

08-1108-CD
First Horizon all vs Charles Bell all

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 178122

FIRST HORIZON HOME LOANS, A DIVISION OF
FIRST TENNESSEE BANK NATIONAL
ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

Plaintiff
v.

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
PHILIPSBURG, PA 16866-8335
Defendants

pd \$95.00 Atty
FILED *6cc shff*
m 10:50am
JUN 18 2008
LS
William A. Shaw
Prothonotary/Clerk of Courts

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS
CIVIL DIVISION
TERM

NO. *2008-1108-CD*
CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

FIRST HORIZON HOME LOANS,
A DIVISION OF FIRST TENNESSEE
BANK NATIONAL ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

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

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
PHILIPSBURG, PA 16866-8335

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

3. On 05/17/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No. 200208193. 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 01/01/2008 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	\$66,414.19
Interest	\$2,331.72
12/01/2007 through 06/16/2008	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$612.30
05/17/2002 to 06/16/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$71,158.21

Escrow	
Credit	(\$90.87)
Deficit	\$0.00
Subtotal	(\$90.87)
TOTAL	\$71,067.34

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$71,067.34, together with interest from 06/16/2008 at the rate of \$15.24 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
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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, lying and being in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stake on the southern line of the Township Road leading to Cuba Mine at the corner of lands sold to John F. Smith by deed of the Philipsburg Coal and Land Company dated September 23rd, 1891, thence along the dividing line of Lot No. 9 South 36 degrees 43 minutes West three hundred and forty-five (345) feet to a stake on line of Smith Street; thence along said Smith Street North 56 degrees 17 minutes West one hundred and thirty (130) feet to a stake corner of Lot No. 11; thence along said Lot No. 11 North 36 degrees 45 minutes East three hundred and forty-three and one-half (343 1/2) feet to a stake corner of the Township Road; thence along said road South 88 1/2 degrees East twenty-one (21) feet; thence South 50 degrees East one hundred and fourteen (114) feet to the place of beginning.

SAVING, EXCEPTING AND RESERVING such mineral and other reservations and rights and privileges as are contained in the deed of the Philipsburg Coal and Land Company to Pomile Davis et. baron, dated May 2nd, 1893 and recorded in Deed Book Volume 76, at Page 447.

BEING the same premises which Ralph H. Williams and Dorothy W. Williams, his wife, by deed dated January 13, 1982 and recorded May 25, 1993 in Clearfield County in Deed Book Volume 1532 at Page 385, granted and conveyed unto Charles W. Bell and Denise M. Bell, his wife, as tenants by the entireties.

Together with all improvements constructed upon, affixed to or located upon the above described real property, including without limitation any residential dwelling located upon or to be located thereon, which dwelling is or may be a manufactured home, which is or upon placement and affixation shall be conclusively deemed to be real estate.

PARCEL NO: 112-P12-157
PROPERTY ADDRESS: **RR 1 BOX 302 A/K/A 899 DECATUR STREET**

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.

DATE: 6-16-08

Attorney for Plaintiff
SOLVING
#6220

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1108-CD

FIRST HORIZON HOME LOANS, A Div. of First Tennessee Bank National

vs

CHARLES W. BELL and DENISE M. BELL

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 3 OF 6

SERVE BY: 07/18/2008

HEARING:

PAGE: 104291

FILED

03/45Lb
JUN 24 2008

William A. Shaw

Prothonotary/Clerk of Courts
OCCUPIED

DEFENDANT: CHARLES W. BELL

ADDRESS: 60 FUZZYS LANE 899 Decatur st.
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS DIVORCED CANNOT ACCEPT FOR DENISE

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, This 24th DAY of June 2008 AT 11:33 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON CHARLES W. BELL, DEFENDANT

