

08-1039-CD

JP Morgan vs John McCormack et al

FILED Atty pd. \$95.00
M 10:55 AM JUN 05 2008
JUN 05 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
ANDREW SPIVACK, ESQ., Id. No. 84439
JAIME MCGUINNESS, ESQ., Id. No. 90134
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 175701

JP MORGAN CHASE BANK, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

Plaintiff
v.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-1039-CD

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

JP MORGAN CHASE BANK, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

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

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

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

3. On 10/12/2005 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CHASE BANK USA, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200518609. 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 10/20/2007 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 | \$29,615.94 |
| Interest | \$1,948.18 |
| 09/20/2007 through 05/31/2008 | |
| Attorney's Fees | \$1,250.00 |
| Cumulative Late Charges 10/12/2005 to 05/31/2008 | \$491.72 |
| Cost of Suit and Title Search | <u>\$550.00</u> |
| Subtotal | \$33,855.84 |

| | |
|--------------|---------------|
| Escrow | |
| Credit | \$0.00 |
| Deficit | \$0.00 |
| Subtotal | <u>\$0.00</u> |
| TOTAL | \$33,855.84 |

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$33,855.84, together with interest from 05/31/2008 at the rate of \$7.67 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: Jaime McGuinness 90134

LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
SHEETAL R. SHAH-JANI, ESQUIRE
JENINE R. DAVEY, ESQUIRE
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
JAY B. JONES, ESQUIRE
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

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

BEGINNING at an iron pin on the east line of West Fifth Street, said iron pin corner being South 0° 01' West a distance of 53.7 feet from the northwest corner of the original Hallie Beish Lot; thence through the lot of said Hallie Beish for a new line and along the line of lot to be deeded to Billy Z. Harmic, North 89° 53' East for a distance of 45.0 feet to an iron pin on the line of lot of John Swisher; thence by the line of lot of John Swisher, South 0° 01' West for a distance of 36.0 feet to an iron pin corner; thence leaving the line of said Swisher and through the land of said Hallie Beish lot for a new line and along the line of lot to be awarded to Eugene and Dorothy McKenzie, South 89° 53' West for a distance of 45.0 feet to an iron pin corner on the east line of West Fifth Street; thence by the east line of West Fifth Street, North 0° 01' East for a distance of 36.0 feet to an iron pin and the place of beginning.

BEING the same premises which Eugene S. McKenzie and Dorothy B. McKenzie, husband and wife conveyed to the Grantors herein by from Deed dated the 13th day of June 1979, said Deed being recorded in the office of the Register and Recorder of Clearfield County, Pennsylvania in Deeds and Records Volume 782 at Page 240.

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

A survey of the premises herein conveyed prepared by Lex W. Curry dated June 27, 1978 is attached hereto and made a part hereof.

Grantors covenant that they will WARRANT SPECIALLY the property hereby conveyed.

NOTICE--THIS DOCUMENT MAY NOT (DOES NOT) SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE (HAVE) THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND, THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE, CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended]

Parcel # K8 - 206-00145

File #: 175701 Premises: 329 West 5th 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.

Jamie McGuiness
Attorney for Plaintiff 90134

DATE: 6-2-08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1039-CD

JP MORGAN CHASE BANK, N.A.

vs
JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK
COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/05/2008 HEARING: PAGE: 104251

DEFENDANT: JOHN MCCORMACK
ADDRESS: 329 WEST 5TH AVE.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, 6/10/08 AT 3:44 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN MCCORMACK, DEFENDANT

BY HANDING TO John McCormack, self

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

ADDRESS SERVED 329 W. 5th Ave Cfd

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR JOHN MCCORMACK

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JOHN MCCORMACK

REASON UNABLE TO LOCATE _____

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter
Deputy Signature
S. Hunter

Print Deputy Name

SWORN TO BEFORE ME THIS

DAY OF July 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1039-CD

JP MORGAN CHASE BANK, N.A.

vs

JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK
COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/05/2008

HEARING:

PAGE: 104251

DEFENDANT: MICHELE L. SOLOMON-MCCORMACK

ADDRESS: 329 W. 5TH AVE.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

FILED

08/35 am GLC

JUN 11 2008

William A. Shaw
Prothonotary/Clerk of Courts

ATTEMPTS

OCCUPIED

SHERIFF'S RETURN

NOW, 6/10/08 AT 244 AM/PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MICHELE L. SOLOMON-MCCORMACK, DEFENDANT
BY HANDING TO John McCormack, husband.

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

ADDRESS SERVED 329 W. 5th Ave Clearfield

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR MICHELE L. SOLOMON-MCCORMACK

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MICHELE L. SOLOMON-MCCORMACK

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter
Deputy Signature
S. Hunter

Print Deputy Name

DAY OF 2008

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

JP MORGAN CHASE BANK, N.A.

: **COURT OF COMMON PLEAS**

Plaintiff

: **CIVIL DIVISION**

vs.

**JOHN MCCORMACK
MICHELE L. SOLOMON-
MCCORMACK**

: **NO. 08-1039-CD**

: **CLEARFIELD COUNTY**

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: 6/19/08

m/11:obum
FILED *1cc 444*
JUN 23 2008 *W.A. Shaw*
William A. Shaw
Prothonotary/Clerk of Courts

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: JUN 04 2008

Company: CHASE HOME FINANCE LLC

Loan: 19016310

File #: 175701

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

JP MORGAN CHASE BANK, N.A.

: COURT OF COMMON PLEAS

Plaintiff

: CIVIL DIVISION

vs.

**JOHN MCCORMACK
MICHELE L. SOLOMON-
MCCORMACK**

: NO. 08-1039-CD

: CLEARFIELD COUNTY

Defendant(s)

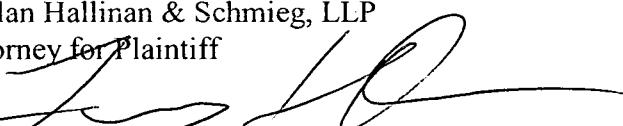
:

CERTIFICATE OF SERVICE

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

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: 
Francis S. Hallinan, Esquire

Date: 6/19/08

FILED
M 7/11/2008
SEP 19 2008
10 CCP Notice
to Defs.
Statement to Atty

William A. Shaw
Prothonotary/Clerk of Courts Atty pd. 20.00
(8K)

JP MORGAN CHASE BANK, N.A.

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS**

CIVIL DIVISION

NO. 08-1039-CD

Defendant(s).

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
DUBOIS, PA 15801

PRAEICE 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 **JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK**, 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 | \$ 33,855.84 |
| Interest - 06/01/08 TO 09/17/08 | \$836.03 |
| TOTAL | \$ 34,691.87 |

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: 9/19/08

PRO PROTHY

175701

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

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.

COURT OF COMMON PLEAS
CIVIL DIVISON

Plaintiff

v.

NO. 08-1039-CD

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK

CLEARFIELD COUNTY

Defendant(s)

TO: MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

DATE OF NOTICE: August 29, 2008

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

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a Judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

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

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


JASON RICCO
Legal Assistant

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

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.

COURT OF COMMON PLEAS
CIVIL DIVISON

Plaintiff

v.

NO. 08-1039-CD

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK

CLEARFIELD COUNTY

Defendant(s)

TO: JOHN MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

FILE COPY

DATE OF NOTICE: August 29, 2008

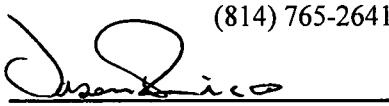
THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT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

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a Judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

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

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



JASON RICCO
Legal Assistant

PHELAN HALLINAN & SCHMIEG

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

JP MORGAN CHASE BANK, N.A.

Plaintiff,

v.

JOHN MCCORMACK

MICHELE L. SOLOMON-MCCORMACK

329 WEST 5TH AVENUE

DUBOIS, PA 15801

CLEARFIELD COUNTY

COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-1039-CD

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 **JOHN MCCORMACK** is over 18 years of age and resides at **329 WEST 5TH AVENUE, DUBOIS, PA 15801**.

(c) that defendant **MICHELE L. SOLOMON-MCCORMACK** is over 18 years of age, and resides at **329 WEST 5TH AVENUE, DUBOIS, PA 15801**.

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



DANIEL G. SCHMIEG, ESQUIRE

(Rule of Civil Procedure No. 236 - Revised

IN THE COURT OF COMMON PLEAS
CLEARFIELD PENNSYLVANIA

JP MORGAN CHASE BANK, N.A.

:

Plaintiff, :
v. : **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
DUBOIS, PA 15801

:
: **CIVIL DIVISION**
: **NO. 08-1039-CD**
:

Defendant(s).

:
:
:
:

Notice is given that a Judgment in the above captioned matter has been entered against you
on September 19, 2008.

BY William H. Schmieg DEPUTY

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

Daniel G. Schmieg

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

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

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

JP Morgan Chase Bank, N.A.
Plaintiff(s)

No.: 2008-01039-CD

Real Debt: \$34,691.87

Atty's Comm: \$

Vs.

Costs: \$

John McCormack
Michele L. Solomon-McCormack
Defendant(s)

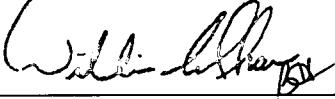
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: September 19, 2008

Expires: September 19, 2013

Certified from the record this 19th day of September, 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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104251
NO: 08-1039-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: JP MORGAN CHASE BANK, N.A.

VS.

DEFENDANT: JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | PHELAN | 700681 | 20.00 |
| SHERIFF HAWKINS | PHELAN | 700681 | 26.00 |

FILED
073-0384
SEP 29 2008

William A. Shaw
Prothonotary/Clerk of Courts
LM

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester A. Hawkins

Chester A. Hawkins
Sheriff

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

JPMORGAN CHASE BANK, N.A.

vs.

JOHN MCCORMACK

MICHELE L. SOLOMON-
MCCORMACK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

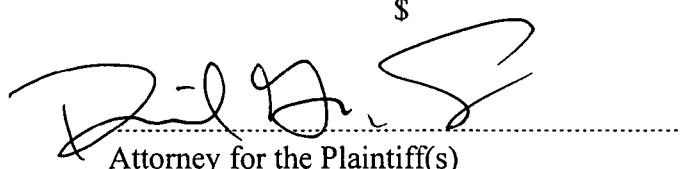
No. 08-1039-CD Term 20.....

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

| Amount Due | | |
|-------------------------------|-------------|--|
| Interest from 9/18/08 to Sale | \$34,691.87 | |
| Per diem \$5.70 | 135.00 | |
| Add'l Costs | \$3,493.50 | |
| Writ Total | \$ | |



Attorney for the Plaintiff(s)

Note: Please attach description of Property.

175701

FILED Atty pd. 20.00
M/11/03/09 JAN 23 2009 ICC & Lewonts
S William A. Shaw w/prop desc
Prothonotary/Clerk of Courts to Sheriff

(610)

No. 08-1039-CD..... Term 20 ...A.D.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

JPMORGAN CHASE BANK, N.A.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
vs.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK

PRAECLPICE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff(s)

Address: JOHN MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

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

JPMORGAN CHASE BANK, N.A.
10790 RANCHO BERNARDO ROAD
SAN DIEGO, CA 92127

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS

Plaintiff,

: CIVIL DIVISION

v.

: NO. 08-1039-CD

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

:
:
:
:

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

JPMORGAN CHASE BANK, N.A.
10790 RANCHO BERNARDO ROAD
SAN DIEGO, CA 92127

Plaintiff,

v.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

Defendant(s).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-1039-CD

AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No.1)

JPMORGAN CHASE BANK, N.A., Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **329 WEST 5TH AVENUE, CLEARFIELD, PA 16830**.

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

| NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|------------------------------|---|
| JOHN MCCORMACK | 329 WEST 5TH AVENUE CLEARFIELD, PA 16830 |
| MICHELE L. SOLOMON-MCCORMACK | 329 WEST 5TH AVENUE CLEARFIELD, PA 16830 |

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.

JANUARY 22, 2009
Date



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

NAME

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

TENANT/OCCUPANT

329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

DOMESTIC RELATIONS
CLEARFIELD COUNTY

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830

COMMONWEALTH OF
PENNSYLVANIA

DEPARTMENT OF WELFARE
PO BOX 2675
HARRISBURG, PA 17105

Commonwealth of Pennsylvania
Bureau of Individual Tax
Inheritance Tax Division

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

Internal Revenue Service
Federated Investors Tower

13TH Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222

Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program

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

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

JANUARY 22, 2009

Date



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

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

JPMORGAN CHASE BANK, N.A.

vs.

JOHN MCCORMACK

MICHELE L. SOLOMON:
MCCORMACK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20
No. 08-1039-CD Term 20
No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 329 WEST 5TH AVENUE, CLEARFIELD, PA 16830
(See Legal Description attached)

| | |
|-------------------------------|-------------|
| Amount Due | \$34,691.87 |
| Interest from 9/18/08 to Sale | 135.00 |
| Per diem \$5.70 | \$ _____ |
| Add'l Costs | \$3,493.50 |
| Writ Total | |

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

Dated 1/23/09
(SEAL)

No. 08-1039-CD Term 20 A.D.

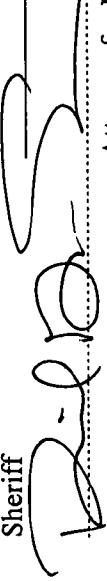
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JPMORGAN CHASE BANK, N.A.

vs.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK

WRIT OF EXECUTION
(Mortgage Foreclosure)

| | |
|--|--|
| Costs | |
| Real Debt | \$34,691.87 |
| Int. from 9/18/08 To Date of Sale (\$5.70 per diem) | |
| Costs | |
| Prothy Pd. | <u>135.00</u> |
| Sheriff |  |

Attorney for Plaintiff(s)
Address: JOHN MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

LEGAL DESCRIPTION

ALL THAT CERTAIN PROPERTY SITUATED IN THE BOROUGH OF CLEARFIELD IN THE COUNTY OF CLEARFIELD AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 10/21/2003 AND RECORDED 10/21/2003, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 2003 AND PAGE 19050.

ADDRESS: 329 W FIFTH Ave; CLEARFIELD, PA 16830 TAX MAP OR PARCEL ID NO.: 4-3K8-206-145

TITLE TO SAID PREMISES IS VESTED IN Michele L. Solomon-McCormack and John McCormack, married, by Deed from Michele L. Solomon-McCormack, f/k/a, Michele L. Solomon, dated 10/12/2005, recorded 10/27/2005, in Deed Mortgage Inst# 200518608.

Premises being: 329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

Tax Parcel No. K8-206-00145

FILED
M 10:38 AM
2/12/11 2009
6/C

William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.

: Court of Common Pleas

Plaintiff

: Civil Division

v.

