

08-761-CD  
Wells Fargo vs Robert Holland

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
SHEETAL SHAH-JANI, ESQ., Id. No. 81760  
JENINE R. DAVEY, ESQ., Id. No. 87077  
MICHAEL E. CARLETON, ESQ., Id. No. 203009  
VIVEK SRIVASTAVA, ESQ., Id. No. 202331  
JAY B. JONES, ESQ., Id. No. 86657  
PETER MULCAHY, ESQ., Id. No. 61791  
ANDREW SPIVACK, ESQ., Id. No. 84439  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

170681

ATTORNEY FOR PLAINTIFF

WELLS FARO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES  
SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-761-CD

CLEARFIELD COUNTY

Plaintiff

v.  
ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

Defendants

**FILED** 5 cc  
m.b. 04/24/08 Atty Jones  
APR 25 2008  
William A. Shaw Atty pd  
Prothonotary/Clerk of Courts \$95.00

June 2, 2008 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*William A. Shaw* GK  
Deputy Prothonotary

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

## NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

WELLS FARO BANK, N.A. AS TRUSTEE FOR ASSET  
BACKED SECURITIES CORPORATION HOME EQUITY  
LOAN TRUST 2001-HE3, ASSET BACKED  
PASS-THROUGH CERTIFICATES SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

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

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

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

3. On 07/30/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200112605. By Assignment of Mortgage recorded 05/20/2002 the mortgage was assigned to WELLS FARGO BANK MINNESOTA, NA. AS TRUSTEE which Assignment is recorded in Assignment of Mortgage Instrument No. 200207986. The 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	\$102,678.67
Interest	\$6,882.46
10/01/2007 through 04/23/2008 (Per Diem \$33.41)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$162.12
07/30/2001 to 04/23/2008	
Cost of Suit and Title Search	\$550.00
Subtotal	\$111,523.25
Escrow	
Credit	\$0.00
Deficit	\$4,822.79
Subtotal	\$4,822.79
<b>TOTAL</b>	<b>\$116,346.04</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.

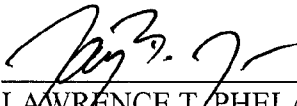


11. The United States of America is made a Defendant herein pursuant to 28 U.S.C. 2410, because of federal tax liens that have been filed with the Prothonotary of CLEARFIELD County in the Judgment Index Unit as follows:

(a) United States vs. ROBERT D. HOLLAND; IRS Docket No. 2003-01252 CD; filed 08/22/2003; in the amount of \$ 32, 139.47.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$116,346.04, together with interest from 04/23/2008 at the rate of \$33.41 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:   
\_\_\_\_\_  
LAWRENCE T. PHELAN, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE  
VIVEK SRIVASTAVA, ESQUIRE  
JAY B. JONES, ESQUIRE #86657  
PETER MULCAHY, ESQUIRE  
ANDREW SPIVACK, ESQUIRE  
Attorneys for Plaintiff

## **LEGAL DESCRIPTION**

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

BEGINNING at a steel re-bar, ( and meaning a steel reinforcing bar throughout this description) on the south right of way of Pennsylvania State Highway and formerly known as Route No. 17039 now called Route No. 3013, the said steel bar corner being S. 44 degrees 44 minutes E. a distance of 333.04 feet from the northeast corner of lot of W. Monroe Bloom and the northwest corner of land conveyed to Gregory Koptchak et. ux.; thence through the land of the Grantor for a new line S. 42 degrees 06 minutes W. for a distance of 221.05 feet to a steel re-bar; thence still through the land of the Grantor for a new line, S. 53 degrees 41 minutes E. for a distance of 112.42 feet to a steel re-bar on the line of land of Lester N. Neeper; thence by said land, N. 37 degrees 02 minutes E. for a distance of 93.95 feet to the approximate center of a large butternut tree; thence again through the land of the grantor for a new line, N 65 degrees 17 minutes E for a distance of 117.33 feet to a steel re-bar; thence along the right of way of aforesaid State Highway, N. 44 degrees 44 minutes W. for a distance of 150.0 feet to steel re-bar and the place of beginning. Containing 0.5738 acres, and as shown on the map prepared by Lex W Curry dated September 24, 1996.

Said property having been approved as part of a Subdivision in Pike Township, Clearfield County, Pennsylvania as shown on the map prepared by Lex W. Curry dated September 24, 1996 and recorded in Clearfield County in map file #1270.

Being a portion of those premises described in the First Thereof and the Sixth Thereof which were conveyed from C. Lee Passmore and Alma W. Passmore to C. Lee Passmore and Alma W. Passmore by deed dated March 16, 1960 and recorded in Clearfield County in Deed Book 481 at page 306. The said Lee Passmore died May 24, 1962 leaving Alma W Passmore as the surviving tenant by the entireties. The said Alma W. Passmore died on September 21, 1981 and by her will which is recorded in Clearfield County in Will Book 42 at page 179, this property passed as part of the residue to her son, A. Blair Passmore.

PARCEL NO. H09-000-00235

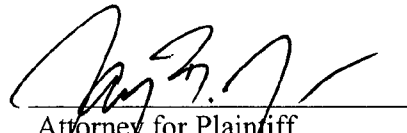
**PROPERTY BEING: RR 1 BOX 346 A A/K/A 622 RIDGE AVENUE**

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  
# 86652

DATE: 4-24-08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-761-CD

WELLS FARO BANK N.A. as Trustee

vs

SERVICE # 2 OF 4

ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/02/2008

HEARING:

PAGE: 104240

DEFENDANT:

ALICIA D. MCCARTNEY

ADDRESS:

RR#1 BOX 346A AKA 622 RIDGE AVE.

CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

FILED

0 3:30pm BK

JUN 06 2008

William A. Shaw  
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 6-6-08 AT 10:57 AM/PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ALICIA D. MCCARTNEY, DEFENDANT

BY HANDING TO

Alicia D. Holland

Def.

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

ADDRESS SERVED

622 Ridge Ave.

Curwensville, PA 16833

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR ALICIA D. MCCARTNEY

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO ALICIA D. MCCARTNEY

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

\_\_\_\_\_ DAY OF \_\_\_\_\_ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

JAMES E. DAVIS

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-761-CD

WELLS FARO BANK N.A. as Trustee

vs

SERVICE # 1 OF 4

ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/02/2008

HEARING:

PAGE: 104240

DEFENDANT:

ROBERT D. HOLLAND

ADDRESS:

RR#1 BOX 346A AKA 622 RIDGE AVE

CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: ]

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 6-6-08 AT 10:57 AM/PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT D. HOLLAND, DEFENDANT

BY HANDING TO ALICIA D. HOLLAND, Wife

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

ADDRESS SERVED 622 Ridge Ave.  
Curwensville, Pa. 16833

NOW AT AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR ROBERT D. HOLLAND

AT (ADDRESS)

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

I MAKE RETURN OF NOT FOUND AS TO ROBERT D. HOLLAND

REASON UNABLE TO LOCATE

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis  
Deputy Signature

James F. Davis  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-761-CD

WELLS FARO BANK N.A. as Trustee

vs

SERVICE # 3 OF 4

ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/02/2008

HEARING:

PAGE: 104240

DEFENDANT: ROBERT D. HOLLAND

ADDRESS: 52 HOLLAND LANE  
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 6-6-08 AT 10:57 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT D. HOLLAND, DEFENDANT

BY HANDING TO Alicia Holland, Wife

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

ADDRESS SERVED 622 Ridge Ave.  
CURWENSVILLE, Pa. 16833

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR ROBERT D. HOLLAND

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO ROBERT D. HOLLAND

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

NO: 08-761-CD

WELLS FARO BANK N.A. as Trustee

vs

SERVICE # 4 OF 4

ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/02/2008

HEARING:

PAGE: 104240

DEFENDANT: ALICIA D. MCCARTNEY

ADDRESS: 52 HOLLAND LANE

CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, 6-6-08 AT 10:57 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ALICIA D. MCCARTNEY, DEFENDANT

BY HANDING TO Alicia D. Holland, Def.

