

08-1673-CD

Flagstar Bank vs Patrick Carfley Jr

FILED

11:20 a.m. GK

SEP 08 2008

NO CC

2 COMPL. SHFF.

William A. Shaw

Prothonotary/Clerk of Courts

Atty 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 185750

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

Plaintiff

v.

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

Defendant

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1673-CD

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

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

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

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

3. On 09/28/2007 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR FLAGSTAR BANK FSB which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200716321. The PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2008 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	\$54,808.24
Interest	\$1,869.14
04/01/2008 through 09/05/2008 (Per Diem \$11.83)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$119.64
09/28/2007 to 09/05/2008	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$58,797.02
Escrow	
Credit	\$0.00
Deficit	\$101.93
Subtotal	<u>\$101.93</u>
TOTAL	\$58,898.95

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$58,898.95, together with interest from 09/05/2008 at the rate of \$11.83 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

✓ MICHELE M. BRADFORD, ESQUIRE 1.D.69849

JUDITH T. ROMANO, ESQUIRE

SHEETAL R. SHAH-JANI, ESQUIRE

JENINE R. DAVEY, ESQUIRE

LAUREN R. TABAS, ESQUIRE

VIVEK SRIVASTAVA, ESQUIRE

JAY B. JONES, ESQUIRE

PETER MULCAHY, ESQUIRE

ANDREW SPIVACK, ESQUIRE

JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of ground situated in the Village of West Decatur, Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the southeast line of a larger tract of which this is a part, said point being South thirty-nine degrees East (S 39 degrees 00 minute E) a distance of two hundred fifty-nine feet (259.0) from an iron post to the southwest corner of said larger tract; thence running still along the southeastern line of said tract South thirty-nine degrees East (S 39 degrees 00 minute E) for a distance of seventy-five and five tenths feet (75.5) to a point; thence by the residue of said larger tract North fifty-one degrees East (N 51 degrees 00 minute E) for a distance of one hundred fifty (150.0) to a point; thence still by the residue of said tract, North thirty-nine degrees West (N 39 degrees 00 minute W) for a distance of seventy-five and five tenths feet (75.5) to a point; thence still by the residue of said tract South fifty-one degrees West (S 51 degrees 00 minute W) for a distance one hundred fifty feet (150.0) to the place of beginning.

EXCEPTING AND RESERVING a right of way for a road sixteen (16) feet wide along the southeastern line of said lot, which said road is presently being used by the public for access to this and other lots in the area, now known as Company Road.

Parcel No. 105-011-580-31

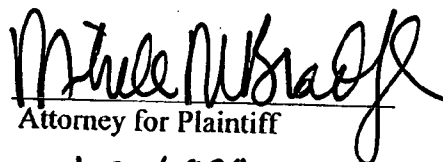
PROPERTY BEING: 181 COMPANY ROAD

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

1.D.69849

DATE: 9/5/08

FILED

SEP 08 2008

William A. Shaw
Prothonotary/Clerk of Courts

[Handwritten signature]
W.A. Shaw

[Handwritten initials]

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1673-CD

FLAGSTAR BANK, FSB

vs

SERVICE # 2 OF 2

PATRCK C. CARFLEY, JR. aka PATRICK C. CARFLEY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 10/08/2008

HEARING:

PAGE: 104625

DEFENDANT: PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY

ADDRESS: 181 COMPANY ROAD
WEST DECATUR, PA 16878

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

FILED
013:202m
SEP 19 2008
William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: 1

VACANT

OCCUPIED

ATTEMPTS

9/19/08 LP

SHERIFF'S RETURN

NOW, This 19th day of Sep 2008 AT 2:00 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY,
DEFENDANT

BY HANDING TO VALENTIE CARFLEY, WIFE

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

ADDRESS SERVED 181 Company Road

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Dep. George F. DeHaven
Deputy Signature

Dep. George F. DeHaven
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1673-CD

FLAGSTAR BANK, FSB

vs

SERVICE # 1 OF 2

PATRCK C. CARFLEY, JR. aka PATRICK C. CARFLEY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 10/08/2008

HEARING:

PAGE: 104625

DEFENDANT: PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY

ADDRESS: 221 MCLAUGHLIN ST.
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

9-19-08- 9:56 A.M N/H 10-7-08- 1:46 P.M N/H
9-29-08- 2:00 P.M N/H

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY,
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 PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY

AT (ADDRESS) _____

NOW 10-7-08 AT 2:43 AM/PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO PATRCK C. CARFLEY JR. aka PATRICK C. CARFLEY

REASON UNABLE TO LOCATE NOT Living AT Above Address

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: _____

Deputy Signature

JAMES E. DAVIS

Print Deputy Name

FILED
OCT 08 2008
William A. Shaw
Prothonotary/Clerk of Courts

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

SEP 08 2008

Attest.

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 185750

ATTORNEY FOR PLAINTIFF

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 2008-1673-CD

CLEARFIELD COUNTY

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

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

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

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

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

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

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

3. On 09/28/2007 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR FLAGSTAR BANK FSB which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200716321. The PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2008 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	\$54,808.24
Interest	\$1,869.14
04/01/2008 through 09/05/2008 (Per Diem \$11.83)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$119.64
09/28/2007 to 09/05/2008	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$58,797.02
Escrow	
Credit	\$0.00
Deficit	\$101.93
Subtotal	<u>\$101.93</u>
TOTAL	\$58,898.95

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$58,898.95, together with interest from 09/05/2008 at the rate of \$11.83 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:



LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

✓ MICHELE M. BRADFORD, ESQUIRE 1.D.69849

JUDITH T. ROMANO, ESQUIRE

SHEETAL R. SHAH-JANI, ESQUIRE

JENINE R. DAVEY, ESQUIRE

LAUREN R. TABAS, ESQUIRE

VIVEK SRIVASTAVA, ESQUIRE

JAY B. JONES, ESQUIRE

PETER MULCAHY, ESQUIRE

ANDREW SPIVACK, ESQUIRE

JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of ground situated in the Village of West Decatur, Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the southeast line of a larger tract of which this is a part, said point being South thirty-nine degrees East (S 39 degrees 00 minute E) a distance of two hundred fifty-nine feet (259.0) from an iron post to the southwest corner of said larger tract; thence running still along the southeastern line of said tract South thirty-nine degrees East (S 39 degrees 00 minute E) for a distance of seventy-five and five tenths feet (75.5) to a point; thence by the residue of said larger tract North fifty-one degrees East (N 51 degrees 00 minute E) for a distance of one hundred fifty (150.0) to a point; thence still by the residue of said tract, North thirty-nine degrees West (N 39 degrees 00 minute W) for a distance of seventy-five and five tenths feet (75.5) to a point; thence still by the residue of said tract South fifty-one degrees West (S 51 degrees 00 minute W) for a distance one hundred fifty feet (150.0) to the place of beginning.

EXCEPTING AND RESERVING a right of way for a road sixteen (16) feet wide along the southeastern line of said lot, which said road is presently being used by the public for access to this and other lots in the area, now known as Company Road.

Parcel No. 105-011-580-31

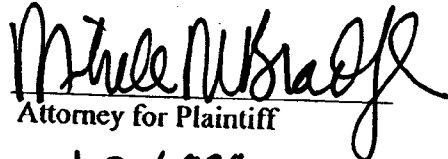
PROPERTY BEING: 181 COMPANY ROAD

VERIFICATION

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

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

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


Attorney for Plaintiff

I.D. 69849

DATE: 9/5/08

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
One Penn Center Plaza
1617 JFK Boulevard, Ste. 1400
Philadelphia, PA 19103
(215) 320-0007

Attorney for Plaintiff

FLAGSTAR BANK, FSB

vs.

PATRCK C. CARFLEY, JR.,
A/K/A PATRCK C CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

: CLEARFIELD COUNTY
:
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 2008-01673-CD
:
:

**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against PATRCK C. CARFLEY, JR.,
A/K/A PATRCK C CARFLEY, Defendant(s) for failure to file an Answer to Plaintiff's
Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged
premises, and assess Plaintiff's damages as follows:

As set forth in Complaint	\$58,898.95
Interest - 09/06/2008 TO 11/13/2008	<u>\$816.27</u>
TOTAL	\$59,715.22

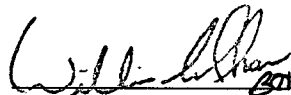
I hereby certify that (1) the addresses of the Defendant(s) are as shown above, and (2) that
notice has been given in accordance with Rule 237.1, copy attached.


Daniel G. Schmieg, Esquire
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 11/14/08

PHS# 185750



PRO PROTHY

FILED *Atty pt.*
m/11:02 AM *20.00*
NOV 14 2008 *Notice to Def.*
§ William A. Shaw *Statement to Atty*
Prothonotary/Clerk of Courts *(62)*

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
One Penn Center Plaza
1617 JFK Boulevard, Ste.1400
Philadelphia, PA 19103
(215) 320-0007

Attorney for Plaintiff

FLAGSTAR BANK, FSB

: CLEARFIELD COUNTY

:

: COURT OF COMMON PLEAS

vs.

:

: CIVIL DIVISION

:

**PATRCK C. CARFLEY, JR.,
A/K/A PATRCK C CARFLEY**

: NO. 2008-01673-CD

:

:

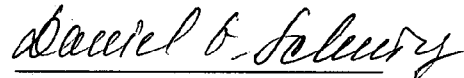
VERIFICATION OF NON-MILITARY SERVICE

Daniel G. Schmieg, Esquire, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant **PATRCK C. CARFLEY, JR., A/K/A PATRCK C CARFLEY** is over 18 years of age and resides at **181 COMPANY ROAD, WEST DECATUR, PA 16878**.

This statement is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.



Daniel G. Schmieg, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
By: LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

FLAGSTAR BANK, FSB

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff

v.

NO. 2008-01673-CD

PATRCK C. CARFLEY, JR
AK/A PATRICK C. CARFLEY

CLEARFIELD COUNTY

Defendant(s)

TO: PATRCK C. CARFLEY, JR AK/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

DATE OF NOTICE: October 30, 2008

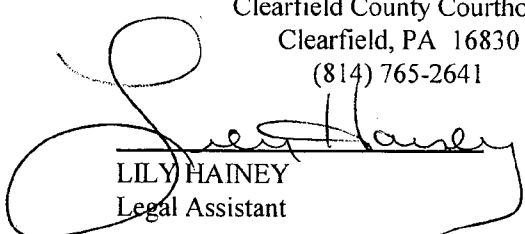
THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (10) days from the date of this notice, a Judgment may be entered against you without a hearing and you may lose your property or other important rights. You should take this notice to a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

Office of the Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 15853
(814) 765-2641 x5988

Daniel J. Nelson
Court Administrator
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641


LILY HAYNEY
Legal Assistant

FILE COPY

FILED

NOV 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

COPY

FLAGSTAR BANK, FSB

vs.

PATRCK C. CARFLEY, JR., A/K/A
PATRCK C CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

: CLEARFIELD COUNTY
:
: COURT OF COMMON PLEAS
:
:
: CIVIL DIVISION
:
: NO. 2008-01673-CD
:
:

Notice is given that a Judgment in the above captioned matter has been entered against you on November 14, 2008.

By: William L. Schmitz DEPUTY

If you have any questions concerning this matter please contact:

Daniel G. Schmieg

Daniel G. Schmieg, Esquire
Attorney or Party Filing
1617 JFK Boulevard, Ste. 1400
Philadelphia, PA 19103
(215) 563-7000

****THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.****

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY,
PENNSYLVANIA
STATEMENT OF JUDGMENT

COPY

Flagstar Bank, FSB
Plaintiff(s)

No.: 2008-01673-CD

Real Debt: \$59,715.22

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Patck C. Carfley Jr.
Defendant(s)

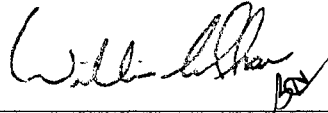
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: November 14, 2008

Expires: November 14, 2013

Certified from the record this 14th day of November, 2008.



William A. Shaw, Prothonotary

SIGN BELOW FOR SATISFACTION

Received on _____, _____, of defendant full satisfaction of this Judgment,
Debt, Interest and Costs and Prothonotary is authorized to enter Satisfaction on the same.

Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104625
NO: 08-1673-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: FLAGSTAR BANK, FSB
vs.
DEFENDANT: PATRCK C. CARFLEY, JR. aka PATRICK C. CARFLEY

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	728782	20.00
SHERIFF HAWKINS	PHELAN	728782	56.93

5 FILED
d/3.14.08
JAN 12 2008
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180-3183

FLAGSTAR BANK, ESB

vs.

PATRICK C. CARELEY, JR.
A/K/A PATRICK C. CARELEY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-01673-CD.

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	\$59,715.22
------------	-------------

Interest from 11/14/2008 to Sale	\$ _____
----------------------------------	----------

Per diem \$9.82

Add'l Costs	\$2,733.50
-------------	------------

Writ Total	\$ _____
------------	----------

Prothonotary costs 135.00

Daniel G. Schmieg

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Note: Please attach description of Property.

185750

FILED

JAN 29 2009

William A. Shaw
Prothonotary/Clerk of Courts

Att'y pd. 20.00

1 cc @ 6 writs

w/prop desc.

to Sheriff

(610)

No. 2008-01673-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA


FLAGSTAR BANK, FSB

vs.

PATRICK C. CARFLEY, JR. A/K/A PATRICK C.
CARFLEY

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

LEGAL DESCRIPTION

ALL that certain messuage, tenement and tract of ground situate, lying and being in the Village of West Decatur, Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Southeast line of a larger tract of which is a part, said point being South Thirty-nine degrees East (S 39 degrees 00 minute E) a distance of Two Hundred fifty-nine feet (259.0) from an iron post to the Southwest corner of said larger tract; thence running still along the southeastern line of said tract South Thirty-nine degrees East (S 39 degrees 00 minute E) for a distance of Seventy-five and five tenths (75.5) to a point; thence by the residue of said larger tract North Fifty-one degrees East (N 51 degrees 00 minute E) for a distance of One Hundred fifty feet (150.0) to a point; thence still by the residue of said tract North Thirty-nine degrees West (N 39 degrees 00 minute W) for a distance of Seventy-five and five tenths feet (75.5) to a point; thence still by the residue of said tract South Fifty-one degrees West (S 51 degrees 00 minute W) for a distance One hundred fifty feet (150.0) to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Patrick C. Carfley, Single individual, by Deed from William E. Droll and Kathy Droll, h/w and Shelia Dean and Robert J. Dean, h/w, dated 08/21/2007, recorded 10/02/2007 in Instrument Number 200716320.

Premises being: 181 COMPANY ROAD
WEST DECATUR, PA 16878

Tax Parcel No. 011-580-00031

FILED

JAN 29 2009

**William A. Shaw
Prothonotary/Clerk of Courts**

• **FLAGSTAR BANK, FSB**
5151 CORPORATE DRIVE, SUITE 200
TROY, MI 48098

Plaintiff,

v.

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

Defendant(s).

:
:
:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 2008-01673-CD**
:
:
:
:
:

AFFIDAVIT PURSUANT TO RULE 3129.1

FLAGSTAR BANK, FSB, Plaintiff in the above action, by its attorney, **DANIEL G. SCHMIEG, ESQUIRE**, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **181 COMPANY ROAD, WEST DECATUR, PA 16878**.

