

08-950-CD
US Nat'l Bank vs Dennis Morris al

FILED Atty pd \$95.00
MAY 22 2008 2cc
Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
JUDITH T. ROMANO, ESQ., Id. No. 58745
SHEETAL SHAH-JANI, ESQ., Id. No. 81760
JENINE R. DAVEY, ESQ., Id. No. 87077
LAUREN R. TABAS, ESQ., Id. No. 93337
VIVEK SRIVASTAVA, ESQ., Id. No. 202331
JAY B. JONES, ESQ., Id. No. 86657
PETER MULCAHY, ESQ., Id. No. 61791
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ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 175248

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR BANK OF AMERICA, A NATIONAL
ASSOCIATION ABFC 2006-HE1
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-050-CD

CLEARFIELD COUNTY

v.
DENNIS NORRIS
JOYCE MARIE NORRIS
1446 KINGS ROAD
NEW MILLPORT, PA 16861

Defendants

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

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

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

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

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

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

1. Plaintiff is

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR BANK OF AMERICA,
A NATIONAL ASSOCIATION ABFC 2006-HE1
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

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

DENNIS NORRIS
JOYCE MARIE NORRIS
1446 KINGS ROAD
NEW MILLPORT, PA 16861

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

3. On 08/18/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC AS A NOMINEE FOR ACCREDITED HOME LENDERS, INCORPORATED, A CALIFORNIA CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200614472. 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 12/01/2007 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	\$57,879.27
Interest 11/01/2007 through 05/17/2008	\$3,421.44
Attorney's Fees	\$1,250.00
Cumulative Late Charges 08/18/2006 to 05/17/2008	\$94.92
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$63,195.63
Escrow	
Credit	\$0.00
Deficit	\$0.00
Subtotal	<u>\$0.00</u>
TOTAL	\$63,195.63

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

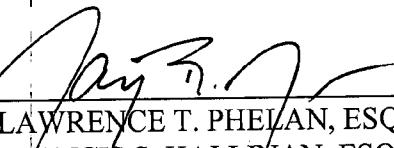
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability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

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

10. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$63,195.63, together with interest from 05/17/2008 at the rate of \$17.28 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
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
JAY B. JONES, ESQUIRE *# 86657*
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot of ground with the dwelling house thereon, situate in New Millport, in the Township of Knox, County of Clearfield and State of Pennsylvania, bounded and described as follows:

Joining land formerly of John C. Bloom (now deceased), and recited in the former deed as being on an alley; thence along land formerly of James Anderson, now in part by W. Hugh Norris and Grace Norris, his wife, and in part by land of William and Avanell Vaughn, to the line of Highway Route No. T-430; thence along Route No. T-430 in a northerly direction to a run, which is not shown on the County Mapping Records; thence in a westerly direction along said run to land formerly of John C. Bloom, now of W. Hugh Norris and wife; thence south along land of W. Hugh Norris to the place of beginning. Having thereon erected a two-story frame dwelling house.

BEING the same premises which John D. Boag, Lula T. Boag and William A. Boag, Sr. conveyed to the Grantors herein by deed dated August 20, 1980 and recorded in Clearfield County in Deed Book 566 at page 471.

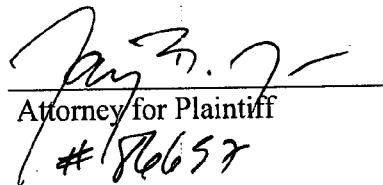
PARCEL # 122-H12-470-9.1

PROPERTY BEING – 1446 KINGS ROAD

VERIFICATION

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

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



Attorney for Plaintiff
86657

DATE: 5-19-08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-950-CD

U.S. BANK NATIONAL ASSOCIATION, as Trustee

VS

DENNIS NORRIS and JOYCE MARIE NORRIS

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 2

SERVE BY: 06/21/2008

HEARING:

PAGE: 104196

DEFENDANT: JOYCE MARIE NORRIS

ADDRESS: 1446 KINGS ROAD
NEW MILLPORT, PA 16861

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: *p.m.* VACANT

OCCUPIED

ATTEMPTS *5-30-08-1:28-144-APFT Date*

FILED

06/10/2008
JUN 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 30 MAY 08 AT 4:03 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON JOYCE MARIE NORRIS, DEFENDANT

BY HANDING TO JOYCE MARIE NORRIS, DEF.

