

08-1702-CD
National City Bank vs John Dugan

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 185880

NATIONAL CITY BANK
150 ALLEGHENY CENTER MALL
IDC 24-050
PITTSBURGH, PA 15212

Plaintiff

v.

JOHN DUGAN
A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

Defendant

**CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE**

FILED *Pd \$95.00 Atty
3cc Shft
m/10:50am
SEP 11 2008
LM*

William A. Shaw
Prothonotary/Clerk of Courts

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1702-CP

CLEARFIELD COUNTY

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

NATIONAL CITY BANK
150 ALLEGHENY CENTER MALL
IDC 24-050
PITTSBURGH, PA 15212

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

JOHN DUGAN
A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

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

3. On 12/17/2003 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to FIRST FRANKLIN FINANCIAL CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200323208. 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	\$67,758.99
Interest	\$1,782.00
04/01/2008 through 09/09/2008	
(Per Diem \$11.00)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$362.10
12/17/2003 to 09/09/2008	
Cost of Suit and Title Search	\$550.00
Subtotal	\$71,703.09
Escrow	
Credit	\$0.00
Deficit	\$406.25
Subtotal	<u>\$406.25</u>
TOTAL	\$72,109.34

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$72,109.34, together with interest from 09/09/2008 at the rate of \$11.00 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 12695
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
SHEETAL R. SHAH-JANI, ESQUIRE
JENINE R. DAVEY, ESQUIRE
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
JAY B. JONES, ESQUIRE
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL THAT CERTAIN TRACT OF LAND DESIGNATED AS SECTION 9, Lot 82,
'ANTIGUA', IN THE TREASURE LAKE SUBDIVISION IN SANDY TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA, RECORDED IN THE RECORDER OF DEEDS
OFFICE IN MISC. DOCKET MAP FILE NO. 24,

EXCEPTING AND RESERVING THEREFROM AND SUBJECT TO:

1. ALL EASEMENTS, RIGHTS OF WAY, RESERVATIONS, RESTRICTIONS AND LIMITATIONS SHOWN OR CONTAINED IN PRIOR INSTRUMENTS OF RECORD AND IN THE AFORESAID RECORDED Plan.
2. THE DECLARATION OF RESTRICTIONS, TREASURE LAKE, INC. RECORDED IN MISC. BOOK VOL. 146, P. 476; ALL OF SAID RESTRICTIONS BEING COVENANTS WHICH RUN WITH THE LAND.
3. ALL MINERALS AND MINING RIGHTS OF EVERY KIND AND NATURE.
4. A LINE FOR ALL UNPAID CHARGES OR ASSESSMENTS AS MAY BE MADE BY TREASURE LAKE, INC. OR TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.; WHICH LINE SHALL RUN WITH THE LAND AND BE AN ENCUMBRANCE AGAINST IT.

SOURCE OF TITLE: BOOK 1849 PAGE 03 (RECORDED 06/12/1997)

APN: 128-C2-9-82-21

PREMISES: 1747 TREASURE LAKE

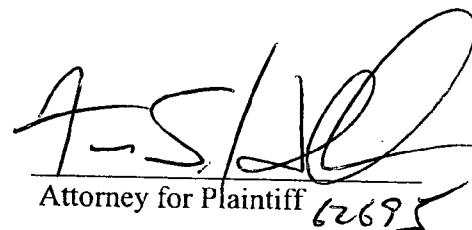
PARCEL#: C02-009-00082-00-21

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 62695

DATE: 7/10/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1702-CD

NATIONAL CITY BANK

vs

JOHN DUGAS aka JOHN E. DUGAN III

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 3

SERVE BY: 10/11/2008

HEARING:

PAGE: 104645

DEFENDANT: JOHN DUGAN aka JOHN E. DUGAN III *Sec 9 lot 82*

ADDRESS: 499 TREASURE LAKE
DUBOIS, PA 15801

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 371-5415 *Corner on ② @ Long John Silver.* 09-30-08 *N/A* NOTE

FILED

OCT 06 2008

0/3:40/

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 10-6-08 AT 11:31 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN DUGAN aka JOHN E. DUGAN III, DEFENDANT
BY HANDING TO John DUGAN, Defendant