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

ADDRESS SERVED 622 Ridge Ave.  
Curwensville, Pa 16833

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR ALICIA D. MCCARTNEY

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO ALICIA D. MCCARTNEY

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

FILED

0 3:30 P.M. OK NO CC

JUN 06 2008

William A. Shaw  
Prothonotary/Clerk of Courts



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

ATTORNEY FOR PLAINTIFF

WELLS FARO BANK, N.A. AS TRUSTEE : COURT OF COMMON PLEAS  
FOR ASSET BACKED SECURITIES :  
CORPORATION HOME EQUITY LOAN : CIVIL DIVISION  
TRUST 2001-HE3, ASSET BACKED PASS- :  
THROUGH CERTIFICATES SERIES 2001- : CLEARFIELD COUNTY  
HE3

Plaintiff

vs.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
\*\*\*USA\*\*\*

:  
: No. 08-761-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 Hallinan  
FRANCIS S. HALLINAN, ESQUIRE  
LAWRENCE T. PHELAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
Attorneys for Plaintiff

Date: May 29, 2008

/jjn, Svc Dept.  
File# 170681

FILED <sup>GP</sup> Atty. \$7.00  
M 10:53 AM  
JUN 02 2008 2 Compl. Reinstated  
to Sheriff  
1 Compl. Reinstated  
to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

WELLS FARO BANK, N.A. AS  
TRUSTEE FOR ASSET BACKED  
SECURITIES CORPORATION HOME  
EQUITY LOAN TRUST 2001-HE3,  
ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2001-HE3

Plaintiff

: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 08-761-CD  
:  
: CLEARFIELD COUNTY  
:  
:  
:

vs.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
\*\*\* \*\*USA

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: 6/2/08

**FILED** *no cc*  
*mjh:qib*  
JUN 04 2008   
William A. Shaw  
Prothonotary/Clerk of Courts

VERIFICATION

Topako Love hereby states that he/she is

Assistant Secretary of OPTION ONE MORTGAGE CORPORATION, servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: 4/24/08

  
Name: Topako Love

Title: Assistant Secretary

Company: OPTION ONE MORTGAGE  
CORPORATION

Loan: 0004819595

File #: 170681

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

WELLS FARO BANK, N.A. AS  
TRUSTEE FOR ASSET BACKED  
SECURITIES CORPORATION HOME  
EQUITY LOAN TRUST 2001-HE3,  
ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2001-HE3

Plaintiff

vs.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
\*\*\* \*\*USA

Defendant(s)

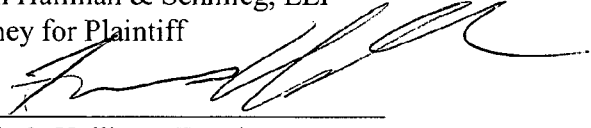
**CERTIFICATE OF SERVICE**

I hereby certify that a true 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:

\*\*\* \*\*USA  
RR#1 BOX 346A A/K/A 622 RIDGE, AVENUE  
CURWENSVILLE, PA 16833

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
622 RIDGE AVENUE  
CURWENSVILLE, PA 16833-7241

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By:   
Francis S. Hallinan, Esquire

Date: 6/2/08

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

Service # 1 of 4 Services

Sheriff Docket # **104090**

WELLS FARO BANK, N.A. AS TRUSTEE

Case # 08-761-CD

VS.

ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**FILED**

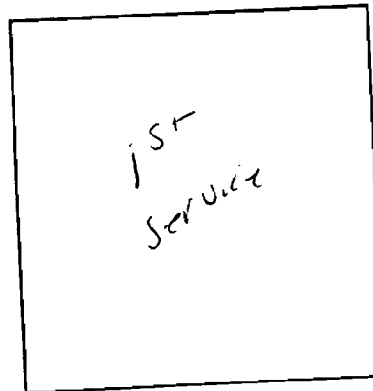
013:21/5N  
AUG 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF RETURNS**

NOW August 04, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED, TIME EXPIRED" AS TO ROBERT D. HOLLAND, DEFENDANT. ATTEMPTED, DEFT. WAS TO PICK UP COMPLAINT @ SHERIFF'S OFFICE

SERVED BY: /



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

Service # 2 of 4 Services

Sheriff Docket # **104090**

WELLS FARO BANK, N.A. AS TRUSTEE

Case # 08-761-CD

vs.

ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

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SERVED BY: /

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

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Service # 4 of 4 Services

Sheriff Docket # **104090**

WELLS FARO BANK, N.A. AS TRUSTEE

Case # 08-761-CD

VS.

ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

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SERVED BY: /



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104090  
NO: 08-761-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WELLS FARO BANK, N.A. AS TRUSTEE  
vs.  
DEFENDANT: ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

SHERIFF RETURN

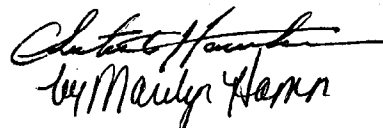
RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	689076	40.00
SHERIFF HAWKINS	PHELAN	689076	35.06

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

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

APR 25 2008

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
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ANDREW SPIVACK, ESQ., Id. No. 84439  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

ATTORNEY FOR PLAINTIFF

WELLS FARO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES  
SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-761-CD

CLEARFIELD COUNTY

Plaintiff

v.  
ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

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

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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 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

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

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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**

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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

WELLS FARO BANK, N.A. AS TRUSTEE FOR ASSET  
BACKED SECURITIES CORPORATION HOME EQUITY  
LOAN TRUST 2001-HE3, ASSET BACKED  
PASS-THROUGH CERTIFICATES SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

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

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

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

3. On 07/30/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200112605. By Assignment of Mortgage recorded 05/20/2002 the mortgage was assigned to WELLS FARGO BANK MINNESOTA, NA. AS TRUSTEE which Assignment is recorded in Assignment of Mortgage Instrument No. 200207986. The 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	\$102,678.67
Interest	\$6,882.46
10/01/2007 through 04/23/2008 (Per Diem \$33.41)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$162.12
07/30/2001 to 04/23/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$111,523.25
Escrow	
Credit	\$0.00
Deficit	\$4,822.79
Subtotal	<u>\$4,822.79</u>
<b>TOTAL</b>	<b>\$116,346.04</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.

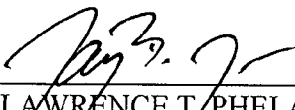


11. The United States of America is made a Defendant herein pursuant to 28 U.S.C. 2410, because of federal tax liens that have been filed with the Prothonotary of CLEARFIELD County in the Judgment Index Unit as follows:

(a) United States vs. ROBERT D. HOLLAND; IRS Docket No. 2003-01252 CD; filed 08/22/2003; in the amount of \$ 32, 139.47.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$116,346.04, together with interest from 04/23/2008 at the rate of \$33.41 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:   
\_\_\_\_\_  
LAWRENCE T. PHELAN, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE  
VIVEK SRIVASTAVA, ESQUIRE  
JAY B. JONES, ESQUIRE # 86657  
PETER MULCAHY, ESQUIRE  
ANDREW SPIVACK, ESQUIRE  
Attorneys for Plaintiff

## LEGAL DESCRIPTION

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

BEGINNING at a steel re-bar, ( and meaning a steel reinforcing bar throughout this description) on the south right of way of Pennsylvania State Highway and formerly known as Route No. 17039 now called Route No. 3013, the said steel bar corner being S. 44 degrees 44 minutes E. a distance of 333.04 feet from the northeast corner of lot of W. Monroe Bloom and the northwest corner of land conveyed to Gregory Koptchak et. ux.; thence through the land of the Grantor for a new line S. 42 degrees 06 minutes W. for a distance of 221.05 feet to a steel re-bar; thence still through the land of the Grantor for a new line, S. 53 degrees 41 minutes E. for a distance of 112.42 feet to a steel re-bar on the line of land of Lester N. Neeper; thence by said land, N. 37 degrees 02 minutes E. for a distance of 93.95 feet to the approximate center of a large butternut tree; thence again through the land of the grantor for a new line, N 65 degrees 17 minutes E for a distance of 117.33 feet to a steel re-bar; thence along the right of way of aforesaid State Highway, N. 44 degrees 44 minutes W. for a distance of 150.0 feet to steel re-bar and the place of beginning. Containing 0.5738 acres, and as shown on the map prepared by Lex W Curry dated September 24, 1996.

Said property having been approved as part of a Subdivision in Pike Township, Clearfield County, Pennsylvania as shown on the map prepared by Lex W. Curry dated September 24, 1996 and recorded in Clearfield County in map file #1270.

Being a portion of those premises described in the First Thereof and the Sixth Thereof which were conveyed from C. Lee Passmore and Alma W. Passmore to C. Lee Passmore and Alma W. Passmore by deed dated March 16, 1960 and recorded in Clearfield County in Deed Book 481 at page 306. The said Lee Passmore died May 24, 1962 leaving Alma W Passmore as the surviving tenant by the entireties. The said Alma W. Passmore died on September 21, 1981 and by her will which is recorded in Clearfield County in Will Book 42 at page 179, this property passed as part of the residue to her son, A. Blair Passmore.

PARCEL NO. H09-000-00235

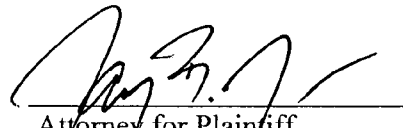
**PROPERTY BEING: RR 1 BOX 346 A A/K/A 622 RIDGE AVENUE**

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  
# 86652

DATE: 4-24-08

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

APR 25 2008

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
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Attest.

*William A. Brown*  
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ATTORNEY FOR PLAINTIFF

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6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-761-CD

CLEARFIELD COUNTY

Plaintiff

v.  
ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
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CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
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Pittsburgh, PA 15230

Defendants

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

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MAIL STOP: DC-CASH (BY)  
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ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
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CURWENSVILLE, PA 16833

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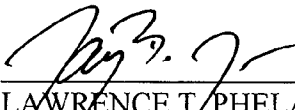
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9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have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

11. The United States of America is made a Defendant herein pursuant to 28 U.S.C. 2410, because of federal tax liens that have been filed with the Prothonotary of CLEARFIELD County in the Judgment Index Unit as follows:

(a) United States vs. ROBERT D. HOLLAND; IRS Docket No. 2003-01252 CD; filed 08/22/2003; in the amount of \$ 32, 139.47.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$116,346.04, together with interest from 04/23/2008 at the rate of \$33.41 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:   
LAWRENCE T. PHELAN, ESQUIRE  
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VIVEK SRIVASTAVA, ESQUIRE  
JAY B. JONES, ESQUIRE #86657  
PETER MULCAHY, ESQUIRE  
ANDREW SPIVACK, ESQUIRE  
Attorneys for Plaintiff

## LEGAL DESCRIPTION

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

BEGINNING at a steel re-bar, ( and meaning a steel reinforcing bar throughout this description) on the south right of way of Pennsylvania State Highway and formerly known as Route No. 17039 now called Route No. 3013, the said steel bar corner being S. 44 degrees 44 minutes E. a distance of 333.04 feet from the northeast corner of lot of W. Monroe Bloom and the northwest corner of land conveyed to Gregory Koptchak et. ux.; thence through the land of the Grantor for a new line S. 42 degrees 06 minutes W. for a distance of 221.05 feet to a steel re-bar; thence still through the land of the Grantor for a new line, S. 53 degrees 41 minutes E. for a distance of 112.42 feet to a steel re-bar on the line of land of Lester N. Neeper; thence by said land, N. 37 degrees 02 minutes E. for a distance of 93.95 feet to the approximate center of a large butternut tree; thence again through the land of the grantor for a new line, N 65 degrees 17 minutes E for a distance of 117.33 feet to a steel re-bar; thence along the right of way of aforesaid State Highway, N. 44 degrees 44 minutes W. for a distance of 150.0 feet to steel re-bar and the place of beginning. Containing 0.5738 acres, and as shown on the map prepared by Lex W Curry dated September 24, 1996.

Said property having been approved as part of a Subdivision in Pike Township, Clearfield County, Pennsylvania as shown on the map prepared by Lex W. Curry dated September 24, 1996 and recorded in Clearfield County in map file #1270.

Being a portion of those premises described in the First Thereof and the Sixth Thereof which were conveyed from C. Lee Passmore and Alma W. Passmore to C. Lee Passmore and Alma W. Passmore by deed dated March 16, 1960 and recorded in Clearfield County in Deed Book 481 at page 306. The said Lee Passmore died May 24, 1962 leaving Alma W Passmore as the surviving tenant by the entireties. The said Alma W. Passmore died on September 21, 1981 and by her will which is recorded in Clearfield County in Will Book 42 at page 179, this property passed as part of the residue to her son, A. Blair Passmore.

PARCEL NO. H09-000-00235

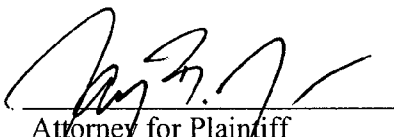
**PROPERTY BEING: RR 1 BOX 346 A A/K/A 622 RIDGE AVENUE**

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  
# 86652

DATE: 4-24-08

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

APR 25 2008

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
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ANDREW SPIVACK, ESQ., Id. No. 84439  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

170681

Attest.

*William A. Shaw*  
Prothonotary/  
Clerk of Courts

ATTORNEY FOR PLAINTIFF

WELLS FARO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES  
SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-761-CD

CLEARFIELD COUNTY

Plaintiff

v.  
ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

Defendants

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**  
We hereby certify the  
within is true and  
correct copy of the  
original filed of record



## NOTICE

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

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

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

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

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

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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  
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FOLLOWING FIRST CONTACT WITH YOU BEFORE  
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH  
THE LAW PROVIDES THAT YOUR ANSWER TO THIS**

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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

WELLS FARO BANK, N.A. AS TRUSTEE FOR ASSET  
BACKED SECURITIES CORPORATION HOME EQUITY  
LOAN TRUST 2001-HE3, ASSET BACKED  
PASS-THROUGH CERTIFICATES SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

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

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
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who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 07/30/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200112605. By Assignment of Mortgage recorded 05/20/2002 the mortgage was assigned to WELLS FARGO BANK MINNESOTA, NA. AS TRUSTEE which Assignment is recorded in Assignment of Mortgage Instrument No. 200207986. The 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	\$102,678.67
Interest	\$6,882.46
10/01/2007 through 04/23/2008 (Per Diem \$33.41)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$162.12
07/30/2001 to 04/23/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$111,523.25
Escrow	
Credit	\$0.00
Deficit	\$4,822.79
Subtotal	<u>\$4,822.79</u>
<b>TOTAL</b>	<b>\$116,346.04</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.

