

08-1086-CD
US Bank al vs Jennifer L. Green al

FILED
O 11:52 a.m. 6/13/08 ATTY PAID 95.00
JUN 13 2008 *RECEIVED*
2 CC SHERIFF
William A. Shaw *WS*
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
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SHEETAL SHAH-JANI, ESQ., Id. No. 81760
JENINE R. DAVEY, ESQ., Id. No. 87077
LAUREN R. TABAS, ESQ., Id. No. 93337
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ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 178830

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR CMLTI 2006-WFHE1
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff

v.

JENNIFER L. GREEN
RONALD A. GREEN
86 SPRUCE STREET
WOODLAND, PA 16881
Defendants

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM

NO. 2008-1086-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 BEABLE 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

US BANK NATIONAL ASSOCIATION,
AS TRUSTEE FOR CMLTI 2006-WFHE1
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

JENNIFER L. GREEN
RONALD A. GREEN
86 SPRUCE STREET
WOODLAND, PA 16881

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

3. On 10/26/2005 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200519456. 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 02/01/2008 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	\$44,397.45
Interest	\$1,995.84
01/01/2008 through 06/11/2008	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$107.85
10/26/2005 to 06/11/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$48,301.14

Escrow	
Credit	\$0.00
Deficit	\$23.93
Subtotal	<u>\$23.93</u>
TOTAL	\$48,325.07

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 \$48,325.07, together with interest from 06/11/2008 at the rate of \$12.32 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:


LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE 1.D.69849
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 lot or piece of ground situate in the Village of Woodland, Township of Bradford, Clearfield County, Pennsylvania, bounded and described as follows: Beginning at a point on public road leading to Pennsylvania Railroad Station, 125 feet from line of the Snow Show and Packersville Turnpike; thence in a westerly direction along line of public road 155 feet; more or less, to the line of the Pennsylvania Railroad Company right of way; thence in an easterly direction along said right of way, 190 feet, more or less, to the line of Harbison-Walker Refractories Co.; thence in a southeasterly direction along the line of Harbison-Walker Refractories Company, approximately 50 feet to line of property of Paul Shirley; thence in a northerly direction by lands now or formerly of said Paul Shirley, a distance if 95 feet, more or less, to place of beginning.

BEING KNOWN AS PARCEL NUMBER M09-631-29

Being the same property conveyed by deed to Ronald A Green and Jennifer L Green from (Prior Grantor(s) on (Date of conveyance) in Deed Book INSTR 200306551 in the Recorder's Office of Clearfield County, PA.

BEING THE SAME PREMISES THE TITLE TO WHICH BECAME VESTED ON THE MORTGAGORS HEREIN BY DEED OF:

GRANTOR: JENNIFER L PRY N/K/A JENNIFER L GREEN

DEED DATE: 10-26-2005

RECORDED IN COUNTY OF: CLEARFIELD

INSTRUMENT: 200519455

04208603997

PREMISES: 86 SPRUCE STREET

PARCEL: 1060 M09-631-00029

VERIFICATION

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

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



Attorney for Plaintiff

I.D. 69849

DATE: 6/12/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1086-CD

US BANK NATIONAL ASSOCIATION as Trustee

vs

JENNIFER L. GREEN and RONALD A. GREEN

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/13/2008

HEARING:

PAGE: 104282

FILED

JUN 19 2008

6/19/08
William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT: JENNIFER L. GREEN

ADDRESS: 86 SPRUCE ST.
WOODLAND, PA 16881

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

[CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, June 19th 2008 AT 2:04 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON JENNIFER L. GREEN, DEFENDANT

BY HANDING TO Jennifer Green, DEF

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

ADDRESS SERVED 86 Spruce St Woodland.

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR JENNIFER L. GREEN

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JENNIFER L. GREEN

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Def. George F. DeHaen

Deputy Signature

Def. George F. DeHaen

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1086-CD

US BANK NATIONAL ASSOCIATION as Trustee

vs

JENNIFER L. GREEN and RONALD A. GREEN

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/13/2008

HEARING:

PAGE: 104282

DEFENDANT: RONALD A. GREEN
ADDRESS: 86 SPRUCE ST.
WOODLAND, PA 16881

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW JUNE 19th 2008 AT 3:04 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON RONALD A. GREEN, DEFENDANT

BY HANDING TO Jennifer Green, WIFE

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

ADDRESS SERVED 86 Spruce St Woodland

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR RONALD A. GREEN

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO RONALD A. GREEN

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF July 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Deputy George F. DeLancey
Deputy Signature

Deputy George F. DeLancey
Print Deputy Name

FILED

JUN 19 2008
6/3/2008
William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

**US BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CMLTI 2006-WFHE1**

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 2008-1086

: CLEARFIELD COUNTY

vs.

JENNIFER L. GREEN
RONALD A. GREEN

:
:

:
:

Defendant(s)

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

FILED ICC Atty
m/140cm Hallinan
JUL 14 2008
LM

William A. Shaw
Prothonotary/Clerk of Courts

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
Francis S. Hallinan, Esquire

Date: 7-10-08

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

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
CMLTI 2006-WFHE1

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 2008-1086

vs.

: CLEARFIELD COUNTY

JENNIFER L. GREEN
RONALD A. GREEN

:

Defendant(s)

CERTIFICATE OF SERVICE

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

JENNIFER L. GREEN
86 SPRUCE STREET
WOODLAND, PA 16881

RONALD A. GREEN
86 SPRUCE STREET
WOODLAND, PA 16881

FILED No. 6
m 11:40 am
JUL 14 2008
LS

William A. Shaw
Prothonotary/Clerk of Courts

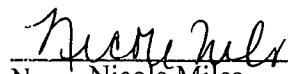
Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: Francis S. Hallinan
Francis S. Hallinan, Esquire

Date: 7-10-08

VERIFICATION

Nicole Miles hereby states that he/she is
Vice President of Loan Documentation
of WELLS FARGO BANK, N.A., 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: Nicole Miles

DATE: 06/13/2008

Title:
Vice President of Loan Documentation

Company: WELLS FARGO BANK, N.A.

Loan: 0148509961

File #: 178830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104282
NO: 08-1086-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION as Trustee

vs.

DEFENDANT: JENNIFER L. GREEN and RONALD A. GREEN

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	703609	20.00
SHERIFF HAWKINS	PHELAN	703609	29.05

FILED
03:35pm
OCT 01 2008

S
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2008



Chester A. Hawkins
Sheriff

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
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

US BANK NATIONALS ASSOCIATION, AS TRUSTEE FOR CMLTI 2006-WFHE1	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs	:	CLEARFIELD County
JENNIFER L. GREEN RONALD A. GREEN	:	No. 2008-1086
Defendant	:	PHS# 178830

S **FILED** 10:55am
DEC 15 2008
cc: certified
discussed
to Atty
Hallinan

PRAECIPE

TO THE PROTHONOTARY:

William A. Shaw
Prothonotary/Clerk of Courts

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

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

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

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

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

Date: December 11, 2008


Francis S. Hallinan
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA



CIVIL DIVISION

US Bank National Association

Vs. **No. 2008-01086-CD**
Jennifer L. Green
Ronald A. Green

CERTIFICATE OF DISCONTINUATION

Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 15, 2008, marked:

Discontinued and ended without prejudice

Record costs in the sum of \$95.00 have been paid in full by Michele M. Bradford Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of December A.D. 2008.



William A. Shaw, Prothonotary