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

ADDRESS SERVED SANDY Plaza STATE Route 255 DUBOIS, PA 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR JOHN DUGAN aka JOHN E. DUGAN III

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JOHN DUGAN aka JOHN E. DUGAN III

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Nevels

Deputy Signature

Jerome M. Nevels

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1702-CD

FILED

NATIONAL CITY BANK

vs

JOHN DUGAS aka JOHN E. DUGAN III

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 1 OF 3

OCT 06 2008

6/3/40 (C) 

William A. Shaw

Prothonotary/Clerk of Courts

SERVE BY: 10/11/2008

HEARING:

PAGE: 104645

DEFENDANT: JOHN DUGAN aka JOHN E. DUGAN III

ADDRESS: 1747 TREASURE LAKE / Sec 9 L+ R2
DUBOIS, PA 15801

610 - 952 - 5981

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: ✓

VACANT

OCCUPIED

ATTEMPTS

371-5445

Corner on R P Long John Silver 09-30-08 W/A NAB

SHERIFF'S RETURN

NOW, 10-6-08 AT 11:31 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON JOHN DUGAN aka JOHN E. DUGAN III, DEFENDANT
BY HANDING TO John DUGAN, Defendant

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

ADDRESS SERVED SANDY Plaza State Route 255 DuBois, PA 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR JOHN DUGAN aka JOHN E. DUGAN III

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO JOHN DUGAN aka JOHN E. DUGAN III

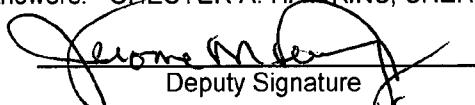
REASON UNABLE TO LOCATE _____

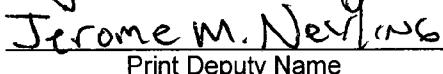
SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:


Deputy Signature


Print Deputy Name

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

NATIONAL CITY BANK

COURT OF COMMON PLEAS

Plaintiff

CIVIL DIVISION

VS.

**JOHN DUGAN A/K/A JOHN DUGAN,
III**

: CIVIL DIVISION
: NO. 2008-1702 CD
: CLEAVER, ROBERT
: CLEAVER, ROBERT

Defendant(s)

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

TO THE PROTHONOTARY:

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

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

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

Date: 10/09/08

5
FILED NOCC
M T LIOBN
OCT 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

PHS #: 185880

VERIFICATION

Brynn G Ruscic hereby states that he/she is
VP Default Operations of HOME LOAN SERVICES, INC., AS SERVICING AGENT TO THE INVESTOR, servicing agent for Plaintiff in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Name: Brynn G Ruscic

Title: VP Default Operations

DATE: 9-15-2008

Company: HOME LOAN SERVICES, INC.,
AS SERVICING AGENT TO THE
INVESTOR

Loan: 1044204591

File #: 185880

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

NATIONAL CITY BANK

Plaintiff

vs.

**JOHN DUGAN A/K/A JOHN DUGAN,
III**

Defendant(s)

COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 2008-1702 CD

CLEARFIELD COUNTY

CERTIFICATE OF SERVICE

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

JOHN DUGAN A/K/A JOHN DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

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

Date: 10/09/08

FILED

OCT 15 2008

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

FILED *Atty pd. 20.00*
1/11/13 10:11 AM
JAN 09 2009 *CC Notice to Def.*

William A. Shaw
Prothonotary/Clerk of Courts
1CC Statement to Atty
(60)

NATIONAL CITY BANK

vs.

JOHN DUGAN
A/K/A JOHN DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **No. 2008-1702 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 **JOHN DUGAN A/K/A JOHN DUGAN, III**, 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	\$72,109.34
Interest - 09/10/2008 to 12/29/2008	
TOTAL	\$1,221.00
	\$73,330.34

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: 1/9/09

William A. Shaw

PRO PROTHY

PHS # 185880

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

NATIONAL CITY BANK

: **CLEARFIELD COUNTY**
:
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **No. 2008-1702 CD**
:

vs.

