

08-378-CD

US Bank vs Clair Eversole Jr

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 172566

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

NO. 08-378-CD

CLEARFIELD COUNTY

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

May 14, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw OK
Deputy Prothonotary

File #. 172566

FILED *11:27 AM* MAR 04 2008 Atty pd, 395.00
William A. Shaw
Prothonotary/Clerk of Courts

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

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

3. On 07/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR BNC MORTGAGE, INC. A DELAWARE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612916. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.

4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$84,801.05
Interest	\$3,127.21
10/01/2007 through 02/28/2008	
(Per Diem \$20.71)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$102.39
07/28/2006 to 02/28/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$89,830.65
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$89,830.65

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 \$89,830.65, together with interest from 02/28/2008 at the rate of \$20.71 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 
FRANCIS S. HALLINAN, ESQUIRE 02095
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 piece or parcel of land situate in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the Southern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.88 feet to an existing iron pipe; thence along the line of land now or formerly of Joan P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 184.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

PREMISES: 810 LYLEVILLE ROAD

PARCEL: H18-000-00008

101 - H18 - 0 - 8

VERIFICATION

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

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



Attorney for Plaintiff 6/20/08

DATE: 2/29/08

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

ATTORNEY FOR PLAINTIFF

**U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
SASCO 2007-BC3**

COURT OF COMMON PLEAS

CIVIL DIVISION

Plaintiff : NO. 08-378-CD

vs. : CLEARFIELD COUNTY

CLAIR D. EBERSOLE, JR

:

Defendant(s) :

**PRAEICE 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, Esquire

Date: 4/30/08

FILED NOCC
MAY 02 2008
2008-5161
Clerk of Courts

William A. Shaw
Prothonotary/Clerk of Courts

PHS # 172566

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

ATTORNEY FOR PLAINTIFF

**U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
SASCO 2007-BC3**

: COURT OF COMMON PLEAS

: CIVIL DIVISION

Plaintiff : NO. 08-378-CD

vs.

: CLEARFIELD COUNTY

CLAIR D. EBERSOLE, JR

:

Defendant(s) :

CERTIFICATE OF SERVICE

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

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: 
Francis S. Hallinan, Esquire

Date: 4/30/08

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS : COURT OF COMMON PLEAS
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : CIVIL DIVISION
vs. : CLEARFIELD COUNTY

CLAIR D. EBERSOLE, JR : No. 08-378-CD
Defendants :
:

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: 
FRANCIS S. HALLINAN, ESQUIRE
LAWRENCE T. PHELAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
Attorneys for Plaintiff

Date: May 13, 2008

/jnj, Svc Dept.
File# 172566

FILED *MAY 14 2008* Atty pd. \$7.00
MAY 14 2008 No CC

William A. Shaw 1 Comp.
Prothonotary/Clerk of Courts
Reinstated to Atty
1 Comp. reinstated
to Sheriff

(6)

In The Court of Common Pleas of Clearfield County, Pennsylvania

Service # 1 of 1 Services

Sheriff Docket # **103840**

U.S. BANK NATIONAL ASSOCIATION, as Trustee

Case # 08-378-CD

vs.

CLAIR D. EBERSOLE, JR.

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

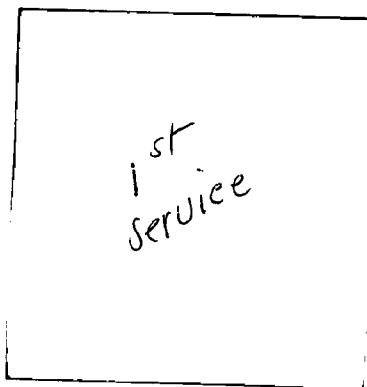
SHERIFF RETURNS

NOW July 02, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO CLAIR D. EBERSOLE JR., DEFENDANT. ATTEMPTED, NOT HOME

SERVED BY: /

Return Costs

PURPOSE	VENDOR	CHECK #	AMOUNT
SURCHARGE	PHELAN	672199	10.00
SHERIFF HAWKINS	PHELAN	672199	42.28



FILED
03:00 LM
JUL 02 2008
LM
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before me This

So Answers,

____ Day of _____ 2008

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

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

Plaintiff

CIVIL DIVISION

v.

TERM

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

NO. 08-378-CD

Defendant

CLEARFIELD COUNTY

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

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.

MAR 04 2008

File #: 172566

Attest.



William L. Brown
Prothonotary/
Clerk of Courts

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

1. Plaintiff is

U.S. BANK NATIONAL ASSOCIATION,
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3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

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

3. On 07/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR BNC MORTGAGE, INC. A DELAWARE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612916. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.

4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$84,801.05
Interest	\$3,127.21
10/01/2007 through 02/28/2008	
(Per Diem \$20.71)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$102.39
07/28/2006 to 02/28/2008	
Cost of Suit and Title Search	\$550.00
Subtotal	\$89,830.65
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$89,830.65

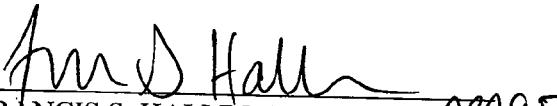
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$89,830.65, together with interest from 02/28/2008 at the rate of \$20.71 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 
FRANCIS S. HALLINAN, ESQUIRE 02095
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SHEETAL R. SHAH-JANI, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
JENINE R. DAVEY, ESQUIRE
MICHAEL E. CARLETON, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

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

BEGINNING at an iron pin located on the Southern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.88 feet to an existing iron pipe; thence along the line of land now or formerly of Joan P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 184.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

PREMISES: 810 LYLEVILLE ROAD

PARCEL: H18-000-00008

101-H18-0-8

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.


Fred Hall
Attorney for Plaintiff
62095

DATE: 2/29/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-378-CD

U.S. BANK NATIONAL ASSOCIATION, As Trustee
vs
CLAIR D. EBERSOLE, JR.

SERVICE # 1 OF 1

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 06/13/2008

HEARING:

PAGE: 104168

DEFENDANT: CLAIR D. EBERSOLE, JR.
ADDRESS: 810 LYLEVILLE ROAD
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

5-30-08-10:56 AM - D/H - Left Note

6-3-08-2:05 PM - N/H

FILED

08:39 AM 6/5/2008 NOCC
JUN 05 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 6-4-08 AT 5:12 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON CLAIR D. EBERSOLE, JR., DEFENDANT

BY HANDING TO Clair D. Ebersole Jr., Def.

A TRUE AND ATTESTED COPY OF THE ORIGINAL DOCUMENT AND MADE KNOW TO HIM / HER THE CONTENTS THEREOF.

ADDRESS SERVED 810 Lyleville Road
Coalport, PA. 16627

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR CLAIR D. EBERSOLE, JR.

AT (ADDRESS) _____

NOW _____ AT _____ AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO CLAIR D. EBERSOLE, JR.

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature

James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

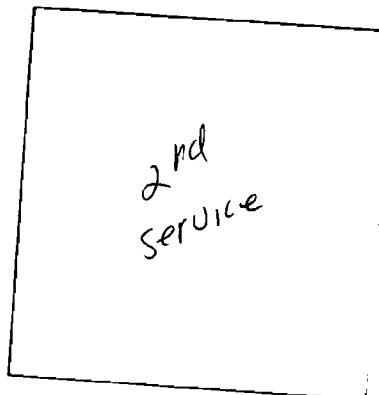
DOCKET # 104168
NO: 08-378-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, As Trustee
vs.
DEFENDANT: CLAIR D. EBERSOLE, JR.

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	694454	10.00
SHERIFF HAWKINS	PHELAN	694454	90.00



FILED
03:00 PM
JUL 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

FILED NO
7/18/2008
JUL 18 2008
S

William A. Shaw
Prothonotary/Clerk of Courts

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

US Bank National Association, as
Trustee for SASCO 2007-BC3
3476 Stateview Boulevard
Fort Mill, SC 29715
Plaintiff

vs.

Clair D. Ebersole, Jr
810 Lyleville Road
Coalport, PA 16627-9417
Defendant

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0378-CD

MOTION TO DIRECT THE SHERIFF TO FILE AFFIDAVIT OF SERVICE

1. Plaintiff commenced the instant mortgage foreclosure action by filing a Complaint on March 4, 2008. A true and correct copy of the Complaint is attached hereto, made part hereof, and marked as Exhibit "A".

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

3. On July 1, 2008, the Sheriff's office verbally advised counsel for Plaintiff that Clair D. Ebersole, Jr was served on June 4, 2008.

4. On July 2, 2008, Plaintiff sent the Defendant a ten day letter notifying him of its intention to file a default judgment.

5. To date, the Clearfield County Sheriff's office has not filed the Affidavit of Service, which was made on June 4, 2008.

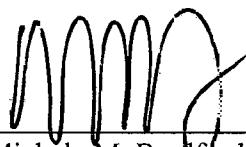
6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$20.71 per day on this mortgage account.

