROBERT J. SHOWERS** and **TRACY L.**  
**SHOWERS** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 2952 Six Mile Road, Philipsburg, PA 16866; RR  
3, Box 155A, Philipsburg, PA 16866 and PO Box 703, Philipsburg,  
PA 16866;
3. By certified mail, return receipt requested to 2952 Six Mile Road,  
Philipsburg, PA 16866; RR 3, Box 155A, Philipsburg, PA 16866 and  
PO Box 703, Philipsburg, PA 16866; and
4. By posting the mortgaged premises known in this herein action as to  
2952 Six Mile Road, Philipsburg, PA 16866.

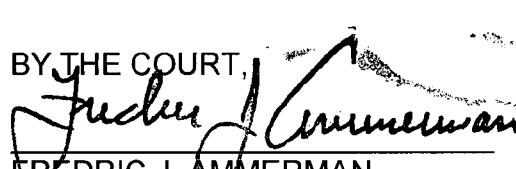
Service of the aforementioned publication and mailings is effective upon the  
date of publication and mailing and is to be done by Plaintiff's attorney, who will file  
Affidavits of Service with the Prothonotary of Clearfield County.

FILED

4CC  
OCT 11 2009 Atty Srivastava  
SEP 2 2009

William A. Shaw  
Prothonotary/Clerk of Courts

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

Phelan Hallinan & Schmieg, LLP  
Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
Michele M. Bradford, Esq., Id. No. 69849  
Judith T. Romano, Esq., Id. No. 58745  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Mulcahy, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtney R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375

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

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF BC4  
**Plaintiff**, : **CLEARFIELD COUNTY COURT OF COMMON PLEAS**  
v. : **CIVIL DIVISION**  
ROBERT J. SHOWERS : **NO. 08-348-CD**  
TRACY L. SHOWERS :  
**Defendant(s)**, :

**AFFIDAVIT OF SERVICE OF NOTICE OF SHERIFF'S SALE  
PURSUANT TO P.R.C.P., 404(2)/403**

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **ROBERT J. SHOWERS & TRACY L. SHOWERS** on **SEPTEMBER 9, 2009** at **2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866 & RR 3, BOX 155A, PHILLIPSBURG, PA 16866** in accordance with the Order of Court dated **SEPTEMBER 1, 2009**. The property was posted on **SEPTEMBER 24, 2009**. Publication was advertised in **THE PROGRESS** on **SEPTEMBER 17, 2009** & in **CLEARFIELD COUNTY LEGAL JOURNAL** on **OCTOBER 9, 2009**.

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

PHELAN HALLINAN & SCHMIEG, LLP

By: Jaime McGuinness

Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
Sheetal R. Shah-Jani, Esquire  
Jenine R. Davey, Esquire  
Lauren R. Tabas, Esquire  
Vivek Srivastava, Esquire  
Jay B. Jones, Esquire  
Andrew L. Spivack, Esquire  
Peter J. Mulcahy, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtney R. Dunn, Esquire  
Andrew C. Bramblett, Esquire

Attorneys for Plaintiff

Dated: October 23, 2009

FILED NOCC  
M 10/28/2009  
OCT 26 2009  
S William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

THE BANK OF NEW YORK NATIONAL TRUST \* NO. 08-348-CD  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST \*  
TO JP MORGAN CHASE BANK, NATIONAL \*  
ASSOCIATION, AS TRUSTEE-SURF BC4 \*  
\*  
vs \*  
ROBERT J. SHOWERS \*  
TRACY L. SHOWERS \*  
Defendants \*  
\*

O R D E R

NOW, this 1<sup>st</sup> day of September, 2009, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendants **ROBERT J. SHOWERS and TRACY L.**  
**SHOWERS** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 2952 Six Mile Road, Philipsburg, PA 16866; RR  
3, Box 155A, Philipsburg, PA 16866 and PO Box 703, Philipsburg,  
PA 16866;
3. By certified mail, return receipt requested to 2952 Six Mile Road,  
Philipsburg, PA 16866; RR 3, Box 155A, Philipsburg, PA 16866 and  
PO Box 703, Philipsburg, PA 16866; and
4. By posting the mortgaged premises known in this herein action as to  
2952 Six Mile Road, Philipsburg, PA 16866.

Service of the aforementioned publication and mailings is effective upon the  
date of publication and mailing and is to be done by Plaintiff's attorney, who will file  
Affidavits of Service with the Prothonotary of Clearfield County.

