

08-1401-CD
GMAC Mort. Vs Arthur Walters

FILED m 11:33/34 JUL 30 2008 Atty pd. \$95.00 3CC Sheriff

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
JUDITH T. ROMANO, ESQ., Id. No. 58745
SHEETAL SHAH-JANI, ESQ., Id. No. 81760
JENINE R. DAVEY, ESQ., Id. No. 87077
LAUREN R. TABAS, ESQ., Id. No. 93337
VIVEK SRIVASTAVA, ESQ., Id. No. 202331
JAY B. JONES, ESQ., Id. No. 86657
PETER MULCAHY, ESQ., Id. No. 61791
ANDREW SPIVACK, ESQ., Id. No. 84439
JAIME MCGUINNESS, ESQ., Id. No. 90134
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 182786

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 08-1401-CD

CLEARFIELD COUNTY

ARTHUR F. WALTERS
2905 CAMBRIA STREET
A/K/A RR 1 BOX 72
FALLENTIMBER, PA 16639-9540

Defendant

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

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

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

ARTHUR F. WALTERS
2905 CAMBRIA STREET
A/K/A RR 1 BOX 72
FALLENTIMBER, PA 16639-9540

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

3. On 02/15/2002 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. 200202719. 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 04/01/2008 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	\$59,924.02
Interest	\$2,008.80
03/01/2008 through 07/25/2008	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$97.68
02/15/2002 to 07/25/2008	
Property Inspections	\$22.50
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$63,853.00
Escrow	
Credit	(\$795.10)
Deficit	\$0.00
Subtotal	<u>(\$795.10)</u>
TOTAL	\$63,057.90

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 \$63,057.90, together with interest from 07/25/2008 at the rate of \$13.95 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:  202331

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

TAX MAP NO. 118-L17-616-00003

All those certain pieces, parcels or lots of ground situate in the Township of Gulich, Clearfield County, Pennsylvania, bounded and described as follows:

Parcel No. 1: BEGINNING at a post at corner of land now or late of Blair Hanna and extending thence North 63 1/2 degrees East, 20 perches to a post; thence South 28 1/2 degrees East, 32 perches to a post; thence South 63 1/2 degrees West, 20 perches to a post on line of land now or late of Blair Hanna; thence along said line, North 28 1/2 degrees West, 32 perches to the first named post and place of beginning.

EXCEPTING AND RESERVING from the above described premises those parcels previously conveyed in Deed Book 334, page 481 and Deed Book 387, page 118.

Parcel No. 2: BEGINNING at an iron pin on the southerly right of way of Pennsylvania Route No. 253 leading to Janesville at the corner of land of a prior Grantee; thence along the southern right of way line of Pennsylvania Route No. 253, North 61 degrees 45 minutes East, 18 feet to an iron pin; thence South 25 degrees 45 minutes East, 119.9 feet to a stake; thence South 59 degrees 57 minutes West, 9 feet to a stake; thence North 30 degrees 03 minutes West 120.8 feet to the point and place of beginning.

SUBJECT TO coal and mining rights, rights of way, easements, building lines, covenants, conditions, restrictions, etc., as same may appear in prior instruments of record.

BEING the same property acquired by the Mortgagor herein by deed from Joseph W. Hart, Jr., et ux., to be recorded contemporaneously with this mortgage.

PROPERTY BEING: 29905 CAMBRIA STREET, A/K/A RR 1 BOX 72

VERIFICATION

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

Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

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



Attorney for Plaintiff

DATE:

07/25/08

FILED *WCC*
m 7/11:06
AUG 14 2008 *GD*

William A. Shaw
Prothonotary/Clerk of Courts

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

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC

Plaintiff

vs.

ARTHUR F. WALTERS

Defendant(s)

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 08-1401-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*

Francis S. Hallinan, Esquire

Date: *8/14/08*

VERIFICATION

**Jeffrey Stephan
Limited Signing Officer**

ISO hereby states that he/she is
_____ of GMAC MORTGAGE, LLC, servicing agent for Plaintiff in
this matter, that he/she is authorized to take this Verification, and that the statements made in the
foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her
knowledge, information and belief. The undersigned understands that this statement is made
subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: 8/6/08

Name: _____

Title: _____

**Jeffrey Stephan
Limited Signing Officer**

Company: GMAC MORTGAGE, LLC

Loan: 0359519763

File #: 182786

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

GMAC MORTGAGE, LLC

Plaintiff

vs.

ARTHUR F. WALTERS

Defendant(s)

: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 08-1401-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:

ARTHUR F. WALTERS
2905 CAMBRIA STREET A/K/A, RR 1 BOX 72
FALLENTIMBER, PA 16639-9540

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

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

Date: 8/11/08

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

Attorney for Plaintiff

GMAC MORTGAGE, LLC
Plaintiff

Vs.

ARTHUR F. WALTERS
Defendant(s)

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

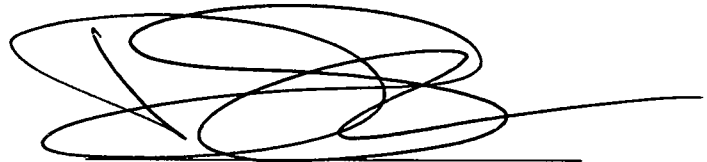
: NO. 08-1401-CD

PRAECIPE TO SUBSTITUTE LEGAL DESCRIPTION

TO THE PROTHONOTARY:

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

8/22/08
Date



Daniel G. Schmieg
Attorney for Plaintiff

FILED ^{NO CC}
m/10:30 AM
AUG 25 2008 (60)
William A. Shaw
Prothonotary/Clerk of Courts

TAX MAP NO. 118-L17-616-00003

All those certain pieces, parcels or lots of ground situate in the Township of Gulich, Clearfield County, Pennsylvania, bounded and described as follows:

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EXCEPTING AND RESERVING from the above described premises those parcels previously conveyed in Deed Book 334, page 481 and Deed Book 387, page 118.

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SUBJECT TO coal and mining rights, rights of way, easements, building lines, covenants, conditions, restrictions, etc., as same may appear in prior instruments of record.

BEING the same property acquired by the Mortgagor herein by deed from Joseph W. Hart, Jr., et ux., to be recorded contemporaneously with this mortgage.

Being 2905 Cambria Street a/k/a RR1 Box 72

GMAC MORTGAGE, LLC

vs

ARTHUR F. WALTERS

SERVICE # 1 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 08/29/2008

HEARING:

PAGE: 104478

DEFENDANT:

ARTHUR F. WALTERS

ADDRESS:

2905 CAMBRIA ST. AKA RR#1 BOX 72

FALL EN TIMBER, PA 16639

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

FILED
AUG 29 2008
18:30
William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

8-4-08-1:53^{PM} - N/H 8-14-08-3:35^{PM} - N/H8-6-08-2:29^{PM} - N/H

SHERIFF'S RETURN

NOW, 8-27-08 AT 10:35 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ARTHUR F. WALTERS, DEFENDANT

BY HANDING TO Ernest Walters, Brother

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

ADDRESS SERVED 2905 Cambria St.
Fallen Timber, Pa. 16639

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR ARTHUR F. WALTERS

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO ARTHUR F. WALTERS

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

DOCKET # 104478
NO: 08-1401-CD
SERVICE # 2 OF 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: GMAC MORTGAGE, LLC
vs.
DEFENDANT: ARTHUR F. WALTERS

SHERIFF RETURN

NOW, July 31, 2008, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ARTHUR F. WALTERS.

NOW, August 09, 2008 AT 1:16 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON ARTHUR F. WALTERS, DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

S
FILED
0/2:30cm
DEC 26 2008
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104478
NO: 08-1401-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: GMAC MORTGAGE, LLC
vs.
DEFENDANT: ARTHUR F. WALTERS

SHERIFF RETURN



RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	717746	20.00
SHERIFF HAWKINS	PHELAN	717746	80.00
BLAIR CO.	PHELAN	717738	30.00

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,

Chester A. Hawkins
Sheriff

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648

SHERIFF SERVICE PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSO ENV. #

1. PLAINTIFF / S / GMAC Mortgage		2. COURT NUMBER 08-1401-CD / 60159T-08
3. DEFENDANT / S / Arthur F Walters		4. TYPE OF WRIT OR COMPLAINT Mortgage Foreclosure
SERVE AT	5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD. Arthur F Walters	
	6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) 133 Clark Street Bellwood PA 16617	
7. INDICATE UNUSUAL SERVICE: <input checked="" type="checkbox"/> PERSONAL <input checked="" type="checkbox"/> PERSON IN CHARGE <input type="checkbox"/> DEPUTIZE <input type="checkbox"/> CERT. MAIL <input type="checkbox"/> REGISTERED MAIL <input type="checkbox"/> POSTED <input type="checkbox"/> OTHER		
NOW, _____, I, SHERIFF OF BLAIR 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 BLAIR COUNTY

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

Deputized by Clearfield Co.

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 sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of: Phelan Hallina Schmeig	<input checked="" type="checkbox"/> PLAINTIFF <input type="checkbox"/> DEFENDANT	10. TELEPHONE NUMBER 215 563 7000	11. DATE
--	---	---	----------

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

12. I acknowledge receipt of the writ or complaint as indicated above.	SIGNATURE of Authorized BCSO Deputy or Clerk and Title B. Schmeig	13. Date Received 8-5-08	14. Expiration/Hearing date 8-29-08
15. I hereby CERTIFY and RETURN that I <input type="checkbox"/> have personally served, <input checked="" type="checkbox"/> have served person in charge, <input type="checkbox"/> have legal evidence of service as shown in "Remarks" (on reverse) <input type="checkbox"/> have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing/or Posting a TRUE and ATTESTED COPY thereof.			

15. ☐ I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served Jane Boyles (Father's Live-in G.F.)	18. A person of suitable age and discretion then residing in the defendant's usual place of abode. <input type="checkbox"/>	Read Order <input type="checkbox"/>
---	---	-------------------------------------

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code) Same	20. Date of Service 8/9/08	21. Time 1316
---	--------------------------------------	-------------------------

22. ATTEMPTS	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.
23. Advance Costs 150.00	24. Cost 1325.68	25. 5.00	26. 5.00	27. Total Costs 30.00	28. COST DUE OR REFUND 120.00										

30. REMARKS

SO ANSWER.

AFFIRMED and subscribed to before me this **9th**

day of

COMMONWEALTH OF PENNSYLVANIA

Brenda L. Prendergast, Notary Public
Hollidaysburg Boro, Blair County

MY COMMISSION EXPIRES **Aug. 15, 2010**
I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN OF AUTHORIZED ISSUING AUTHORITY AND FEE.

SIGNATURE

By (Sheriff/Dep. Sheriff) (Please Print or Type)

C. Elliott
Signature of Sheriff

SHERIFF OF BLAIR COUNTY

Date

8/9/08

Date

8-9-08

39. Date Received

SHERIFF'S RETURN OF SERVICE

- () (1) The within _____
upon _____, the within named
defendant by mailing to _____
by _____ mail, return receipt requested, postage
prepaid _____ on the _____
a true and attested copy thereof at _____

The return receipt signed by _____
defendant on the _____ is hereto attached and
made part of this return.

- () (2) Outside the Commonwealth, pursuant to Pa. R.C.P. 405 (c) (1) (2), by mailing a true and
attested copy thereof at _____

in the following manner.

- () (a) To the defendant by () registered () certified mail, return receipt requested,
postage prepaid, addressee only on the _____,
said receipt being returned NOT signed by defendant, but with a notation by the Postal
Authorities that defendant refused to accept the same. The returned receipt and envelope
is attached hereto and made part of this return.

And thereafter:

- () (b) To the defendant by ordinary mail addressed to defendant at same address, with the
return address of the Sheriff appearing thereon, on the _____

I further certify that after fifteen (15) days from the mailing date, I have not received said
envelope back from the Postal Authorities. A certificate of mailing is hereto attached as a
proof of mailing.

- () (3) By publication in a daily publication of general circulation in the County of **Blair**,
Commonwealth of Pennsylvania, _____ time (s) with publication appearing _____

The affidavit from said publication is hereto attached.

FILED

DEC 26 2008

- () (4) By mailing to _____ William A. Shaw
by _____ mail, return receipt requested, postage prepaid,
_____ on the _____
a true and attested copy thereof at _____

The _____ returned by the Postal
Authorities marked _____
is hereto attached.

- () (5) Other, _____

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney For Plaintiff

GMAC MORTGAGE, LLC Plaintiff	:	Court of Common Pleas
	:	
vs	:	Civil Division
	:	
ARTHUR F. WALTERS Defendant	:	CLEARFIELD County
	:	
	:	No. 08-1401-CD
	:	

PRAECIPE

TO THE PROTHONOTARY:

- ☒ Please withdraw the complaint and mark the action Discontinued and Ended without prejudice.
- ☐ Please mark the above referenced case Settled, Discontinued and Ended.
- ☐ Please Vacate the judgment entered and mark the action Discontinued and Ended without prejudice.
- ☐ Please mark the in rem judgment Satisfied and the action Discontinued and Ended.

Date: 6/19/12

PHELAN HALLINAN & SCHMIEG, LLP

By: [Signature]
Melissa J. Cantwell, Esq., Id. No. 308912
Attorney for Plaintiff

PHS # 182786

5
FILED 1 CC Att
m/10.33 am Cantwell
JUN 20 2012
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney For Plaintiff

GMAC MORTGAGE, LLC
Plaintiff

Court of Common Pleas

vs

Civil Division

ARTHUR F. WALTERS
Defendant

CLEARFIELD County

No. 08-1401-CD

CERTIFICATION OF SERVICE

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

ARTHUR F. WALTERS
2905 CAMBRIA STREET A/K/A, RR 1
BOX 72
FALLENTIMBER, PA 16639-9540

Date:

6/19/10

PHS # 182786



By:

Melissa J. Cantwell, Esq., Id. No. 308912
Attorney for Plaintiff