1. Name and address of Owner(s) or reputed Owner(s):

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY

181 COMPANY ROAD
WEST DECATUR, PA 16878

2. Name and address of Defendant(s) in the judgment:

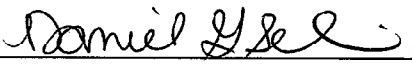
NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

Same as Above

I verify that the statements made in this Affidavit are true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A §4904 relating to unsworn falsification to authorities.

JANUARY 26, 2009
Date



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE, SUITE 200
TROY, MI 48098

Plaintiff,

v.

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

Defendant(s).

:
:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 2008-01673-CD
:
:
:
:
:

AFFIDAVIT PURSUANT TO RULE 3129.1

FLAGSTAR BANK, FSB, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **181 COMPANY ROAD, WEST DECATUR, PA 16878**.

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

None

4. Name and address of the last recorded holder of every mortgage of record:

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

None

5. Name and address of every other person who has any record lien on the property:

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

None

6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the Sale:

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

None

7. ^a Name and address of every other person whom the Plaintiff has knowledge who has any interest in the property which may be affected by the Sale:

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

TENANT/OCCUPANT

**181 COMPANY ROAD
WEST DECATUR, PA 16878**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

**CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830**

**COMMONWEALTH OF
PENNSYLVANIA**

**DEPARTMENT OF WELFARE
PO BOX 2675
HARRISBURG, PA 17105**

**Commonwealth of Pennsylvania
Bureau of Individual Tax
Inheritance Tax Division**

**6th Floor, Strawberry Sq., Dept 28061
Harrisburg, PA 17128**

**Internal Revenue Service
Federated Investors Tower**

**13TH Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222**

**Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program**

**P.O. Box 8486
Willow Oak Building
Harrisburg, PA 17105**

I verify that the statements made in this Affidavit are true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

JANUARY 26, 2009

Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

COPY

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180-3183 and Rule 3257

FLAGSTAR BANK, ESB

vs.

PATRICK C. CARELEY, JR.
A/K/A PATRICK C. CARELEY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.

No. 2008-01673-CD

No.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 181 COMPANY ROAD, WEST DECATUR, PA 16878
(See Legal Description attached)

Amount Due	\$59,715.22
Interest from 11/14/2008 to Sale	\$ _____
Per diem \$9.82	
Add'l Costs	\$2,733.50
Writ Total	\$ _____

Prothonotary costs 135.00

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 1/29/09
(SEAL)

No. 2008-01673-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FLAGSTAR BANK, FSB

vs.

PATRICK C. CARFLEY, JR. A/K/A PATRICK C.
CARFLEY

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$59,715.22

Int. from 11/14/2008

To Date of Sale (\$9.82 per diem)

Costs _____

Prothy Pd. 135.00

Sheriff _____

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

LEGAL DESCRIPTION

ALL that certain messuage, tenement and tract of ground situate, lying and being in the Village of West Decatur, Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Southeast line of a larger tract of which is a part, said point being South Thirty-nine degrees East (S 39 degrees 00 minute E) a distance of Two Hundred fifty-nine feet (259.0) from an iron post to the Southwest corner of said larger tract; thence running still along the southeastern line of said tract South Thirty-nine degrees East (S 39 degrees 00 minute E) for a distance of Seventy-five and five tenths (75.5) to a point; thence by the residue of said larger tract North Fifty-one degrees East (N 51 degrees 00 minute E) for a distance of One Hundred fifty feet (150.0) to a point; thence still by the residue of said tract North Thirty-nine degrees West (N 39 degrees 00 minute W) for a distance of Seventy-five and five tenths feet (75.5) to a point; thence still by the residue of said tract South Fifty-one degrees West (S 51 degrees 00 minute W) for a distance One hundred fifty feet (150.0) to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Patrick C. Carfley, Single individual, by Deed from William E. Droll and Kathy Droll, h/w and Shelia Dean and Robert J. Dean, h/w, dated 08/21/2007, recorded 10/02/2007 in Instrument Number 200716320.

Premises being: 181 COMPANY ROAD
WEST DECATUR, PA 16878

Tax Parcel No. 011-580-00031

FILED NO CC

M103861
MAR 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
by: Michele M. Bradford, Esquire
Atty. I.D. No. 69849
One Penn Center, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

FLAGSTAR BANK, FSB

Plaintiff

v.

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 2008-01673-CD

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorney, Michele M. Bradford, Esquire, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on September 8, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on November 14, 2008 in the amount of \$59,715.22. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

3. Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

4. The Property is listed for Sheriff's Sale on May 1, 2009.

5. Additional sums have been incurred or expended on Defendant's behalf since the Complaint was filed and Defendant has been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	\$54,808.24
Interest Through May 1, 2009	\$4,675.84
Per Diem \$11.83	
Late Charges	\$99.70
Legal fees	\$1,300.00
Cost of Suit and Title	\$840.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$136.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$586.90
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,642.69
TOTAL	\$64,089.37

6. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

7. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendant.

8. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

DATE: 3/10/09

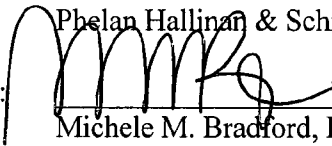
By:  Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

Exhibit “A”

FILED
11:20 a.m.
SEP 08 2008

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 185750

ATTORNEY FOR PLAINTIFF

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 2008-01673-CD

CLEARFIELD COUNTY

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

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

Defendant
ATTORNEY FILE COPY
PLEASE RETURN

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

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE
SUITE 200
TROY, MI 48098

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

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

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

3. On 09/28/2007 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR FLAGSTAR BANK FSB which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200716321. The PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2008 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	\$54,808.24
Interest	\$1,869.14
04/01/2008 through 09/05/2008 (Per Diem \$11.83)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$119.64
09/28/2007 to 09/05/2008	
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$58,797.02
Escrow	
Credit	\$0.00
Deficit	\$101.93
Subtotal	<u>\$101.93</u>
TOTAL	\$58,898.95

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$58,898.95, together with interest from 09/05/2008 at the rate of \$11.83 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
✓ MICHELE M. BRADFORD, ESQUIRE 1.D. 69849
JUDITH T. ROMANO, ESQUIRE
SHEETAL R. SHAH-JANI, ESQUIRE
JENINE R. DAVEY, ESQUIRE
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
JAY B. JONES, ESQUIRE
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE
Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of ground situated in the Village of West Decatur, Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the southeast line of a larger tract of which this is a part, said point being South thirty-nine degrees East (S 39 degrees 00 minute E) a distance of two hundred fifty-nine feet (259.0) from an iron post to the southwest corner of said larger tract; thence running still along the southeastern line of said tract South thirty-nine degrees East (S 39 degrees 00 minute E) for a distance of seventy-five and five tenths feet (75.5) to a point; thence by the residue of said larger tract North fifty-one degrees East (N 51 degrees 00 minute E) for a distance of one hundred fifty (150.0) to a point; thence still by the residue of said tract, North thirty-nine degrees West (N 39 degrees 00 minute W) for a distance of seventy-five and five tenths feet (75.5) to a point; thence still by the residue of said tract South fifty-one degrees West (S 51 degrees 00 minute W) for a distance one hundred fifty feet (150.0) to the place of beginning.

EXCEPTING AND RESERVING a right of way for a road sixteen (16) feet wide along the southeastern line of said lot, which said road is presently being used by the public for access to this and other lots in the area, now known as Company Road.

Parcel No. 105-011-580-31

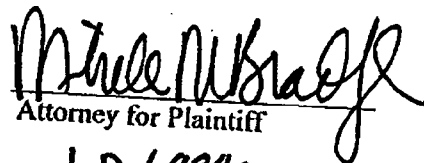
PROPERTY BEING: 181 COMPANY ROAD

VERIFICATION

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

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

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


Attorney for Plaintiff

I.D. 69849

DATE: 9/5/08

Exhibit “B”

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
One Penn Center Plaza
1617 JFK Boulevard, Ste.1400
Philadelphia, PA 19103
(215) 320-0007

Attorney for Plaintiff

FLAGSTAR BANK, FSB

: CLEARFIELD COUNTY

vs.

: COURT OF COMMON PLEAS

PATRCK C. CARFLEY, JR.,
A/K/A PATRCK C CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

FEDERAL : CIVIL DIVISION
ATTORNEY FILE COPY
PLEASE RETURN NO. 2008-01673-CD

**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against PATRCK C. CARFLEY, JR.,
A/K/A PATRCK C CARFLEY, Defendant(s) for failure to file an Answer to Plaintiff's
Complaint within 20 days from service thereof and for foreclosure and sale of the mortgaged
premises, and assess Plaintiff's damages as follows:

As set forth in Complaint
Interest - 09/06/2008 TO 11/13/2008
TOTAL

\$58,898.95
\$816.27
\$59,715.22

I hereby certify that (1) the addresses of the Defendant(s) are as shown above, and (2) that
notice has been given in accordance with Rule 237.1, copy attached.

Daniel G. Schmieg
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 11/14/08

PHS# 185750

William A. Shaw
PRO PROTHY

FILED

NOV 14 2008

William A. Shaw
Prothonotary/Clerk of Courts

VERIFICATION

Michele M. Bradford, Esquire, hereby states that she is the attorney for Plaintiff in this action, that she is authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of her knowledge, information and belief. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE: _____

3/10/09

By: _____

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

FLAGSTAR BANK, FSB

Plaintiff

v.

PATRCK C. CARFLEY, JR.

A/K/A PATRICK C. CARFLEY

Defendant

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 2008-01673-CD

CERTIFICATION OF SERVICE

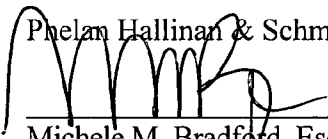
I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to the following individuals on the date indicated below.

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
P.O. BOX 73
WEST DECATUR, PA 16878

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
221 MCLAUGHLIN STREET
CUREWENSVILLE, PA 16833

DATE: 3/10/09

By: 
Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED

MAR 11 2009

William A. Shaw
Prothonotary/Clerk of Courts

**IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA**

FLAGSTAR BANK, FSB

Plaintiff

v.

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 2008-01673-CD

ORDER

AND NOW, this _____ day of _____, 2009 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	\$54,808.24
Interest Through May 1, 2009	\$4,675.84
Per Diem \$11.83	
Late Charges	\$99.70
Legal fees	\$1,300.00
Cost of Suit and Title	\$840.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$136.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$586.90
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

DL
Suspense/Misc. Credits
Escrow Deficit

(\$0.00)
\$1,642.69

TOTAL

\$64,089.37

Plus interest from May 1, 2009 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

J.

185750

UA

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

: No. 2008-01673-CD

1

RULE

AND NOW, this 12th day of March 2009, a Rule is entered upon the Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the 16th day of April 2009, at 10:15 A.M. in the Clearfield County Courthouse, Clearfield, Pennsylvania.
in hearing Rm 3

BY THE COURT
Fredrick J. Cummings
 J.

185750

FILED

01/10/05
MAR 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

6w

FILED

MAR 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 3/2/09

☒ You are responsible for serving all appropriate parties.
____ The Prothonotary's office has provided service to the following parties:
____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other
____ Defendant(s) ____ Defendant(s) Attorney
____ Special Instructions:

MAR 2 2009

1174

10

to be made known to

5
FILED *no cc*
m 10:50
MAR 18 2009
William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

FLAGSTAR BANK, FSB

Plaintiff

v.

PATRCK C. CARFLEY, JR.

A/K/A PATRICK C. CARFLEY

Defendant

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 2008-01673-CD

CERTIFICATION OF SERVICE

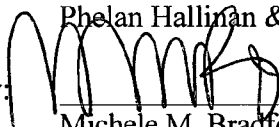
I hereby certify that a true and correct copy of the Court's March 12, 2009 Rule directing the Defendant to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
P.O. BOX 73
WEST DECATUR, PA 16878

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
221 MCLAUGHLIN STREET
CUREWENSVILLE, PA 16833

DATE: 3/17/09

By: 
Phelan Hallinan & Schmieg, LLP
Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED

MAR 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
One Penn Center Plaza, Suite 1400
Philadelphia, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

FLAGSTAR BANK, FSB

: COURT OF COMMON PLEAS

Vs.

: CIVIL DIVISION

PATRICK C. CARFLEY, JR. A/K/A
PATRICK C. CARFLEY

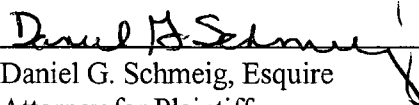
: CLEARFIELD COUNTY

: NO. 2008-01673-CD

**AFFIDAVIT OF SERVICE OF NOTICE OF SHERIFF'S SALE
PURSUANT TO Pa.R.C.P. 404(2)/403**

Daniel G. Schmeig, Esquire, Attorney for Plaintiff, hereby certifies that service of the Notice of Sheriff's Sale was made by sending a true and correct copy by certified mail to Defendant, PATRICK C. CARFLEY, JR. A/K/A PATRICK C. CARFLEY at P.O. BOX 73, WEST DECATUR, PA 16878. The Notice of Sale was received by Defendant, PATRICK C. CARFLEY, JR. A/K/A PATRICK C. CARFLEY, at 309 Walker Street, Osceola Mills, PA 16666 on 3/2/09 as evidenced by the attached Return Receipt. 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: March 20, 2009


Daniel G. Schmeig, Esquire
Attorney for Plaintiff

FILED NO cc
m 110:24/09
MAR 23 2009
William A. Shaw
Prothonotary/Clerk of Courts



Date Produced: 03/09/2009

PHELAN HALLINAN & SCHMIEG

The following is the delivery information for Certified Mail™ item number 7178 2417 6099 0022 8423. Our records indicate that this item was delivered on 03/02/2009 at 10:50 a.m. in OSCEOLA MILLS, PA, 16666. The scanned image of the recipient information is provided below.

Signature of Recipient:

Delivery Section	
Signature	<i>[Handwritten Signature]</i>
Address	<i>[Handwritten Address]</i>

Address of Recipient:

Address	<i>309 WALKER ST</i>
---------	----------------------

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,

United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 23550

[Home](#) | [Help](#) | [Site Map](#)[Track & Confirm](#)[FAQ](#)

Track & Confirm

Search Results

Label/Receipt Number: 7178 2417 6099 0022 8423

Associated Label/Receipt:

Detailed Results:

- Delivered, March 02, 2009, 10:50 am, OSCEOLA MILLS, PA 16666
- Acceptance, February 26, 2009, 3:35 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, February 26, 2009

[< Back](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)

Notification Options

Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

Return Receipt (Electronic)

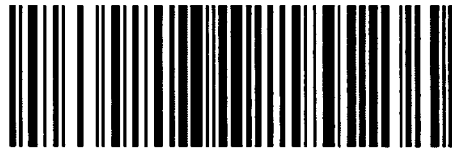
Verify who signed for your item by email. [Go >](#)[Site Map](#)[Contact Us](#)[Forms](#)[Gov't Services](#)[Jobs](#)[Privacy Policy](#)[Terms of Use](#)[National & Premier Accounts](#)

Copyright© 1999-2007 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

Worldwide
Tracking & DeliveryInternational
Tracking & Delivery



7178 2417 6099 0022 8423

4 / JJN **RESTRICTED DELIVERY**
PATRCK C. CARFLEY, JR
P.O. BOX 73
WEST DECATUR, PA 16878-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FLAGSTAR BANK, FSB
Plaintiff,
v.

