

08-1509-CD  
Chase Home Fin vs Paul M. Cowder

**FILED**

11:28 A.M. GK NO CC  
AUG 14 2008 2 COMPL. TO SHFF

William A. Shaw  
Prothonotary/Clerk of Courts

Entry Paid 95.00

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 133849

ATTORNEY FOR PLAINTIFF

CHASE HOME FINANCE LLC, S/B/M TO CHASE  
MANHATTAN MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1509-CD

CLEARFIELD COUNTY

PAUL M. COWDER  
3165 OLD ERIE PIKE  
AKA PO BOX 12 STATE ROUTE  
2024 OLD ERIE PIKE  
WEST DECATUR, PA 16878-0012

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  
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

CHASE HOME FINANCE LLC, S/B/M TO  
CHASE MANHATTAN MORTGAGE CORPORATION  
3415 VISION DRIVE  
COLUMBUS, OH 43219

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

PAUL M. COWDER  
3165 OLD ERIE PIKE  
AKA PO BOX 12 STATE ROUTE  
2024 OLD ERIE PIKE  
WEST DECATUR, PA 16878

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

3. On 03/22/2002 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. 200204704. 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	\$53,474.02
Interest	\$1,899.15
03/01/2008 through 08/12/2008	
(Per Diem \$11.51)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$543.31
03/22/2002 to 08/12/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$57,716.48
Escrow	
Credit	(\$120.42)
Deficit	\$0.00
Subtotal	<u>(\$120.42)</u>
<b>TOTAL</b>	<b>\$57,596.06</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 \$57,596.06, together with interest from 08/12/2008 at the rate of \$11.51 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 *86657*  
PETER MULCAHY, ESQUIRE  
ANDREW SPIVACK, ESQUIRE  
JAIME MCGUINNESS, ESQUIRE  
Attorneys for Plaintiff

## **LEGAL DESCRIPTION**

ALL that certain lot, piece or parcel of ground situate, lying and being in the Township of Boggs, County of Clearfield and State of Pennsylvania, more fully bounded and described as follows:

BEGINNING at a point on line of old Erie Turnpike and corner of lot, now or formerly, of W. A. Kline; thence south along line, now or formerly, of said Kline and S. M. Jones two hundred (200) feet, more or less to line, now or formerly, of Andrew Forrish (now or formerly of Richard Millner); thence West along line of said Millner to Township Road; thence North along line of said road two hundred (200) feet more or less, to line of old Erie Turnpike; thence East along line of said Turnpike two hundred (200) feet, more or less, to a post and place of beginning. Containing one (1) acre, more or less.

BEING the same premises, the title to which became vested in Paul M. Cowder and Phyllis K. Cowder by Deed of the Estate of Jennie May Meas dated June 6, 1972 and recorded in Clearfield County Deed Book 600, page 179. Phyllis K. Cowder died 3/13/2001, thereby vesting complete title in Paul M. Cowder by operation of law.

PARCEL NO. 011-577-00018

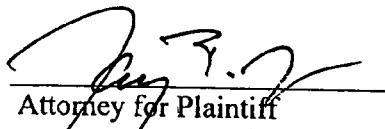
**PROPERTY BEING: 3165 OLD ERIE PIKE, AKA PO BOX 12 SR 2024 OLD ERIE PIKE**

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  
ID. 86657

DATE: 8-12-08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1509-CD

CHASE HOME FINANCE LLC, S/B/M

vs

PAUL M. COWDER

SERVICE # 1 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 09/13/2008

HEARING:

PAGE: 104540

**FILED**

0 3:30 P.M. 62  
AUG 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
(CK)

DEFENDANT: PAUL M. COWDER  
ADDRESS: 5644 GILLINGHAM ROAD  
FRENCHVILLE, PA 16836

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 8/8/08 AT 1000 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON PAUL M. COWDER, DEFENDANT

BY HANDING TO Christine Cowder, daughter

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

ADDRESS SERVED 5644 Gillingham rd Frenchville Pa

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR PAUL M. COWDER

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO PAUL M. COWDER

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hawker

Deputy Signature

S. Hawker  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1509-CD

CHASE HOME FINANCE LLC, S/B/M

vs

PAUL M. COWDER

SERVICE # 2 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 09/13/2008

HEARING:

PAGE: 104540

DEFENDANT: PAUL M. COWDER

ADDRESS: 3165 OLD ERIE PIKE AKA PO BOX 12 STATE ROUTE  
2024 OLD ERIE PIKE, WEST DECATUR, PA 16878

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

FILED

07/13/2008  
AUG 19 2008

William A. Shaw  
Prothonotary/Clerk of Courts  
(LM)

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 8/19/08 AT 105 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON PAUL M. COWDER, DEFENDANT

BY HANDING TO Paul Cowder, self

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

ADDRESS SERVED 3165 Old Erie Pike West Decatur Pa

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR PAUL M. COWDER

AT (ADDRESS) \_\_\_\_\_

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

I MAKE RETURN OF **NOT FOUND** AS TO PAUL M. COWDER

REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. A. Hawkins  
Deputy Signature

S. Hunter  
Print Deputy Name

FILED  
M 12:35 P.M. 08  
SEP 05 2008 NO CC

William A. Shaw  
Prothonotary/Clerk of Courts *(GIC)*

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

CHASE HOME FINANCE LLC, S/B/M  
TO CHASE MANHATTAN  
MORTGAGE CORPORATION

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 2008-1509-CD

vs.

: CLEARFIELD COUNTY

PAUL M. COWDER

:

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: 8-27-08

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

ATTORNEY FOR PLAINTIFF

**CHASE HOME FINANCE LLC, S/B/M  
TO CHASE MANHATTAN  
MORTGAGE CORPORATION**

**: COURT OF COMMON PLEAS**

**:**

**: CIVIL DIVISION**

**:**

**Plaintiff : NO. 2008-1509-CD**

**:**

**: CLEARFIELD COUNTY**

**:**

**PAUL M. COWDER**

**:**

**:**

**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:

PAUL M. COWDER  
3165 OLD ERIE PIKE, AKA PO BOX 12 SR 2024 OLD ERIE PIKE  
WEST DECATUR, PA 16878-0012

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

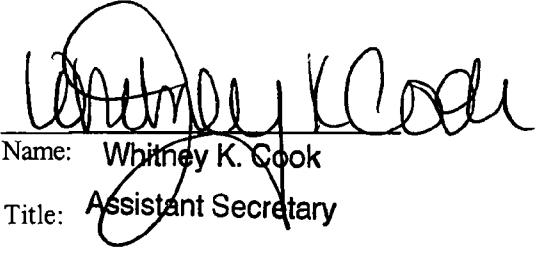
By: Francis S. Hallinan  
Francis S. Hallinan, Esquire

Date: 8-27-08

**VERIFICATION**

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

DATE: 8/21/08

  
Name: Whitney K. Cook  
Title: Assistant Secretary

Company: CHASE HOME FINANCE LLC

Loan: 1581748801

File #: 183849

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104540  
NO: 08-1509-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CHASE HOME FINANCE LLC, S/B/M  
vs.  
DEFENDANT: PAUL M. COWDER

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	722611	20.00
SHERIFF HAWKINS	PHELAN	722611	55.59

S  
FILED  
01/31/08  
JAN 07 2008  
William A. Shaw  
Prothonotary/Clerk of Court

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff