

08-379-CD  
US Bank vs Kenneth S. Smith al

CM

FILED ICC Atty  
013:47cm ICC Shft  
APR 22 2008 (without memo)

William A. Shaw  
Prothonotary/Clerk of Courts

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

US Bank National Association, as Trustee for  
CMLTI 2007-WFHE3  
3476 Stateview Boulevard  
Fort Mill, SC 29715  
Plaintiff

Court of Common Pleas

vs.  
Kenneth S. Smith  
Stephanie L. Smith  
482 East 10th Street  
Clearfield, PA 16830  
Defendants

Civil Division

Clearfield County

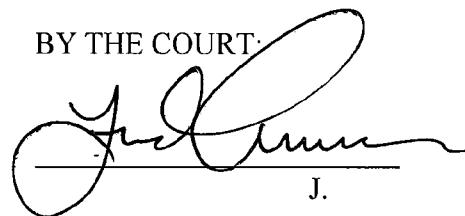
No. 08-0379-CD

**ORDER**

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

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

BY THE COURT:



J.

FILED

APR 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 4-22-2008

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

Copy to Shfl w/out memo

FILED *No cc.*  
m/11:10 am  
APR 22 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

ATTORNEYS FOR PLAINTIFF

US Bank National Association, as Trustee for	:
CMLTI 2007-WFHE3	:
3476 Stateview Boulevard	:
Fort Mill, SC 29715	:
Plaintiff	:
vs.	:
Kenneth S. Smith	:
Stephanie L. Smith	:
482 East 10th Street	:
Clearfield, PA 16830	:
Defendants	:

Court of Common Pleas
Civil Division
Clearfield County
No. 08-0379-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 Defendants.
3. On April 9, 2008, the Sheriff's office verbally advised counsel for Plaintiff that Kenneth S. Smith accepted service on March 28, 2008 at 1408 Lawhead Street, Hyde, PA 16843.

Stephanie L. Smith also accepted service on March 28, 2008 at her place of employment, Denny's Beer Barrel Pub, 1452 Woodland Road, Clearfield, PA 16830.

4. On April 18, 2008, Plaintiff sent the Defendants ten day letters notifying them of its intention to file a default judgment.

5. To date, the Clearfield County Sheriff's office has not filed the Affidavit of Service, which was made on March 28, 2008.

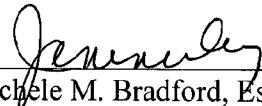
6. Plaintiff is unable to enter judgment and praecipe for a writ of execution until the Sheriff's office files the Affidavit of Service of the Complaint with the Prothonotary. Interest accrues at the rate of \$14.11 per day on this mortgage account.

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,  
PHELAN HALLINAN & SCHMIEG, LLP

4/21/08  
Date

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

# **EXHIBIT A**

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
SHEETAL R. SHAH-JANI, ESQ., Id. No. 81760  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
JENINE R. DAVEY, ESQ., Id. No. 87077  
MICHAEL E. CARLETON, ESQ., Id. No. 203009  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 172659

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

NO. 08-379-CD

CLEARFIELD COUNTY

ATTORNEY FILE COPY  
PLEASE RETURN

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

We hereby certify the  
within to be a true and  
correct copy of the  
within, as of record

**COPY**  
MAR 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

File #: 172659

**NOTICE**

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

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

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

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

3. On 03/16/2007 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200704782. 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	\$50,865.38
Interest 10/01/2007 through 02/29/2008 (Per Diem \$14.11)	\$2,144.72
Attorney's Fees	\$1,250.00
Cumulative Late Charges 03/16/2007 to 02/29/2008	\$67.83
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$54,877.93
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$54,877.93</b>

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$54,877.93, together with interest from 02/29/2008 at the rate of \$14.11 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 62695*  
FRANCIS S. HALLINAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE  
Attorneys for Plaintiff

## **LEGAL DESCRIPTION**

All that certain lot or piece of ground situate on the West side of Tenth Street in the Fourth Ward of the Borough of Clearfield, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a stake on the line of Tenth Street; thence along Tenth Street, South fourteen (14 degrees) degrees twenty (20 minutes) minutes, West twenty-three and three tenths (23 3/10) feet to a stake; thence by a line running through the original lot of which this is a part, North seventy-five (75 degrees) degrees forty (40 minutes) minutes, West one hundred eighty (180) feet to a stake and the line of an alley known as Graham Alley; thence along said Graham Alley, North fourteen (14 degrees) degrees twenty (20 minutes) minutes, East twenty-three and three tenths (23 3/10) feet to a stake; thence along the Northern line of the original lot, South seventy-five (75 degrees) degrees forty (40 minutes) minutes, East one hundred eighty (180) feet to a stake and the place of beginning.

Being the northern portion of a lot known as Lot No. 7 in the plan of J. W. Dorsey as laid out by Harry Byers.

EXCEPTING AND RESERVING from the above described property the sewer line as now constructed thereon and serving the two properties as constructed on the residue of Lot No. 7 together with the right to the present and subsequent owners of the properties on the residue of Lot No. 7 to enter upon the property hereby conveyed for the purpose of repairing and maintaining said sewer line.

BEING the same premises which David I. Williams and Jo Ann Shugarts, his common-law wife by Deed dated August 25, 1998 and recorded August 25, 1998 in Clearfield County in Deed Book Volume 1962 Page 507 conveyed unto Daniel J. Russell and Cynthia E. Russell, husband and wife, in fee.

PREMISES: 482 EAST 10 STREET

PARCEL: K08-247-00061

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.

*Francis J. Hallinan 44695*  
Attorney for Plaintiff

DATE: 3-03-08

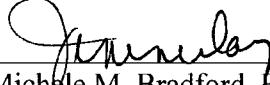
VERIFICATION

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

PHELAN HALLINAN & SCHMIEG, LLP

Date

4/21/08

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

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

US Bank National Association, as Trustee for  
CMLTI 2007-WFHE3  
3476 Stateview Boulevard  
Fort Mill, SC 29715  
Plaintiff

vs.

Kenneth S. Smith  
Stephanie L. Smith  
482 East 10th Street  
Clearfield, PA 16830  
Defendants

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0379-CD

**CERTIFICATE OF SERVICE**

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

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

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

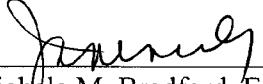
Kenneth S. Smith  
Stephanie L. Smith  
482 East 10th Street  
Clearfield, PA 16830

Stephanie L. Smith  
Denny's Beer Barrel Pub  
1452 Woodland Road  
Clearfield, PA 16830

Kenneth S. Smith  
1408 Lawhead Street  
Hyde, PA 16843

PHELAN HALLINAN & SCHMIEG, LLP

4/21/08  
Date

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

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

DOCKET # 103841  
NO: 08-379-CD  
SERVICE # 1 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION, as Trustee  
vs.  
DEFENDANT: KENNETH S. SMITH and STEPHANIE L. SMITH

**SHERIFF RETURN**

NOW, March 28, 2008 AT 1:55 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KENNETH S. SMITH DEFENDANT AT OTHER 1408 LAWHEAD ST., HYDE, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO KENNETH SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

482 EAST 10TH ST., CLEARFIELD, PA. "OCCUPIED"

SERVED BY: HUNTER / DEHAVEN

**FILED**  
019-28-01  
APR 25 2008  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103841  
NO: 08-379-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION, as Trustee  
vs.  
DEFENDANT: KENNETH S. SMITH and STEPHANIE L. SMITH

**SHERIFF RETURN**

---

NOW, March 28, 2008 AT 10:30 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON STEPHANIE L. SMITH DEFENDANT AT WORK DENNY'S BEER BARREL PUB, WOODLAND RD., CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA, BY HANDING TO STEPHANIE L. SMITH, DEFENDANT A TRUE AND ATTESTED COPY OF THE ORIGINAL COMPLAINT IN MORTGAGE FORECLOSURE AND MADE KNOWN THE CONTENTS THEREOF.

482 EAST 10TH ST., CLEARFIELD, PA. "OCCUPIED"

SERVED BY: HUNTER / DEHAVEN

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 103841  
NO: 08-379-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION, as Trustee  
vs.

DEFENDANT: KENNETH S. SMITH and STEPHANIE L. SMITH

**SHERIFF RETURN**

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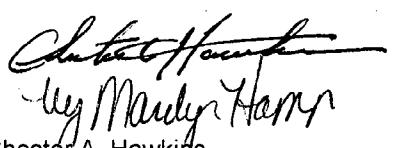
**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	672846	20.00
SHERIFF HAWKINS	PHELAN	672846	29.04

Sworn to Before Me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

FILED ICC Atty  
m/11/38 LM Davey  
APR 28 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

US Bank National Association, as Trustee for  
CMLTI 2007-WFHE3  
3476 Stateview Boulevard  
Fort Mill, SC 29715

Plaintiff

vs.

Kenneth S. Smith  
Stephanie L. Smith  
482 East 10th Street  
Clearfield, PA 16830  
Defendants

ATTORNEYS FOR PLAINTIFF

Court of Common Pleas

Civil Division

Clearfield County

No. 08-0379-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 2<sup>nd</sup> Street  
PO Box 130  
Clearfield, PA 16830-2347  
(Sheriff's Solicitor)

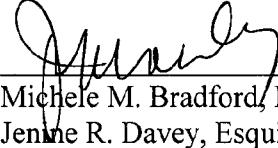
Kenneth S. Smith  
Stephanie L. Smith  
482 East 10th Street  
Clearfield, PA 16830

Stephanie L. Smith  
Denny's Beer Barrel Pub  
1452 Woodland Road  
Clearfield, PA 16830

Kenneth S. Smith  
1408 Lawhead Street  
Hyde, PA 16843

4/25/08  
Date

PHELAN HALLINAN & SCHMIEG, LLP

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

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

**US BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI 2007-WFHE3**

**COURT OF COMMON PLEAS**

:

**CIVIL DIVISION**

:

**NO. 08-379-CD**

:

**CLEARFIELD COUNTY**

:

**vs.**

**KENNETH S. SMITH  
STEPHANIE L. SMITH**

:

:

:

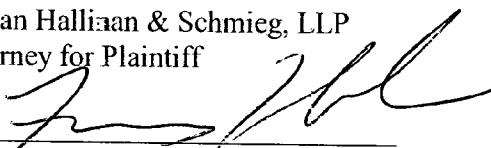
**Defendant(s)**

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

TO THE PROTHONOTARY:

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

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By:   
Francis S. Hallinan, Esquire

Date: 4/30/08

**FILED** NOCC  
MAY 02 2008  
© BK

William A. Shaw  
Prothonotary/Clerk of Courts

PHS #: 172659

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

ATTORNEY FOR PLAINTIFF

**US BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI 2007-WFHE3**

**: COURT OF COMMON PLEAS**

**: CIVIL DIVISION**

**Plaintiff : NO. 08-379-CD**

**vs.**

**: CLEARFIELD COUNTY**

**KENNETH S. SMITH  
STEPHANIE L. SMITH**

**:**

**:**

**Defendant(s)**

**CERTIFICATE OF SERVICE**

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

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By:   
Francis S. Hallinan, Esquire

Date: 4/30/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas  
TRUSTEE FOR CMLTI 2007-WFHE3 :  
Plaintiff : Civil Division  
vs. : CLEARFIELD County  
KENNETH S. SMITH : No. 08-379-CD  
STEPHANIE L. SMITH :  
Defendants

RULE

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

Rule Returnable on the 12<sup>th</sup> day of November 2008, at 10:00 AM in the Clearfield County Courthouse, Clearfield, Pennsylvania. Courtroom # 1.

172659

5 **FILED** <sup>CC</sup>  
013:30 6/2/2008 Atty Bradford  
OCT 08 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

**FILED**

OCT 08 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 10/18/08

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

FILED NO CC  
M 10:33 AM  
OCT 06 2008 (G12)

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

US BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas  
TRUSTEE FOR CMLTI 2007-WFHE3 :  
Plaintiff : Civil Division  
vs. :  
CLEARFIELD County  
KENNETH S. SMITH : No. 08-379-CD  
STEPHANIE L. SMITH :  
Defendants

**PLAINTIFF'S MOTION TO REASSESS DAMAGES**

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on 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 June 10, 2008 in the amount of \$56,260.71. 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 Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	\$50,865.38
Interest Through November 7, 2008	\$5,672.23
Per Diem \$14.11	
Late Charges	\$90.44
Legal fees	\$2,150.00
Cost of Suit and Title	\$1,472.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$90.00
Appraisal/Brokers Price Opinion	\$315.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<hr/> <u>\$2,372.09</u>
<b>TOTAL</b>	<b>\$63,027.64</b>

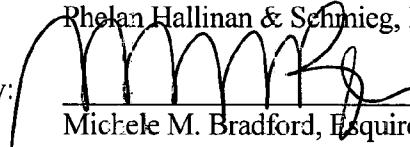
6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

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

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

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

DATE: 10/3/08

By:   
Rhegan 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

172659

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

v.

TERM

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

NO. 08-379-CD

CLEARFIELD COUNTY

ATTORNEY FILE COPY  
PLEASE RETURN

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

We hereby certify the  
within time a true and  
correct copy of the  
original signed record

FILED  
MAR 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

File #: 172659

**NOTICE**

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

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

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

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

3. On 03/16/2007 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200704782. 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.

5. The following amounts are due on the mortgage:

Principal Balance	\$50,865.38
Interest	\$2,144.72
10/01/2007 through 02/29/2008 (Per Diem \$14.11)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges 03/16/2007 to 02/29/2008	\$67.83
Cost of Suit and Title Search	
Subtotal	<u>\$550.00</u>
	\$54,877.93
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$54,877.93</b>

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$54,877.93, together with interest from 02/29/2008 at the rate of \$14.11 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.

FHELAN HALLINAN & SCHMIEG, LLP

By: Francis S. Hallinan 62695

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

## LEGAL DESCRIPTION

All that certain lot or piece of ground situate on the West side of Tenth Street in the Fourth Ward of the Borough of Clearfield, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a stake on the line of Tenth Street; thence along Tenth Street, South fourteen (14 degrees) degrees twenty (20 minutes) minutes, West twenty-three and three tenths (23 3/10) feet to a stake; thence by a line running through the original lot of which this is a part, North seventy-five (75 degrees) degrees forty (40 minutes) minutes, West one hundred eighty (180) feet to a stake and the line of an alley known as Graham Alley; thence along said Graham Alley, North fourteen (14 degrees) degrees twenty (20 minutes) minutes, East twenty-three and three tenths (23 3/10) feet to a stake; thence along the Northern line of the original lot, South seventy-five (75 degrees) degrees forty (40 minutes) minutes, East one hundred eighty (180) feet to a stake and the place of beginning.

Being the northern portion of a lot known as Lot No. 7 in the plan of J. W. Dorsey as laid out by Harry Byers.

EXCEPTING AND RESERVING from the above described property the sewer line as now constructed thereon and serving the two properties as constructed on the residue of Lot No. 7 together with the right to the present and subsequent owners of the properties on the residue of Lot No. 7 to enter upon the property hereby conveyed for the purpose of repairing and maintaining said sewer line.

BEING the same premises which David I. Williams and Jo Ann Shugarts, his common-law wife by Deed dated August 25, 1998 and recorded August 25, 1998 in Clearfield County in Deed Book Volume 1962 Page 507 conveyed unto Daniel J. Russell and Cynthia E. Russell, husband and wife, in fee.