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

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

Respectfully submitted,
PHILAN HALLINAN & SCHMIEG, LLP

7/17/08
Date



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

EXHIBIT A

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

172566

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff

v.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

FILED
MAR 04 2008
C

William A. Shaw
Prothonotary/Clerk of Courts

File #: 172566

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

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

3. On 07/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR BNC MORTGAGE, INC. A DELAWARE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612916. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$84,801.05
Interest 10/01/2007 through 02/28/2008 (Per Diem \$26.71)	\$3,127.21
Attorney's Fees	\$1,250.00
Cumulative Late Charges 07/28/2006 to 02/28/2008	\$102.39
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$89,830.65
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$89,830.65

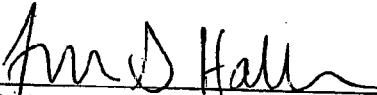
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$89,830.65, together with interest from 02/28/2003 at the rate of \$20.71 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

FRANCIS S. HALLINAN, ESQUIRE 02095
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 piece or parcel of land situate in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the Southern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.88 feet to an existing iron pipe; thence along the line of land now or formerly of Joan P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 134.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

PREMISES: 810 LYLEVILLE ROAD

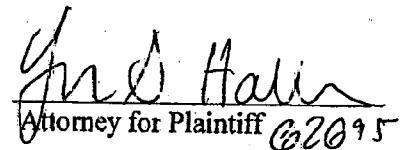
PARCEL: H18-000-00008

101 - H18-0-8

VERIFICATION

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

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



Attorney for Plaintiff 62095

DATE: 2/29/08

VERIFICATION

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

7/17/08
Date

PHELAN HALLINAN & SCHMIEG, LLP



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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

US Bank National Association, as Trustee for SASCO 2007-BC3 3476 Stateview Boulevard Fort Mill, SC 29715 Plaintiff	:	Court of Common Pleas
vs.	:	Civil Division
Clair D. Ebersole, Jr 810 Lyleville Road Coalport, PA 16627-9417 Defendant	:	Clearfield County No. 08-0378-CD

RULE

AND NOW, this _____ day of _____ 2008, a Rule is entered upon the
Defendant and/or the Sheriff of Clearfield County to show cause why an Order should not be
entered granting Plaintiff's Motion to Direct Sheriff to File Affidavit of Service.

Rule Returnable on the _____ day of _____ 2008, at _____ at the
Clearfield County Courthouse, Clearfield Pennsylvania.

BY THE COURT,

J.

FILED NO CC
MILLI 25A
JUL 18 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

US Bank National Association, as Trustee for SASCO 2007-BC3 3476 Stateview Boulevard Fort Mill, SC 29715 Plaintiff	:	Court of Common Pleas
vs.	:	Civil Division
Clair D. Ebersole, Jr. 810 Lyleville Road Coalport, PA 16627-9417 Defendant	:	Clearfield County
	:	No. 08-0378-CD

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Direct Sheriff to File
Affidavit of Service and Brief in Support thereof were served upon the following interested
parties via first class mail on the date indicated below:

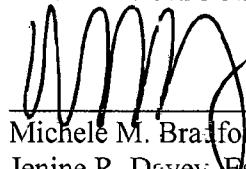
Chester A. Hawkins
Sheriff of Clearfield County
230 East Market Street
Clearfield, PA 16830

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

Clair D. Ebersole, Jr
810 Lyleville Road
Coalport, PA 16627-9417

7/17/08
Date

PHELAN HALLINAN & SCHMIEG, LLP


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

FILED

O 2:12P.M. 6/21
JUL 22 2008

ICC ATTY

ICC SHERIFF

William A. Shaw
Prothonotary/Clerk of Courts

6/21

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

US Bank National Association, as
Trustee for SASCO 2007-BC3
3476 Stateview Boulevard
Fort Mill, SC 29715
Plaintiff

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0378-CD

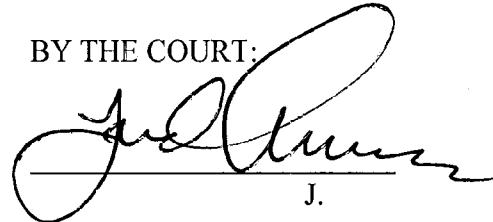
vs.
Clair D. Ebersole, Jr
810 Lyleville Road
Coalport, PA 16627-9417
Defendant

ORDER

AND NOW, this 22 day of July, 2008, upon consideration of
Plaintiff's Motion to Direct Sheriff to File Affidavit of Service, and any response thereto, it is
hereby:

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

BY THE COURT:


J.

DATE: 7-22-08

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions: Sheriff was served

FILED

JUL 22 2008

William A. Shaw
Prothonotary/Clerk of Courts

FILED
M 11 34 PM
JUL 28 2008
NO CC
DCC
William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

US Bank National Association, as Trustee for SASCO 2007-BC3 3476 Stateview Boulevard Fort Mill, SC 29715 Plaintiff	:	Court of Common Pleas
vs.	:	Civil Division
Clair D. Ebersole, Jr 810 Lyleville Road Coalport, PA 16627-9417 Defendant	:	Clearfield County
	:	No. 08-0378-CD

CERTIFICATE OF SERVICE

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

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

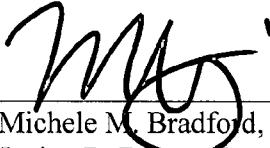
Peter F. Smith, Esquire
30 South 2nd Street
PO Box 130
Clearfield, PA 16830-2347
(Sheriff's Solicitor)

Clair D. Ebersole, Jr
810 Lyleville Road
Coalport, PA 16627-9417

7/25/08

Date

PHELAN HALLINAN & SCHMIEG, LLP



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

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

Attorney for Plaintiff

FILED Atty pd. \$20.00
m/11/08 AD
AUG 26 2008 ICC Notice
to Def.

William A. Shaw
Prothonotary, Clerk of Courts
Statement to
Atty
⑥

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 08-378-CD

Plaintiff,
v.
CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

:
:
:
:
:
:
:

Defendant(s).

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

TO THE OFFICE OF THE PROTHCNOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against CLAIR D. EBERSOLE, JR., Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

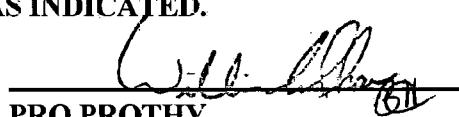
As set forth in the Complaint	\$ 89,830.65
Interest - 02/29/2008 - 08/25/2008	\$ 3,707.09
TOTAL	<u>\$ 93,537.74</u>

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 8/26/08


PRO PROTHY

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS : COURT OF COMMON PLEAS
TRUSTEE FOR SASCO 2007-BC3
Plaintiff : CIVIL DIVISION
Vs. : CLEARFIELD COUNTY
CLAIR D. EBERSOLE, JR. : NO. 08-378-CD
Defendants

TO: CLAIR D. EBERSOLE, JR.
310 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE OF NOTICE: JULY 2, 2008

FILE COPY

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

IMPORTANT NOTICE

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

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

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

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

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



Jason Ricco, Legal Assistant

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

ATTORNEY FOR PLAINTIFF

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3.

3476 STATEVIEW BLVD

FORT MILL, SC 29715

Plaintiff,

v.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Defendant(s).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-378-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 CLAIR D. EBERSOLE, JR is over 18 years of age and resides at 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417.

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

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised)

COPY

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS :
TRUSTEE FOR SASCO 2007-BC3 :
3476 STATEVIEW BLVD :
FORT MILL, SC 29715 :
CLEARFIELD COUNTY
COURT OF COMMON PLEAS

Plaintiff, : CIVIL DIVISION

v.

CLAIR D. EBERSOLE, JR :
810 LYLEVILLE ROAD :
COALPORT, PA 16627-9417 :
NO. 08-378-CD

Defendant(s). :
:

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

BY William H. Schmieg DEPUTY

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

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

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

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

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

COPIED

U.S. Bank National Association

SASCO 2007-BC3

Plaintiff(s)

No.: 2008-00378-CD

Real Debt: \$93,537.74

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Clair D. Ebersole Jr.

Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: August 26, 2008

Expires: August 26, 2013

Certified from the record this 26th day of August, 2008.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

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

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
SASCO 2007-BC3

vs.
CLAIR D. EBERSOLE, JR

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-378-CD Term 20.....

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	
Interest from 08/26/2008 to Sale	\$93,537.74
Per diem \$15.38	140.00
Add'l Costs	\$
Writ Total	\$3,805.50
	\$

Prothonotary costs

\$ _____

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Daniel G. Schmeg
Attorney for the Plaintiff(s)

172566

FILED Atty pd. \$20.00
m 11/17/08 10:00 a.m.
AUG 26 2008
w/prop. desc.
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

(6)

No. 08-378-CD..... Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

vs.