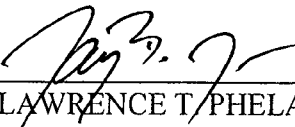
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PARCEL NO. H09-000-00235

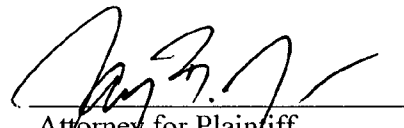
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VERIFICATION

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Attorney for Plaintiff  
# 86652

DATE: 4-24-08

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APR 25 2008

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Attest.

*William E. Khan*  
Prothonotary/  
Clerk of Courts

ATTORNEY FOR PLAINTIFF

WELLS FARO BANK, N.A. AS TRUSTEE FOR  
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COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-761-CD

CLEARFIELD COUNTY

Plaintiff

v.  
ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
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CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

Defendants

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

We hereby certify the  
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PASS-THROUGH CERTIFICATES SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

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ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
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who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 07/30/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200112605. By Assignment of Mortgage recorded 05/20/2002 the mortgage was assigned to WELLS FARGO BANK MINNESOTA, NA. AS TRUSTEE which Assignment is recorded in Assignment of Mortgage Instrument No. 200207986. The 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	\$102,678.67
Interest	\$6,882.46
10/01/2007 through 04/23/2008 (Per Diem \$33.41)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$162.12
07/30/2001 to 04/23/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$111,523.25
Escrow	
Credit	\$0.00
Deficit	\$4,822.79
Subtotal	<u>\$4,822.79</u>
<b>TOTAL</b>	<b>\$116,346.04</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.

11. The United States of America is made a Defendant herein pursuant to 28 U.S.C. 2410, because of federal tax liens that have been filed with the Prothonotary of CLEARFIELD County in the Judgment Index Unit as follows:

(a) United States vs. ROBERT D. HOLLAND; IRS Docket No. 2003-01252 CD; filed 08/22/2003; in the amount of \$ 32, 139.47.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$116,346.04, together with interest from 04/23/2008 at the rate of \$33.41 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:   
LAWRENCE T. PHELAN, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE  
VIVEK SRIVASTAVA, ESQUIRE  
JAY B. JONES, ESQUIRE #86657  
PETER MULCAHY, ESQUIRE  
ANDREW SPIVACK, ESQUIRE  
Attorneys for Plaintiff

## LEGAL DESCRIPTION

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

BEGINNING at a steel re-bar, ( and meaning a steel reinforcing bar throughout this description) on the south right of way of Pennsylvania State Highway and formerly known as Route No. 17039 now called Route No. 3013, the said steel bar corner being S. 44 degrees 44 minutes E. a distance of 333.04 feet from the northeast corner of lot of W. Monroe Bloom and the northwest corner of land conveyed to Gregory Koptchak et. ux.; thence through the land of the Grantor for a new line S. 42 degrees 06 minutes W. for a distance of 221.05 feet to a steel re-bar; thence still through the land of the Grantor for a new line, S. 53 degrees 41 minutes E. for a distance of 112.42 feet to a steel re-bar on the line of land of Lester N. Neeper; thence by said land, N. 37 degrees 02 minutes E. for a distance of 93.95 feet to the approximate center of a large butternut tree; thence again through the land of the grantor for a new line, N 65 degrees 17 minutes E for a distance of 117.33 feet to a steel re-bar; thence along the right of way of aforesaid State Highway, N. 44 degrees 44 minutes W. for a distance of 150.0 feet to steel re-bar and the place of beginning. Containing 0.5738 acres, and as shown on the map prepared by Lex W Curry dated September 24, 1996.

Said property having been approved as part of a Subdivision in Pike Township, Clearfield County, Pennsylvania as shown on the map prepared by Lex W. Curry dated September 24, 1996 and recorded in Clearfield County in map file #1270.

Being a portion of those premises described in the First Thereof and the Sixth Thereof which were conveyed from C. Lee Passmore and Alma W. Passmore to C. Lee Passmore and Alma W. Passmore by deed dated March 16, 1960 and recorded in Clearfield County in Deed Book 481 at page 306. The said Lee Passmore died May 24, 1962 leaving Alma W Passmore as the surviving tenant by the entireties. The said Alma W. Passmore died on September 21, 1981 and by her will which is recorded in Clearfield County in Will Book 42 at page 179, this property passed as part of the residue to her son, A. Blair Passmore.

PARCEL NO. H09-000-00235

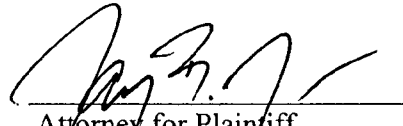
**PROPERTY BEING: RR 1 BOX 346 A A/K/A 622 RIDGE AVENUE**

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  
# 86652

DATE: 4-24-08

COPY

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

APR 25 2008

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
SHEETAL SHAH-JANI, ESQ., Id. No. 81760  
JENINE R. DAVEY, ESQ., Id. No. 87077  
MICHAEL E. CARLETON, ESQ., Id. No. 203009  
VIVEK SRIVASTAVA, ESQ., Id. No. 202331  
JAY B. JONES, ESQ., Id. No. 86657  
PETER MULCAHY, ESQ., Id. No. 61791  
ANDREW SPIVACK, ESQ., Id. No. 84439  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

170681

Attest.

*William L. Brown*  
Prothonotary/  
Clerk of Courts

ATTORNEY FOR PLAINTIFF

WELLS FARO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES  
SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-761-CD

CLEARFIELD COUNTY

Plaintiff

v.  
ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

Defendants

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

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

## NOTICE

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

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

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

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

Notice to Defend:  
Daniel J. Nelson, Court Administrator  
Clearfield County Courthouse  
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

WELLS FARO BANK, N.A. AS TRUSTEE FOR ASSET  
BACKED SECURITIES CORPORATION HOME EQUITY  
LOAN TRUST 2001-HE3, ASSET BACKED  
PASS-THROUGH CERTIFICATES SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618.

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

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A  
A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

THE UNITED STATES OF AMERICA  
c/o The United States Attorney for the  
Western District of PA, P.O. Box 1805  
U.S. Post Office and Courthouse  
Pittsburgh, PA 15230

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

3. On 07/30/2001 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PEOPLE'S CHOICE HOME LOAN, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200112605. By Assignment of Mortgage recorded 05/20/2002 the mortgage was assigned to WELLS FARGO BANK MINNESOTA, NA. AS TRUSTEE which Assignment is recorded in Assignment of Mortgage Instrument No. 200207986. The 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	\$102,678.67
Interest	\$6,882.46
10/01/2007 through 04/23/2008 (Per Diem \$33.41)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$162.12
07/30/2001 to 04/23/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$111,523.25
Escrow	
Credit	\$0.00
Deficit	\$4,822.79
Subtotal	<u>\$4,822.79</u>
<b>TOTAL</b>	<b>\$116,346.04</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.

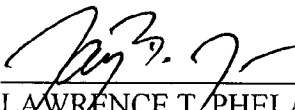
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability 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.