BY HANDING TO Rosemarie Stout, /

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

ADDRESS SERVED 899 Decatur St. Philipsburg, Pa. 16866

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR CHARLES W. BELL

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO CHARLES W. BELL

REASON UNABLE TO LOCATE _____

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nevlin
Deputy Signature

Jerome M. Nevlin
Print Deputy Name

SWORN TO BEFORE ME THIS

DAY OF 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1108-CD

FIRST HORIZON HOME LOANS, A Div. of First Tennessee Bank National

vs

CHARLES W. BELL and DENISE M. BELL

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/18/2008

HEARING:

PAGE: 104291

DEFENDANT: CHARLES W. BELL

ADDRESS: RR#1 BOX 302 AKA 899 DECATUR ST.
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS DIVORCED CANNOT ACCEPT FOR DENISE

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

FILED

07/24/2008

JUN 24 2008

WM

William A. Shaw
Prothonotary/Clerk of Courts

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 6/20/08 AT 1122 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON CHARLES W. BELL, DEFENDANT

BY HANDING TO Rosemary Stout girlfriend

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

ADDRESS SERVED 899 Decatur st Philipsburg

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR CHARLES W. BELL

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO CHARLES W. BELL

REASON UNABLE TO LOCATE _____

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

SWORN TO BEFORE ME THIS

DAY OF 2008

**SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # 104291**

DEAR DENISE M. BELL

Would you please contact the Sheriff's Office EXTENSION **1360** concerning legal papers we have for you

When you call, please give your name and the case # noted above (**104291**) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

**OFFICE HOURS: 8:30 A.M. to 4:00 P.M.
PHONE (814) 765-2641**

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

JUN 18 2008

Attest.

William J. Coughlin
Prothonotary/
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
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ATTORNEY FOR PLAINTIFF

FIRST HORIZON HOME LOANS, A DIVISION OF
FIRST TENNESSEE BANK NATIONAL
ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

Plaintiff

v.

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
PHILIPSBURG, PA 16866-8335
Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1108-C0

CLEARFIELD COUNTY

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

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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PLAINTIFF WILL OBTAIN AND PROVIDE
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THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED
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AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN
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1. Plaintiff is

FIRST HORIZON HOME LOANS,
A DIVISION OF FIRST TENNESSEE
BANK NATIONAL ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

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

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
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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 01/01/2008 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:

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Cumulative Late Charges	\$612.30
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9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$71,067.34, together with interest from 06/16/2008 at the rate of \$15.24 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.

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By: _____

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FRANCIS S. HALLINAN, ESQUIRE
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PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate, lying and being in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stake on the southern line of the Township Road leading to Cuba Mine at the corner of lands sold to John F. Smith by deed of the Philipsburg Coal and Land Company dated September 23rd, 1891, thence along the dividing line of Lot No. 9 South 36 degrees 43 minutes West three hundred and forty-five (345) feet to a stake on line of Smith Street; thence along said Smith Street North 56 degrees 17 minutes West one hundred and thirty (130) feet to a stake corner of Lot No. 11; thence along said Lot No. 11 North 36 degrees 45 minutes East three hundred and forty-three and one-half (343 1/2) feet to a stake corner of the Township Road; thence along said road South 88 1/2 degrees East twenty-one (21) feet; thence South 50 degrees East one hundred and fourteen (114) feet to the place of beginning.

SAVING, EXCEPTING AND RESERVING such mineral and other reservations and rights and privileges as are contained in the deed of the Philipsburg Coal and Land Company to Pomile Davis et. baron, dated May 2nd, 1893 and recorded in Deed Book Volume 76, at Page 447.

BEING the same premises which Ralph H. Williams and Dorothy W. Williams, his wife, by deed dated January 13, 1982 and recorded May 25, 1993 in Clearfield County in Deed Book Volume 1532 at Page 385, granted and conveyed unto Charles W. Bell and Denise M. Bell, his wife, as tenants by the entireties.

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PARCEL NO: 112-P12-157
PROPERTY ADDRESS: **RR 1 BOX 302 A/K/A 899 DECATUR STREET**

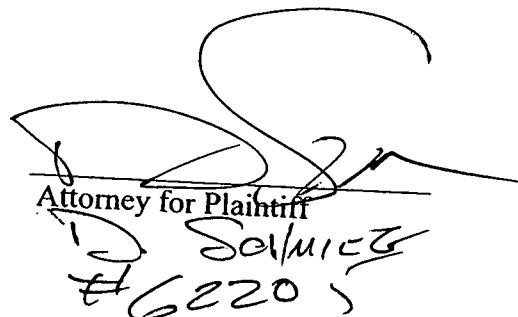
VERIFICATION

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.

DATE: 6-16-08


Attorney for Plaintiff
D. Schmitz
#6220

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1108-CD

FIRST HORIZON HOME LOANS, A Div. of First Tennessee Bank National

vs

CHARLES W. BELL and DENISE M. BELL

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 4 OF 6

SERVE BY: 07/18/2008

HEARING:

PAGE: 104291

DEFENDANT: DENISE M. BELL

ADDRESS: 60 FUZZYS LANE

PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

CANNOT ACCEPT FOR CHARLES

FILED

JUN 25 2008

01 8:30 AM

William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

6-24-08 - 11:33 AM - Lives in Centre Co

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON DENISE M. BELL, DEFENDANT

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR DENISE M. BELL

AT (ADDRESS) _____

NOW 6/24/08 AT 9am AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO DENISE M. BELL

REASON UNABLE TO LOCATE

Lives in Centre Co

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

**SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # 104291**

DEAR DENISE M. BELL

Would you please contact the Sheriff's Office EXTENSION 1360 concerning legal papers we have for you

When you call, please give your name and the case # noted above (104291) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

OFFICE HOURS: 8:30 A.M. to 4:00 P.M.
PHONE (814) 765-2641

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 178122

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

JUN 18 2008

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

ATTORNEY FOR PLAINTIFF

FIRST HORIZON HOME LOANS, A DIVISION OF
FIRST TENNESSEE BANK NATIONAL
ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

Plaintiff

v.

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
PHILIPSBURG, PA 16866-8335
Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1108-C

CLEARFIELD COUNTY

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

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

FIRST HORIZON HOME LOANS,
A DIVISION OF FIRST TENNESSEE
BANK NATIONAL ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

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

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
PHILIPSBURG, PA 16866-8335

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

3. On 05/17/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No. 200208193. 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 01/01/2008 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	\$66,414.19
Interest	\$2,331.72
12/01/2007 through 06/16/2008	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$612.30
05/17/2002 to 06/16/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$71,158.21

Escrow	
Credit	(\$90.87)
Deficit	\$0.00
Subtotal	<u>(\$90.87)</u>
TOTAL	\$71,067.34

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

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$71,067.34, together with interest from 06/16/2008 at the rate of \$15.24 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: _____

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

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate, lying and being in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stake on the southern line of the Township Road leading to Cuba Mine at the corner of lands sold to John F. Smith by deed of the Philipsburg Coal and Land Company dated September 23rd, 1891, thence along the dividing line of Lot No. 9 South 36 degrees 43 minutes West three hundred and forty-five (345) feet to a stake on line of Smith Street; thence along said Smith Street North 56 degrees 17 minutes West one hundred and thirty (130) feet to a stake corner of Lot No. 11; thence along said Lot No. 11 North 36 degrees 45 minutes East three hundred and forty-three and one-half (343 1/2) feet to a stake corner of the Township Road; thence along said road South 88 1/2 degrees East twenty-one (21) feet; thence South 50 degrees East one hundred and fourteen (114) feet to the place of beginning.

SAVING, EXCEPTING AND RESERVING such mineral and other reservations and rights and privileges as are contained in the deed of the Philipsburg Coal and Land Company to Pomile Davis et. baron, dated May 2nd, 1893 and recorded in Deed Book Volume 76, at Page 447.

BEING the same premises which Ralph H. Williams and Dorothy W. Williams, his wife, by
deed dated January 13, 1982 and recorded May 25, 1993 in Clearfield County in Deed Book
Volume 1532 at Page 385, granted and conveyed unto Charles W. Bell and Denise M. Bell, his
wife, as tenants by the entireties.

Together with all improvements constructed upon, affixed to or located upon the above described
real property, including without limitation any residential dwelling located upon or to be located
thereon, which dwelling is or may be a manufactured home, which is or upon placement and
affixation shall be conclusively deemed to be real estate.

PARCEL NO: 112-P12-157

PROPERTY ADDRESS: RR 1 BOX 302 A/K/A 899 DECATUR STREET

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.

DATE: 6-16-08

Attorney for Plaintiff
SOLMICZ
#6220

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

**FIRST HORIZON HOME LOANS, A
DIVISION OF FIRST TENNESSEE
BANK NATIONAL ASSOCIATION**

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

Plaintiff : NO. 2008-1108-CD

:

vs. : CLEARFIELD COUNTY

:

**CHARLES W. BELL
DENISE M. BELL**

:

:

:

Defendant(s)

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

TO THE PROTHONOTARY:

Kindly substitute the attached verification for the verification originally filed with the complaint in the instant matter.

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: 
Francis S. Hallinan, Esquire

Date: 7/11/08

FILED 1CC Atty
m 11:37 am JUL 14 2008
Hallinan
JUL 14 2008
W.M.
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
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

**FIRST HORIZON HOME LOANS, A
DIVISION OF FIRST TENNESSEE
BANK NATIONAL ASSOCIATION**

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

Plaintiff

: NO. 2008-1108-CD

:

vs.

: CLEARFIELD COUNTY

:

**CHARLES W. BELL
DENISE M. BELL**

:

:

:

Defendant(s)

CERTIFICATE OF SERVICE

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

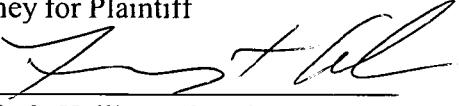
CHARLES W. BELL
RR 1 BOX 302 A/K/A 899 DECATUR, STREET
PHILIPSBURG, PA 16866-8335

FILED NOCC.
m/137cm
JUL 14 2008
(lm)

DENISE M. BELL
48 TERRACE DRIVE APT. 102
HOUTZDALE, PA 16651

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: 
Francis S. Hallinan, Esquire

Date: 7/11/08

VERIFICATION

ASSISTANT VICE PRESIDENT Marcia Williams hereby states that he/she is
of FIRST HORIZON HOME LOANS, A DIVISION OF FIRST TENNESSEE BANK
NATIONAL ASSOCIATION, 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: Marcia Williams

DATE: _____

^{Title:} **ASSISTANT VICE PRESIDENT**

Company: FIRST HORIZON HOME LOANS,
A DIVISION OF FIRST TENNESSEE BANK
NATIONAL ASSOCIATION

Loan: 0029141371

File #: 178122

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104291
NO: 08-1108-CD
SERVICE # 5 OF 6
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: FIRST HORIZON HOME LOANS, A Div. of First Tennessee Bank National
VS.
DEFENDANT: CHARLES W. BELL and DENISE M. BELL

SHERIFF RETURN

NOW, June 23, 2008, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON CHARLES W. BELL.

NOW, July 15, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON CHARLES W. BELL, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
0/16:30 LM
SEP 18 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104291
NO. 08-1108-CD
SERVICE # 6 OF 6
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: FIRST HORIZON HOME LOANS, A Div. of First Tennessee Bank National
vs.
DEFENDANT: CHARLES W. BELL and DENISE M. BELL

SHERIFF RETURN

NOW, June 23, 2008, SHERIFF OF CENTRE COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DENISE M. BELL.

NOW, July 14, 2008 AT 11:10 AM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON DENISE M. BELL, DEFENDANT. THE RETURN OF CENTRE COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104291
NO: 08-1108-CD
SERVICES 6
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: FIRST HORIZON HOME LOANS, A Div. of First Tennessee Bank National
vs.

DEFENDANT: CHARLES W. BELL and DENISE M. BELL

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	705161	60.00
SHERIFF HAWKINS	PHELAN	705161	40.00
CENTRE CO.	PHELAN	706811	52.50

Sworn to Before Me This

So Answers,

____ Day of _____ 2008

Chester A. Hawkins
by Marilyn Hamer

Chester A. Hawkins
Sheriff

SHERIFF'S OFFICE

CENTRE COUNTY

PHELAN HALLINAN & SCHMI

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s) First Horizon Home Loans	2. Case Number 08-1108-CD
3. Defendant(s) Charles W and Denise M Bell	4. Type of Writ or Complaint: Complaint 501720

SERVE → AT	5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. Charles W Bell
	6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) 622 Ash Street, Philipsburg, PA 16866

7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other

Now, 20_____. I, SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of _____ County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. _____ Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator PHELAN HALLINAN & SCHMIEG, LLP ONE PENN CENTER SUITE 1400 1617 JFK BLVD., STE. 1400 PHILADELPHIA, PA. 19103	10. Telephone Number (215) 563-7000	11. Date
	12. Signature	

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed	15. Expiration/Hearing Date
------------------------------------------------------------------------	--------------------------------------------------------	----------------	-----------------------------

TO BE COMPLETED BY SHERIFF

16. Served and made known to _____, on the _____ day of _____, 20_____, at _____ o'clock, _____ m., at _____, County of Centre

Commonwealth of Pennsylvania, in the manner described below:

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) resides(s). Relationship is _____
- Adult in charge of Defendant's residence.
- Manager/Clerk of place of lodging in which Defendant(s) resides(s).
- Agent or person in charge of Defendant's office or usual place of business.

and officer of said Defendant company.

Other _____

On the _____ day of _____, 20_____, at _____ o'clock, _____ M.

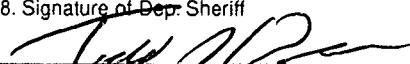
Defendant not found because:

- Moved Unknown No Answer Vacant Other Not found

Remarks: Lives 899 Decatur St. Clearfield County

Advance Costs 75.00	Docket 9.00	Service 15.00	Sur Charge 0.00	Affidavit 3.50	Mileage 25.00	Postage	Misc.	Total Costs 52.50	Costs Due or Refund (22.50)
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17. AFFIRMED and subscribed to before me this 15

20. day of July 2008	18. Signature of Dep. Sheriff 	19. Date 7/15/08
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23. Notary Public Corinne L. Bell Bellevue, PA My Commission Expires 12/31/2008	21. Signature of Sheriff 	22. Date
------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------	----------

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE	SHERIFF OF CENTRE COUNTY Amount Pd. _____ Page _____	25. Date Received
--------------------------------------------------------------------------------------------------	------------------------------------------------------------	-------------------

SHERIFF'S OFFICE

CENTRE COUNTY

PHELAN HALLINAN & SCHMI

Rm 101 Court House, Bellefonte, Pennsylvania, 16823 (814) 355-6803

SHERIFF SERVICE PROCESS RECEIPT, AND AFFIDAVIT OF RETURN

INSTRUCTIONS FOR SERVICE OF PROCESS: You must file one instruction sheet for each defendant. Please type or print legibly. Do not detach any copies.