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

BY THE COURT,  
/S/ Fredric J Ammerman

SEP 02 2009

---

FREDRIC J. AMMERMAN  
President Judge

Attest,

*William L. Ammerman*  
Prothonotary/  
Clerk of Courts

NOTICE OF ACTION  
IN MORTGAGE FORECLOSURE  
IN THE COURT  
OF COMMON PLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
NO. 2008-348-CD.  
THE BANK OF NEW YORK  
NATIONAL TRUST  
COMPANY, NA,  
AS SUCCESSOR-IN-INTEREST  
TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION  
AS TRUSTEE-SURF-BC4  
vs.  
ROBERT J. SHOWERS &  
TRACY L. SHOWERS  
NOTICE TO:  
ROBERT J. SHOWERS &  
TRACY L. SHOWERS  
NOTICE OF  
SHERIFF'S SALE OF  
REAL PROPERTY  
ALL THAT following described lot  
of ground situate, lying and being in  
DECATUR Township, County of  
CLEARFIELD Commonwealth of  
Pennsylvania, bounded and limited  
as follows, to wit:

Your house (real estate) at 2952  
SIX MILE ROAD, PHILIPSBURG,  
PA 16866 is scheduled to be sold  
at the Sheriff's Sale on NOVEMBER 13, 2009 at 10:00 A.M., at  
the CLEARFIELD County Court-  
house to enforce the Court Judg-  
ment of \$293,002.89 obtained  
by, THE BANK OF NEW YORK NA-  
TIONAL TRUST COMPANY, NA,  
AS SUCCESSOR-IN-INTEREST TO  
JP MORGAN CHASE BANK, NA-  
TIONAL ASSOCIATION AS  
TRUSTEE-SURF-BC4 (the mort-  
gage), against your Prop. sit. in  
DECATUR Township, County of  
CLEARFIELD, and State of Penn-  
sylvania.

Being Premises:  
2952 SIX MILE ROAD  
PHILIPSBURG, PA 16866

Improvements consist of residen-  
tial property.

Sold as the property of  
ROBERT J. SHOWERS &  
TRACY L. SHOWERS

TERMS OF SALE: The purchaser  
at the sale must take ten (10%) per-  
cent down payment of the bid price  
or of the Sheriff's cost, whichever  
is higher, at the time of the sale in  
the form of cash, money order or  
bank check. The balance must be  
paid within ten (10) days of the sale  
or the purchaser will lose the down  
money.

THE HIGHEST AND BEST BID  
DESHALLBETHEBUYER.

Daniel Schmieg, Esquire  
One Penn Centerat  
Suburban Station  
1617 John F. Kennedy  
Boulevard  
Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000

Attorney for Plaintiff

ALL that certain parcel of land sit-  
uate in the Township of Decatur.  
Clearfield County, Pennsylvania,  
bounded and described as follows:

Parcel  
No. 112-0-P12-000-00373  
BEGINNING at an iron pin corner  
on the southern right-of-way line of  
L.R. 17057 and being the north-  
west corner of lands of R. W.  
Clawges; thence along lands of R.  
W. Clawges South twenty-six (26)  
degrees thirty (30) minutes East  
five hundred ninety-seven and sev-  
en hundredths (597.07) feet to an  
iron pin corner, said corner being  
on the line of lands of Hamilton Coal  
& Clay Co., Inc.; thence along lands  
of Hamilton Coal & Clay Co., Inc.

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

: SS:

COUNTY OF CLEARFIELD

On this 28th day of September, A.D. 20 09,  
before me, the subscriber, a Notary Public in and for said County and  
State, personally appeared Margaret E. Krebs, who being duly sworn  
according to law, deposes and says that she is the President of The  
Progressive Publishing Company, Inc., and Associate Publisher of The  
Progress, a daily newspaper published at Clearfield, in the County of  
Clearfield and State of Pennsylvania, and established April 5, 1913, and  
that the annexed is a true copy of a notice or advertisement published in  
said publication in

the regular issues of September 17, 2009.  
And that the affiant is not interested in the subject matter of the notice or  
advertising, and that all of the allegations of this statement as to the time,  
place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Cheryl J. Robison  
Notary Public

Clearfield, Pa.

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Cheryl J. Robison, Notary Public  
Clearfield Boro, Clearfield County

My Commission Expires Oct 31, 2011

Member, Pennsylvania Association of Notaries

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE  
IN THE COURT OF COMMONPLEAS  
OF CLEARFIELD COUNTY,  
PENNSYLVANIA  
No.2008-348-CD

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA

COUNTY OF CLEARFIELD

On this 9th day of October AD 2009, before me, the subscriber and for said County and State, personally appeared Gary A. Knaresbach, Clearfield County Legal Journal of the Courts of Clearfield County, is a true copy of the notice or advertisement published in said publication of Week of October 9, 2009, Vol. 21, No. 41. And that all of this statement as to the time, place, and character of the publication

  
Gary A. Knaresbach  
Editor

Sworn and subscribed to before me the day and year aforesaid.

  
Amy Mae Gardner  
Notary Public  
My Commission Expires

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Amy Mae Gardner, Notary Public
City of DuBois, Clearfield County
My Commission Expires May 28, 2013
Member, Pennsylvania Association of Notaries

Brendan Booth  
Full Spectrum Services, Inc.  
400 Fellowship Rd, Suite 220  
Mt. Laurel, NJ 08054

THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION AS TRUSTEE-SURF-BC4  
vs.

