

08-1039-CD

JP Morgan vs John McCormack etal

FILED *Atty pd.*  
*m 11:05:53 AM*  
JUN 05 2008 *395.00*  
*Sec 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

ATTORNEY FOR PLAINTIFF

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

COURT OF COMMON PLEAS

CIVIL DIVISION

Plaintiff

TERM

v.

NO. *08-1039-CD*

CLEARFIELD COUNTY

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

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  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

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

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

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

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

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

1. Plaintiff is

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>
<b>TOTAL</b>	<b>\$33,855.84</b>

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

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 90634  
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 13<sup>th</sup> 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  
Premises: 329 West 5<sup>th</sup> 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.

Jaime McGuinness  
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 SERVICE # 1 OF 2

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

**FILED**

0 8:35 a.m. OK  
JUN 11 2008

William A. Shaw  
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: ) VACANT OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, 6/10/08 AT 2:44 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 CHFD

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

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature  
S. Hunter

Print Deputy Name

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

SERVICE # 2 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/05/2008

HEARING:

PAGE: 104251

**FILED**

08:35am CLK

JUN 11 2008

William A. Shaw  
Prothonotary/Clerk of Courts

DEFENDANT: MICHELE L. SOLOMON-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 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

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter

Deputy Signature

S. Hunter

Print Deputy Name

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.

Plaintiff

vs.

JOHN MCCORMACK  
MICHELE L. SOLOMON-  
MCCORMACK

Defendant(s)

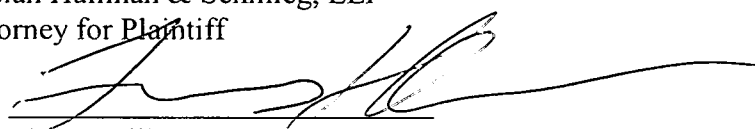
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
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: NO. 08-1039-CD  
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: CLEARFIELD COUNTY  
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**PRAECIPE TO SUBSTITUTE VERIFICATION**  
**TO CIVIL 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

**FILED** ICC ASy  
m/jl:Obum Hallinan  
JUN 23 2008  
  
William A. Shaw  
Prothonotary/Clerk of Courts

PHS #: 175701

**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

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.**

**Plaintiff**

vs.

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

**Defendant(s)**

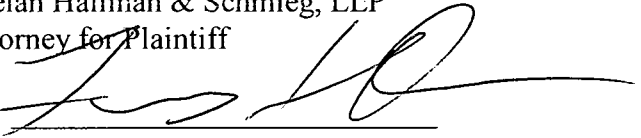
: **COURT OF COMMON PLEAS**  
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: **CIVIL DIVISION**  
:  
: **NO. 08-1039-CD**  
:  
: **CLEARFIELD COUNTY**  
:  
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**CERTIFICATE OF SERVICE**

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

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

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** 1007 Notice  
m/11:24/08 to Defs.  
SEP 19 2008 Statement to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts Atty pd. 20.00  
(60)

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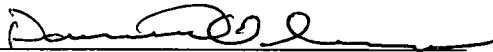
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

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:

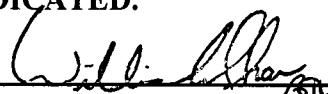
As set forth in the Complaint	\$ 33,855.84
Interest - 06/01/08 TO 09/17/08	\$836.03
<b>TOTAL</b>	<b><u>\$ 34,691.87</u></b>

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**DAMAGES ARE HEREBY ASSESSED AS INDICATED.**

DATE: 9/19/08

  
PRO PROTHY



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 DIVISION

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 DIVISION

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**


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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

**(215) 563-7000**

**Defendant(s).**

[illegible]

**NO. 08-1039-CD**

Daniel G. Schmieg  
DANIEL G. SCHMIEG, ESQUIRE

**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: \$

Int. From: \$

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

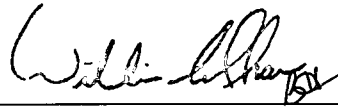
Entry: \$20.00

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  
013:0384  
SEP 29 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,



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

Per diem \$5.70

Add'l Costs

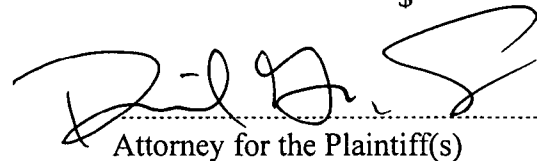
Writ Total

Prothonotary costs \$34,691.87  
135.00

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

\$3,493.50

\$

  
.....  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.