1. Plaintiff(s) First Horizon Home Loans	2. Case Number 08-1108-CD
3. Defendant(s) Charles W and Denise M Bell	4. Type of Writ or Complaint: Complaint 501720

SERVE → AT	5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold. Denise M Bell
	6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) 622 Ash Street, Philipsburg, PA 16866

7. Indicate unusual service: <input type="checkbox"/> Reg Mail <input type="checkbox"/> Certified Mail <input type="checkbox"/> Deputize <input type="checkbox"/> Post <input type="checkbox"/> Other

Now, 20, I, SHERIFF OF CENTRE COUNTY, PA., do hereby depose the Sheriff of _____ County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff. _____ Sheriff of Centre County

8. SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN -- Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

9. Print/Type Name and Address of Attorney/Originator PHELAN HALLINAN & SCHMIEG, LLP ONE PENN CENTER SUITE 1400 1617 JFK BLVD., STE. 1400 PHILADELPHIA, PA. 19103	10. Telephone Number (215) 563-7000	11. Date
	12. Signature	

SPACE BELOW FOR USE OF SHERIFF ONLY - DO NOT WRITE BELOW THIS LINE

13. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized CCSD Deputy of Clerk and Title	14. Date Filed	15. Expiration/Hearing Date
------------------------------------------------------------------------	--------------------------------------------------------	----------------	-----------------------------

TO BE COMPLETED BY SHERIFF

16. Served and made known to <u>Denise Bell</u> , on the <u>14</u> day of <u>July</u> , 20 <u>2008</u> , at <u>11:10 AM</u> o'clock, <u>m.</u> , at <u>622 Ash Street, Philipsburg, PA 16866</u> , County of Centre

Commonwealth of Pennsylvania, in the manner described below:

<input type="checkbox"/> Defendant(s) personally served.	<input type="checkbox"/> Adult family member with whom said Defendant(s) resides(s). Relationship is <u>defendant</u>
<input type="checkbox"/> Adult in charge of Defendant's residence.	<input type="checkbox"/> Manager/Clerk of place of lodging in which Defendant(s) resides(s).
<input type="checkbox"/> Agent or person in charge of Defendant's office or usual place of business.	<input type="checkbox"/> and officer of said Defendant company.
Other _____	

On the _____ day of _____, 20 _____, at _____ o'clock, _____ M.

Defendant not found because:

<input type="checkbox"/> Moved <input type="checkbox"/> Unknown <input type="checkbox"/> No Answer <input type="checkbox"/> Vacant <input type="checkbox"/> Other _____

Remarks: Served at 626 Ash Street Philipsburg PA

Advance Costs 75.00	Docket 9.00	Service 15.00	Sur Charge 0.00	Affidavit 3.50	Mileage 25.00	Postage	Misc.	Total Costs 52.50	Costs Due or Refund (22.50)
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17. AFFIRMED and subscribed to before me this <u>15</u>	So Answer.	18. Signature of Dep. Sheriff	19. Date
---------------------------------------------------------	------------	-------------------------------	----------

20. day of <u>July</u> 20 <u>08</u>	<u>Denyse Peter</u>	<u>7/15/08</u>
23. <u>Denyse Peter</u>	21. Signature of Sheriff	22. Date

Notary Public No. <u>14</u>	SHERIFF OF CENTRE COUNTY
Commission Expires <u>7/15/08</u>	Amount Pd. _____ Page _____

23. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OR AUTHORIZED AUTHORITY AND TITLE.	25. Date Received
---------------------------------------------------------------------------------------------------	-------------------



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 104291

TERM & NO. 08-1108-CD

FIRST HORIZON HOME LOANS, A Div. of First Tennessee Bank National

COMPLAINT IN MORTGAGE FORECLOSURE

vs.

CHARLES W. BELL and DENISE M. BELL

SERVE BY: 07/18/08
COURT DATE:

MAKE REFUND PAYABLE TO PHELAN HALLINAN & SCHMIEG, ESQ.

SERVE: CHARLES W. BELL

ADDRESS: 622 ASH ST., PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, June 23, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
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SERVE BY: 07/18/08
COURT DATE:

MAKE REFUND PAYABLE TO PHELAN HALLINAN & SCHMIEG, ESQ.