: CLEARFIELD County

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK

: No. 08-1039-CD

Defendants

PLAINTIFF'S MOTION TO REASSESS DAMAGES

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on June 5, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on September 19, 2008 in the amount of \$34,691.87. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

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

4. The Property is listed for Sheriff's Sale on May 1, 2009.

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

| | |
|---|------------------|
| Principal Balance | \$29,484.83 |
| Interest Through May 1, 2009 | \$2,939.83 |
| Per Diem \$7.53 | |
| Late Charges | \$175.41 |
| Legal fees | \$1,850.00 |
| Cost of Suit and Title | \$1,450.00 |
| Sheriff's Sale Costs | \$0.00 |
| Property Inspections/ Property Preservation | \$0.00 |
| Appraisal/Brokers Price Opinion | \$0.00 |
| Mortgage Insurance Premium / | \$0.00 |
| Private Mortgage Insurance | |
| Non Sufficient Funds Charge | \$46.70 |
| Suspense/Misc. Credits | (\$0.00) |
| Escrow Deficit | <hr/> \$3,788.50 |
| TOTAL | \$39,735.27 |

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

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

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

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

DATE: 3/16/09

By:

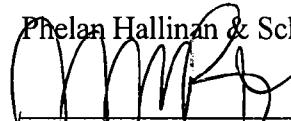

Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

CO FILED
10:35
JUN 05 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
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
ANDREW SPIVACK, ESQ., Id. No. 84439
JAIME MCGUINNESS, ESQ., Id. No. 90134
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 175701

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

Plaintiff

v.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-1039-CD

CLEARFIELD COUNTY

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

PHELAN

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

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

JP MORGAN CHASE BANK, N.A.
10790 RANCHO BERNARDO RD
SAN DIEGO, CA 92127

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

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

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

3. On 10/12/2005 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to CHASE BANK USA, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200518609. 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 10/20/2007 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 | \$29,615.94 |
| Interest | \$1,948.18 |
| 09/20/2007 through 05/31/2008 | |
| Attorney's Fees | \$1,250.00 |
| Cumulative Late Charges | \$491.72 |
| 10/12/2005 to 05/31/2008 | |
| Cost of Suit and Title Search | <u>\$550.00</u> |
| Subtotal | \$33,855.84 |
| Escrow | |
| Credit | \$0.00 |
| Deficit | \$0.00 |
| Subtotal | <u>\$0.00</u> |
| TOTAL | \$33,855.84 |

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.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$33,855.84, together with interest from 05/31/2008 at the rate of \$7.67 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: Jaime McGuinness, 9034

LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
SHEETAL R. SHAH-JANI, ESQUIRE
JENINE R. DAVEY, ESQUIRE
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
JAY B. JONES, ESQUIRE
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

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

BEGINNING at an iron pin on the east line of West Fifth Street, said iron pin corner being South 0° 01' West a distance of 53.7 feet from the northwest corner of the original Hallie Beish Lot; thence through the lot of said Hallie Beish for a new line and along the line of lot to be deeded to Billy Z. Harmic, North 89° 53' East for a distance of 45.0 feet to an iron pin on the line of lot of John Swisher; thence by the line of lot of John Swisher, South 0° 01' West for a distance of 36.0 feet to an iron pin corner; thence leaving the line of said Swisher and through the land of said Hallie Beish lot for a new line and along the line of lot to be awarded to Eugene and Dorothy McKenzie, South 89° 53' West for a distance of 45.0 feet to an iron pin corner on the east line of West Fifth Street; thence by the east line of West Fifth Street, North 0° 01' East for a distance of 36.0 feet to an iron pin and the place of beginning.

BEING the same premises which Eugene S. McKenzie and Dorothy B. McKenzie, husband and wife conveyed to the Grantors herein by from Deed dated the 13th day of June 1979, said Deed being recorded in the office of the Register and Recorder of Clearfield County, Pennsylvania in Deeds and Records Volume 782 at Page 240.

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

A survey of the premises herein conveyed prepared by Lex W. Curry dated June 27, 1978 is attached hereto and made a part hereof.

Grantors covenant that they will WARRANT SPECIALLY the property hereby conveyed.

NOTICE-THIS DOCUMENT MAY NOT (DOES NOT) SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE (HAVE) THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND, THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE, CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. [This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P. L. 984, as amended]

Parcel # K8 - 206-00145
File #: 175701 Premises : 329 West 5th 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.

Jeanne McQuarrie
Attorney for Plaintiff 90134

DATE: 6-2-08

Exhibit “B”

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

Attorney for Plaintiff

FILED
SEP 19 2008
William A. Shaw
Prothonotary/Clerk of Courts

JP MORGAN CHASE BANK, N.A.

Plaintiff,

v.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
DUBOIS, PA 15801

Defendant(s).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-1039-CD **ATTORNEY FILE COPY
PLEASE RETURN**

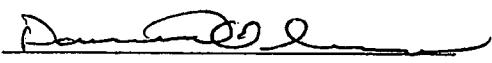
PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES

TO THE OFFICE OF THE PROTHONOTARY:

Kindly enter an in rem judgment in favor of the Plaintiff and against JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK, 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 | \$ 33,855.84 |
| Interest - 06/01/08 TO 09/17/08 | \$ 836.03 |
| TOTAL | <u>\$ 34,691.87</u> |

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 9/19/08


PRO PROTYPY

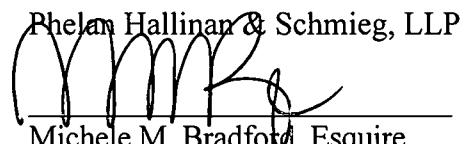
175701

VERIFICATION

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

DATE: 3/10/09

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.

Plaintiff

: Court of Common Pleas

v.