PREMISES: 482 EAST 10 STREET

PARCEL: K08-247-00061

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.

*Marvin J. Hallinan 6/20/95*  
Attorney for Plaintiff

DATE: 3-03-08  
VCJ

311

# **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  
COURT OF COMMON PLEAS  
JUN 10 2008

William A. Shaw  
Prothonotary/Clerk of Courts

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

v.

KENNETH S. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

STEPHANIE L. SMITH  
DENNY'S BEER BARRELL PUB  
1452 WOODLAND ROAD  
CLEARFIELD, PA 16830

Defendant(s).

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-379-CD

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

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against **KENNETH S. SMITH** and **STEPHANIE L. SMITH**, 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:

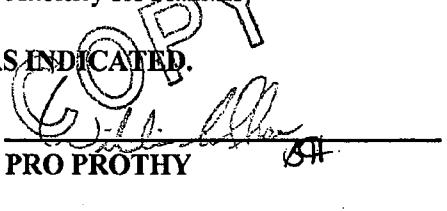
As set forth in the Complaint	\$ 54,877.93
Interest - 3/1/08 TO 6/6/08	\$ 1,382.78
<b>TOTAL</b>	<b><u>\$ 56,260.71</u></b>

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 6/10/08

  
PRO PROTHY

172659

**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

US BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas  
TRUSTEE FOR CMLTI 2007-WFHE3 :  
Plaintiff : Civil Division

vs. : : CLEARFIELD County

KENNETH S. SMITH : : No. 08-379-CD  
STEPHANIE L. SMITH : :  
Defendants

**CERTIFICATION OF SERVICE**

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

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

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

US BANK NATIONAL ASSOCIATION, AS : Court of Common Pleas  
TRUSTEE FOR CMLTI 2007-WFHE3 :  
Plaintiff : Civil Division  
vs. : CLEARFIELD County  
KENNETH S. SMITH : No. 08-379-CD  
STEPHANIE L. SMITH :  
Defendants

**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	\$50,865.38
Interest Through November 7, 2008	\$5,672.23
Per Diem \$14.11	
Late Charges	\$90.44
Legal fees	\$2,150.00
Cost of Suit and Title	\$1,472.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$90.00
Appraisal/Brokers Price Opinion	\$315.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$2,372.09</u>

<b>TOTAL</b>	<b>\$63,027.64</b>
--------------	--------------------

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.

172659

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

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
Plaintiff

Court of Common Pleas

vs.

Civil Division

KENNETH S. SMITH  
STEPHANIE L. SMITH

CLEARFIELD County

No. 08-379-CD

Defendants

**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  
m 11/13/08  
NOV 12 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

S  
FILED  
OCT 16 2008  
M JUNIOR NOCC  
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

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
Plaintiff

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

: No. 08-379-CD

vs.

KENNETH S. SMITH  
STEPHANIE L. SMITH

Defendants

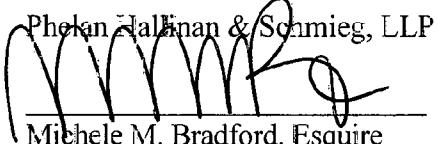
**CERTIFICATION OF SERVICE**

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

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

DATE: 10/14/08

By:

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

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
Plaintiff

: Court of Common Pleas

: Civil Division

vs.

: CLEARFIELD County

KENNETH S. SMITH  
STEPHANIE L. SMITH

: No. 08-379-CD

Defendants

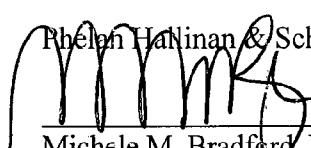
**CERTIFICATE OF SERVICE**

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

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

DATE: 11/11/08

By:

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

FILED NO CC  
NOV 12 2008  
S  
William A. Shaw  
Prothonotary/Clerk of Courts

610

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
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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

172659

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff  
v.

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-379-CD

CLEARFIELD COUNTY

FILED  
2/11/2008 Atty pd.  
MAR 04 2008 95.00  
PCC Sheriff  
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.

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

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

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RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

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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

US BANK NATIONAL ASSOCIATION,  
AS TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

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

KENNETH S. SMITH  
STEPHANIE L. SMITH  
482 EAST 10TH STREET  
CLEARFIELD, PA 16830

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

3. On 03/16/2007 mortgagor(s) made, executed, and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No: 200704782. 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	\$50,865.38
Interest	\$2,144.72
10/01/2007 through 02/29/2008	
(Per Diem \$14.11)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$67.83
03/16/2007 to 02/29/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$54,877.93
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
<b>TOTAL</b>	<b>\$54,877.93</b>

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$54,877.93, together with interest from 02/29/2008 at the rate of \$14.11 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 62695*  
FRANCIS S. HALLINAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE  
Attorneys for Plaintiff

## LEGAL DESCRIPTION

All that certain lot or piece of ground situate on the West side of Tenth Street in the Fourth Ward of the Borough of Clearfield, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a stake on the line of Tenth Street; thence along Tenth Street, South fourteen (14 degrees) degrees twenty (20 minutes) minutes, West twenty-three and three tenths (23 3/10) feet to a stake; thence by a line running through the original lot of which this is a part, North seventy-five (75 degrees) degrees forty (40 minutes) minutes, West one hundred eighty (180) feet to a stake and the line of an alley known as Graham Alley; thence along said Graham Alley, North fourteen (14 degrees) degrees twenty (20 minutes) minutes, East twenty-three and three tenths (23 3/10) feet to a stake; thence along the Northern line of the original lot, South seventy-five (75 degrees) degrees forty (40 minutes) minutes, East one hundred eighty (180) feet to a stake and the place of beginning.

Being the northern portion of a lot known as Lot No. 7 in the plan of J. W. Dorsey as laid out by Harry Byers.

EXCEPTING AND RESERVING from the above described property the sewer line as now constructed thereon and serving the two properties as constructed on the residue of Lot No. 7 together with the right to the present and subsequent owners of the properties on the residue of Lot No. 7 to enter upon the property hereby conveyed for the purpose of repairing and maintaining said sewer line.

BEING the same premises which David I. Williams and Jo Ann Shugarts, his common-law wife by Deed dated August 25, 1998 and recorded August 25, 1998 in Clearfield County in Deed Book Volume 1962 Page 507 conveyed unto Daniel J. Russell and Cynthia E. Russell, husband and wife, in fee.

PREMISES: 482 EAST 10 STREET

PARCEL: K08-247-00061

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.

  
Marci J. Holloman 64095  
Attorney for Plaintiff

DATE: 3-03-08

FILED *Atty pd.*  
MAY 11 2008 \$20.00  
JUN 10 2008, *cc & Notice*

William A. Shaw  
Prothonotary/Clerk of Courts

### Statement to

Atty  
GL

**US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715**

**Plaintiff,**

**KENNETH S. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843**

**STEPHANIE L. SMITH  
DENNY'S BEER BARRELL PUB  
1452 WOODLAND ROAD  
CLEARFIELD, PA 16830**

**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 **KENNETH S. SMITH and STEPHANIE L. SMITH**, 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	\$ 54,877.93
Interest - 3/1/08 TO 6/6/08	\$ 1,382.78
<b>TOTAL</b>	<b>\$ 56,260.71</b>

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

DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 6/10/08

## PRO PROTHY

172659

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

US BANK NATIONAL ASSOCIATION AS TRUSTEE : COURT OF COMMON PLEAS  
FOR CMLTI 2007-WFHE3

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

KENNETH S. SMITH : NO. 08-379-CD  
STEPHANIE L. SMITH  
Defendants

TO: STEPHANIE L. SMITH \*\*\*\*\**personal & confidential*\*\*\*\*\*  
DENNY'S BEER BARRELL PUB  
1452 WOODLAND ROAD  
CLEARFIELD, PA 16830

FILE COPY

**DATE OF NOTICE: APRIL 18, 2008**

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

#### IMPORTANT NOTICE

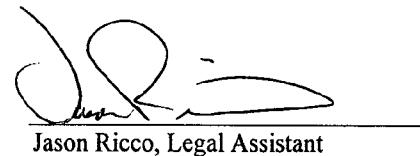
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

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

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

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

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



\_\_\_\_\_  
Jason Ricco, Legal Assistant

PHELAN HALLINAN 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

US BANK NATIONAL ASSOCIATION AS TRUSTEE : COURT OF COMMON PLEAS  
FOR CMLTI 2007-WFHE3

Plaintiff : CIVIL DIVISION

Vs. : CLEARFIELD COUNTY

KENNETH S. SMITH : NO. 08-379-CD  
STEPHANIE L. SMITH  
Defendants

TO: KENNETH S. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

FILE COPY

DATE OF NOTICE: APRIL 18, 2008

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

**IMPORTANT NOTICE**

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

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



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

US BANK NATIONAL ASSOCIATION, AS

TRUSTEE FOR CMLTI 2007-WFHE3

3476 STATEVIEW BOULEVARD

FORT MILL, SC 29715

:

CLEARFIELD COUNTY

:

COURT OF COMMON PLEAS

:

CIVIL DIVISION

:

NO. 08-379-CD

Plaintiff,

v.

KENNETH S. SMITH

1408 LAWHEAD STREET

HYDE, PA 16843

:

:

:

STEPHANIE L. SMITH

DENNY'S BEER BARRELL PUB

1452 WOODLAND ROAD

CLEARFIELD, PA 16830

:

:

:

Defendant(s).

#### VERIFICATION OF NON-MILITARY SERVICE

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

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant KENNETH S. SMITH is over 18 years of age and resides at 1408 LAWHEAD STREET, HYDE, PA 16843.

(c) that defendant STEPHANIE L. SMITH is over 18 years of age, and resides at DENNY'S BEER BARRELL PUB, 1452 WOODLAND ROAD, CLEARFIELD, PA 16830.

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



DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised)

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS :  
TRUSTEE FOR CMLTI 2007-WFHE3 :  
3476 STATEVIEW BOULEVARD : CLEARFIELD COUNTY  
FORT MILL, SC 29715 : COURT OF COMMON PLEAS  
: :  
Plaintiff, : CIVIL DIVISION  
v. : NO. 08-379-CD  
: :  
KENNETH S. SMITH :  
1408 LAWHEAD STREET :  
HYDE, PA 16843 :  
: :  
STEPHANIE L. SMITH :  
DENNY'S BEER BARRELL PUB :  
1452 WOODLAND ROAD :  
CLEARFIELD, PA 16830 :  
Defendant(s).