11. The United States of America is made a Defendant herein pursuant to 28 U.S.C. 2410, because of federal tax liens that have been filed with the Prothonotary of CLEARFIELD County in the Judgment Index Unit as follows:

(a) United States vs. ROBERT D. HOLLAND; IRS Docket No. 2003-01252 CD; filed 08/22/2003; in the amount of \$ 32, 139.47.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$116,346.04, together with interest from 04/23/2008 at the rate of \$33.41 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:   
\_\_\_\_\_  
LAWRENCE T. PHELAN, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE  
DANIEL G. SCHMIEG, ESQUIRE  
MICHELE M. BRADFORD, ESQUIRE  
JUDITH T. ROMANO, ESQUIRE  
SHEETAL R. SHAH-JANI, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
MICHAEL E. CARLETON, ESQUIRE  
VIVEK SRIVASTAVA, ESQUIRE  
JAY B. JONES, ESQUIRE #86657  
PETER MULCAHY, ESQUIRE  
ANDREW SPIVACK, ESQUIRE  
Attorneys for Plaintiff

## LEGAL DESCRIPTION

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BEGINNING at a steel re-bar, ( and meaning a steel reinforcing bar throughout this description) on the south right of way of Pennsylvania State Highway and formerly known as Route No. 17039 now called Route No. 3013, the said steel bar corner being S. 44 degrees 44 minutes E. a distance of 333.04 feet from the northeast corner of lot of W. Monroe Bloom and the northwest corner of land conveyed to Gregory Koptchak et. ux.; thence through the land of the Grantor for a new line S. 42 degrees 06 minutes W. for a distance of 221.05 feet to a steel re-bar; thence still through the land of the Grantor for a new line, S. 53 degrees 41 minutes E. for a distance of 112.42 feet to a steel re-bar on the line of land of Lester N. Neepers; thence by said land, N. 37 degrees 02 minutes E. for a distance of 93.95 feet to the approximate center of a large butternut tree; thence again through the land of the grantor for a new line, N 65 degrees 17 minutes E for a distance of 117.33 feet to a steel re-bar; thence along the right of way of aforesaid State Highway, N. 44 degrees 44 minutes W. for a distance of 150.0 feet to steel re-bar and the place of beginning. Containing 0.5738 acres, and as shown on the map prepared by Lex W Curry dated September 24, 1996.

Said property having been approved as part of a Subdivision in Pike Township, Clearfield County, Pennsylvania as shown on the map prepared by Lex W. Curry dated September 24, 1996 and recorded in Clearfield County in map file #1270.

Being a portion of those premises described in the First Thereof and the Sixth Thereof which were conveyed from C. Lee Passmore and Alma W. Passmore to C. Lee Passmore and Alma W. Passmore by deed dated March 16, 1960 and recorded in Clearfield County in Deed Book 481 at page 306. The said Lee Passmore died May 24, 1962 leaving Alma W Passmore as the surviving tenant by the entireties. The said Alma W. Passmore died on September 21, 1981 and by her will which is recorded in Clearfield County in Will Book 42 at page 179, this property passed as part of the residue to her son, A. Blair Passmore.

PARCEL NO. H09-000-00235

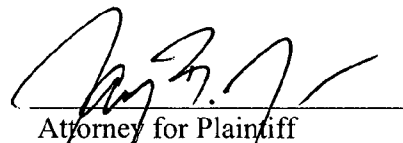
**PROPERTY BEING: RR 1 BOX 346 A A/K/A 622 RIDGE AVENUE**

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  
# 86652

DATE: 4-24-08



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104240  
NO: 08-761-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: WELLS FARO BANK N.A. as Trustee  
vs.  
DEFENDANT: ROBERT D. HOLLAND and ALICIA D. MCCARTNEY

FILED

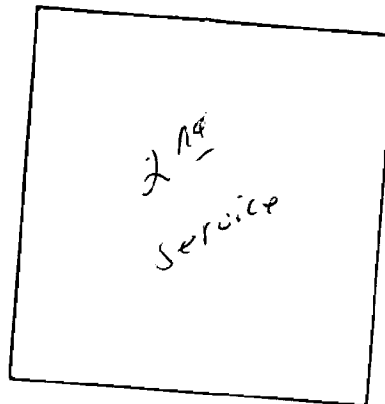
013:2130  
AUG 04 2008

William A. Shaw  
Prothonotary/Clerk of Courts

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	700059	40.00
SHERIFF HAWKINS	PHELAN	700059	33.06



Sworn to Before Me This

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

So Answers,

A handwritten signature, likely of Chester A. Hawkins.

Chester A. Hawkins  
Sheriff

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** Any pd. \$20.00  
M/11:14:30  
AUG 08 2008 ICC & Notice  
to Def.

William A. Shaw  
Prothonotary/Clerk of Courts Statement to Atty  
(610)

**WELLS FARO BANK, N.A. AS TRUSTEE  
FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN  
TRUST 2001-HE3, ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2001-  
HE3**

**6531 IRVINE CENTER DRIVE MAIL STOP:  
DC-CASH (BY)  
IRVINE, CA 92618**

**Plaintiff,**

**v.**

**ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833**

**Defendant(s).**

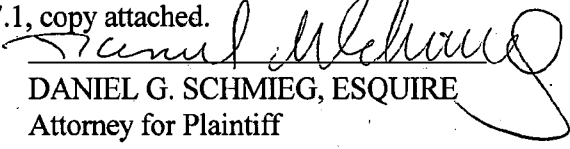
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

**TO THE OFFICE OF THE PROTHONOTARY:**

Kindly enter an in rem judgment in favor of the Plaintiff and against **ROBERT D. HOLLAND and ALICIA D. MCCARTNEY**, 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	\$ 116,346.04
Interest - 04/24/2008 - 08/07/2008	\$3,541.46
<b>TOTAL</b>	<b><u>\$ 119,887.50</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:** 8/8/08

  
**PRO PROTHY**

170681

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

WELLS FARGO BANK, N.A., AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES SERIES  
2001-HE3

Plaintiff

Vs.

ROBERT D. HOLLAND

ALICIA D. MCCARTNEY

Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 08-761-CD

FILE COPY

TO: ROBERT D. HOLLAND  
RR#1 BOX 364A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

DATE OF NOTICE: JULY 17, 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

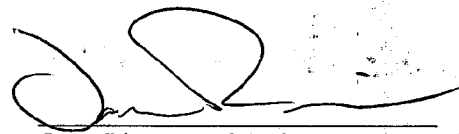
YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN DAYS FROM THE DATE OF THIS NOTICE, A JUDGMENT MAY BE ENTERED AGAINST YOU WITHOUT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

WELLS FARGO BANK, N.A., AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES SERIES  
2001-HE3

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

Plaintiff

: NO. 08-761-CD

Vs.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
Defendants

FILE COPY

TO: ALICIA D. MCCARTNEY  
RR#1 BOX 364A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

DATE OF NOTICE: JULY 17, 2008

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

#### IMPORTANT NOTICE

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

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

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

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

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



Jason Ricco, Legal Assistant

**PHELAN HALLINAN & SCHMIEG**

**By: DANIEL G. SCHMIEG**

**Identification No. 62205**

**ATTORNEY FOR PLAINTIFF**

**Suite 1400**

**One Penn Center at Suburban Station**

**1617 John F. Kennedy Boulevard**

**Philadelphia, PA 19103-1814**

**(215) 563-7000**

**WELLS FARO BANK, N.A. AS TRUSTEE  
FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN  
TRUST 2001-HE3, ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2001-  
HE3  
6531 IRVINE CENTER DRIVE MAIL STOP:  
DC-CASH (BY)  
IRVINE, CA 92618**

**Plaintiff,**

**v.**

**ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833**

**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 **ROBERT D. HOLLAND** is over 18 years of age and resides at **RR#1 BOX 346A A/K/A 622 RIDGE AVENUE, CURWENSVILLE, PA 16833.**

(c) that defendant **ALICIA D. MCCARTNEY** is over 18 years of age, and resides at **RR#1 BOX 346A A/K/A 622 RIDGE AVENUE, CURWENSVILLE, PA 16833.**

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**

**FILED**

**AUG 08 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS  
CLEARFIELD PENNSYLVANIA

COPY

WELLS FARO BANK, N.A. AS TRUSTEE  
FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN  
TRUST 2001-HE3, ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2001-  
HE3  
6531 IRVINE CENTER DRIVE MAIL STOP:  
DC-CASH (BY)  
IRVINE, CA 92618

CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-761-CD

Plaintiff,

v.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

Defendant(s).