SERVE: DENISE M. BELL

ADDRESS: 622 ASH ST., PHILIPSBURG, PA 16866

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF CENTRE COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, June 23, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

JUN 18 2008

Attest.

William J. Schaeffer
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 178122

ATTORNEY FOR PLAINTIFF

FIRST HORIZON HOME LOANS, A DIVISION OF
FIRST TENNESSEE BANK NATIONAL
ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1108-CD

CLEARFIELD COUNTY

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
PHILIPSBURG, PA 16866-8335
Defendants

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

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

FIRST HORIZON HOME LOANS,
A DIVISION OF FIRST TENNESSEE
BANK NATIONAL ASSOCIATION
4000 HORIZON WAY
IRVING, TX 75063

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

CHARLES W. BELL
DENISE M. BELL
RR 1 BOX 302 A/K/A
899 DECATUR STREET
PHILIPSBURG, PA 16866-8335

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

3. On 05/17/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Instrument No. 200208193. 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 01/01/2008 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	\$66,414.19
Interest	\$2,331.72
12/01/2007 through 06/16/2008	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$612.30
05/17/2002 to 06/16/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$71,158.21
Escrow	
Credit	(\$90.87)
Deficit	\$0.00
Subtotal	<u>(\$90.87)</u>
TOTAL	\$71,067.34

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$71,067.34, together with interest from 06/16/2008 at the rate of \$15.24 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:

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

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate, lying and being in Decatur Township, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a stake on the southern line of the Township Road leading to Cuba Mine at the corner of lands sold to John F. Smith by deed of the Philipsburg Coal and Land Company dated September 23rd, 1891, thence along the dividing line of Lot No. 9 South 36 degrees 43 minutes West three hundred and forty-five (345) feet to a stake on line of Smith Street; thence along said Smith Street North 56 degrees 17 minutes West one hundred and thirty (130) feet to a stake corner of Lot No. 11; thence along said Lot No. 11 North 36 degrees 45 minutes East three hundred and forty-three and one-half (343 1/2) feet to a stake corner of the Township Road; thence along said road South 88 1/2 degrees East twenty-one (21) feet; thence South 50 degrees East one hundred and fourteen (114) feet to the place of beginning.

SAVING, EXCEPTING AND RESERVING such mineral and other reservations and rights and privileges as are contained in the deed of the Philipsburg Coal and Land Company to Pomile Davis et. baron, dated May 2nd, 1893 and recorded in Deed Book Volume 76, at Page 447.

BEING the same premises which Ralph H. Williams and Dorothy W. Williams, his wife, by deed dated January 13, 1982 and recorded May 25, 1993 in Clearfield County in Deed Book Volume 1532 at Page 385, granted and conveyed unto Charles W. Bell and Denise M. Bell, his wife, as tenants by the entireties.

Together with all improvements constructed upon, affixed to or located upon the above described real property, including without limitation any residential dwelling located upon or to be located thereon, which dwelling is or may be a manufactured home, which is or upon placement and affixation shall be conclusively deemed to be real estate.

PARCEL NO: 112-P12-157

PROPERTY ADDRESS: RR 1 BOX 302 A/K/A 899 DECATUR STREET

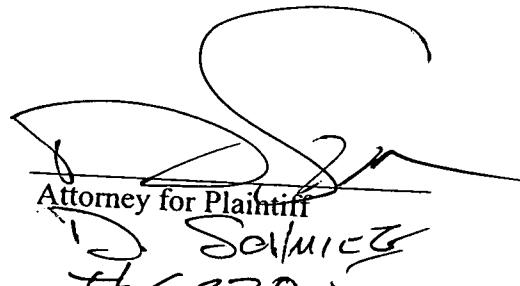
VERIFICATION

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.

DATE: 6-16-08


Attorney for Plaintiff
Schmitz
#6220