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

BY Willie H. Gray DEPUTY

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

D. G. Schmieg S

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

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

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

COPY

US Bank National Association

CMLTI 2007-WFHE3

Plaintiff(s)

No.: 2008-00379-CD

Real Debt: \$56,260.71

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Kenneth S. Smith

Stephanie L. Smith

Defendant(s)

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: June 10, 2008

Expires: June 10, 2013

Certified from the record this 10th day of June, 2008.



William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

\_\_\_\_\_  
Plaintiff/Attorney

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

US.BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI2007.WFHE3

vs.

KENNETH S. SMITH

STEPHANIE L. SMITH

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

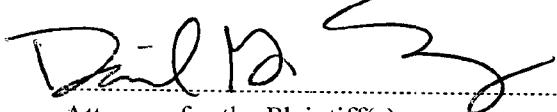
No. 08-379-CD Term 20.....

**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 6/7/08 to Sale	\$56,260.71	
Per diem \$9.25	135.00	
Add'l Costs		\$
Writ Total	\$3,658.50	\$



Attorney for the Plaintiff(s)

Note: Please attach description of Property.

172659

**FILED** Atty pd 20.00  
M 12/5/2008 ICC & Lowwnts  
JUL 11 2008 w/prop. desc.  
William A. Shaw to Sheriff  
Prothonotary/Clerk of Courts  


No. 08-379-CD ..... Term 20 ....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

**FILED**

**JUL 11 2008**

*William A. Shaw*  
Prothonotary/Clerk of Courts

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CML TI 2007-WFHE3

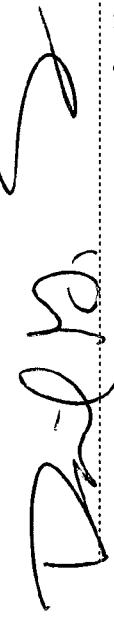
vs.

KENNETH S. SMITH  
STEPHANIE L. SMITH

---

PRAECLPICE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff(s)

Address: KENNETH S. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

STEPHANIE L. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

**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**

**US BANK NATIONAL ASSOCIATION, AS** :  
**TRUSTEE FOR CMLTI 2007-WFHE3** :  
**3476 STATEVIEW BOULEVARD** :  
**FORT MILL, SC 29715** :

**Plaintiff,**

**v.**

**KENNETH S. SMITH**  
**STEPHANIE L. SMITH**  
**1408 LAWHEAD STREET**  
**HYDE, PA 16843**

**Defendant(s).**

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

**CIVIL DIVISION**

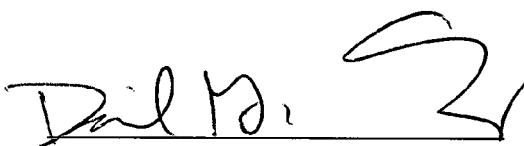
**NO. 08-379-CD**

**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, ESQUIRE  
Attorney for Plaintiff

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3  
3476 STATEVIEW BOULEVARD  
FORT MILL, SC 29715

Plaintiff, :

v.

KENNETH S. SMITH  
STEPHANIE L. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

Defendant(s). :

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

**US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2007-WFHE3,**

Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **482 EAST 10 STREET, CLEARFIELD, PA 16830.**

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

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

**KENNETH S. SMITH** 1408 LAWHEAD STREET  
HYDE, PA 16843

**STEPHANIE L. SMITH** 1408 LAWHEAD STREET  
HYDE, PA 16843

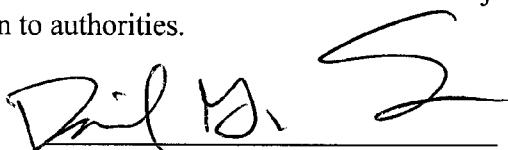
2. Name and address of Defendant(s) in the judgment:

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.

JULY 10, 2008  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

<b>US BANK NATIONAL ASSOCIATION, AS</b>	:	
<b>TRUSTEE FOR CMLTI 2007-WFHE3</b>	:	
<b>3476 STATEVIEW BOULEVARD</b>	:	<b>CLEARFIELD COUNTY</b>
<b>FORT MILL, SC 29715</b>	:	<b>COURT OF COMMON PLEAS</b>
 <b>Plaintiff,</b>	:	
 v.	:	<b>CIVIL DIVISION</b>
 <b>KENNETH S. SMITH</b>	:	
<b>STEPHANIE L. SMITH</b>	:	
<b>1408 LAWHEAD STREET</b>	:	
<b>HYDE, PA 16843</b>	:	
 <b>Defendant(s).</b>	:	

**AFFIDAVIT PURSUANT TO RULE 3129**

**US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2007-WFHE3,**

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 **482 EAST 10 STREET, CLEARFIELD, PA 16830.**

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

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

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

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

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

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

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.)
<b>None</b>	

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

482 EAST 10 STREET  
CLEARFIELD, PA 16830

DOMESTIC RELATIONS  
CLEARFIELD COUNTY

CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830

COMMONWEALTH OF  
PENNSYLVANIA

DEPARTMENT OF WELFARE  
PO BOX 2675  
HARRISBURG, PA 17105

Commonwealth of Pennsylvania  
Bureau of Individual Tax  
Inheritance Tax Division

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

Internal Revenue Service  
Federated Investors Tower

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

Department of Public Welfare  
TPL Casualty Unit  
Estate Recovery Program

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

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

JULY 10, 2008

Date



DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

COF

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

US. BANK NATIONAL  
ASSOCIATION, AS. TRUSTEE FOR  
CMLTI 2007-WFHE3

vs.

KENNETH S. SMITH  
STEPHANIE L. SMITH

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. ..... Term 20  
No. 08-379-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: 482 EAST 10 STREET, CLEARFIELD, PA 16830  
(See Legal Description attached)

Amount Due	
Interest from 6/7/08 to Sale	\$ _____
Per diem \$9.25	
Add'l Costs	\$3,658.50
Writ Total	\$ _____

Prothonotary costs \$56,260.71  
135.00

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

Dated 7/11/08  
(SEAL)

172659

No. 08:379:CD ..... Term 20 ....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CMLTI 2007-WFHE3

vs.

KENNETH S. SMITH  
STEPHANIE L. SMITH

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs

Real Debt \$56,260.71

Int. from 6/7/08  
To Date of Sale (\$9.25 per diem)

Costs

Protho Pd. 135.00 Prothonotary costs

Sheriff

  
Atto~~ey~~ for Plaintiff(s)

Address: KENNETH S. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

STEPHANIE L. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

**LEGAL DESCRIPTION**

All that certain lot or piece of ground situate on the West side of Tenth Street in the Fourth Ward of the Borough of Clearfield, Clearfield County, Commonwealth of Pennsylvania, bounded and described as follows:

Beginning at a stake on the line of Tenth Street; thence along Tenth Street, South fourteen (14 degrees) degrees twenty (20 minutes) minutes, West twenty-three and three tenths (23 3/10) feet to a stake; thence by a line running through the original lot of which this is a part, North seventy-five (75 degrees) degrees forty (40 minutes) minutes, West one hundred eighty (180) feet to a stake and the line of an alley known as Graham Alley; thence along said Graham Alley, North fourteen (14 degrees) degrees twenty (20 minutes) minutes, East twenty-three and three tenths (23 3/10) feet to a stake; thence along the Northern line of the original lot, South seventy-five (75 degrees) degrees forty (40 minutes) minutes, East one hundred eighty (180) feet to a stake and the place of beginning.

**TITLE TO SAID PREMISES IS VESTED IN** Kenneth S. Smith and Stephanie L. Smith, h/w, by Deed from Daniel J. Russell and Cynthia E. Russell, h/w, as tenants by the entireties, dated 03/16/2007, recorded 03/26/2007, in Deed Mortgage Inst# 200704781.

Premises being: 482 EAST 10 STREET  
CLEARFIELD, PA 16830

Tax Parcel No. KL08-247-00061

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS TRUSTEE : CLEARFIELD COUNTY  
FOR CMLTI 2007-WFHE3 : COURT OF COMMON PLEAS  
Plaintiff, :  
v. : CIVIL DIVISION  
KENNETH S. SMITH :  
STEPHANIE L. SMITH : NO. 08-379-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 Preceipe for the Writ of Execution was filed the following information concerning the real property located at: 482 EAST 10 STREET, CLEARFIELD, PA 16830.

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Date: August 22, 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.

172559

FILED  
M 11 23 2008 NO  
AUG 25 2008 cc  
LAW  
William A. Shaw  
Prothonotary/Clerk of Courts

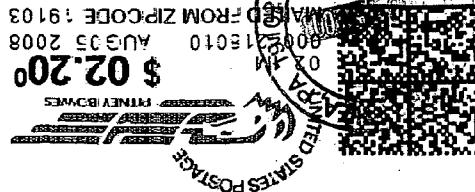
Name and  
Address  
of Sender

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

CQS

PHELAN HALLINAN & SCIMIEG  
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		TENANT/OCCUPANT 482 EAST 10 STREET CLEARFIELD, PA 16830		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 <sup>th</sup> Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 <sup>TH</sup> Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7				
8				
9				
10				
11				
12		<b>Re: KENNETH S. SMITH</b>	<b>172659 TEAM 4</b>	
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$50,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R90, S913 and S921 for limitations of coverage.	



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20804  
NO. 08-379-CD

PLAINTIFF: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2007-WFHE3  
vs.  
DEFENDANT: KENNETH S. SMITH AND STEPHANIE L. SMITH

Execution REAL ESTATE

SHERIFF RETURN

S

DATE RECEIVED WRIT: 7/11/2008

LEVY TAKEN 7/31/2008 @ 9:49 AM

POSTED 7/31/2008 @ 9:50 AM

SALE HELD 11/7/2008

SOLD TO US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2007-WFHE3

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 11/25/2008

DATE DEED FILED 11/25/2008

PROPERTY ADDRESS 482 EAST 10TH STREET CLEARFIELD, PA 16830

FILED  
M 11/03/08  
NOV 25 2008  
LM

William A. Shaw  
Prothonotary/Clerk of Courts

SERVICES

7/1/2008 @ 1:10 PM SERVED KENNETH S. SMITH

SERVED KENNETH S. SMITH, DEFENDANT, AT A GARAGE ON LAWHEAD STREET IN HYDE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO KENNETH S. SMITH

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

8/1/2008 @ 12:57 PM SERVED STEPHANIE L. SMITH

SERVED STEPHANIE L. SMITH, DEFENDANT, AT HER PLACE OF EMPLOYMENT DENNY'S BEER BARREL PUB, WOODLAND ROAD, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO STEPHANIE SMITH

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20804  
NO: 08-379-CD

PLAINTIFF: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2007-WFHE3  
vs.  
DEFENDANT: KENNETH S. SMITH AND STEPHANIE L. SMITH

Execution REAL ESTATE

SHERIFF RETURN

---

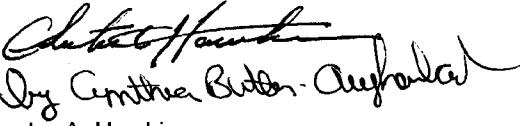
SHERIFF HAWKINS \$237.66

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

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

  
Chester A. Hawkins  
Sheriff

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

US. BANK NATIONAL  
ASSOCIATION, AS TRUSTEE FOR  
CMLTI 2007-WFHE3  
vs.

KENNETH S. SMITH  
STEPHANIE L. SMITH

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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(See Legal Description attached)

Amount Due	
Interest from 6/7/08 to Sale	\$56,260.71
Per diem \$9.25	135.00
Add'l Costs	
Writ Total	\$3,658.50

Dated 7/11/08  
(SEAL)

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

172659

Received this writ this 11<sup>th</sup> day  
of July A.D. 2008  
At 3:00 A.M./P.M.

*Constance A. Hawkins*  
Sheriff by *Anthony B. Boller, Deputy Sheriff*

No. 08-379.CD..... Term 20 ....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR CML TI 2007-WFHE3

vs.

KENNETH S. SMITH  
STEPHANIE L. SMITH

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs		Costs	
Real Debt		\$56,260.71	
Int. from 6/7/08			
To Date of Sale (\$9.25 per diem)			
Costs			
Prothry Pd.	<u>135.00</u>	Prothonotary costs	
Sheriff		Attorney for Plaintiff(s)	

Address: KENNETH S. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

STEPHANIE L. SMITH  
1408 LAWHEAD STREET  
HYDE, PA 16843

**LEGAL DESCRIPTION**

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Premises being: 482 EAST 10 STREET  
CLEARFIELD, PA 16830

Tax Parcel No. KL08-247-00061

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME KENNETH S. SMITH NO. 08-379-CD

NOW, November 25, 2008, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on November 07, 2008, I exposed the within described real estate of Kenneth S. Smith And Stephanie L. Smith to public venue or outcry at which time and place I sold the same to US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2007-WFHE3 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 SERVICE	15.00	DEBT-AMOUNT DUE	56,260.71
MILEAGE	15.00	INTEREST @ 9.2500 %	1,415.25
LEVY	6.68	FROM 06/07/2008 TO 11/07/2008	
MILEAGE POSTING	2.00	PROTH SATISFACTION	
CSDS COMMISSION	15.00	LATE CHARGES AND FEES	
POSTAGE	10.00	COST OF SUIT-TO BE ADDED	3,658.50
HANDBILLS	0.00	FORECLOSURE FEES	
DISTRIBUTION	6.30	ATTORNEY COMMISSION	
ADVERTISING	15.00	REFUND OF ADVANCE	
ADD'L SERVICE	15.00	REFUND OF SURCHARGE	40.00
DEED	25.00	SATISFACTION FEE	
ADD'L POSTING	15.00	ESCROW DEFICIENCY	
ADD'L MILEAGE	30.00	PROPERTY INSPECTIONS	
ADD'L LEVY	6.68	INTEREST	
BID AMOUNT		MISCELLANEOUS	
RETURNS/DEPUTIZE	1.00	<b>TOTAL DEBT AND INTEREST</b>	<b>\$61,374.46</b>
COPIES			
	15.00	<b>COSTS:</b>	
BILLING/PHONE/FAX	5.00	ADVERTISING	368.26
CONTINUED SALES	5.00	TAXES - COLLECTOR	
MISCELLANEOUS	20.00	TAXES - TAX CLAIM	
<b>TOTAL SHERIFF COSTS</b>	<b>\$237.66</b>	DUE	
		LIEN SEARCH	200.00
		ACKNOWLEDGEMENT	5.00
		DEED COSTS	29.00
		SHERIFF COSTS	237.66
		LEGAL JOURNAL COSTS	90.00
		PROTHONOTARY	135.00
		MORTGAGE SEARCH	80.00
		MUNICIPAL LIEN	459.27
<b>DEED COSTS:</b>		<b>TOTAL COSTS</b>	<b>\$1,604.19</b>
ACKNOWLEDGEMENT	5.00		
REGISTER & RECORDER	29.00		
TRANSFER TAX 2%	0.00		
<b>TOTAL DEED COSTS</b>	<b>\$29.00</b>		

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

**CHESTER A. HAWKINS, Sheriff**

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

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

October 2, 2008

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR CMLTI 2007-  
WFHE3 v.  
KENNETH S. SMITH and STEPHANIE L. SMITH  
482 EAST 10TH STREET CLEARFIELD, PA 16830  
Court No. 08-379-CD

Dear Sir/Madam:

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

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

Thank you for your correspondence in this matter.

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