Notice is given that a Judgment in the above captioned matter has been entered against you  
on August 8, 2008.

BY [Signature] DEPUTY

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

[Signature]  
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

Wells Fargo Bank, N.A.  
Plaintiff(s)

No.: 2008-00761-CD

Real Debt: \$119,887.50

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Robert D. Holland  
Alicia D. McCartney  
Defendant(s)

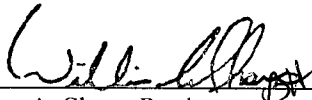
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: August 8, 2008

Expires: August 8, 2013

Certified from the record this 8th 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**

WELLS.FARO.BANK, N.A. AS  
TRUSTEE.FOR.ASSET.BACKED  
SECURITIES.CORPORATION  
HOME.EQUITY.LOAN.TRUST  
2001-HE3, ASSET.BACKED.PASS-  
THROUGH.CERTIFICATES  
SERIES.2001-HE3

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-761-CD Term 20.....

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

vs.

ROBERT.D.HOLLAND

ALICIA.D.MCCARTNEY.

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due

\$119,887.50

Interest from 08/08/2008 to Sale

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

Per diem \$19.71

Add'l Costs

\$3,494.92

Writ Total

\$

Prothonotary costs 142.00

Daniel J. Schmieg

Attorney for the Plaintiff(s)

Note: Please attach description of Property.

170681

**FILED** @  
m/11:54/81  
SEP 15 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
Att. pd. 80.00  
100.00 writs  
to prop. desc.  
to Sheriff

No. 08-761-CD..... Term 20 ..A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WELLS FARGO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES SERIES  
2001-HE3

vs.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY

---

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

*Daniel D. Bohm*

Attorney for Plaintiff(s)

Address: ROBERT D. HOLLAND  
RR#1 BOX 346A A/K/A  
622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

ALICIA D. MCCARTNEY  
RR#1 BOX 346A A/K/A  
622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

**FILED**

**SEP 15 2008**

**William A. Shaw  
Prothonotary/Clerk of Courts**

**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**

**WELLS FARO BANK, N.A. AS TRUSTEE  
FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN  
TRUST 2001-HE3, ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2001-  
HE3  
6531 IRVINE CENTER DRIVE MAIL STOP:  
DC-CASH (BY)  
IRVINE, CA 92618**

**Plaintiff,**

**v.**

**ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A A/K/A  
622 RIDGE AVENUE  
CURWENSVILLE, PA 16833**

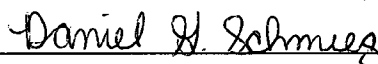
**Defendant(s).**

**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, ESQUIRE  
Attorney for Plaintiff

WELLS FARO BANK, N.A. AS TRUSTEE  
FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN  
TRUST 2001-HE3, ASSET BACKED PASS-  
THROUGH CERTIFICATES SERIES 2001-  
HE3  
6531 IRVINE CENTER DRIVE MAIL STOP:  
DC-CASH (BY)  
IRVINE, CA 92618

Plaintiff,

v.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

Defendant(s).

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

WELLS FARO BANK, N.A. AS TRUSTEE FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN TRUST 2001-HE3, ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2001-HE3, 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 **RR#1 BOX 346A A/K/A 622 RIDGE AVENUE, CURWENSVILLE,  
PA 16833.**

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

NAME

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

ROBERT D. HOLLAND

RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

ALICIA D. MCCARTNEY

RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

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

NAME

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

Same as Above

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

SEPTEMBER 10, 2008  
Date

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

**WELLS FARO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES  
SERIES 2001-HE3  
6531 IRVINE CENTER DRIVE MAIL STOP: DC-  
CASH (BY)  
IRVINE, CA 92618**

**Plaintiff,**

**v.**

**ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY  
RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833**

**Defendant(s).**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 08-761-CD**

**AFFIDAVIT PURSUANT TO RULE 3129**

**WELLS FARO BANK, N.A. AS TRUSTEE FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN TRUST 2001-HE3, ASSET BACKED PASS-THROUGH  
CERTIFICATES SERIES 2001-HE3, 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 RR#1 BOX 346A A/K/A 622 RIDGE AVENUE, CURWENSVILLE,  
PA 16833.**

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

**NAME**

**UNITED STATES INTERNAL REVENUE  
SPECIAL PROCEDURES BRANCH  
FEDERATED INVESTORS TOWER**

**U.S. DEPARTMENT OF JUSTICE  
U.S. ATTORNEY FOR THE  
WESTERN DISTRICT**

**PIKE TOWNSHIP MUNICIPAL  
AUTHORITY, C/O MICHAEL P.  
YEAGER**

**CAPITAL ONE BANK, C/O DAVID  
APOTHAKER, ESQUIRE**

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

**THIRTEENTH FLOOR, SUITE 1300  
1001 LIBERTY AVENUE  
PITTSBURGH, PA 15222**

**633 US POST OFFICE  
AND COURTHOUSE  
PITTSBURGH, PA 19063**

**110 NORTH 2<sup>ND</sup> STREET P.O. BOX 752  
CLEARFIELD, PA 16830**

**2417 WELSH ROAD APT/ STE 21 # 520  
PHILADELPHIA, PA 19125**

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

NAME

**CLEARFIELD BANK & TRUST  
COMPANY**

LAST KNOWN ADDRESS (If address cannot  
be reasonably ascertained, please so indicate.)  
**1935 DAISY STREET, CLEARFIELD, PA  
16380**

**LOCK HAVEN AREA FEDERAL  
CREDIT UNION**

**13 FIRST STREET, LOCK HAVEN, PA  
17745**

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

NAME

**None**

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

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

**None**

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

**TENANT/OCCUPANT**

**DOMESTIC RELATIONS  
CLEARFIELD COUNTY**

**COMMONWEALTH OF PENNSYLVANIA**

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

**Internal Revenue Service  
Federated Investors Tower**

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

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

**RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833**

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

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

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

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

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

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

SEPTEMBER 10, 2008

Date

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

COPY

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

WELLS.FARO.BANK, N.A. AS  
TRUSTEE.FOR.ASSET.BACKED  
SECURITIES.CORPORATION  
HOME.EQUITY.LOAN.TRUST  
2001-HE3, ASSET.BACKED.PASS-  
THROUGH.CERTIFICATES  
SERIES.2001-HE3

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20  
No. 08-761-CD..... Term 20  
No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

vs.

ROBERT D. HOLLAND

ALICIA D. MCCARTNEY

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: RR#1 BOX 346A A/K/A 622 RIDGE AVENUE, CURWENSVILLE, PA 16833  
(See Legal Description attached)

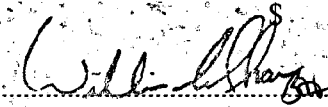
Amount Due

Interest from 08/08/2008 to Sale  
Per diem \$19.71  
Add'l Costs  
Writ Total

\$119,887.50  
Prothonotary costs 143.00

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

\$3,494.92

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

Dated 9/15/08  
(SEAL)

170681



No. 08-761-CD ..... Term 20 .....A.D.

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

WELLS FARGO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES SERIES  
2001-HE3

vs.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs

Real Debt

\$119,887.50

Int. from 08/08/2008

To Date of Sale (\$19.71 per diem)

Costs

Prothy Pd.