CLAIR D. EBERSOLE, JR

PRAECLPICE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Daniel G. Schmieg

Attorney for Plaintiff(s)

Address: CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

LEGAL DESCRIPTION

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

BEGINNING at an iron pin located on the Scuthern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.38 feet to an existing iron pipe; thence along the line of land now or formerly of Jean P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 184.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 32 minutes 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

TITLE TO SAID PREMISES IS VESTED IN Clair D. Ebersole, Jr., by Deed from Robert Wilson, single, dated 07/28/2006, recorded 08/01/2006, in Deed Mortgage Inst# 200612915.

Premises being: 810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Tax Parcel No. 101-H-18-0-8, CONTROL #: 10103790

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715**

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

Plaintiff,

v.

**CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417**

CIVIL DIVISION

NO. 08-378-CD

Defendant(s).

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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3, 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 **810 LYLEVILLE ROAD, COALPORT, PA 16627-9417**.

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

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

CLAIR D. EBERSOLE, JR **810 LYLEVILLE ROAD
COALPORT, PA 16627-9417**

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

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

Same as Above

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

AUGUST 25, 2008
Date

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

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715**

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

Plaintiff,

V.

**CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417**

Defendant(s):

AFFIDAVIT PURSUANT TO RULE 3129

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3, 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 **810 LYLEVILLE ROAD, COALPORT, PA 16627-9417**.

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

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

None

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

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

None

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

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

None

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

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

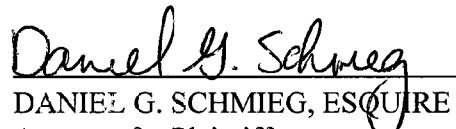
None

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
TENANT/OCCUPANT	810 LYLEVILLE ROAD COALPORT, PA 16627-9417
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 th Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128
Internal Revenue Service Federated Investors Tower	13 TH Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222
Department of Public Welfare TPL Casualty Unit Estate Recovery Program	P.O. Box 8486 Willow Oak Building Harrisburg, PA 17105

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

AUGUST 25, 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

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3**

3476 STATEVIEW BLVD

FORT MILL, SC 29715

:

CLEARFIELD COUNTY

COURT OF COMMON PLEAS

:

CIVIL DIVISION

:

NO. 08-378-CD

Plaintiff,

v.

CLAIR D. EBERSOLE, JR

810 LYLEVILLE ROAD

COALPORT, PA 16627-9417

:

:

:

Defendant(s).

:

:

CERTIFICATION

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

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

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

Daniel G. Schmieg

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

COPY

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

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
SASCO.2007-BC3

vs.

CLAIR.D. EBERSOLE, JR

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-378-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following property (specifically described property below):

PREMISES: 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417
(See Legal Description attached)

Amount Due	\$93,537.74
Prothonotary costs	142.00
Interest from 08/26/2008 to Sale	\$ _____
Per diem \$15.38	
Add'l Costs	\$3,805.50
Writ Total	\$ _____

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

Date: 8/26/08
(SEAL)

172566

No. 08-378-CD..... Term 20 A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

vs.

CLAIR D. EBERSOLE, JR

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs	
Real Debt	\$93,537.74
Int. from 08/26/2008 To Date of Sale (\$15.38 per diem)	
Costs	
Prothy Pd.	<u>142.00</u>
Sheriff	

Daniel H. Schmitz

Attorney for Plaintiff(s)

Address: CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

LEGAL DESCRIPTION

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

BEGINNING at an iron pin located on the Southern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.88 feet to an existing iron pipe; thence along the line of land now or formerly of Joan P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 184.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 32 minutes 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

TITLE TO SAID PREMISES IS VESTED IN Clair D. Ebersole, Jr., by Deed from Robert Wilson, single, dated 07/28/2006, recorded 08/01/2006, in Deed Mortgage Inst# 200612915.

Premises being: 810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Tax Parcel No. 101-H-18-0-8, CONTROL #: 10103790

PHELAN HALLINAN & SCHMIEG, LLP
By Daniel G. Schmieg, Esquire, ID No. 62205
One Penn Center at Suburban Station
Suite 1400
Philadelphia, PA 19103-1814
215-563-7000

Attorney for Plaintiff

**U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR SASCO 2007-BC3**

Plaintiff

Vs.

CLAIR D. EBERSOLE, JR

**Court of Common Pleas
CLEARFIELD County
NO. 08-378-CD**

Defendants

PRAECIPE 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.

August 25, 2008
Date

Daniel G. Schmieg
Daniel G. Schmieg, Esquire

FILED NO CC
m/10/08 3:21
AUG 26 2008 (610)

William A. Shaw
Prothonotary/Clerk of Courts

LEGAL DESCRIPTION

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TITLE TO SAID PREMISES IS VESTED IN Clair D. Ebersole, Jr., by Deed from Robert Wilson, single, dated 07/28/2006, recorded 08/01/2006, in Deed Mortgage Inst# 200612915.

Premises being: 810 LYLEVILLE ROAD
COALPORT, PA 16527-9417

Tax Parcel No. 101-H-18-0-8, CCNTROL #: 10103790

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

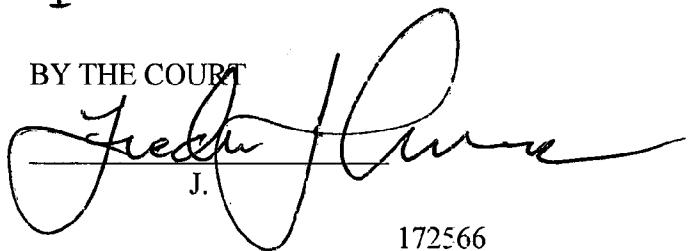
U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division
vs. :
CLEARFIELD County :
No. 08-378-CD :
Defendant :

RULE

AND NOW, this 8th day of October 2008, a Rule is entered upon the
Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to
Reassess Damages.

Rule Returnable on the 12th day of November 2008, at 10:15 ^{A.M.} in the Clearfield
County Courthouse, Clearfield, Pennsylvania. Courtroom #1

BY THE COURT



172566

FILED ^{ICC}
013:33 AM OCT 08 2008 Amy Bradford
OCT 08 2008

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 10/8/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

Probationary/Clerk of Courts
William A. Shaw

FILED

OCT 08 2008

FILED NO CC
M 12:34 P.M.
OCT 06 2008 (C)
S William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS	:	Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3	:	
Plaintiff	:	Civil Division
vs.	:	CLEARFIELD County
CLAIR D. EBERSOLE, JR	:	No. 08-378-CD
Defendant	:	

PLAINTIFF'S MOTION TO REASSESS DAMAGES

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on March 4, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on August 26, 2008 in the amount of \$93,537.74. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

~3~ Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

4. The Property is listed for Sheriff's Sale on November 7, 2008.

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

Principal Balance	\$84,801.05
Interest Through November 7, 2008	\$8,344.28
Per Diem \$20.91	
Late Charges	\$102.39
Legal fees	\$2,150.00
Cost of Suit and Title	\$1,397.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$120.00
Appraisal/Brokers Price Opinion	\$190.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,960.39</u>
TOTAL	\$99,065.11

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

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

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

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

DATE: 10/3/08

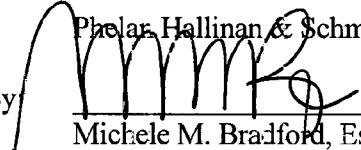
By 
Polar, Hallinan, & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit "A"

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

172566

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

NO. 08-378-CD

Defendant

CLEARFIELD COUNTY

ATTORNEY FILE COPY
PLEASE RETURN

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

FILED
MAR 04 2008
Clerk
William A. Shaw
Prothonotary/Clerk of Courts

File #: 172566

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

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

3. On 07/28/2006 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR BNC MORTGAGE, INC. A DELAWARE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612916. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.

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

5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$84,801.05
Interest 10/01/2007 through 02/28/2008 (Per Diem \$20.71)	\$3,127.21
Attorney's Fees	\$1,250.00
Cumulative Late Charges 07/28/2006 to 02/28/2008	\$102.39
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$89,830.65
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$89,830.65

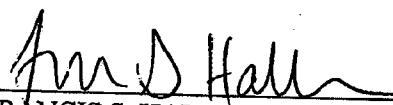
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 \$89,830.65, together with interest from 02/28/2008 at the rate of \$20.71 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

FRANCIS S. HALLINAN, ESQUIRE 02095
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 piece or parcel of land situate in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the Southern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.88 feet to an existing iron pipe; thence along the line of land now or formerly of Joan P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 184.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

PREMISES: 810 LYLEVILLE ROAD

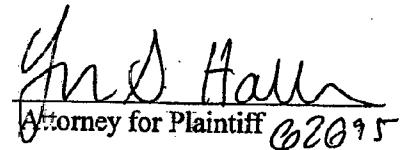
PARCEL: H18-000-00008

101 - H18 - 0 - 8

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.


Fred Hall
Attorney for Plaintiff 02095

DATE: 2/29/08

Exhibit “B”

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

FILED
4/25/2008

William A. Shaw
Prothonotary/Clerk of Courts

U.S. BANK NATIONAL ASSOCIATION, AS :
TRUSTEE FOR SASCO 2007-BC3 :
3476 STATEVIEW BLVD : **CLEARFIELD COUNTY**
FORT MILL, SC 29715 : **COURT OF COMMON PLEAS**

Plaintiff, : **CIVIL DIVISION**
v. :

CLAIR D. EBERSOLE, JR :
810 LYLEVILLE ROAD :
COALPORT, PA 16627-9417 :

Defendant(s). :
:

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

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **CLAIR D. EBERSOLE, JR.**, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in the Complaint	\$ 89,830.65
Interest - 02/29/2008 - 08/25/2008	\$3,707.09
TOTAL	<u>\$ 93,537.74</u>

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

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

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 8/24/08

William A. Shaw
PROTHONOTARY

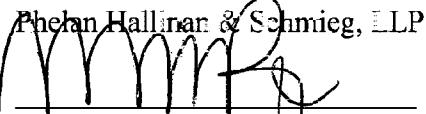
172566

VERIFICATION

Michele M. Bradford, Esquire, hereby states that she is the attorney for Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: 10/3/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division
vs. :
CLEARFIELD County
CLAIR D. EBERSOLE, JR. : No. 08-378-CD
Defendant :
:

CERTIFICATION OF SERVICE

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

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE: 10/3/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division
vs. : CLEARFIELD County
CLAIR D. EBERSOLE, JR. : No. 08-378-CD
Defendant

ORDER

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

Principal Balance	\$84,801.05
Interest Through November 7, 2008	\$8,344.28
Per Diem \$20.91	
Late Charges	\$102.39
Legal fees	\$2,150.00
Cost of Suit and Title	\$1,397.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$120.00
Appraisal/Brokers Price Opinion	\$190.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits	(<u>\$0.00</u>)
Escrow Deficit	<u>\$1,960.39</u>

TOTAL	\$99,065.11
--------------	--------------------

Plus interest from November 7, 2008 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

J.

172566

PHELAN HALLINAN & SCHMIEG

Suite 1400

1617 JFK Boulevard

Philadelphia, PA 19103-1814

215-563-7000

Fax (215) 563-3826

FILED

OCT 10 2008

11:00 AM

William A. Shaw
Prothonotary/Clerk of Courts

JOSEPH DEBARBERIE
Legal Assistant, Ext. 1536

Representing Lenders in
Pennsylvania and New Jersey

October 2, 2008

Office of the Prothonotary
CLEARFIELD County Courthouse

Re: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3
VS.
CLAIR D. EBERSOLE, JR
NO: 08-378-CD
PHS#: 172566

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

Dear Sir/Madam:

Enclosed please find an Affidavit of Service Pursuant to Rule 3129 with the necessary attachments regarding the above matter.

Thank you for your assistance in this matter. Should you have any questions, please do not hesitate to contact me.

*****Please be advised that in the event the Plaintiff is not represented at the sale the sale is to be stayed or postponed.*****

****Property is listed for the NOVEMBER 7, 2008 Sheriff Sale****

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.

Very truly yours,

PHELAN HALLINAN & SCHMIEG

By:

Joe D. Barberie

JOSEPH DEBARBERIE, Legal Assistant

cc: Sheriff of CLEARFIELD County
ATTN: Cindy Butler

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE : CLEARFIELD COUNTY
FOR SASCO 2007-BC3 : COURT OF COMMON PLEAS
Plaintiff, :
v. : CIVIL DIVISION
CLAIR D. EBERSOLE, JR : NO. 08-378-CD
Defendant(s) :
:

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417.

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: October 2, 2008

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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3 3476 STATEVIEW BLVD FORT MILL, SC 29715	:	CLEARFIELD COUNTY COURT OF COMMON PLEAS
Plaintiff,	:	CIVIL DIVISION
v.	:	NO. 08-378-CD
CLAIR D. EBERSOLE, JR 810 LYLEVILLE ROAD COALPORT, PA 16627-9417	:	
Defendant(s).	:	

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

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3, 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 **810 LYLEVILLE ROAD, COALPORT, PA 16627-9417**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
CLAIR D. EBERSOLE, JR	810 LYLEVILLE ROAD COALPORT, PA 16627-9417

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

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

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

AUGUST 25, 2008
Date

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

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3**
3476 STATEVIEW BLVD
FORT MILL, SC 29715

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

Plaintiff,

v.

**CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417**

CIVIL DIVISION

NO. 08-378-CD

Defendant(s).

**AMENDED
AFFIDAVIT PURSUANT TO RULE 3129**

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3, 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 **810 LYLEVILLE ROAD, COALPORT, PA 16627-9417**.

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.)
Cove Lumber Inc.	RD 1 Box 412 Martinsburg, PA 16662
Cove Lumber Inc. C/o Frederick b. Gieg, JR. Esquire	401 North Logan Blvd. Altoona, PA 16602

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

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

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

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

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

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

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

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

TENANT/OCCUPANT **810 LYLEVILLE ROAD**
COALPORT, PA 16627-9417

**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
July 1, 2010

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

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

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

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

AUGUST 25, 2008
Date

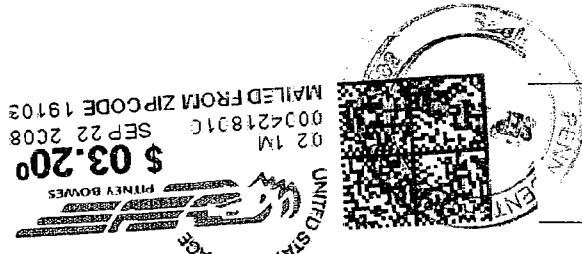
Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Name and
Address
of Sender

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

COS

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 810 LYLEVILLE ROAD COALPORT, PA 16627-9417		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 th Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7		Cove Lumber Inc. RD 1 Box 412 Martinsburg, PA 16662		
8		Cove Lumber Inc. C/o Frederick b. Gieg, JR. Esquire 101 North Logan Blvd. Altoona, PA 16602		
9				
10				
11				
12		Re: CLAIR D. EBERSOLE, JR	172566	TEAM 4 BSD
Total Number of Pieces Listed by Sender		Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.	



5
FILED NOCC
M 11/12/08
OCT 16 2008
William A. Shaw
Prothonotary/Clerk of Courts
LAW

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

Plaintiff

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

: No. 08-378-CD

Defendant

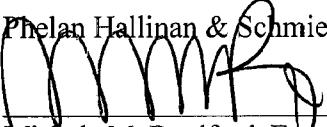
CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's October 8, 2008 Rule directing the Defendant to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE: 10/14/08

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
BY: DANIEL G. SCHMIEG, ESQUIRE
Attorney I.D. No.: 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3**

v.

CLAIR D. EBERSOLE, JR.

Plaintiff : CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 08-378-CD

Defendant :

FILED *m/10/08* ^{No cc}
OCT 28 2008 *GW*

S
William A. Shaw
Prothonotary/Clerk of Courts

**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 Defendant, **CLAIR D. EBERSOLE, JR.**, by certified mail and regular mail to 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417 and P.O. BOX 27, WILLIAMSBURG, PA 16693, and in support thereof avers the following:

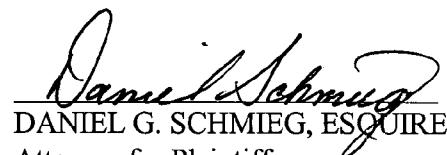
1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **NOVEMBER 7, 2008**.
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendant be served with a notification of Sheriff's Sale at least thirty (30) days prior to the scheduled sale date.

3. Attempts to serve Defendant with the Notice of Sale have been unsuccessful, as indicated by the Return of Service attached hereto as Exhibit "A", NO SERVICE WAS MADE AT THE MORTGAGED PROPERTY AS THERE WAS NO ANSWER AT THE PREMISES.
4. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results therefrom is attached hereto as Exhibit "B".

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 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417 and P.O. BOX 27, WILLIAMSBURG, PA 16693.

PHELAN HALLINAN & SCHMIEG, LLP

By:



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

AFFIDAVIT OF SERVICE

EXHIBIT A

PLAINTIFF U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3 CLEARFIELD County
No. 08-378-CD
Our File #: 172566

DEFENDANT(S) CLAIR D. EBERSOLE, JR.

Please serve upon: CLAIR D. EBERSOLE, JR. Type of Action
- Notice of Sheriff's Sale

SERVE AT: 810 LYLEVILLE ROAD
COALPORT, PA 16627-9417 Sale Date: NOVEMBER 7, 2008

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 4th day of October, 2008, at 10:18 o'clock A m., Defendant NOT FOUND because:

Moved Unknown X No Answer Vacant
1st attempt Date: 9/30/08 Time: 6:09 PM, 2nd attempt Date: 10/2/08 Time: 3:40 PM, 3rd
attempt Date: 10/4/08 Time: 10:18 AM
Other: _____

Sworn to and subscribed
before me this 6th day
of OCTOBER, 2008

Notary: By: P.M. ELLIS
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

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

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

File Number: 172566
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**
Subject: Clair D. Ebersole Jr.

EXHIBIT B

Property Address: 810 Lyleville Road, Coalport, PA 16627
Possible Mailing Address: P.O. Box 27, Williamsburg, PA 16693

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
Clair D. Ebersole Jr. - xxx-xx-6158

B. EMPLOYMENT SEARCH

Clair D. Ebersole Jr. - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Clair D. Ebersole Jr. reside(s) at: 810 Lyleville Road, Coalport, PA 16627.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which indicated that Clair D. Ebersole Jr. reside(s) at: 810 Lyleville Road, Coalport, PA 16627. On 10-16-08 our office made a telephone call to the subject's phone number (814) 672-4209 and received the following information: spoke with an unidentified female who could not confirm that subject reside(s) at: 810 Lyleville Road, Coalport, PA 16627.

III. INQUIRY OF NEIGHBORS

On 10-16-08 our office made several phone calls in an attempt to contact James H. Walker (814) 672-5239, 664 Lyleville Road, Coalport, PA 16627: no answer.

On 10-16-08 our office made several phone calls in an attempt to contact Joan P. Green (814) 672-3146, 736 Lyleville Road, Coalport, PA 16627: no answer.

On 10-16-08 our office made several phone calls in an attempt to contact Lori J. Misiura (814) 672-4371, 902 Lyleville Road, Coalport, PA 16627: no answer.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 10-16-08 we reviewed the National Address database and found the following information: Clair D. Ebersole Jr. - P.O. Box 27, Williamsburg, PA 16693.

EXHIBIT B

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: P.O. Box 27, Williamsburg, PA 15693.

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Clair D. Ebersole Jr.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 10-16-08 Vital Records and all public databases have no death record on file for Clair D. Ebersole Jr.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Clair D. Ebersole Jr. residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Clair D. Ebersole Jr. - 05-01-1975

B. A.K.A.

Clair E. Ebersole Jr.

* 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 statements 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.



AFFIANT - Brendan Booth
Full Spectrum Services, Inc.

Sworn to and subscribed before me this 16th day of October, 2008.



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

END

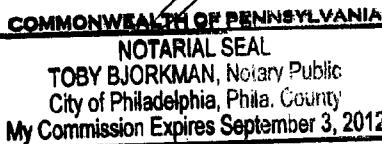


EXHIBIT B

RECEIVED

RECEIVED
JULY 1 1968
CITY OF NEW YORK
MAY 20 1968

PHELAN HALLINAN & SCHMIEG, LLP
BY: DANIEL G. SCHMIEG, ESQUIRE
Attorney I.D. No.: 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

U.S. BANK NATIONAL ASSOCIATION, AS	:	
TRUSTEE FOR SASCO 2007-BC3	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff	:	
v.	:	CIVIL DIVISION
CLAIR D. EBERSOLE, JR.	:	NO. 08-378-CD
	:	
Defendant	:	
	:	
	:	

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 Defendant 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 Defendant, CLAIR D. EBERSOLE, JR., 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 Affidavit of Return of Service, marked hereto as Exhibit "A", the Process Server has been unable to serve the Notice of Sale.

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

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 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417 and P.O. BOX 27, WILLIAMSBURG, PA 16693.

Respectfully submitted,

PHELAN HALLINAN & SCHMIEG, LLP

By:



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

VERIFICATION

DANIEL G. SCHMIEG, 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: October 24, 2008


Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE

PHELAN HALLINAN & SCHMIEG, LLP
BY: DANIEL G. SCHMIEG, ESQUIRE
Attorney I.D. No.: 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

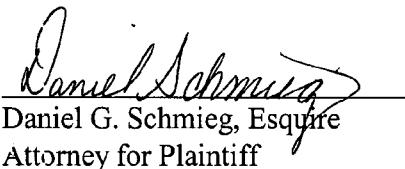
Attorney for Plaintiff

U.S. BANK NATIONAL ASSOCIATION, AS	:	
TRUSTEE FOR SASCO 2007-BC3	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
Plaintiff	:	
v.	:	CIVIL DIVISION
	:	
CLAIR D. EBERSOLE, JR.	:	NO. 08-378-CD
	:	
Defendant	:	
	:	
	:	

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.

CLAIR D. EBERSOLE, JR.
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417
and
P.O. BOX 27
WILLIAMSBURG, PA 16693



Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: October 24, 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

Plaintiff : CIVIL DIVISION
v. : NO. 08-378-CD

CLAIR D. EBERSOLE, JR.

Defendant :

FILED

OCT 29 2008

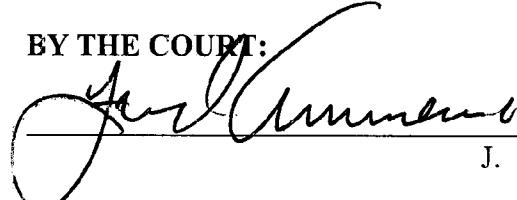
William A. Shaw
Prothonotary/Clerk of Courts
S 3 Cents to Att'l

ORDER

AND NOW, this 29th day of October, 2008, upon consideration of Plaintiff's Motion for Service of Notice of Sale Pursuant to Special Order of Court and the Affidavit of Good Faith Investigation attached thereto, it is hereby ORDERED that Plaintiff may obtain service of the Notice of Sale on the above-captioned Defendant, CLAIR D. EBERSOLE, JR., by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417 and P.O. BOX 27, WILLIAMSBURG, PA 16693. Plaintiff shall also post the mortgaged premises located at 810 Lyleville Road, Coalport, PA 16693.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

BY THE COURT:


J.

CC: Daniel G. Schmieg, Esq.
1617 JFK Blvd, Ste. 1400
Philadelphia, PA 19103

CLAIR D. EBERSOLE, JR.
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

ORIGINAL

DATE: 10-24-06

You are responsible for serving all appropriate parties.
The Prothonotary's Office has provided service to the following parties:
Plaintiff(s) Plaintiff(s) Attorney Defendant(s) Plaintiff(s) Attorney Defendant(s) Attorney Other
Defendant(s) Defendant(s) Attorney Other
Special Instructions:

Prothonotary/Deputy Clerk of Courts
William A. Shaw

OCT 29 2006

FILED

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

Plaintiff : Court of Common Pleas

vs. : Civil Division

CLAIR D. EBERSOLE, JR : CLEARFIELD County

: No. 08-378-CD

Defendant

PRAECIPE

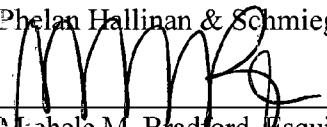
TO THE PROTHONOTARY:

Plaintiff hereby withdraws its Motion to Reassess Damages, filed on October 6, 2008 in the above referenced action.

DATE: 11/11/08

By:

Phelan Hallinan & Schmieg, LLP


Michele M. Bradford, Esquire
Attorney for Plaintiff

s
FILED *No cc*
NOV 11 2008
NOV 12 2008

WAS
William A. Shaw
Prothonotary/Clerk of Courts

FILED

NOV 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs.	:	CLEARFIELD County
CLAIR D. EBERSOLE, JR.	:	No. 08-378-CD
Defendant	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Plaintiff's Praeclipe to withdraw its Motion to Reassess Damages was served upon the following interested parties on the date indicated below.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE: 11/11/08

By

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

FILED NOCC
NOV 12 2008 CIR

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Attorney I.D. No.: 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19102
(215) 563-7000

Attorney for Plaintiff

U.S. BANK NATIONAL ASSOCIATION, A
TRUSTEE FOR SASCO 2007-BC3

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-378-CD
:

CLAIR D. EBERSOLE, JR.

Defendant.

**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 **CLAIR D. EBERSOLE, JR.** on **NOVEMBER 4, 2008** at **810 LYLEVILLE ROAD, COALPORT, PA 16627-9417 & P.O. BOX 27, WILLIAMSBURG, PA 16693** in accordance with the Order of Court dated **OCTOBER 29, 2008**. The property was posted on **JANUARY 12, 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:

Daniel Schmieg
DANIEL G. SCHMIEG, ESQUIRE

Dated: January 16, 2009

FILED
M 10:20 a.m. 6/6
JAN 19 2009 100 SHFL.

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

Plaintiff

CIVIL DIVISION

v.

NO. 08-378-CD

CLAIR D. EBERSOLE, JR.

Defendant

ORDER

AND NOW, this 29th day of October, 2008, upon consideration of Plaintiff's Motion for Service of Notice of Sale Pursuant to Special Order of Court and the Affidavit of Good Faith Investigation attached thereto, it is hereby ORDERED that Plaintiff may obtain service of the Notice of Sale on the above-captioned Defendant, **CLAIR D. EBERSOLE, JR.**, by mailing a true and correct copy of the Notice of Sale by certified mail and regular mail to 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417 and P.O. BOX 27, WILLIAMSBURG, PA 16693. Plaintiff shall also post the mortgaged premises located at 810 Lyleville Road, Coalport, PA 16693.

Service of the aforementioned mailings is effective upon the date of mailing and is to be done by Plaintiff's attorney, who will file with the Prothonotary's Office an Affidavit of service.

BY THE COURT:
/S/ Fredric J Ammerman

J.

CC: Daniel G. Schmieg, Esq.
1617 JFK Blvd, Ste. 1400
Philadelphia, PA 19103

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

CLAIR D. EBERSOLE, JR.
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

OCT 29 2008

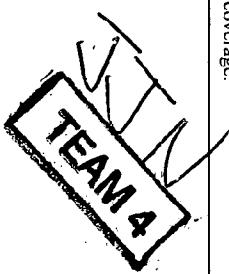
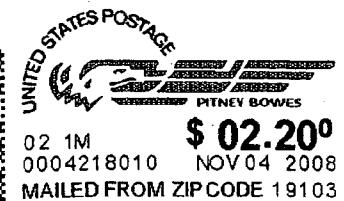
Attest.

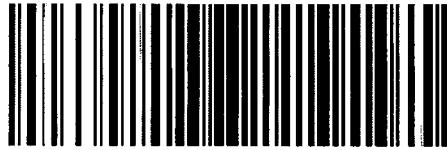
William J. Ammerman
Prothonotary
Clerk of Courts

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		CLAIR D. EBERSOLE, JR. 810 LYLEVILLE ROAD COALPORT, PA 16627-9417		
2		CLAIR D. EBERSOLE, JR. P.O. BOX 27 WILLIAMSBURG, PA 16693		
3				
4				
5				
6				
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8				
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10				
11				
12		Re: CLAIR D. EBERSOLE, JR		
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7178 2417 6099 0015 9017

4 / JJN

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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Status: Delivered

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COALPORT, PA 16627.

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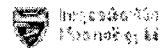
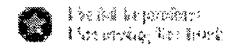
Verify who signed for your item by email. [Go >](#)

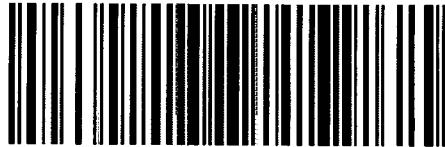
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No FEAR Act EEO Data

FOIA





7178 2417 6099 0015 9024

4 / JJN
CLAIR D. EBERSOLE, JR.
P.O. BOX 27
WILLIAMSBURG, PA 16693-0000

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--fold here (regular)



Date Produced: 11/24/2008

PHELAN HALLINAN & SCHMIEG

The following is the delivery information for Certified Mail™ item number 7178 2417 6099 0015 9024. Our records indicate that this item was delivered on 11/21/2008 at 02:24 p.m. in WILLIAMSBURG, PA, 16693. The scanned image of the recipient information is provided below.

Signature of Recipient:

A handwritten signature in cursive script that appears to read "Carol Ebersole".

A handwritten signature in cursive script that appears to read "Carol Ebersole".

Address of Recipient:

A handwritten address in cursive script that appears to read "P.O. Box 27".

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 16668

AFFIDAVIT OF SERVICE

PLAINTIFF U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3 CLEARFIELD County
No. 08-378-CD
Our File #: 172566

DEFENDANT(S) CLAIR D. EBERSOLE, JR Type of Action
- Notice of Sheriff's Sale

***PLEASE POST PROPERTY WITH NOTICE OF SALE,
PER COURT ORDER***

Sale Date: MARCH 6, 2009

SERVE AT: 810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

SERVED

Served and made known to CLAIR D. EBERSOLE, Defendant, on the 12th day of JANUARY,
2009 at 9:00, o'clock A.m., at 810 LYLEVILLE Rd, COALPORT, PA 16627-9417,

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).

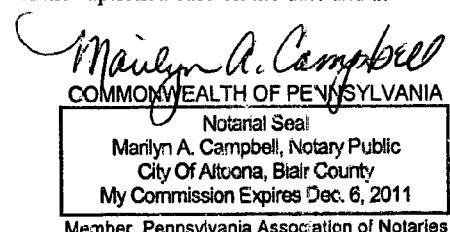
Agent or person in charge of Defendant(s)'s office or usual place of business.

Other: POSTED

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.

Sworn to and subscribed
before me this 12th day
of JANUARY, 2009
Notary: By: D.M. Ellis



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

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

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

Sworn to and subscribed
before me this _____ day
of _____, 200_____.
Notary: By:

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

FILED
m 11:07 a.m. 6/6
FEB 06 2009

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

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

Court of Common Pleas

Plaintiff

Civil Division

v.

CLEARFIELD County

CLAIR D. EBERSOLE, JR

No. 08-378-CD

Defendant

PLAINTIFF'S MOTION TO REASSESS DAMAGES

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on March 4, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on August 26, 2008 in the amount of \$93,537.74. 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 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417 (hereinafter the "Property") was postponed or stayed for the following reason:

a.) The Defendant filed a Chapter 07 Bankruptcy at Docket Number 08-71219 on November 5, 2008. Plaintiff obtained relief from the bankruptcy to proceed with foreclosure by order of court dated December 1, 2008. 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 March 6, 2009.

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

Principal Balance	\$84,801.05
Interest Through March 6, 2009	\$10,820.38
Per Diem \$20.91	
Late Charges	\$102.39
Legal fees	\$3,500.00
Cost of Suit and Title	\$1,732.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$120.00
Appraisal/Brokers Price Opinion	\$410.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	\$0.00
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,960.39
TOTAL	\$103,446.21

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

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

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

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

DATE: 2/5/09

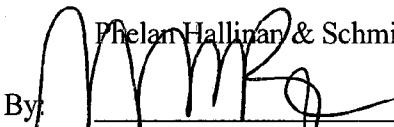
By: 
Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

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

172566

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff

v.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

FILED
MAP 04 2008
C

William A. Shaw
Prothonotary/Clerk of Courts

File #: 172566

NOTICE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW.

THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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

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

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

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

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

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

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

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

1. Plaintiff is

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FCR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

CLAIR D. EERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

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

3. On 07/28/2005 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR BNC MORTGAGE, INC. A DELAWARE CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200612916. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 11/01/2007 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$84,801.05
Interest 10/01/2007 through 02/28/2008 (Per Diem \$20.71)	\$3,127.21
Attorney's Fees	\$1,250.00
Cumulative Late Charges 07/28/2006 to 02/28/2008	\$102.39
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$89,830.65
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$89,830.65

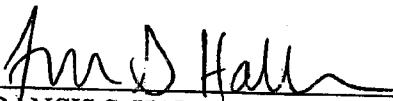
7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's 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 1933, 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 \$89,830.65, together with interest from 02/28/2008 at the rate of \$20.71 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 
FRANCIS S. HALLINAN, ESQUIRE (22695)
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 piece or parcel of land situate in the Township of Beccaria, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at an iron pin located on the Southern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.88 feet to an existing iron pipe; thence along the line of land now or formerly of Joan P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 184.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

PREMISES: 810 LYLEVILLE ROAD

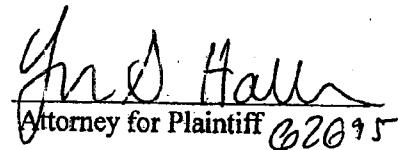
PARCEL: H18-000-00008

101-H18-0-8

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.


Fred Hall
Attorney for Plaintiff 62095

DATE: 2/29/08

Exhibit “B”

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

Attorney for Plaintiff

FILED
AUG 26 2008

William A. Shaw
Prothonotary/Clerk of Courts

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3
3476 STATEVIEW BLVD
FORT MILL, SC 29715

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-378-CD

v.
CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Defendant(s).
:

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

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against CLAIR D. EBERSOLE, JR., Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as follows:

As set forth in the Complaint	\$ 89,830.65
Interest - 02/29/2008 - 08/25/2008	\$3,707.09
TOTAL	<u>\$ 93,537.74</u>

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

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

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 8/26/08

William A. Shaw
PROTHONOTARY

Exhibit “C”

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

CLAIR D. EBERSOLE, JR.
D/B/A E&B BUILDERS

Debtor

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SADCO 2007-BC3

Movant

v.
CLAIR D. EBERSOLE, JR.
D/B/A E&B BUILDERS

and

LISA M. SWOPE, ESQUIRE (TRUSTEE)

Respondents

: Bk. No. 08-71219 BM

: Chapter No. 7

: Document No. 5

: Hearing Date:

: Hearing Time:

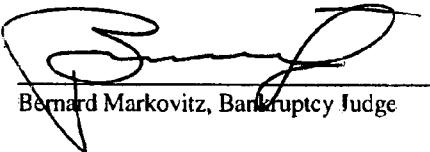
: Objection Date:

DEFAULT O/E - BM

ORDER MODIFYING SECTION 362 AUTOMATIC STAY

AND NOW, this *12-1-08*, 2008, at Pittsburgh, Pennsylvania, upon Motion of U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SADCO 2007-BC3 (Petitioner), it is:

ORDERED AND DECREED THAT: The Automatic Stay of all proceedings, as provided under 11 U.S.C. Section 362 of the Bankruptcy Code is modified with respect to premises, **810 LYLEVILLE ROAD, COALPORT, PA 16627-9417**, as more fully set forth in the legal description attached to said mortgage, as to allow the Movant, its successors or assigns, to foreclose on its mortgage and allow the purchaser of said premises at Sheriff's Sale (or purchaser's assignee) to take any legal or consensual action for enforcement of its right to possession of, or title to, said premises.