175701

**FILED**

M/11/03/09  
JAN 23 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. 20.00  
ICC & Lewis  
w/prop desc  
to Sheriff

610

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

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



.....  
Attorney for Plaintiff(s)

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

FILED

JAN 22 2009

William A. Shaw  
Prothonotary/Clerk of Courts



PHILAN 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

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  
:  
:  
:  
:  
:

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  
(X) 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 Praecipe 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:

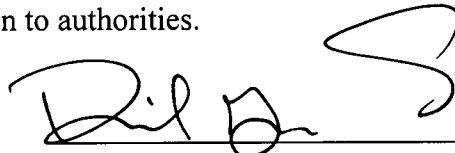
NAME

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

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

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

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

NAME

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

None

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

NAME

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

None

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

NAME

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

None

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

NAME

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

None

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

NAME

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

TENANT/OCCUPANT

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

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

Internal Revenue Service  
Federated Investors Tower

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


Department of Public Welfare  
TPL Casualty Unit  
Estate Recovery Program

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

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

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

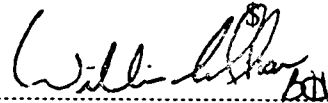
Interest from 9/18/08 to Sale  
Per diem \$5.70

Add'l Costs

Writ Total

Prothonotary costs \$ 135.00

\$3,493.50



(Clerk) Office of the Prothy Support, 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.

135.00

Sheriff



Attorney for Plaintiff(s)

Address: JOHN MCCORMACK                      MICHELE L. SOLOMON-MCCORMACK  
                 329 WEST 5TH AVENUE                      329 WEST 5TH AVENUE  
                 CLEARFIELD, PA 16830                      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  
M110:38761 CC  
MAR 11 2009  
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.

Plaintiff

v.

JOHN MCCORMACK  
MICHELE L. SOLOMON-MCCORMACK

Defendants

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-1039-CD

**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	\$3,788.50
	<hr/>
<b>TOTAL</b>	<b>\$39,735.27</b>

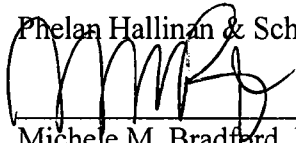
6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

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

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

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

DATE: 3/10/09

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

# **Exhibit “A”**

FILED  
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

COURT OF COMMON PLEAS

CIVIL DIVISION

Plaintiff

TERM

v.

NO. 08-1039-CD

CLEARFIELD COUNTY

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

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

Defendants

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  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

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

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

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

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

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

1. Plaintiff is

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>
<b>TOTAL</b>	<b>\$33,855.84</b>

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

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 M. 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  $0^{\circ} 01'$  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  $89^{\circ} 53'$  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  $0^{\circ} 01'$  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  $89^{\circ} 53'$  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  $0^{\circ} 01'$  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 13<sup>th</sup> 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 5<sup>th</sup> 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 M. Guinness*  
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
<b>TOTAL</b>	<b><u>\$ 34,691.87</u></b>

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

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**DAMAGES ARE HEREBY ASSESSED AS INDICATED.**

**DATE:** 9/19/08

  
**PRO PROTHY**

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

v.

JOHN MCCORMACK  
MICHELE L. SOLOMON-MCCORMACK

Defendants

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

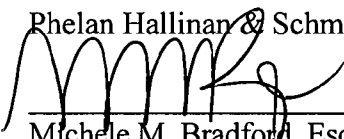
: No. 08-1039-CD

**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  
Escrow Deficit

(\$0.00)  
\$3,788.50

---

**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

12--

**v.**

## Defendants

: Court of Common Pleas  
 :  
 : Civil Division  
 :  
 : CLEARFIELD County  
 :  
 : No. 08-1039-CD  
 :

AND NOW, this 12<sup>th</sup> 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 16<sup>th</sup> day of April 2009, at 10:30 A.M. in the Clearfield County Courthouse, Clearfield, Pennsylvania.

Hearing Room #3

BY THE COURT

BY THE COURT  
Frederick J. Cummings

175701

**FILED**

MAR 12 2009

100  
Amy Bradford

William A. Shaw  
Prothonotary/Clerk of Courts

611

FILED

MAR 12 2009

WILLIAM A. SHAW  
Prothonotary/Clerk of Courts

DATE: 3/12/09

☒ 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:

5  
FILED  
mto:5/10/09  
NOCC  
MAR 13 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

JP MORGAN CHASE BANK, N.A.

Plaintiff

v.

JOHN MCCORMACK

MICHELE L. SOLOMON-MCCORMACK

Defendants

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-1039-CD

**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

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

**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: MICHELE L. SOLOMON-MCCORMACK Type of Action  
- Notice of Sheriff's Sale  
SERVE AT: 329 WEST 5TH AVENUE Sale Date: MAY 1, 2009  
CLEARFIELD, PA 16830

**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 MULL, 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: [Signature]  
Commission Expires June 16, 2013

By: Ronald Mull

**NOT SERVED**

\*\*\*ATTEMPT SERVICE NLT THREE (3) TIMES\*\*\*

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m., Defendant NOT FOUND because:

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

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 200\_\_.