ROBERT J. SHOWERS & TRACEY L. SHOWERS

NOTICE TO: ROBERT J. SHOWERS & TRACEY L. SHOWERS  
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

ALL THAT following described lot of ground situate, lying and being in DECATUR Township, County of CLEARFIELD Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

Your house (real estate) at 2952 SIX MILE ROAD, PHILIPSBURG, PA 16866, is scheduled to be sold at the Sheriff's Sale on November 13, 2009 at 10:00A.M., at the CLEARFIELD County Courthouse to enforce the Court Judgment of \$293,002.89 obtained by THE NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION AS TRUSTEE-SURF-BC4 (the

mortgagee), against your prop. Sit. In DECATUR Township, County of CLEARFIELD, and State of Pennsylvania.

Being Premises: 2952 SIX MILE ROAD, PHILIPSBURG, PA 16866

Improvements consist of residential property Sold as the property of ROBERT J. SHOWERS & TRACEY L. SHOWERS

TERMS OF SALE: The purchaser at the sale must take ten (10%) percent down payment of the bid price or of the Sheriff's cost, whichever is higher, at the time of the sale in the form of cash, money order, or bank check. The balance must be paid within ten (10) days of the sale or the purchaser will lose the down money.

THE HIGHEST AND BEST BIDDER SHALL BE THE BUYER

Daniel Schmeig, Esquire  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400

Philadelphia, PA 19103  
(215) 563-7000

Attorney for Plaintiff

LEGAL DESCRIPTION

~~All that certain tract of land situated in the~~

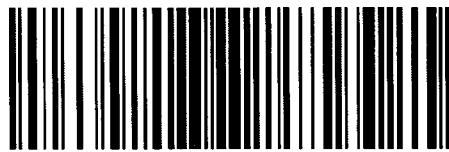
Name and  
Address  
of Sender

→

CQS  
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		ROBERT J. SHOWERS 2592 SIX MILE ROAD PHILLIPSBURG, PA 16866		
2		ROBERT J. SHOWERS RR 3, BOX 155A PHILLIPSBURG, PA 16866		
3		ROBERT J. SHOWERS PO BOX 703 PHILLIPSBURG, PA 16866		
4		TRACY L. SHOWERS 2592 SIX MILE ROAD PHILLIPSBURG, PA 16866		
5		TRACY L. SHOWERS RR 3, BOX 155A PHILLIPSBURG, PA 16866		
6		TRACY L. SHOWERS PO BOX 703 PHILLIPSBURG, PA 16866		
7				
8				
9				
10				
11				
12	JVS	<b>R: ROBERT J. SHOWERS</b> <b>171307</b>		
Total Number of Pieces Listed by Sender		Postmaster, Per (Name of Receiving Employee)	<p>The full declaration of value is required on all domestic and international 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. Domestic Mail Manual R900, S913 and S921 for limitations of coverage.</p> <p>TEAM 4</p>	





7178 2417 6099 0036 4794

4 / JYP  
ROBERT J. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0036 4794

Class: First-Class Mail®

Service(s): Return Receipt Electronic

Status: Delivered

Your item was delivered at 11:17 AM on September 14, 2009 in  
PHILADELPHIA, PA 19101.

#### Detailed Results:

- Delivered, September 14, 2009, 11:17 am, PHILADELPHIA, PA 19101
- Arrival at Unit, September 14, 2009, 3:21 am, PHILADELPHIA, PA 19104
- Moved, Left no Address, September 11, 2009, 9:03 am, PHILIPSBURG, PA
- Acceptance, September 09, 2009, 4:52 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, September 09, 2009

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Enter Label/Receipt Number.

### Notification Options

#### Track & Confirm by email

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#### Return Receipt (Electronic)

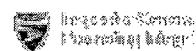
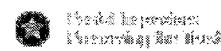
Verify who signed for your item by email.

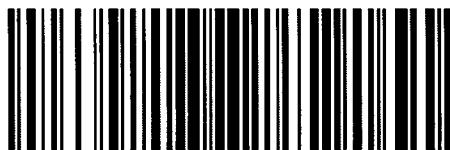
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FOIA





7178 2417 6099 0036 4817

4 / JYP  
ROBERT J. SHOWERS  
RR 3, BOX 155A  
PHILIPSBURG, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0036 4817

Class: **First-Class Mail®**

Service(s): Return Receipt Electronic

Status: Delivered

Your item was delivered at 11:17 AM on September 14, 2009 in  
PHILADELPHIA, PA 19101.

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- Delivered, September 14, 2009, 11:17 am, PHILADELPHIA, PA 19101
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Enter Label/Receipt Number.

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##### Return Receipt (Electronic)

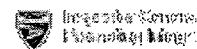
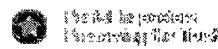
Verify who signed for your item by email.