Bernard Markovitz, Bankruptcy Judge

FILED

DEC 1 2008

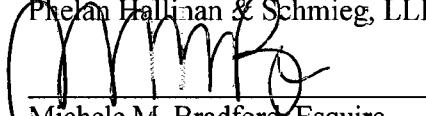
CLERK, U.S. BANKRUPTCY COURT
WEST. DIST. OF PENNSYLVANIA

VERIFICATION

Michele M. Bradford, Esquire, hereby states that she is the attorney for Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: 2/15/09

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED
M 11:14 a.m. 68
FEB 06 2009

5
William A. Shaw
Prothonotary/Clerk of Courts

cc Atty

(it)

PHELAN HALLINAN & SCHMIEG, LLP

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division

v.

CLAIR D. EBERSOLE, JR. : CLEARFIELD County
: No. 08-378-CD

Defendant

CERTIFICATION OF SERVICE

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

CLAIR D. EBERSOLE, JR.
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE: 2/5/09

By:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division
v. : CLEARFIELD County
CLAIR D. EBERSOLE, JR : No. 08-378-CD
Defendant

RULE

AND NOW, this 9th day of February, 2009, a Rule is entered upon the
Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to
Reassess Damages.

Rule Returnable on the 4th day of March, 2009, at 11^{AM} in the Clearfield
County Courthouse, Clearfield, Pennsylvania, Courtroom No 1.

BY THE COURT



172566

FILED 1cc
01/14/2009 Atty Bradford
FEB 09 2009
S
William A. Shaw
Prothonotary/Clerk of Courts
(610)

FILED

FEB 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 2/19/09

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
m/11/12pm
FEB 18 2009
CC Atty
Bradford
William A. Shaw
Prothonotary/Clerk of Courts
LM

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

Plaintiff

: Court of Common Pleas

: Civil Division

v.

: CLEARFIELD County

CLAIR D. EBERSOLE, JR.

: No. 08-378-CD

Defendant

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's February 9, 2009 Rule directing the Defendant to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

CLAIR D. EBERSOLE, JR
819 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE: 2/17/09

By

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

FILED *(R)*

MAR 04 2009

01/11/2009

William A. Shaw
Prothonotary/Clerk of Courts

1 cent to Atty
Walter

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division
v. : CLEARFIELD County
CLAIR D. EBERSOLE, JR : No. 08-378-CD
Defendant

ORDER

AND NOW, this 4th day of March, 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	\$84,801.05
Interest Through March 6, 2009	\$10,820.38
Per Diem \$20.91	
Late Charges	\$102.39
Legal fees	\$3,500.00
Cost of Suit and Title	\$1,732.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$120.00
Appraisal/Brokers Price Opinion	\$410.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

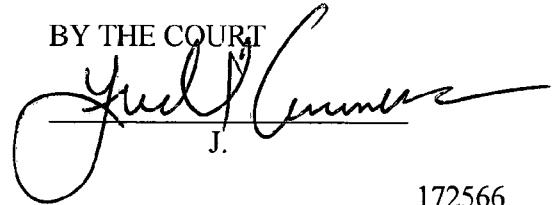
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,960.39</u>

TOTAL	\$103,446.21
--------------	---------------------

Plus interest from March 6, 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



A handwritten signature in black ink, appearing to read "Yvonne J. Cunneen". The signature is written over a horizontal line.

172566

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

Plaintiff

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

: No. 08-378-CD

CLAIR D. EBERSOLE, JR

Defendant

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court Order dated March 4, 2009 was served upon the following individuals on the date indicated below.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE: 3/10/09

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

5
FILED NOCC
M 10 3500
MAR 11 2009
S

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20830
NO: 08-378-CD

PLAINTIFF: U. S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3
vs.
DEFENDANT: CLAIR D. EBERSOLE, JR.

Execution REAL ESTATE

FILED
01/14/09
MAR 13 2009
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF RETURN

DATE RECEIVED WRIT: 8/26/2008

LEVY TAKEN 10/1/2008 @ 10:29 AM

POSTED 10/1/2008 @ 10:29 AM

SALE HELD 3/6/2009

SOLD TO U. S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 3/13/2009

DATE DEED FILED 3/13/2009

PROPERTY ADDRESS 810 LYLEVILLE ROAD COALPORT , PA 16627

SERVICES

1/10/2009 @ SERVED CLAIR D. EBERSOLE, JR.

SERVED CLAIR D. EBERSOLE, JR. DEFENDANT, BY CERT & REG MAIL PER COURT ORDER TO P. O. BOX 27 WILLIAMSBURG, PA 16693
FORWARDED TO P. O. BOX 2727 ALTOONA, PA 16603 AND SIGNED FOR BY CLAIR D. EBERSOLE, JR. CERT #70060810000145074616

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

1/5/2009 @ SERVED CLAIR D. EBERSOLE, JR.

SERVED CLAIR D. EBERSOLE, JR, DEFENDANT, BY REG & CERT MAIL TO 810 LYLEVILLE ROAD, COALPORT, CLEARFIELD COUNTY,
PENNSYLVANIA CERT #70060810000145074623. CERT RETURNED UNCLAIMED 1/7/09

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

@ SERVED

NOW, NOVEMBER 4, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED
FOR NOVEMBER 7, 2008 TO JANUARY 9, 2009.

@ SERVED

NOW, JANUARY 5, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED
FOR JANUARY 9, 2009 TO MARCH 6, 2009.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20830
NO: 08-378-CD

PLAINTIFF: U. S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3
vs.
DEFENDANT: CLAIR D. EBERSOLE, JR.

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$324.32

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2008


by Another with Seal
Chester A. Hawkins
Sheriff

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

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
SASCO 2007-BC3

vs.

CLAIR.D. EBERSOLE, JR

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-378-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following property (specifically described property below):

PREMISES: 810 LYLEVILLE ROAD, COALPORT, PA 16627-9417
(See Legal Description attached)

Amount Due	
Interest from 08/26/2008 to Sale	\$ 93,537.74
Per diem \$15.38	142.00
Add'l Costs	\$ 3,805.50
Writ Total	\$

Willie L. Hay

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

Dated 8/26/08
(SEAL)

172566

Received this writ this 26th day
of August A.D. 2008
At 3:00 A.M./P.M.

Christopher A. Hawley
Sheriff by Cynthia Butler, Deputy Sheriff

No. 08-378-CD..... Term 20A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

vs.

CLAIR D. EBERSOLE, JR

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	\$93,537.74
Costs	_____
Prothy Pd.	<u>142.00</u>

Int. from 08/26/2008
To Date of Sale (\$15.38 per diem)

Sheriff	<u>Daniel H. Schmitz</u>
	Attorney for Plaintiff(s)

Address: CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

LEGAL DESCRIPTION

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

BEGINNING at an iron pin located on the Southern side of SR 3008; said pin being the Northern corner of Parcel 1, herein described; thence along Parcel 2, South 32 degrees 27 minutes 33 seconds East, a distance of 235.15 feet to an iron pin; thence continuing along Parcel 2, South 67 degrees 47 minutes 08 seconds East, a distance of 365.23 feet to an iron pin; thence along the line of land now or formerly of James H. & Rita A. Hahn, South 47 degrees 54 minutes 55 seconds East, a distance of 457.82 feet to an existing stone; thence along the line of land now or formerly of Virgil E. & Ruth K. Thon, North 82 degrees 55 minutes 50 seconds West, a distance of 357.20 feet to an existing clay pipe; thence along other land now or formerly of Virgil R. & Ruth K. Thon, North 82 degrees 28 minutes 17 seconds West, a distance of 708.88 feet to an existing iron pipe; thence along the line of land now or formerly of Joan P. Green, North 47 degrees 12 minutes 31 seconds East, a distance of 184.30 feet to an existing iron pipe; thence along the same, North 41 degrees 34 minutes 54 seconds West, a distance of 49.53 feet to an iron pin; thence along Parcel 3, North 40 degrees 19 minutes 33 seconds East, a distance of 166.82 feet to an iron pin; thence continuing along Parcel 3, North 36 degrees 32 minutes 52 seconds West, a distance of 124.01 feet to an iron pin; thence along SR 3008 North 44 degrees 48 minutes 32 seconds East, a distance of 165.55 feet to an iron pin and the point of beginning; containing 6.119 acres, more or less, and being Parcel 1 as shown on the John L. and Judy Lewis Subdivision as prepared by George A. Crece, registered surveyor, 2417 Skyline Drive, Fallentimber, PA 16639.