142.00

Sheriff

Daniel D. Schmeiz  
Attorney for Plaintiff(s)

Address: ROBERT D. HOLLAND

RR#1 BOX 346A A/K/A

622 RIDGE AVENUE

CURWENSVILLE, PA 16833

ALICIA D. MCCARTNEY

RR#1 BOX 346A A/K/A

622RIDGE AVENUE

CURWENSVILLE, PA 16833

### LEGAL DESCRIPTION

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

BEGINNING at a steel re-bar, ( and meaning a steel reinforcing bar throughout this description) on the south right of way of Pennsylvania State Highway and formerly known as Route No. 17039 now called Route No. 3013, the said steel bar corner being S. 44 degrees 44 minutes E. a distance of 333.04 feet from the northeast corner of lot of W. Monroe Bloom and the northwest corner of land conveyed to Gregory Koptchak et. ux.; thence through the land of the Grantor for a new line S. 42 degrees 06 minutes W. for a distance of 221.05 feet to a steel re-bar; thence stil through the land of the Grantor for a new line, S. 53 degrees 41 minutes E. for a distance of 112.42 feet to a steel re-bar on the line of land of Lester N. Neeper; thence by said land, N. 37 degrees 02 minutes E. for a distance of 93.95 feet to the approximate center of a large butternut tree; thence again through the land of the grantor for a new line, N 65 degrees 17 minutes E for a distance of 117.33 feet to a steel re-bar; thence along the right of way of aforesaid State Highway, N. 44 degrees 44 minutes W. for a distance of 150.0 feet to steel re-bar and the place of beginning. Containing 0.5738 acres, and as shown on the map prepared by Lex W Curry dated September 24, 1996.

Said property having been approved as part of a Subdivision in Pike Township, Clearfield County, Pennsylvania as shown on the map prepared by Lex W. Curry dated September 24, 1996 and recorded in Clearfield County in map file #1270.

Being a portion of those premises described in the First Thereof and the Sixth Thereof which were conveyed from C. Lee Passmore and Alma W. Passmore to C. Lee Passmore and Alma W. Passmore by deed dated March 16, 1960 and recorded in Clearfield County in Deed Book 481 at page 306. The said Lee Passmore died May 24, 1962 leaving Alma W Passmore as the surviving tenant by the entireties. The said Alma W. Passmore died on September 21, 1981 and by her will which is recorded in Clearfield County in Will Book 42 at page 179, this property passed as part of the residue to her son, A. Blair Passmore.

TITLE TO SAID PREMISES IS VESTED IN Robert D. Holland and Alicia D. McCartney, by Deed from Susan R. Hullihen, a/k/a Susan H. Rhone and Jeffrey L. Rhone, her husband, dated 07/30/2001, recorded 08/10/2001, in Deed Mortgage Inst# 200112604.

TITLE TO SAID PREMISES IS VESTED IN

Premises being: RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

Tax Parcel No. H09-000-00235

PHILAN HALLINAN & SCHMIEG, LLP  
BY: FRANCIS S. HALLINAN, ESQUIRE

Identification No. 62695

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Wells Fargo Bank, N.A. as Trustee for Asset Backed

Securities Corporation Home Equity Loan Trust

2001-HE3, Asset Backed pass-through Certificates

Series 2001-HE3

ATTORNEY FOR PLAINTIFF

Plaintiff

vs.

Robert D. Holland

Alicia D. Holland, et al.

Defendant(s)

Court of Common Pleas

Civil Division

Clearfield County

No. 08-761-CD

PRAECIPE

TO THE PROTHONOTARY:

☐ Please mark the above referenced case Discontinued and Ended without prejudice.

☐ Please mark the above referenced case Settled, Discontinued and Ended.

☐ Please mark Judgments satisfied and the Action settled, discontinued and ended.

☒ Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

☐ Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date: 9/30/08

Francis S. Hallinan, Esquire  
Attorney for Plaintiff

PHS # 170681

FILED

11:30 am

OCT 02 2008

William A. Shaw

Prothonotary/Clerk of Courts

2008.00 Att.  
ICCA 1 Cert  
of Sat Issued  
to Att.  
Hallinan

**FILED**

**OCT 02 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

Wells Fargo Bank, N.A.

Vs.

No. 2008-00761-CD

Robert D. Holland  
Alicia D. McCartney  
United States of America

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA  
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on October 2, 2008, marked:

Discontinued and ended without prejudice

Record costs in the sum of \$149.00 have been paid in full by Phelan Hallinan & Schmieg.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 2nd day of October A.D. 2008.



\_\_\_\_\_  
William A. Shaw, Prothonotary

lm

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

COPY

CERTIFICATE OF SATISFACTION OF JUDGMENT

Wells Fargo Bank, N.A.

No.: 2008-00761-CD

Vs.

Debt: \$119,887.50

Robert D. Holland  
Alicia D. McCartney  
United States of America



Atty's Comm.:

Interest From:

Cost: \$7.00

NOW, Thursday, October 02, 2008 , directions for satisfaction having been received, and all costs having been paid, SATISFACTION was entered of record.

Certified from the record this 2nd day of October, A.D. 2008.

  
\_\_\_\_\_  
Prothonotary 

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20847

NO: 08-761-CD

PLAINTIFF: WELLS FARGO BANK, N.A. AS TRUSTEE FOR ASSET BACKED SECURITIES CORPORATION HOME EQUITY LOAN TRUST 2001-HE3, ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2001-HE3

vs.

DEFENDANT: ROBERT D. HOLLAND AND ALICIA D. MCCARTNEY

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 9/15/2008

LEVY TAKEN 10/21/2008 @ 9:39 AM

POSTED 10/21/2008 @ 9:39 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/26/2009

DATE DEED FILED NOT SOLD

FILED  
JAN 26 2009  
01/26/2009  
William A. Shaw  
Prothonotary/Clerk of Courts

DETAILS

10/21/2008 @ 9:39 AM SERVED ROBERT D. HOLLAND

SERVED ROBERT D. HOLLAND, DEFENDANT, AT HIS RESIDENCE RR #1, BOX 346 A/K/A 622 RIDGE AVENUE, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ALICIA D. MCCARTNEY, WIFE/CO-DEFENDANT

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

10/21/2008 @ 9:39 AM SERVED ALICIA D. MCCARTNEY

SERVED ALICIA D. MCCARTNEY, DEFENDANT, AT HER RESIDENCE, RR #1, BOX 346A A/K/A 622 RIDGE AVENUE, CURWENSVILLE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ALICIA D. MCCARTNEY

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, NOVEMBER 12, 2008 RECEIVED A FAX FROM THE PLAINTIFF'S ATTORNEY STATING A PRAECIPE TO VACATE JUDGMENT AND DISCONTINUE WAS FILED WITH THE PROTHONOTARY ON 10/2/08.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20847

NO: 08-761-CD

PLAINTIFF: WELLS FARGO BANK, N.A. AS TRUSTEE FOR ASSET BACKED SECURITIES CORPORATION HOME  
EQUITY LOAN TRUST 2001-HE3, ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2001-HE3  
vs.

DEFENDANT: ROBERT D. HOLLAND AND ALICIA D. MCCARTNEY

Execution REAL ESTATE


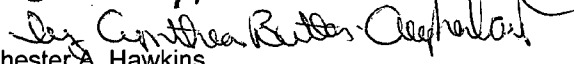
SHERIFF RETURN

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SHERIFF HAWKINS \$184.08

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

  
  
Chester A. Hawkins  
Sheriff



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

WELLS.FARO.BANK, N.A. AS  
TRUSTEE.FOR.ASSET.BACKED  
SECURITIES.CORPORATION  
HOME.EQUITY.LOAN.TRUST  
2001-HE3, ASSET BACKED PASS-  
THROUGH.CERTIFICATES  
SERIES.2001-HE3

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. .... Term 20  
No. 08-761-CD ..... Term 20  
No. .... Term 20

WRIT OF EXECUTION  
(Mortgage Foreclosure)

vs.

ROBERT.D..HOLLAND

ALICIA D. MCCARTNEY

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: RR#1 BOX 346A A/K/A 622 RIDGE AVENUE, CURWENSVILLE, PA 16833  
(See Legal Description attached)

Amount Due

\$119,887.50

Prothonotary costs 142.00

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

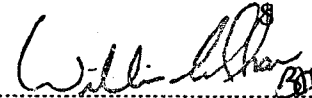
Interest from 08/08/2008 to Sale

Per diem \$19.71

Add'l Costs

\$3,494.92

Writ Total



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

Dated 9/15/08  
(SEAL)

170681

Received this writ this 15th day  
of September A.D. 2008  
At 3:00 A.M./P.M.

Christa A. Hunkler  
Sheriff by Anthony Butler-Aughenbaugh

No. 08-761-CD..... Term 20 .....A.D.

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

WELLS FARGO BANK, N.A. AS TRUSTEE FOR  
ASSET BACKED SECURITIES CORPORATION  
HOME EQUITY LOAN TRUST 2001-HE3, ASSET  
BACKED PASS-THROUGH CERTIFICATES SERIES  
2001-HE3

vs.

ROBERT D. HOLLAND  
ALICIA D. MCCARTNEY

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Costs

Real Debt \$119,887.50

Int. from 08/08/2008

To Date of Sale (\$19.71 per diem)

Costs

Prothy Pd.

Sheriff

*Daniel D. Johnson*

Attorney for Plaintiff(s)

Address: ROBERT D. HOLLAND

RR#1 BOX 346A A/K/A

622 RIDGE AVENUE

CURWENSVILLE, PA 16833

ALICIA D. MCCARTNEY

RR#1 BOX 346A A/K/A

622RIDGE AVENUE

CURWENSVILLE, PA 16833

## LEGAL DESCRIPTION

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

BEGINNING at a steel re-bar, ( and meaning a steel reinforcing bar throughout this description) on the south right of way of Pennsylvania State Highway and formerly known as Route No. 17039 now called Route No. 3013, the said steel bar corner being S. 44 degrees 44 minutes E. a distance of 333.04 feet from the northeast corner of lot of W. Monroe Bloom and the northwest corner of land conveyed to Gregory Koptchak et. ux.; thence through the land of the Grantor for a new line S. 42 degrees 06 minutes W. for a distance of 221.05 feet to a steel re-bar; thence stil through the land of the Grantor for a new line, S. 53 degrees 41 minutes E. for a distance of 112.42 feet to a steel re-bar on the line of land of Lester N. Neep; thence by said land, N. 37 degrees 02 minutes E. for a distance of 93.95 feet to the approximate center of a large butternut tree; thence again through the land of the grantor for a new line, N 65 degrees 17 minutes E for a distance of 117.33 feet to a steel re-bar; thence along the right of way of aforesaid State Highway, N. 44 degrees 44 minutes W. for a distance of 150.0 feet to steel re-bar and the place of beginning. Containing 0.5738 acres, and as shown on the map prepared by Lex W Curry dated September 24, 1996.

Said property having been approved as part of a Subdivision in Pike Township, Clearfield County, Pennsylvania as shown on the map prepared by Lex W. Curry dated September 24, 1996 and recorded in Clearfield County in map file #1270.

Being a portion of those premises described in the First Thereof and the Sixth Thereof which were conveyed from C. Lee Passmore and Alma W. Passmore to C. Lee Passmore and Alma W. Passmore by deed dated March 16, 1960 and recorded in Clearfield County in Deed Book 481 at page 306. The said Lee Passmore died May 24, 1962 leaving Alma W Passmore as the surviving tenant by the entireties. The said Alma W. Passmore died on September 21, 1981 and by her will which is recorded in Clearfield County in Will Book 42 at page 179, this property passed as part of the residue to her son, A. Blair Passmore.

TITLE TO SAID PREMISES IS VESTED IN Robert D. Holland and Alicia D. McCartney, by Deed from Susan R. Hullihen, a/k/a Susan H. Rhone and Jeffrey L. Rhone, her husband, dated 07/30/2001, recorded 08/10/2001, in Deed Mortgage Inst# 200112604.

TITLE TO SAID PREMISES IS VESTED IN

Premises being: RR#1 BOX 346A A/K/A 622 RIDGE AVENUE  
CURWENSVILLE, PA 16833

Tax Parcel No. H09-000-00235

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME ROBERT D. HOLLAND

NO. 08-761-CD

NOW, January 24, 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 December 05, 2008, I exposed the within described real estate of Robert D. Holland And Alicia D. McCartney to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	7.02
LEVY	15.00
MILEAGE	7.02
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	5.04
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	

**TOTAL SHERIFF COSTS                    \$184.08**

**DEED COSTS:**

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

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	119,887.50
INTEREST @ 19.7100	2,345.49
FROM 08/08/2008 TO 12/05/2008	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	

**TOTAL DEBT AND INTEREST                    \$122,272.99**

**COSTS:**

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	184.08
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	142.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	

**TOTAL COSTS    \$326.08**

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.

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

CLEARFIELD COUNTY

WELLS FARO BANK, N.A. AS TRUSTEE FOR ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN TRUST 2001-HE3,  
ASSET BACKED PASS-THROUGH CERTIFICATES SERIES 2001-HE3

COURT OF COMMON PLEAS

vs.

CIVIL DIVISION


ROBERT D. HOLLAND

ALICIA D. MCCARTNEY

NO. 08-761-CD

VERIFICATION

I hereby certify that a true and correct copy of the Praeceptum to Vacate Judgment and  
discontinue was filed with the Prothonotary on 10/02/08 in the above captioned matter.  
You are hereby directed to immediately discontinue the advertising of the sale and  
processing or posting of the notice of sale.

  
DANIEL G. SCHMIEG, ESQUIRE  
ATTORNEY FOR PLAINTIFF

PHELAN HALLINAN & SCHMIEG, LLP  
 BY: FRANCIS S. HALLINAN, ESQUIRE  
 Identification No. 62695  
 One Penn Center at Suburban Station  
 1617 John F. Kennedy Boulevard, Suite 1400  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

ATTORNEY FOR PLAINTIFF

Wells Fargo Bank, N.A. as Trustee for Asset Backed  
 Securities Corporation Home Equity Loan Trust  
 2001-HE3, Asset Backed pass-through Certificates  
 Series 2001-HE3

: Court of Common Pleas

Plaintiff

: Civil Division

vs.

Robert D. Holland  
 Alicia D. Holland, et al.

Defendant(s)

PHILADELPHIA COUNTY  
 ATTORNEY FILE COPY  
 PLEASE RETURN  
 No. 08-761-CD

PRAECIPE

TO THE PROTHONOTARY:

\_\_\_\_ Please mark the above referenced case Discontinued and Ended without prejudice.

\_\_\_\_ Please mark the above referenced case Settled, Discontinued and Ended.

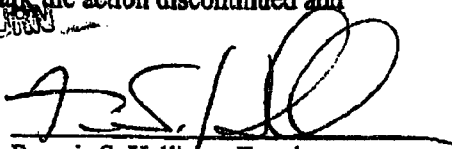
\_\_\_\_ Please mark Judgments satisfied and the Action settled, discontinued and ended.

X Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

\_\_\_\_ Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date:

9/30/08

  
 Francis S. Hallinan, Esquire  
 Attorney for Plaintiff

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

PHS # 170681

OCT 02 2008

Attest.

  
 Prothonotary/  
 Clerk of Courts