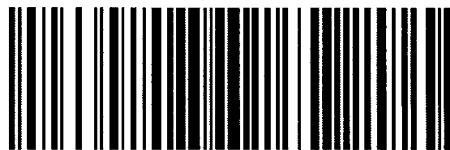
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FOIA





7178 2417 6099 0036 4800

4 / JYP  
ROBERT J. SHOWERS  
P.O. BOX 703  
Philipsburg, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0036 4800

Class: **First-Class Mail®**

Service(s): Return Receipt Electronic

Status: Delivered

Your item was delivered at 11:17 AM on September 14, 2009 in  
PHILADELPHIA, PA 19101.

#### Detailed Results:

- Delivered, September 14, 2009, 11:17 am, PHILADELPHIA, PA 19101
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- Moved, Left no Address, September 11, 2009, 9:49 am, PHILIPSBURG, PA
- Arrival at Pick-Up-Point, September 11, 2009, 8:29 am, PHILIPSBURG, PA 16866
- Acceptance, September 09, 2009, 4:52 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, September 09, 2009

### Track & Confirm

Enter Label/Receipt Number.

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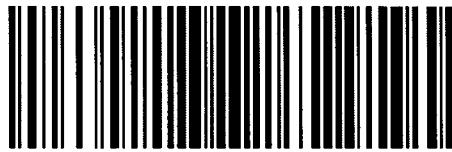
FOIA



Equal Employment Opportunity Data



Freedom of Information Act



7178 2417 6099 0036 4824

4 / JYP  
TRACY L. SHOWERS  
2592 SIX MILE ROAD  
PHILIPSBURG, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0036 4824

Class: **First-Class Mail®**

Service(s): Return Receipt Electronic

Status: Delivered

Your item was delivered at 11:17 AM on September 14, 2009 in  
PHILADELPHIA, PA 19101.

#### Detailed Results:

- Delivered, September 14, 2009, 11:17 am, PHILADELPHIA, PA 19101
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Enter Label/Receipt Number.

### Notification Options

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#### Return Receipt (Electronic)

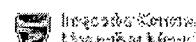
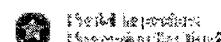
Verify who signed for your item by email.

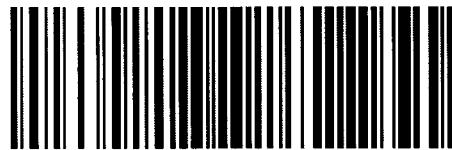
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FOIA





7178 2417 6099 0036 4848

4 / JYP  
TRACY L. SHOWERS  
RR 3, BOX 155A  
PHILIPSBURG, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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## Track & Confirm

### Search Results

Label/Receipt Number: **7178 2417 6099 0036 4848**

Class: **First-Class Mail®**

Service(s): **Return Receipt Electronic**

Status: **Delivered**

Your item was delivered at 11:17 AM on September 14, 2009 in  
**PHILADELPHIA, PA 19101**.

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- Electronic Shipping Info Received, September 09, 2009

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Enter Label/Receipt Number.

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#### Return Receipt (Electronic)

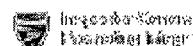
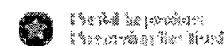
Verify who signed for your item by email.

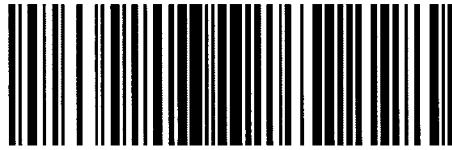
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7178 2417 6099 0036 4831

4 / JYP  
TRACY L. SHOWERS  
P.O. BOX 703  
PHILIPSBURG, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0036 4831

Class: First-Class Mail®

Service(s): Return Receipt Electronic

Status: Delivered

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FOIA

Equal Employment  
Opportunity Data

Freedom of Information

**AFFIDAVIT OF SERVICE**

PLAINTIFF	THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN- INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE- SURF-BC4	CLEARFIELD County No. 2008-348-CD Our File #: 171307
DEFENDANT(S)	ROBERT J. SHOWERS TRACY L. SHOWERS	Type of Action - Notice of Sheriff's Sale
		Sale Date: NOVEMBER 13,2009

**DEFENDANT(S)** **ROBERT J. SHOWERS**  
**TRACY L. SHOWERS** **Sale Date: NOVEMBER 13,2009**

**Please serve upon:** **ROBERT J. SHOWERS**

**SERVE AT:** 2952 SIX MILE ROAD  
PHILLIPSBURG, PA 16866

\*\*\*PLEASE POST PROPERTY WITH NOTICE OF SALE AS PER COURT ORDER\*\*\*

2009, at 9:08, o'clock A.M., at 2952 Six Mile Rd., Phillipsburg, PA 16866

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_  
Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
Agent or person in charge of Defendant(s)'s office or usual place of business.  
an officer of said Defendant(s)'s company.