Notary: \_\_\_\_\_ By: \_\_\_\_\_  
**Attorney for Plaintiff**  
DANIEL G. SCHMIEG, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station, Suite 1400  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103-1814  
(215) 563-7000

**FILED**  
01/11/05304  
MAR 31 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

23

86<sup>2</sup>

# AFFIDAVIT OF SERVICE

PLAINTIFF JPMORGAN CHASE BANK, N.A.  
DEFENDANT(S) JOHN MCCORMACK  
MICHELE L. SOLOMON-MCCORMACK

CLEARFIELD County  
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: MAY 1, 2009

## 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<sup>s</sup> 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

PATRICIA E. HARRIS

Commission Expires June 16, 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:

By:

DANIEL G. SCHMIEG

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

William A. Shaw  
Prothonotary/Clerk of Courts

FILED  
011:05:01  
MAR 31 2009

23

86

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  
:

**FILED**

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 Praecipe 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*  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Date: April 1, 2009

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



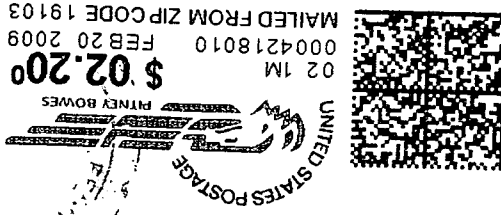
CQS

Name and  
Address  
of Sender



PHILAN 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 <sup>th</sup> Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower, 13 <sup>TH</sup> Floor, Suite 1300, 1001 Liberty Avenue, Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105		
7				
8				
9				
10				
11				
12	KXL	<b>Re: JOHN MCCORMACK 175701 TEAM 4</b>		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$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. OK

APR 16 2009

NO CC

William A. Shaw  
Prothonotary/Clerk of Courts

610

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

JP MORGAN CHASE BANK, N.A.

Plaintiff

v.

JOHN MCCORMACK

MICHELE L. SOLOMON-MCCORMACK

Defendants

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-1039-CD

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  
Escrow Deficit

(\$0.00)  
\$3,788.50

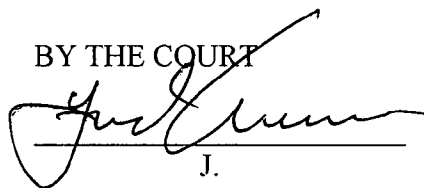
**TOTAL**

**\$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**

APR 16 2009

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.

Plaintiff

v.

JOHN MCCORMACK

MICHELE L. SOLOMON-MCCORMACK

Defendants

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-1039-CD

**PRAECIPE**

**TO THE PROTHONOTARY:**

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

DATE: 4/16/09

By:

Phelan 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**

01/18/2010

William A. Shaw  
Prothonotary/Clerk of Courts

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


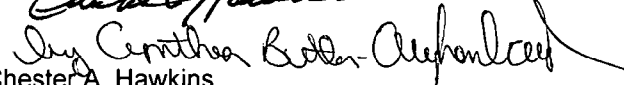
SHERIFF RETURN

---

SHERIFF HAWKINS \$216.56

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

  
  
Chester A. Hawkins  
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

Interest from 9/18/08 to Sale  
Per diem \$5.70

Add'l Costs

Writ Total

Prothonotary costs \$34,691.87  
135.00

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

\$3,493.50

*Willie L. Hagan*

(Clerk) Office of the Prothy Support, 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.

Charles A. Hagan  
By Cynthia Butler *Cynthia Butler*

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.

135.00

Sheriff

*[Signature]*

Attorney for Plaintiff(s)

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

Received this writ this  
A.D. \_\_\_\_\_  
A.M.P.M. \_\_\_\_\_  
day \_\_\_\_\_



**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:**

RDR	15.00
SERVICE	15.00
MILEAGE	2.00
LEVY	15.00
MILEAGE	2.00
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	7.56
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$216.56</b>

**DEED COSTS:**

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

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	34,691.87
INTEREST @ 5.7000	2,000.70
FROM 09/18/2008 TO 09/04/2009	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$36,732.57</b>

**COSTS:**

ADVERTISING	296.50
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	216.56
LEGAL JOURNAL COSTS	216.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$864.06</b>

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

CHESTER A. HAWKINS, Sheriff

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

**Representing Lenders in  
Pennsylvania and New Jersey**

**Foreclosure Manager**

**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**

Representing Lenders in  
Pennsylvania and New Jersey

Foreclosure Manager

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**

**Representing Lenders in  
Pennsylvania and New Jersey**

Foreclosure Manager

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 immediately 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/1210/215  
JUN 18 2015  
No 14 Atty. 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. Plaintiff	:	Court of Common Pleas
	:	
v.	:	Civil Division
	:	
JOHN MCCORMACK MICHELE L. SOLOMON-MCCORMACK A/K/A MICHELE L. SOLOMON Defendant(s)	:	CLEARFIELD County
	:	
	:	No. 08-1039-CD
	:	

**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. Plaintiff	:	Court of Common Pleas
	:	
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 Praecipe 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

Date:

6/17/15

PHELAN HALLINAN DIAMOND & JONES, LLP

By:



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