: Civil Division

JOHN MCCORMACK

MICHELE L. SOLOMON-MCCORMACK

: CLEARFIELD County

: No. 08-1039-CD

Defendants

CERTIFICATION OF SERVICE

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

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

DATE: 3/10/09

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JP MORGAN CHASE BANK, N.A. : Court of Common Pleas
Plaintiff : Civil Division
v. : CLEARFIELD County
JOHN MCCORMACK : No. 08-1039-CD
MICHELE L. SOLOMON-MCCORMACK :
Defendants

ORDER

AND NOW, this _____ day of _____, 2009 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

| | |
|---|-------------|
| Principal Balance | \$29,484.83 |
| Interest Through May 1, 2009 | \$2,939.83 |
| Per Diem \$7.53 | |
| Late Charges | \$175.41 |
| Legal fees | \$1,850.00 |
| Cost of Suit and Title | \$1,450.00 |
| Sheriff's Sale Costs | \$0.00 |
| Property Inspections/ Property Preservation | \$0.00 |
| Appraisal/Brokers Price Opinion | \$0.00 |
| Mortgage Insurance Premium / | \$0.00 |
| Private Mortgage Insurance | |
| Non Sufficient Funds Charge | \$46.70 |

| | |
|------------------------|-------------------|
| Suspense/Misc. Credits | (\$0.00) |
| Escrow Deficit | <u>\$3,788.50</u> |

| | |
|--------------|--------------------|
| TOTAL | \$39,735.27 |
|--------------|--------------------|

Plus interest from May 1, 2009 through the date of sale at six percent per annum.

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

BY THE COURT

J.

175701

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

JP MORGAN CHASE BANK, N.A. : Court of Common Pleas
Plaintiff : Civil Division
v. : CLEARFIELD County
JOHN MCCORMACK : No. 08-1039-CD
MICHELE L. SOLOMON-MCCORMACK :
Defendants

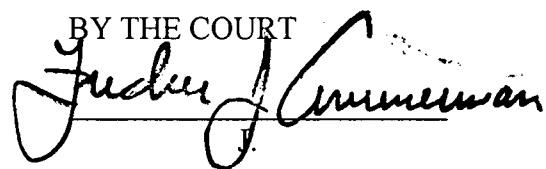
RULE

AND NOW, this 13th day of March 2009, a Rule is entered upon the Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the 16th day of April 2009, at 10:30 A.M.
County Courthouse, Clearfield, Pennsylvania.

Hearing Room #3

BY THE COURT



175701

FILED

0110-07461
MAR 12 2009
cc Atty Bradford

William A. Shaw
Prothonotary/Clerk of Courts

600

FILED

APR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/19/09

You are responsible for serving all appropriate parties.

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

Plaintiff(s) Plaintiff(s) Attorney Other

Defendant(s) Defendant(s) Attorney

Special Instructions:

S
FILED
MTO/SCC NOCC
APR 13 2009
William A. Shaw
Prothonotary/Clerk of Court
WM

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

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.

: Court of Common Pleas

Plaintiff

: Civil Division

v.

: CLEARFIELD County

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK

: No. 08-1039-CD

Defendants

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's March 12, 2009 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

DATE: 3/17/09

By:

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

AFFIDAVIT OF SERVICE

PLAINTIFF **JPMORGAN CHASE BANK, N.A.** CLEARFIELD County
DEFENDANT(S) **JOHN MCCORMACK** No. 08-1039-CD
MICHELE L. SOLOMON-MCCORMACK Our File #: 175701
Please serve upon: **MICHELE L. SOLOMON-MCCORMACK** Type of Action
SERVE AT: **329 WEST 5TH AVENUE** - Notice of Sheriff's Sale
CLEARFIELD, PA 16830 Sale Date: **MAY 1, 2009**

SERVED

Served and made known to MICHELE L. SOLOMON-MCCORMACK, Defendant, on the 8th day of MARCH,
2009 at 8:50, o'clock A.m., at 329 W. 5th Ave., CLEARFIELD

Commonwealth of Pennsylvania, in the manner described below:

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

Description: Age 80 Height 5'3" Weight 170 Race W Sex F Other

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

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

Notary:

Patricia E. Harris

By:

Ronald Moll

NOT SERVED

Commission Expires June 16, 2013 ***ATTEMPT SERVICE NLT THREE (3) TIMES***

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

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

Sworn to and subscribed
before me this _____ day
of _____, 200____.

Notary: By:

Attorney for Plaintiff

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

5
FILED
01/11/09
MAR 31 2009
William A. Shaw
Prothonotary/Clerk of Courts

23

2
86

AFFIDAVIT OF SERVICE

| | | |
|--------------------|--|--|
| PLAINTIFF | JPMORGAN CHASE BANK, N.A. | CLEARFIELD County |
| DEFENDANT(S) | JOHN MCCORMACK MICHELE L. SOLOMON-MCCORMACK | No. 08-1039-CD Our File #: 175701 |
| Please serve upon: | JOHN MCCORMACK | Type of Action - Notice of Sheriff's Sale |
| SERVE AT: | 329 WEST 5TH AVENUE CLEARFIELD, PA 16830 | Sale Date: <u>MAY 1, 2009</u> |

SERVED

Served and made known to JOHN MCCORMACK, Defendant, on the 8th day of MARCH, 2009, at 8:50, o'clock A.m., at 329 W. 5th Ave, CLEARFIELD

Commonwealth of Pennsylvania, in the manner described below:

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

Description: Age 80 Height 5'3" Weight 170 Race W Sex F Other

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

Sworn to and subscribed
before me this 8th day

of MARCH, 2009

Notary:

Patricia E. Harris

FATRICIA E. HARRIS

Commission Expires June 18, 2013

By:

Ronald Moll

NOT SERVED

ATTEMPT SERVICE NLT THREE (3) TIMES

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

____ Moved ____ Unknown ____ No Answer ____ Vacant

1st attempt Date: _____ Time: _____, 2nd attempt Date: _____ Time: _____

attempt Date: _____ Time: _____

Other:

Sworn to and subscribed
before me this _____ day
of _____, 200____.

Notary:

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205

One Penn Center at Suburban Station, Suite 1400

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

By:

7, 3rd
FILED
07/11/05 AM
MAR 31 2009
William A. Shaw
Prothonotary/Clerk of Courts

23

✓
86

FILED

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

JPMORGAN CHASE BANK, N.A.
Plaintiff,
v.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
Defendant(s)

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-1039-CD

APR 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

NO C/C

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: 329 WEST 5TH AVENUE, CLEARFIELD, PA 16830.

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


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: April 1, 2009

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

Name and
Address
of Sender

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

| Line | Article Number | Name of Addressee, Street, and Post Office Address | Postage | Fee |
|--|----------------|--|---|---|
| 1 | | TENANT/OCCUPANT 329 WEST 5TH AVENUE CLEARFIELD, PA 16830 | | |
| 2 | | DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830 | | |
| 3 | | COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105 | | |
| 4 | | Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128 | | |
| 5 | | Internal Revenue Service, Federated Investors Tower, 13 TH Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222 | | |
| 6 | | Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105 | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |
| 11 | | | | |
| 12 | KXL | Re: JOHN MCCORMACK | 175701 | TEAM 4 |
| Total Number of Pieces Listed by Sender | | Total Number of Pieces Received at Post Office | Postmaster, Per (Name of Receiving Employee) | The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage. |

FILED
0 10:45 a.m. 62
APR 16 2009 10 cc

S William A. Shaw
Prothonotary/Clerk of Courts (61)

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

JP MORGAN CHASE BANK, N.A. : Court of Common Pleas
: Civil Division
Plaintiff : CLEARFIELD County
v. : No. 08-1039-CD
JOHN MCCORMACK :
MICHELE L. SOLOMON-MCCORMACK :
Defendants

ORDER

AND NOW, this 16 day of April, 2009 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

| | |
|---|-------------|
| Principal Balance | \$29,484.83 |
| Interest Through May 1, 2009 | \$2,939.83 |
| Per Diem \$7.53 | |
| Late Charges | \$175.41 |
| Legal fees | \$1,850.00 |
| Cost of Suit and Title | \$1,450.00 |
| Sheriff's Sale Costs | \$0.00 |
| Property Inspections/ Property Preservation | \$0.00 |
| Appraisal/Brokers Price Opinion | \$0.00 |
| Mortgage Insurance Premium / | \$0.00 |
| Private Mortgage Insurance | |
| Non Sufficient Funds Charge | \$46.70 |

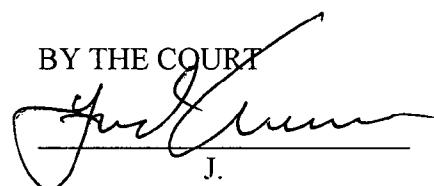
| | |
|------------------------|-------------------|
| Suspense/Misc. Credits | (\$0.00) |
| Escrow Deficit | <u>\$3,788.50</u> |

| | |
|--------------|--------------------|
| TOTAL | \$39,735.27 |
|--------------|--------------------|

Plus interest from May 1, 2009 through the date of sale at six percent per annum.

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

BY THE COURT



J.

175701

FILED

D 10:46 A.M. GL
APR 16 2009

NR CC
William A. Shaw
Prothonotary/Clerk of Courts
(610)

PHELAN HALLINAN & SCHMIEG, LLP

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

ATTORNEY FOR PLAINTIFF

JP MORGAN CHASE BANK, N.A.

: Court of Common Pleas

Plaintiff : Civil Division

v. : CLEARFIELD County

JOHN MCCORMACK : No. 08-1039-CD
MICHELE L. SOLOMON-MCCORMACK :

Defendants

PRAECIPE

TO THE PROTHONOTARY:

Please amend the judge amount pursuant to Court Order dated April 16, 2009.

DATE: 4/16/09

By:

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20914
NO: 08-1039-CD

PLAINTIFF: JPMORGAN CHASE BANK, N.A.
vs.
DEFENDANT: JOHN MCCORMACK AND MICHELE L. SOLOMON-MCCORMACK

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 1/23/2009

LEVY TAKEN 2/11/2009 @ 1:14 PM

POSTED 2/11/2009 @ 1:14 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/18/2010

DATE DEED FILED NOT SOLD

FILED

01-9-32-341
JAN 18 2010

William A. Shaw
Prothonotary/Clerk of Court

DETAILS

2/11/2009 @ 1:14 PM SERVED JOHN MCCORMACK

SERVED JOHN MCCORMACK, DEFENDANT, AT HIS RESIDENCE 329 WEST 5TH AVENUE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO JOHN MCCORMACK

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 THE CONTENTS THEREOF.