Description:      Age      Height      Weight      Race      Sex      Other

I, D.M. Ellis, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above. Marion A. Campbell

Sworn to and subscribed  
before me this 24<sup>th</sup> day  
of SEPT, 2009

Notary:

By: DM Ellis

**NOT SERVED**  
**\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\***

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.m., Defendant **NOT FOUND** because:

Moved  Unknown  No Answer  Vacant  
1st attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 2nd attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 3rd  
attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_.  
Other: \_\_\_\_\_

Sworn to and subscribed  
before me this \_\_\_\_ day  
of \_\_\_\_\_ 200\_\_\_\_

Notary: \_\_\_\_\_, 2001  
**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**

## AFFIDAVIT OF SERVICE

PLAINTIFF	THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCESSOR-IN- INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE- SURF-BC4	CLEARFIELD County No. 2008-348-CD Our File #: 171307
		Type of Action

**DEFENDANT(S)** **ROBERT J. SHOWERS**  
**TRACY L. SHOWERS** **Sale Date: NOVEMBER 13,2009**

Please serve upon: **TRACY L. SHOWERS**

**SERVE AT:** 2952 SIX MILE ROAD  
PHILLIPSBURG, PA 16866

\*\*\*PLEASE POST PROPERTY WITH NOTICE OF SALE AS PER COURT ORDER\*\*\*

2009 at 9:08 o'clock A.m. at 2952 SIX MILE RD, PHILLIPSBURG, PA 16866,

Commonwealth of Pennsylvania, in the manner described below:

Defendant personally served.  
Adult family member with whom Defendant(s) reside(s). Relationship is \_\_\_\_\_  
Adult in charge of Defendant(s)'s residence who refused to give name or relationship.  
Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
Agent or person in charge of Defendant(s)'s office or usual place of business.  
an officer of said Defendant(s)'s company.

Description: \_\_\_\_\_ Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, Dr. M. E. Ellis, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above. (M. E. A. Campbell)

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 200

Notary:

By: Om Ellis

**NOT SERVED**

On the 1<sup>st</sup> day of June, 200<sup>6</sup>, at 9 o'clock a.m., Defendant **NOT FOUND** because:

Moved  Unknown  No Answer  Vacant  
1st attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 2nd attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_, 3rd  
attempt Date: \_\_\_\_\_ Time: \_\_\_\_\_.  
Other:

Sworn to and subscribed  
before me this \_\_\_\_ day  
of \_\_\_\_\_. 200\_

Notary: Attorney for Plaintiff  
By: DANIEL G. SCHMIEG, Esquire - J.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20971  
NO: 08-348-CD

PLAINTIFF: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JP MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4

vs.

DEFENDANT: ROBERT J. SHOWERS AND TRACY L. SHOWERS

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 5/11/2009

LEVY TAKEN 6/18/2009 @ 2:20 PM

POSTED 6/18/2009 @ 2:20 PM

SALE HELD 11/13/2009

SOLD TO RONALD W. IRWIN

SOLD FOR AMOUNT \$170,000.00 PLUS COSTS

WRIT RETURNED 1/15/2010

DATE DEED FILED 1/15/2010

PROPERTY ADDRESS 2592 SIX MILE ROAD PHILIPSBURG , PA 16866

**FILED**

JAN 15 2010  
1:40 PM  
S. S.  
William A. Shaw  
Prothonotary/Clerk of Courts  
PP  
S. ox

**SERVICES**

@ SERVED ROBERT J. SHOWERS

DEPUTIES UNABLE TO SERVE ROBERT J. SHOWERS, DEFENDANT, AT 696 OLD ROUTE 322, PHILIPSBURG, PENNSYLVANIA THE HOUSE WAS EMPTY.

@ SERVED TRACY L. SHOWERS

DEPUTIES UNABLE TO SERVE TRACY L. SHOWERS, DEFENDNAT, ATY 696 OLD ROUTE 322, PHILIPSBURG, PENNSYLVANIA THE HOUSE WAS EMPTY.

7/30/2009 @ SERVED ROBERT J. SHOWERS

SERVED ROBERT J. SHOWERS, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO P. O. BOX 703, PHILIPSBURG, PA 16866. CERT #70083230000335906887. CERT RETURNED UNCLAIMED 8/17/09. REG MAIL RETURNED UNCLAIMED 9/14/09

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

7/30/2009 @ SERVED TRACY L. SHOWERS

SERVED TRACY L. SHOWERS, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO P. O. BOX 703, PHILIPSBURG, PA 16866 CERT #70083230000335906870. CERT RETRUNED UNCALIMED 8/17/09. REG MAIL RETURNED UNCLAIMED 9/14/09

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

@ SERVED

NOW, AUGUST 5, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULD FOR AUGUST 7, 2009 TO NOVEMBER 13, 2009.

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

DOCKET # 20971

NO: 08-348-CD

PLAINTIFF: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS SUCCESSOR-IN-INTEREST TO JP  
MORGAN CHASE BANK, NATIONAL ASSOCIATION, AS TRUSTEE-SURF-BC4  
vs.

DEFENDANT: ROBERT J. SHOWERS AND TRACY L. SHOWERS

Execution REAL ESTATE

## SHERIFF RETURN

SHERIFF HAWKINS \$3,668.56

**SURCHARGE \$40.00 PAID BY ATTORNEY**

Sworn to Before Me This

## So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2010

✓ Chester A. Hawkins  
Sheriff

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

THE BANK OF NEW YORK  
NATIONAL TRUST COMPANY,  
NA, AS SUCCESSOR-IN-INTEREST  
TO JP MORGAN CHASE BANK,  
NATIONAL ASSOCIATION, AS  
TRUSTEE-SURF-BC4

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. \_\_\_\_\_  
No. 2008-348-CD  
No. \_\_\_\_\_

WRIT OF EXECUTION  
(Mortgage Foreclosure)

vs.

ROBERT J. SHOWERS

TRACY L. SHOWERS

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 2592 SIX MILE ROAD, PHILLIPSBURG, PA 16866  
(See Legal Description attached)

Amount Due	\$293,002.89
Interest from 11/1/08 to Sale	
Per diem \$MAY 7, 2009	
Add'l Costs	\$15.00
Writ Total	\$3,443.50

*William H. Bax*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 5/11/09

(SEAL)

171307

Received this writ this 11<sup>th</sup> day  
of May, A.D. 2009  
At 2:00 A.M. (P.M.)

Christopher A. Hawley  
Sheriff By Cynthia Butler, Court Clerk

No. 2008-348-CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCESSOR-IN-INTEREST TO  
JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-SURF-BC4

vs.

ROBERT J. SHOWERS  
TRACY L. SHOWERS

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs	\$293,002.89
Real Debt	
Int. from 11/1/08 To Date of Sale (\$MAY 7, 2009 per diem)	
Costs	_____
Prothry Pd.	<u>155.00</u>
Sheriff	_____

DANIEL G. SCHMITZ, ESQUIRE  
Attorney for Plaintiff

TRACY L. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

Address: ROBERT J. SHOWERS  
696 OLD ROUTE 322  
PHILLIPSBURG, PA 16866

### LEGAL DESCRIPTION

ALL that certain parcel of land situate in the Township of Decatur, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No.112-0-P12-000-00373

BEGINNING at an iron pin corner on the southern right of way line of L.R. 17057 and being the northwest corner of lands of R. W. Clawges; thence along lands of R. W. Clawges South twenty-six (26) degrees thirty (30) minutes East five hundred ninety-seven and seven hundredths (597.07) feet to an iron pin corner, said corner being on the line of lands of Hamilton Coal & Clay Co., Inc.; thence along lands of Hamilton Coal & Clay Co., Inc. South sixty-seven (67) degrees zero (00) minutes West five hundred sixty-nine and fifty-two hundredths (569.52) feet to an axle corner; thence along other lands of Hamilton Coal & Clay Co., Inc. North twenty-three (23) degrees zero (00) minutes West seven hundred twenty-five and ninety-seven hundredths (725.97) feet to an iron pin corner, said corner being on the southern right of way of L.R. 17057; thence along the said right of way the following courses and distances, South seventy-five (75) degrees twenty-six (26) minutes East thirteen and fifty-two hundredths (13.52) feet to a point; South eight-seven (87) degrees forty-four (44) minutes East sixty-two and five tenths (62.5) feet to a point; North eight-two (82) degrees twenty-two (22) minutes East sixty and no tenths (60.0) feet to a point; North seventy-nine (79) degrees thirty-one (31) minutes East three hundred forty-one and twenty hundredths (341.20) feet to a point; North seventy-seven (77) degrees thirty-nine (39) minutes East seventy-three and ninety-two hundredths (73.92) feet to an iron pin, the place of beginning. CONTAINING 8.0 acres, more or less, as derived from map of Bernard Lucas Associates dated May 29, 1970.

EXCEPTING AND RESERVING therefrom the following real property: Beginning at an iron pin which is the Northwest corner of Grantors' property; thence S 23 degrees 00 minute 00 second E a distance of seven hundred twenty-two and thirty-one hundredths (722.31) feet to an existing axle, which is the Southwest corner of Grantors' property; thence N 67 degrees 06 minutes 25 seconds E a distance of three hundred forty-three and forty-seven hundredths (343.47) feet to a point; thence N 30 degrees 36 seconds W a distance of one hundred fifty (150.00) feet to a point; thence S 48 degrees 01 minute 45 seconds W a distance of one hundred fifty-one and sixty-one hundredths (151.61) feet to a point; thence S 30 degrees 36 minutes E a distance of eighty-four (84) feet to a point; thence S 67 degrees 06 minutes 25 seconds W a distance of one hundred seventy-nine and forty-seven hundredths (179.47) feet to a point; thence N 23 degrees 00 minute 00 second W a distance of seven hundred six and thirty-one hundredths (706.31) feet to the Southern edge of SR 2019; thence N 88 degrees 18 minutes 45 seconds along SR 2019 a distance of fourteen (14) feet to a point and the place of beginning. Being the parcel described in the attached sketch. Provided, however, that the Grantees herein shall have the non-exclusive right to use the roadway to the reserved lot.