EXCEPTING and reserving an easement over an existing 12 foot tram road to access parcel 1 of this subdivision.

UNDER and subject to all exceptions, reservations, restrictions and conditions as contained in prior deeds of conveyance.

BEING known as Clearfield County Tax Parcel I.D. #101-H18-0-8.

BEING the same premises granted and conveyed unto Clair D. Ebersole, Jr., from Robert Wilson, by deed dated 7-28-06 and recorded 8-1-06 in Clearfield County Instrument Number 200612915.

TITLE TO SAID PREMISES IS VESTED IN Clair D. Ebersole, Jr., by Deed from Robert Wilson, single, dated 07/28/2006, recorded 08/01/2006, in Deed Mortgage Inst# 200612915.

Premises being: 810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

Tax Parcel No. 101-H-18-0-8, CONTROL #: 10103790

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME CLAIR D. EBERSOLE, JR.

NO. 08-378-CD

NOW, March 13, 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 Clair D. Ebersole, Jr. to public venue or outcry at which time and place I sold the same to U. S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3 he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:**PLAINTIFF COSTS, DEBT AND INTEREST:**

RDR	15.00	DEBT-AMOUNT DUE	93,537.74
SERVICE	15.00	INTEREST @ 15.3800 %	2,952.96
MILEAGE	32.76	FROM 08/26/2008 TO 03/06/2009	
LEVY	15.00		
MILEAGE	32.76	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	3,805.50
COMMISSION	0.00	FORECLOSURE FEES	
POSTAGE	5.04	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	20.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE		ESCROW DEFICIENCY	
DEED	30.00	PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	32.76	MISCELLANEOUS	
ADD'L LEVY			
BID AMOUNT	1.00	TOTAL DEBT AND INTEREST	\$100,316.20
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	538.90
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	205.63
CONTINUED SALES	40.00	TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
TOTAL SHERIFF COSTS	\$324.32	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	5.00
DEED COSTS:		DEED COSTS	30.50
ACKNOWLEDGEMENT	5.00	SHERIFF COSTS	324.32
REGISTER & RECORDER	30.50	LEGAL JOURNAL COSTS	162.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	142.00
TOTAL DEED COSTS	\$30.50	MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	34.09
		TOTAL COSTS	\$1,582.44

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

CHESTER A. HAWKINS, Sheriff

SENDER: COMPLETE

- 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:

CLAIR D. EBERSOLE, JR.
P. O. BOX 27
WILLIAMSBURG, PA 16693

A. City _____ State _____ Zip _____
 B. Received by (Printed Name) C. Date of Delivery
 Clair D. EBERSOLE, JR. 1002
 PO BOX 27
 WILLIAMSBURG, PA 16693
 Attn: Postmaster Jan 16, 2003

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

2. Article Number

(Transfer from service label)

7006 0810 0001 4507 4616

PS Form 3811, February 2004 | Domestic Return Receipt

102595-02-M-154

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com**OFFICIAL USE**

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees		\$ 5.49

7006 0810 0001 4507 4616

Postmark Here
 CLEARFIELD PA 16830
 JAN - 3 - 2003
 USPS

Sent To
 Street, Apt. No.,
 or PO Box No.
 City, State, ZIP+4

CLAIR D. EBERSOLE, JR.
P. O. BOX 27
WILLIAMSBURG, PA 16693

PS Form 3800, June 2002

See Reverse for Instructions

CHESTER A. HAWKINS
SHERIFF
COURTHOUSE
1 NORTH SECOND STREET - SUITE 116
CLEARFIELD, PENNSYLVANIA 16830



40505405
\$ 05 490
16830
ON STAGE

7006 0810 0001 4507 4623

CLAIR D. EBERSOLE, JR.
810 LYLEVILLE ROAD
COALPORT, PA 16627

UNC

168 4E 1 72 04/24/09
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 16830247201 *0595-05614-21-27
168302472

4050405

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
For delivery information visit our website at www.usps.com

CLAIR D. EBERSOLE, JR.
810 LYLEVILLE ROAD
COALPORT, PA 16627

CLARFIELD, PA 16830
Postmark
Here
JAN 5 2009

OFFICIAL U.S. MAIL

Postage	\$ 0000
Certified Fee	\$ 0000
Return Receipt Fee (Endorsement Required)	\$ 0000
Restricted Delivery Fee (Endorsement Required)	\$ 0000
Total Postage & Fees	\$ 05 49

9002

Send To
CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627

PS Form 3800, June 2002
For Novice Mailers for Instructions

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

November 4, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3
v.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD COALPORT, PA 16627-9417
Court No. 08-378-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is
scheduled for November 7, 2008 due to the following: Service Of Nos.

The Property is to be relisted for the January 9, 2009 Sheriff Sale.

Thank you for your correspondence in this matters.

Very Truly Yours,
LYNNETTE BRITTON for
Phelan Hallinan & Schmieg, LLP

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

January 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: U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SASCO 2007-BC3

v.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD COALPORT, PA 16627-9417
Court No. 08-378-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for January 9, 2009 due to the following: Service of NOS.

The Property is to be relisted for the March 6, 2009 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,
KATHERINE TRAUTZ for
Phelan Hallinan & Schmieg, LLP

FILED NO CC

Mar 16 2009 (60)

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS	:	Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3	:	
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
CLAIR D. EBERSOLE, JR	:	No. 08-378-CD
Defendant	:	

PRAECIPE

TO THE PROTHONOTARY:

Please amend the judgment amount pursuant to Court Order dated March 4, 2009.

DATE: 3/16/09

By:

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

PHELAN HALLINAN & SCHMIEG, LLP

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

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division
vs. :
CLEARFIELD County :
CLAIR D. EBERSOLE, JR. : No. 08-378-CD
Defendant :
:

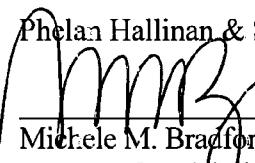
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Praeclipe to amend the judgment was served upon the following interested parties on the date indicated below.

CLAIR D. EBERSOLE, JR
810 LYLEVILLE ROAD
COALPORT, PA 16627-9417

DATE: 3/16/09

By:


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

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

MAR 04 2009

IN THE COURT OF COMMON PLEAS Attest.
CLEARFIELD COUNTY, PENNSYLVANIA

L. E. Eberole
Prothonotary/
Clerk of Courts

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3

: Court of Common Pleas

Plaintiff

: Civil Division

v.

: CLEARFIELD County

CLAIR D. EBERSOLE, JR

: No. 08-378-CD

Defendant

ORDER

AND NOW, this 4th day of MARCH, 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	\$84,801.05
Interest Through March 6, 2009	\$10,820.38
Per Diem \$20.91	
Late Charges	\$102.39
Legal fees	\$3,500.00
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Sheriff's Sale Costs	\$0.00
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Appraisal/Brokers Price Opinion	\$410.00
Mortgage Insurance Premium / Private Mortgage Insurance	\$0.00
Non Sufficient Funds Charge	\$0.00

172566

Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,960.39</u>

TOTAL	\$103,446.21
--------------	---------------------

Plus interest from March 6, 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
/S/ Fredric J Ammerman

J.

172566

**IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

**U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR SASCO 2007-BC3**
Plaintiff

* No. 08-378-CD

VS.

CLAIR D. EBERSOLE, JR.,
Defendant

* Type of Pleading:
* Praeclipe to Amend Judgment
* Amount
* Filed on Behalf of:
* U.S. BANK NATIONAL
* ASSOCIATION, AS TRUSTEE FOR
* SASCO 2007-BC3
* Counsel of Record for
* this Party:
* Phelan, Hallinan & Schmieg, LLP
* Michele M. Bradford, Esquire
* Attorney at Law
* 1617 John F. Kennedy Boulevard
* Suite 1400
* Philadelphia, PA 19103-1814
* PA ID No. 69849
* 215-563-7000
*

FILED
04/08/2009 JCC
APR 08 2009 Atty Lhota
S William A. Shaw
Prothonotary/Clerk of Courts
500

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas
TRUSTEE FOR SASCO 2007-BC3 :
Plaintiff : Civil Division
v. : CLEARFIELD County
CLAIR D. EBERSOLE, JR. : No. 08-378-CD
Defendant :
:

PRAECIPE

TO THE PROTHONOTARY:

Please amend the judgment amount pursuant to Court Order dated March 4, 2009.

DATE: 3/16/09

By:

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