2/11/2009 @ 1:14 PM SERVED MICHELE L. SOLOMON-MCCORMACK

SERVED MICHELE L. SOLOMON-MCCORMACK, DEFENDANT, AT HER RESIDENCE 329 WEST 5TH AVENUE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHELE L. SOLOMON-MCCORMACK

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

@ SERVED

NOW, APRIL 29, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR MAY 1, 2009 TO AUGUST 7, 2009.

@ SERVED

NOW, AUGUST 3, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR AUGUST 7, 2009 TO SEPTEMBER 4, 2009 DUE TO A FORBEARANCE PLAN.

@ SERVED

NOW, SEPTEMBER 3, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR SEPTEMBER 4, 2009 DUE TO A FORBEARANCE PLAN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20914
NO: 08-1039-CD

PLAINTIFF: JPMORGAN CHASE BANK, N.A.

vs.

DEFENDANT: JOHN MCCORMACK AND MICHELE L. SOLOMON-MCCORMACK

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$216.56

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
In: Cynthia Butler-Alphonse
Chester A. Hawkins
Sheriff

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

JPMORGAN CHASE BANK, N.A.

vs.

JOHN MCCORMACK

MICHELE L. SOLOMON-
MCCORMACK

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. Term 20

No. 08-1039-CD Term 20

No. Term 20

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

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

PREMISES: 329 WEST 5TH AVENUE, CLEARFIELD, PA 16830
(See Legal Description attached)

| Amount Due | \$34,691.87 |
|-------------------------------|-------------|
| Prothonotary costs | 135.00 |
| | \$ _____ |
| Interest from 9/18/08 to Sale | |
| Per diem \$5.70 | |
| Add'l Costs | \$3,493.50 |
| Writ Total | |

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

Dated 1/23/09
(SEAL)

175701

Received this writ this 23rd day
of January A.D. 2009
At 1:30 A.M./P.M.

No. 08-1039-CD Term 20 A.D.

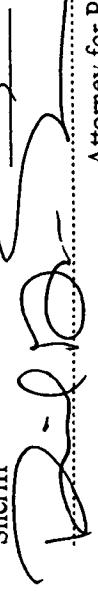
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

JPMORGAN CHASE BANK, N.A.

vs.

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK

WRIT OF EXECUTION
(Mortgage Foreclosure)

| | |
|--|--|
| Costs | |
| Real Debt | \$34,691.87 |
| Int. from 9/18/08 To Date of Sale (\$5.70 per diem) | |
| Costs | |
| Prothry Pd. | <u>135.00</u> |
| Sheriff |  |

Attorney for Plaintiff(s)

Address: JOHN MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

RECEIVED IN THE MISC. DIVISION
A.D.
A.W.B.W.

LEGAL DESCRIPTION

ALL THAT CERTAIN PROPERTY SITUATED IN THE BOROUGH OF CLEARFIELD IN THE COUNTY OF CLEARFIELD AND COMMONWEALTH OF PENNSYLVANIA, BEING MORE FULLY DESCRIBED IN A DEED DATED 10/21/2003 AND RECORDED 10/21/2003, AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, IN DEED VOLUME 2003 AND PAGE 19050.

ADDRESS: 329 W FIFTH Ave; CLEARFIELD, PA 16830 TAX MAP OR PARCEL ID NO.: 4-3K8-206-145

TITLE TO SAID PREMISES IS VESTED IN Michele L. Solomon-McCormack and John McCormack, married, by Deed from Michele L. Solomon-McCormack, f/k/a, Michele L. Solomon, dated 10/12/2005, recorded 10/27/2005, in Deed Mortgage Inst# 200518608.

Premises being: 329 WEST 5TH AVENUE
CLEARFIELD, PA 16830

Tax Parcel No. K8-206-00145

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME JOHN MCCORMACK

NO. 08-1039-CD

NOW, January 16, 2010, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on September 04, 2009, I exposed the within described real estate of John McCormack And Michele L. Solomon-Mccormack 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:

PLAINTIFF COSTS, DEBT AND INTEREST:

| | | | |
|----------------------------|-----------------|--------------------------------|--------------------|
| RDR | 15.00 | DEBT-AMOUNT DUE | 34,691.87 |
| SERVICE | 15.00 | INTEREST @ 5.7000 | 2,000.70 |
| MILEAGE | 2.00 | FROM 09/18/2008 TO 09/04/2009 | |
| LEVY | 15.00 | ATTORNEY FEES | |
| MILEAGE | 2.00 | PROTH SATISFACTION | |
| POSTING | 15.00 | LATE CHARGES AND FEES | |
| CSDS | 10.00 | COST OF SUIT-TO BE ADDED | |
| COMMISSION | 0.00 | FORECLOSURE FEES | |
| POSTAGE | 7.56 | ATTORNEY COMMISSION | |
| HANDBILLS | 15.00 | REFUND OF ADVANCE | |
| DISTRIBUTION | 25.00 | REFUND OF SURCHARGE | 40.00 |
| ADVERTISING | 15.00 | SATISFACTION FEE | |
| ADD'L SERVICE | 15.00 | ESCROW DEFICIENCY | |
| DEED | | PROPERTY INSPECTIONS | |
| ADD'L POSTING | | INTEREST | |
| ADD'L MILEAGE | | MISCELLANEOUS | |
| ADD'L LEVY | | | |
| BID/SETTLEMENT AMOUNT | | TOTAL DEBT AND INTEREST | \$36,732.57 |
| RETURNS/DEPUTIZE | | | |
| COPIES | 15.00 | COSTS: | |
| | 5.00 | ADVERTISING | 296.50 |
| BILLING/PHONE/FAX | 5.00 | TAXES - COLLECTOR | |
| CONTINUED SALES | 40.00 | TAXES - TAX CLAIM | |
| MISCELLANEOUS | | DUE | |
| TOTAL SHERIFF COSTS | \$216.56 | LIEN SEARCH | |
| | | ACKNOWLEDGEMENT | |
| ACKNOWLEDGEMENT | | DEED COSTS | 0.00 |
| REGISTER & RECORDER | | SHERIFF COSTS | 216.56 |
| TRANSFER TAX 2% | 0.00 | LEGAL JOURNAL COSTS | 216.00 |
| TOTAL DEED COSTS | \$0.00 | PROTHONOTARY | 135.00 |
| | | MORTGAGE SEARCH | |
| | | MUNICIPAL LIEN | |
| | | TOTAL COSTS | \$864.06 |

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

CHESTER A. HAWKINS, Sheriff

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

April 29, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

**Re: JP MORGAN CHASE BANK, N.A. v.
JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE CLEARFIELD, PA 16830
Court No. 08-1039-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for May 1, 2009 due to the following: Forbearance Plan.

The Property is to be relisted for the August 7, 2009 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,
TOBY BJORKMAN for
Phelan Hallinan & Schmieg, LLP

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

August 3, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

**Re: JP MORGAN CHASE BANK, N.A. v.
JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE CLEARFIELD, PA 16830
Court No. 08-1039-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for August 7, 2009 due to the following: Forbearance Plan.

The Property is to be relisted for the September 4, 2009 Sheriff Sale.

Thank you for your correspondence in this matters.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP

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

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

September 3, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

**Re: JP MORGAN CHASE BANK, N.A. v.
JOHN MCCORMACK and MICHELE L. SOLOMON-MCCORMACK
329 WEST 5TH AVENUE CLEARFIELD, PA 16830
Court No. 08-1039-CD**

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for September 4, 2009 due to the following: Forbearance Plan.

Please be advised that no funds were reported to be received.

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

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

Thank you for your cooperation in this matter.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP

FILED
M/17/10/2015
S JUN 18 2015
700 14th St. Davis
BRIAN K. SPENCER
PROTHONOTARY & CLERK OF COURTS

Phelan Hallinan Diamond & Jones, LLP
Adam H. Davis, Esq., Id. No.203034
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
Adam.Davis@PhelanHallinan.com
215-563-7000

Attorney for Plaintiff

| | | |
|------------------------------|---|-----------------------|
| JP MORGAN CHASE BANK, N.A. | : | Court of Common Pleas |
| Plaintiff | : | |
| v. | : | Civil Division |
| | : | CLEARFIELD County |
| JOHN MCCORMACK | : | |
| MICHELE L. SOLOMON-MCCORMACK | : | No. 08-1039-CD |
| A/K/A MICHELE L. SOLOMON | : | |
| Defendant(s) | : | |

PRAECIPE

TO THE PROTHONOTARY:

- Please withdraw the complaint and mark the action discontinued and ended without prejudice.
- Please mark the above referenced case settled, discontinued and ended.
- Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.
- Please mark the in rem judgment satisfied and the action discontinued and ended.
- Please vacate the judgment.

PHELAN HALLINAN DIAMOND & JONES, LLP

Date: 6/16/15 By: Adam H. Davis

Adam H. Davis, Esq., Id. No.203034
Attorney for Plaintiff

Phelan Hallinan Diamond & Jones, LLP
Adam H. Davis, Esq., Id. No.203034
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
Adam.Davis@PhelanHallinan.com
215-563-7000

Attorney for Plaintiff

| | | |
|------------------------------|---|-----------------------|
| JP MORGAN CHASE BANK, N.A. | : | Court of Common Pleas |
| Plaintiff | : | |
| v. | : | Civil Division |
| JOHN MCCORMACK | : | CLEARFIELD County |
| MICHELE L. SOLOMON-MCCORMACK | : | |
| A/K/A MICHELE L. SOLOMON | : | No. 08-1039-CD |
| Defendant(s) | : | |

CERTIFICATION OF SERVICE

I hereby certify true and correct copies of the foregoing Plaintiff's Praeclipe was served by regular mail to the person(s) on the date listed below:

JOHN MCCORMACK
MICHELE L. SOLOMON-MCCORMACK
A/K/A MICHELE L. SOLOMON
329 WEST 5TH AVENUE
CLEARFIELD, PA 16830-1514

PHELAN HALLINAN DIAMOND & JONES, LLP

Date:

6/17/15

By:


Adam H. Davis, Esq., Id. No.203034
Attorney for Plaintiff