TITLE TO SAID PREMISES IS VESTED IN Robert J. Showers and Tracy L. Showers, h/w, as tenants by the entireties, by Deed from Robert T. Showers and Joan A. Showers, h/w, dated 03/03/2005, recorded 05/24/2005, in Deed Mortgage Inst# 200506568.

Premises being: 2592 SIX MILE ROAD  
PHILLIPSBURG, PA 16866  
Tax Parcel No. P12-000-00373

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME ROBERT J. SHOWERS NO. 08-348-CD

NOW, January 15, 2010, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on November 13, 2009, I exposed the within described real estate of Robert J. Showers And Tracy L. Showers to public venue or outcry at which time and place I sold the same to RONALD W. IRWIN he/she being the highest bidder, for the sum of \$170,000.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	17.60
LEVY	15.00
MILEAGE	17.60
POSTING	15.00
CSDS	10.00
COMMISSION	3,400.00
POSTAGE	18.36
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	170,000.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	50.00
<b>TOTAL SHERIFF COSTS</b>	<b>\$3,718.56</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	53.00
TRANSFER TAX 2%	3,400.00
<b>TOTAL DEED COSTS</b>	<b>\$3,453.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	293,002.89
INTEREST @ %	0.00
FROM TO 11/13/2009	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$293,042.89</b>
<b>COSTS:</b>	
ADVERTISING	276.25
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	3,453.00
SHERIFF COSTS	3,718.56
LEGAL JOURNAL COSTS	216.00
PROTHONOTARY	155.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$7,963.81</b>

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

CHESTER A. HAWKINS, Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION

THE BANK OF NEW YORK NATIONAL TRUST  
COMPANY, NA, AS SUCCESSOR-IN-INTEREST  
TO JP MORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE-SURF BC4

\* NO. 08-348-CD

vs  
ROBERT J. SHOWERS  
TRACY L. SHOWERS  
Defendants

\*  
\*  
\*  
\*  
\*  
\*

O R D E R

NOW, this 1<sup>st</sup> day of September, 2009, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendants **ROBERT J. SHOWERS and TRACY L.**  
**SHOWERS** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 2952 Six Mile Road, Philipsburg, PA 16866; RR  
3, Box 155A, Philipsburg, PA 16866 and PO Box 703, Philipsburg,  
PA 16866;
3. By certified mail, return receipt requested to 2952 Six Mile Road,  
Philipsburg, PA 16866; RR 3, Box 155A, Philipsburg, PA 16866 and  
PO Box 703, Philipsburg, PA 16866; and
4. By posting the mortgaged premises known in this herein action as to  
2952 Six Mile Road, Philipsburg, PA 16866.

Service of the aforementioned publication and mailings is effective upon the  
date of publication and mailing and is to be done by Plaintiff's attorney, who will file  
Affidavits of Service with the Prothonotary of Clearfield County.

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

BY THE COURT,  
/S/ Fredric J Ammerman

---

FREDRIC J. AMMERMAN  
President Judge

Attest.

*William L. Ammerman*  
Prothonotary/  
Clerk of Courts

CHESTER A. HAWKINS

SHERIFF

COURTHOUSE

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



7008 3230 0003 3590 6887

016H16505405

\$05.710

07/30/2009

Mailed From 16830  
US POSTAGE

Hasler

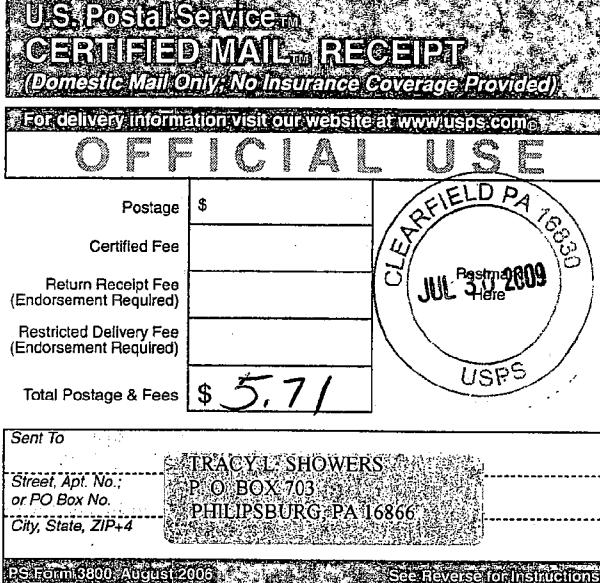
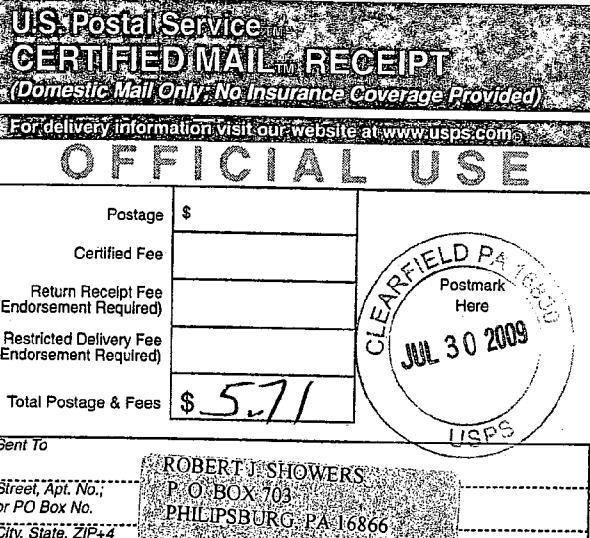
ROBERT J. SHOWERS  
P. O. BOX 703  
PHILIPSBURG, PA 16866

7/31

NIXIE 168 SE 1 OO 08/17/09  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 16830247201 \*1173-01079-30-40

16830@2472



CHESTER A. HAWKINS

SHERIFF

COURTHOUSE

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



7008 3230 0003 3590 6870

016H16505405

\$05.710

07/30/2009

Mailed From 16830  
US POSTAGE

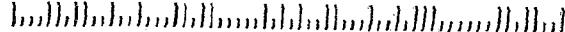
Hasler

TRACY L. SHOWERS  
P. O. BOX 703  
PHILIPSBURG, PA 16866

NIXIE 168 4E 1 OO 08/17/09  
RETURN TO SENDER  
UNCLAIMED  
UNABLE TO FORWARD

BC: 16830247201 \*0596-01104-17-26

16830@2472



**SENDER: COMPLETE THIS SECTION**

- 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.

**1. Article Addressed to:**

ROBERT J. SHOWERS  
P.O. BOX 703  
PHILIPSBURG, PA 16866

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X**

Agent  
 Addressee

**B. Received by (Printed Name)****C. Date of Delivery****D. Is delivery address different from item 1?  Yes**If YES, enter delivery address below:  No**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number**

(Transfer from service label)

7008 3230 0003 3590 6887

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

**SENDER: COMPLETE THIS SECTION**

- 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.

**1. Article Addressed to:**

TRACY L. SHOWERS  
P.O. BOX 703  
PHILIPSBURG, PA 16866

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X**

Agent  
 Addressee

**B. Received by (Printed Name)****C. Date of Delivery****D. Is delivery address different from item 1?  Yes**If YES, enter delivery address below:  No**3. Service Type**

Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)  Yes****2. Article Number**

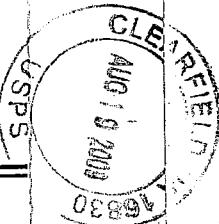
(Transfer from service label)

7008 3230 0003 3590 6870

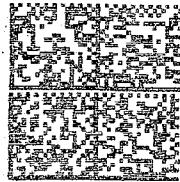
PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



**CHESTER A. HAWKINS**  
**SHERIFF**  
COURTHOUSE  
1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



016H16505405

\$00.610

07/30/2009

Mailed From 16830  
US POSTAGE

Rec. 54-05

TRACY L. SHOWERS  
P. O. BOX 703  
PHILIPSBURG, P

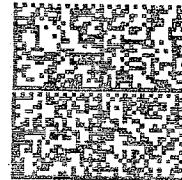
NIXIE 165 4E 1 02 09/12/09

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 16990247201 \*1173-15753-30-39

1683002472

**CHESTER A. HAWKINS**  
**SHERIFF**  
COURTHOUSE  
1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



016H16505405

\$00.610

Mailed From 16830  
**US POSTAGE**

9/14/09  
Rel.

ROBERT J. SHOWERS  
P. O. BOX 703  
PHILIPSBURG PA 16866

NIXIE 165 BE 1 00 09/13/09

RETURN TO SENDER  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD

BC: 16830247201 \*1179-23474-30-

16830@2472

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

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

August 5, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

**Re: THE BANK OF NEW YORK NATIONAL TRUST COMPANY, NA, AS  
SUCCESSOR-IN-INTEREST TO JPMORGAN CHASE BANK, NATIONAL  
ASSOCIATION, AS TRUSTEE -SURF-BC4 v.  
ROBERT J. SHOWERS and TRACY L. SHOWERS  
2592 SIX MILE ROAD PHILIPSBURG, PA 16866  
Court No. 2008-348-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for August 7, 2009 due to the following: Service of NOS.

The Property is to be relisted for the November 13, 2009 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,  
TOBY BJORKMAN for  
Phelan Hallinan & Schmieg, LLP