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

ADDRESS SERVED 1 N. 2ND ST. CLEARFIELD, PA

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR JOYCE MARIE NORRIS

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JOYCE MARIE NORRIS

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Chester A. Hawkins
SHERIFF Deputy Signature

Chester A. Hawkins
Print Deputy Name
SHERIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-950-CD

U.S. BANK NATIONAL ASSOCIATION, as Trustee

vs

DENNIS NORRIS and JOYCE MARIE NORRIS

SERVICE # 1 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 06/21/2008

HEARING:

PAGE: 104196

DEFENDANT: DENNIS NORRIS

ADDRESS: 1446 KINGS ROAD

NEW MILLPORT, PA 16861

ALTERNATE ADDRESS

FILED

07/01/08
JUN 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

5-30-08 - 1:28 PM W/H-left note

SHERIFF'S RETURN

NOW, 30 MAY 08 AT 4:01 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON DENNIS NORRIS, DEFENDANT

BY HANDING TO DENNIS NORRIS 1 DEF.

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

ADDRESS SERVED 1 N. 2ND ST. CLEARFIELD, PA

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR DENNIS NORRIS

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO DENNIS NORRIS

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Chester A. Hawkins
SHERIFF Deputy Signature

Chester A. Hawkins
Print Deputy Name

SHERIFF

FILED

JUN 18 2008

W/10:30a

William A. Shaw

Prothonotary/Clerk of Courts

no 61 C 68

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

ATTORNEY FOR PLAINTIFF

U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
BANK OF AMERICA, A NATIONAL
ASSOCIATION ABFC 2006-HE1

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-950-CD
: CLEARFIELD COUNTY

Plaintiff

vs.

DENNIS NORRIS
JOYCE MARIE NORRIS

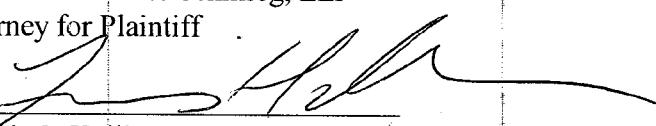
Defendant(s)

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: 6/16/08

VERIFICATION

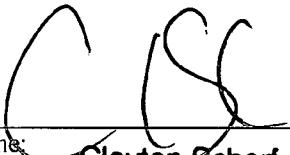
Clayton Scherf

hereby states that he/she is

Vice President

of CHASE HOME FINANCE, LLC, servicing agent for

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



Name: **Clayton Scherf**

Title: **Vice President**

DATE: MAY 21 2008

Company: CHASE HOME FINANCE, LLC

Loan: 23977523

File #: 175248

Cisayon Society

Vice President

Cisayon Society

Vice President

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

ATTORNEY FOR PLAINTIFF

**U.S. BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
BANK OF AMERICA, A NATIONAL
ASSOCIATION ABFC 2006-HE1**

Plaintiff

vs.

**DENNIS NORRIS
JOYCE MARIE NORRIS**

Defendant(s)

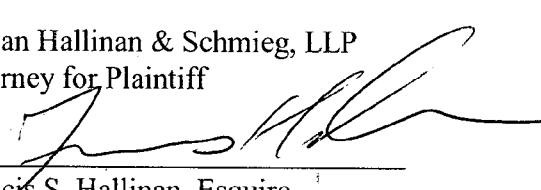
: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 08-950-CD**
: **CLEARFIELD COUNTY**

CERTIFICATE OF SERVICE

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

**DENNIS NORRIS
JOYCE MARIE NORRIS
1446 KINGS ROAD
NEW MILLPORT, PA 16861**

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: 
Francis S. Hallinan, Esquire

Date: 6/16/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104196
NO: 08-950-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, as Trustee
vs.
DEFENDANT: DENNIS NORRIS and JOYCE MARIE NORRIS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	696166	20.00
SHERIFF HAWKINS	PHELAN	696166	38.13

FILED

02:45pm
AUG 29 2008

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff