



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

FILED <sup>at \$95.00 Atty</sup>  
<sup>m/10:50am</sup>  
JUN 18 2008  
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  
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

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>
<b>TOTAL</b>	<b>\$71,067.34</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.
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: 

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FRANCIS S. HALLINAN, ESQUIRE  
✓ DANIEL G. SCHMIEG, 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.

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  
J. Solmich  
#62205

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

SERVICE # 3 OF 6

CHARLES W. BELL and DENISE M. BELL

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/18/2008

HEARING:

PAGE: 104291

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

FILED

013:45Lm

JUN 24 2008

William A. Shaw

Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, This 24<sup>th</sup> 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

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nevlin  
Deputy Signature

Jerome M. Nevlin  
Print Deputy Name

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

SERVICE # 1 OF 6

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

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

girl/friend

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 \_\_\_\_\_

SWORN TO BEFORE ME THIS

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

2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy Signature

Print Deputy Name

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

SERVICE # 2 OF 6

CHARLES W. BELL and DENISE M. BELL

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 07/18/2008

HEARING:

PAGE: 104291

FILED

DEFENDANT: DENISE M. BELL

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

ALTERNATE ADDRESS DIVORCED CANNOT ACCEPT FOR CHARLES

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

JUN 25 2008  
010302  
William A. Shaw  
Prothonotary/Clerk of Courts

BY Charles Bell.

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

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

JUN 18 2008

Attest.

*William E. Brown*  
Prothonotary/  
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
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**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

**We hereby certify the  
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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.
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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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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 ( $343 \frac{1}{2}$ ) feet to a stake corner of the Township Road; thence along said road South  $88 \frac{1}{2}$  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**



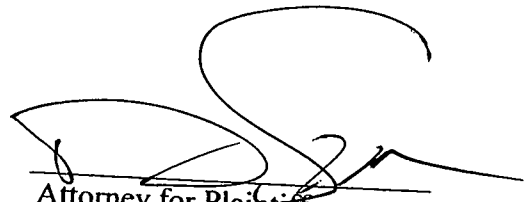
VERIFICATION

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  
JD Solmick  
#62205

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

SERVICE # 4 OF 6

CHARLES W. BELL and DENISE M. BELL

COMPLAINT IN MORTGAGE FORECLOSURE

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

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

**FILED**

JUN 25 2008  
07:30/w

William A. Shaw  
Prothonotary/Clerk of Courts

**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

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

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. Bell*  
Prothonotary/  
Clerk of Courts

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1108-CD

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  
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

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>
<b>TOTAL</b>	<b>\$71,067.34</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.
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 ( $343 \frac{1}{2}$ ) feet to a stake corner of the Township Road;

thence along said road South  $88 \frac{1}{2}$  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  
J. S. Salmeron  
#62205

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

Plaintiff

vs.

CHARLES W. BELL  
DENISE M. BELL

Defendant(s)

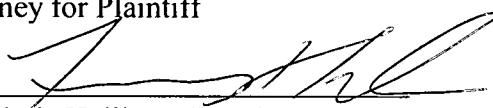
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 2008-1108-CD  
:  
: CLEARFIELD COUNTY  
:  
:  
:

**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** ICC Atty  
m/11:37am  
JUL 14 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
  
Hallinan

PHS #: 178122

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**

**Plaintiff**

vs.

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

**Defendant(s)**

: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **NO. 2008-1108-CD**  
:  
: **CLEARFIELD COUNTY**  
:  
:  
:

**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:

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

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

**FILED** NoCC.  
m/11:37am  
JUL 14 2008  
(LM)

William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By:   
Francis S. Hallinan, Esquire

Date: 7/11/08

**VERIFICATION**

Marcia Williams hereby states that he/she is

**ASSISTANT VICE PRESIDENT**

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  
LM  
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

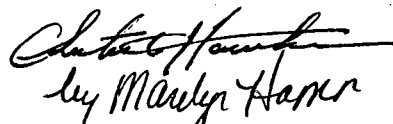
RETURN COSTS

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

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

So Answers,

  
by Marilyn Hamer

Chester A. Hawkins  
Sheriff

# SHERIFF'S OFFICE

## CENTRE COUNTY

PHELAN HALLINAN &amp; SCHMIEG

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: ☐ Reg Mail ☐ Certified Mail ☐ Deputize ☐ Post ☐ Other

Now, \_\_\_\_\_ 20\_\_\_\_, I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize 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 622 Ash Street, Philipsburg, PA 16866, 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 20 08

21. Signature of Sheriff

22. Date 7/15/08

23. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF AUTHORIZED AUTHORITY AND TITLE

24. Date Received

# SHERIFF'S OFFICE

## CENTRE COUNTY

PHELAN HALLINAN &amp; 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

5. Name of Individual, Company, Corporation, Etc., to Serve or Description of Property to be Levied, Attached or Sold.  
Denise M Bell6. Address (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)  
622 Ash Street, Philipsburg, PA 168667. Indicate unusual service: ☐ Reg Mail ☐ Certified Mail ☐ Deputize ☐ Post ☐ OtherNow, 2008, I SHERIFF OF CENTRE COUNTY, PA., do hereby deputize 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 &amp; 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 Denise Bell, on the 14 day of July, 2008, at 11:10 AM o'clock, m., at 622 Ash Street, Philipsburg, PA 16866, 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 defendant  
☐ 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 \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

Defendant not found because:

☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other \_\_\_\_\_

Remarks: Served at 626 Ash Street Philipsburg PA

Advance Costs	Docket	Service	Sur Charge	Affidavit	Mileage	Postage	Misc.	Total Costs	Costs Due or Refund
75.00	9.00	15.00	0.00	3.50	25.00			52.50	(22.50)

17. AFFIRMED and subscribed to before me this 15

20. day of July 2008

23. Carlene Peters

Notary Public, V. 114

My Commission Expires \_\_\_\_\_

So Answer.

18. Signature of Dep. Sheriff

19. Date

21. Signature of Sheriff

22. Date

SHERIFF OF CENTRE COUNTY

Amount Pd.

Page

24. I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE OF 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 deputize 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,

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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## DEPUTATION

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vs.

CHARLES W. BELL and DENISE M. BELL

**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 deputize 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,

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 A. Brown*  
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

Plaintiff

NO. 2008-1108-CD

v.

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  
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

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>
<b>TOTAL</b>	<b>\$71,067.34</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.
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 ( $343 \frac{1}{2}$ ) feet to a stake corner of the Township Road;

thence along said road South  $88 \frac{1}{2}$  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**



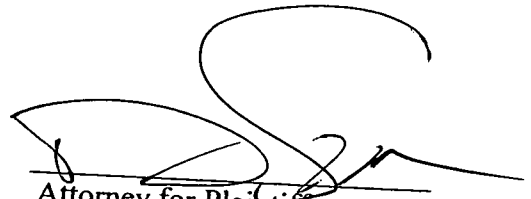
VERIFICATION

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  
D. Salmice  
#62205