PATRCK C. CARFLEY, JR. A/K/A PATRICK C.
CARFLEY
Defendant(s)

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 2008-01673-CD
:

⁵ FILED

APR 06 2009
m 11:00
William A. Shaw
Prothonotary/Clerk of Courts
No C/C

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD) SS:

Plaintiff in the above action sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at: 181 COMPANY ROAD, WEST DECATUR, PA 16878.

As required by Pa. R.C.P. 3129.2(a) Notice of Sale has been given to Lienholders in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address set forth on the Affidavit No. 2 (previously filed) and/or Amended Affidavit No. 2 on the date indicated. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached for each notice.

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Date: March 31, 2009

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

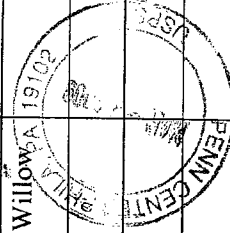
CQS

Name and
Address
of Sender

PHILAN HALLINAN & SCHMIEG
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814

Line	Article Number	Name of Addressee, Street, and Post Office Address	Fee
1		TENANT/OCCUPANT 181 COMPANY ROAD WEST DECATUR, PA 16878	
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830	
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105	
4		Commonwealth of Pennsylvania, Bureau of Individual Tax, Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061, Harrisburg, PA 17128	
5		Internal Revenue Service, Federated Investors Tower, 13 TH Floor, Suite 1300, 1001 Liberty Ave Pittsburgh, PA 15222	
6		Department of Public Welfare, TPL Casualty Unit, Estate Recovery Program, P.O. Box 8486, Willow Oak Building, Harrisburg, PA 17105	
7			
8			
9			
10			
11			
12		Re: PATRICK C. CARFLEY, JR. A/K/A PATRICK C. CARFLEY 185750 TEAM 3	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	<p>The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.</p>
		Postmaster, Per (Name of Receiving Employee)	

UNITED STATES POSTAGE
\$ 02.20
MAR 02 2009
MAILED FROM ZIP CODE 19103
02 1M
0004218010
PITNEY BOWES



FILED

0 10:45 A.M. 04
APR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

GW
NO CC

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FLAGSTAR BANK, FSB

Plaintiff

v.

PATRCK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY

Defendant

: Court of Common Pleas
:
: Civil Division
:
: CLEARFIELD County
:
: No. 2008-01673-CD
:

ORDER

AND NOW, this 16 day of April, 2009 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	\$54,808.24
Interest Through May 1, 2009	\$4,675.84
Per Diem \$11.83	
Late Charges	\$99.70
Legal fees	\$1,300.00
Cost of Suit and Title	\$840.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$136.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$586.90
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits
Escrow Deficit

(\$0.00)
\$1,642.69

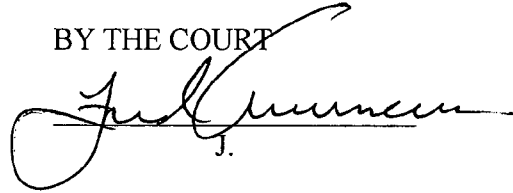
TOTAL

\$64,089.37

Plus interest from May 1, 2009 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

A handwritten signature in black ink, appearing to read "J. L. Cunningham", is written over a horizontal line. The signature is fluid and cursive.

185750

FILED

APR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 4-17-09

☒ You are responsible for serving all appropriate parties.

____ The Prothonotary's office has provided service to the following parties:

____ Plaintiff(s) ____ Plaintiff(s) Attorney ____ Other

____ Defendant(s) ____ Defendant(s) Attorney

____ Special Instructions:

FILED

0 10:46 a.m. GK
APR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849

1617 John F. Kennedy Boulevard, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

FLAGSTAR BANK, FSB

Plaintiff

v.

PATRICK C. CARFLEY, JR.

A/K/A PATRICK C. CARFLEY

Defendant

ATTORNEY FOR PLAINTIFF

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 2008-01673-CD

PRAECIPE

TO THE PROTHONOTARY:

Please amend the judge amount pursuant to Court Order dated April 16, 2009.

DATE:

4/16/19

By:

Phelan Hallinan & Schmieg, LLP

Michele M. Bradford, Esquire
Attorney for Plaintiff

FILED

APR 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20915
NO: 08-1673-CD

PLAINTIFF: FLAGSTAR BANK, FSB

vs.

DEFENDANT: PATRCK C. CARFLEY, JR A/K/A PATRICK C. CARFLEY

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 1/29/2009

LEVY TAKEN 2/18/2009 @ 11:20 AM

POSTED 2/18/2009 @ 11:22 AM

SALE HELD 5/1/2009

SOLD TO FANNIE MAE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 5/26/2009

DATE DEED FILED 5/26/2009

PROPERTY ADDRESS 181 COMPANY ROAD WEST DECATUR , PA 16878

SERVICES

4/30/2009 @ SERVED PATRCK C. CARFLEY, JR., A/K/A PATRICK C. CARFLEY

SERVED PATRICK C. CARFLEY, JR. A/K/A PATRICK C. CARFLEY, 309 WALKER STREET, OSCEOLA MILLS, CLEARFIELD COUNTY, PENNSYLVANIA CERT #70060810000145074890. SIGNED FOR BY VALERIE CARFLEY

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY.

5
FILED
01/31/2009
MAY 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20915
NO: 08-1673-CD

PLAINTIFF: FLAGSTAR BANK, FSB

vs.

DEFENDANT: PATRICK C. CARFLEY, JR A/K/A PATRICK C. CARFLEY

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$210.66

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

_____ Day of _____ 2008

So Answers,



Chester A. Hawkins
Sheriff

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
Pa.R.C.P. 3180-3183 and Rule 3257

FLAGSTAR BANK, FSB

vs.

PATRICK C. CARELEY, JR.
A/K/A PATRICK C. CARELEY

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.

No. 2008-01673-CD

No.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 181 COMPANY ROAD, WEST DECATUR, PA 16878
(See Legal Description attached)

Amount Due \$59,715.22

Interest from 11/14/2008 to Sale

\$ _____

Per diem \$9.82

Add'l Costs

\$2,733.50

Writ Total

\$

Prothonotary costs 135.00

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated

1/29/09

(SEAL)

185750

Received this writ this 29th day
of JANUARY A.D. 2009
At 3:00 A.M./P.M.

C. Dexter A. Hawkins
Sheriff by Cynthia Butler-Ayherd

No. 2008-01673-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

FLAGSTAR BANK, FSB

vs.

PATRICK C. CARFLEY, JR. A/K/A PATRICK C.
CARFLEY

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$59,715.22

Int. from 11/14/2008

To Date of Sale (\$9.82 per diem)

Costs

Prothy Pd.

Sheriff

Daniel G. Schmieg

DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
181 COMPANY ROAD
WEST DECATUR, PA 16878

LEGAL DESCRIPTION

ALL that certain message, tenement and tract of ground situate, lying and being in the Village of West Decatur, Boggs Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point on the Southeast line of a larger tract of which is a part, said point being South Thirty-nine degrees East (S 39 degrees 00 minute E) a distance of Two Hundred fifty-nine feet (259.0) from an iron post to the Southwest corner of said larger tract; thence running still along the southeastern line of said tract South Thirty-nine degrees East (S 39 degrees 00 minute E) for a distance of Seventy-five and five tenths (75.5) to a point; thence by the residue of said larger tract North Fifty-one degrees East (N 51 degrees 00 minute E) for a distance of One Hundred fifty feet (150.0) to a point; thence still by the residue of said tract North Thirty-nine degrees West (N 39 degrees 00 minute W) for a distance of Seventy-five and five tenths feet (75.5) to a point; thence still by the residue of said tract South Fifty-one degrees West (S 51 degrees 00 minute W) for a distance One hundred fifty feet (150.0) to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Patrick C. Carfley, Single individual, by Deed from William E. Droll and Kathy Droll, h/w and Shelia Dean and Robert J. Dean, h/w, dated 08/21/2007, recorded 10/02/2007 in Instrument Number 200716320.

Premises being: 181 COMPANY ROAD
WEST DECATUR, PA 16878

Tax Parcel No. 011-580-00031

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME PATRCK C. CARFLEY, JR., A/K/A PATRICK C. CARFLEY

NO. 08-1673-CD

NOW, May 26, 2009, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on May 01, 2009, I exposed the within described real estate of Patrck C. Carfley, Jr A/K/A Patrick C. Carfley to public venue or outcry at which time and place I sold the same to FANNIE MAE he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	12.10
LEVY	15.00
MILEAGE	12.10
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	5.46
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$210.66

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	29.00
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$29.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	59,715.22
INTEREST @ 9.8200 %	1,649.76
FROM 11/14/2008 TO 05/01/2009	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$61,384.98

COSTS:

ADVERTISING	404.50
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	29.00
SHERIFF COSTS	210.66
LEGAL JOURNAL COSTS	270.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,194.16

DISTRIBUTION WILL BE MADE IN ACCORDANCE WITH THE ABOVE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITH THIS OFFICE **WITHIN TEN (10) DAYS FROM THIS DATE.**

CHESTER A. HAWKINS, Sheriff

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
309 WALKER STREET
OSCEOLA MILLS, PA 16666

2. Article Number (Transfer from service label)

7006 0810 0001 4507 4890

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-154

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x Valerie Carfley ☐ Agent
☒ Addressee

B. Received by (Printed Name)

Valerie Carfley

C. Date of Delivery

4-30-09

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☒ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage

\$

.59

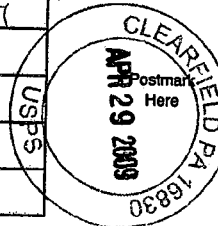
Certified Fee

Return Receipt Fee
(Endorsement Required)Restricted Delivery Fee
(Endorsement Required)

Total Postage & Fees

\$

5.49



Sent To

Street, Apt. No.,
or PO Box No.

City, State, ZIP+4

PATRICK C. CARFLEY, JR.
A/K/A PATRICK C. CARFLEY
309 WALKER STREET
OSCEOLA MILLS, PA 16666

PS Form 3800, June 2002

See Reverse for Instructions

7006 0810 0001 4507 4890