JOHN DUGAN
A/K/A JOHN DUGAN, III

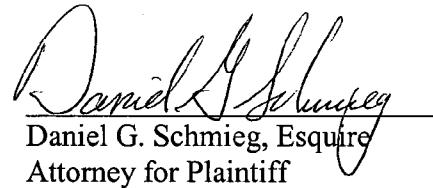
VERIFICATION OF NON-MILITARY SERVICE

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 JOHN DUGAN A/K/A JOHN DUGAN, III is over 18 years of age and resides at 1747 TREASURE LAKE, DU BOIS, PA 15801-9046.

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

NATIONAL CITY BANK

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff

v.

JOHN DUGAN
A/K/A JOHN DUGAN, III

NO. 2008-1702 CD

CLEARFIELD COUNTY

Defendant(s)

TO: JOHN DUGAN, A/K/A JOHN DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

FILE COPY

DATE OF NOTICE: December 10, 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

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375



JASON RICCO
Legal Assistant

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

NATIONAL CITY BANK

COURT OF COMMON PLEAS
CIVIL DIVISON

Plaintiff

v.

NO. 2008-1702 CD

JOHN DUGAN, A/K/A JOHN DUGAN, III

CLEARFIELD COUNTY

Defendant(s)

TO: JOHN DUGAN, A/K/A JOHN DUGAN, III
499 TREASURE LAKE
DU BOIS, PA 15801

FILE COPY

DATE OF NOTICE: December 10, 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.

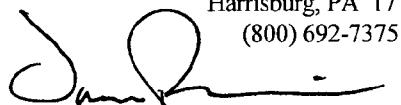
IMPORTANT NOTICE

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

Pennsylvania Lawyer Referral Service
Pennsylvania Bar Association
100 South Street
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375



JASON RICCO
Legal Assistant

(Rule of Civil Procedure No. 236) – Revised

NATIONAL CITY BANK

vs.

JOHN DUGAN
A/K/A JOHN DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
:
: CIVIL DIVISION
:
: No. 2008-1702 CD
:
:

Notice is given that a Judgment in the above captioned matter has been entered
against you on 1/9/09.

By: Willie L. Gray 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, Suite 1400
One Penn Center Plaza
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

National City Bank
Plaintiff(s)

No.: 2008-01702-CD

Real Debt: \$73,330.34

Atty's Comm: \$

Vs.

Costs: \$

John Dugan
Defendant(s)

Int. From: \$

Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: January 9, 2009

Expires: January 9, 2014

Certified from the record this 9th day of January, 2009.



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 # 104645
NO: 08-1702-CD
SERVICE # 3 OF 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: NATIONAL CITY BANK
vs.
DEFENDANT: JOHN DUGAN aka JOHN E. DUGAN III

SHERIFF RETURN

NOW, September 18, 2008, SHERIFF OF MONTGOMERY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON
JOHN DUGAN aka JOHN E. DUGAN III.

NOW, October 10, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON
JOHN DUGAN aka JOHN E. DUGAN III, DEFENDANT. THE RETURN OF MONTGOMERY COUNTY IS HERETO
ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

S FILED
03/14/09
11/12/09
WMS
William A. Shew
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104645
NO: 08-1702-CD
SERVICES 3
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: NATIONAL CITY BANK
vs.
DEFENDANT: JOHN DUGAN aka JOHN E. DUGAN III

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	730079	30.00
SHERIFF HAWKINS	PHELAN	730079	70.00
MONTGOMERY CO.	PHELAN	730085	33.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2009

✓ Chester A. Hawkins
Sheriff

* Clearfield County* ✓

08015925

SHERIFF'S RETURN OF SERVICE
MONTGOMERY COUNTY

2008-1702-CD

Plaintiff(s)
NATIONAL CITY BANK

CIVIL ACTION NUMBER

Defendant(s)
JOHN DUGAN
A/K/A JOHN E. DUGAN III

SHERIFF'S NUMBER

Serve At
JOHN DUGAN
A/K/A JOHN E. DUGAN III
216 TROON COURT I
ROYERSFORD, PA 19468

COST MILEAGE

DISTRICT

Summons Complaint
 Other

10-10-08

Special Instructions

TYPE OF ACTION
Mortgage Foreclosure

TO BE COMPLETED BY SHERIFF

Served and made known to _____, Defendant, on the ___ day of _____, 20___, at ___ o'clock, ___ a.m., at
, County of _____, Commonwealth of Pennsylvania, in the manner described below:

Defendant(s) personally served.
 Adult family member with whom said Defendant(s) reside(s).
Relationship is _____.
 Adult in charge of Defendant's residence who refused to give name or relationship.
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).
 Agent or person in charge of Defendant's office or usual place of business.
 _____ and officer of said Defendant company.
 Other:

SHERIFF

By: A. Berry, Deputy Sheriff

On the 9 day of Oct, 2008, at 10:10 o'clock, A.m., Defendant not found because:
Moved Unknown No Answer Vacant Other

SHERIFF

By: _____, Deputy Sheriff

DEPUTIZED SERVICE

Now, this ___ day of ___ , 20___, I, Sheriff of _____ County, Pennsylvania do hereby deputize the Sheriff of
County to serve this Complaint and make return thereof and according to law.

SHERIFF

By: _____, Deputy Sheriff

ATTORNEY FOR PLAINTIFF:

Name Francis S. Hallinan, Esquire
Id. No. 62695
Address One Penn Center at Suburban
Station, 1617 John F. Kennedy Boulevard,
Suite 1400 Philadelphia, PA 19103

TO BE COMPLETED BY PROTHONOTARY

ATTEST _____

Pro Prothy
RECEIVED
MONTGOMERY COUNTY
SHERIFF'S OFFICE
Date 08 SEP 22 PM 12:55

9-24-08 1005 AB
10-1-08 0145 AB

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 185880

NATIONAL CITY BANK
150 ALLEGHENY CENTER MALL
IDC 24-050
PITTSBURGH, PA 15212

Plaintiff

v.

JOHN DUGAN
A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

Defendant

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

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

SEP 11 2008

Attest.

William E. Chan
Prothonotary/
Clerk of Courts

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1702-CD

CLEARFIELD COUNTY

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

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

NATIONAL CITY BANK
150 ALLEGHENY CENTER MALL
IDC 24-050
PITTSBURGH, PA 15212

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

JOHN DUGAN
A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DU BOIS, PA 15801-9046

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

3. On 12/17/2003 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to FIRST FRANKLIN FINANCIAL CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200323208. 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	\$67,758.99
Interest	\$1,782.00
04/01/2008 through 09/09/2008	
(Per Diem \$11.00)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$362.10
12/17/2003 to 09/09/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$71,703.09
Escrow	
Credit	\$0.00
Deficit	\$406.25
Subtotal	<u>\$406.25</u>
TOTAL	\$72,109.34

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

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

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$72,109.34, together with interest from 09/09/2008 at the rate of \$11.00 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 12695
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
SHEETAL R. SHAH-JANI, ESQUIRE
JENINE R. DAVEY, ESQUIRE
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
JAY B. JONES, ESQUIRE
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL THAT CERTAIN TRACT OF LAND DESIGNATED AS SECTION 9, Lot 82,
'ANTIGUA', IN THE TREASURE LAKE SUBDIVISION IN SANDY TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA, RECORDED IN THE RECORDER OF DEEDS
OFFICE IN MISC. DOCKET MAP FILE NO. 24,

EXCEPTING AND RESERVING THEREFROM AND SUBJECT TO:

1. ALL EASEMENTS, RIGHTS OF WAY, RESERVATIONS, RESTRICTIONS AND LIMITATIONS SHOWN OR CONTAINED IN PRIOR INSTRUMENTS OF RECORD AND IN THE AFORESAID RECORDED Plan.
2. THE DECLARATION OF RESTRICTIONS, TREASURE LAKE, INC. RECORDED IN MISC. BOOK VOL. 146, P. 476; ALL OF SAID RESTRICTIONS BEING COVENANTS WHICH RUN WITH THE LAND.
3. ALL MINERALS AND MINING RIGHTS OF EVERY KIND AND NATURE.
4. A LINE FOR ALL UNPAID CHARGES OR ASSESSMENTS AS MAY BE MADE BY TREASURE LAKE, INC. OR TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.; WHICH LINE SHALL RUN WITH THE LAND AND BE AN ENCUMBRANCE AGAINST IT.

LEGAL DESCRIPTION

ALL THAT CERTAIN TRACT OF LAND DESIGNATED AS SECTION 9, Lot 82,
'ANTIGUA', IN THE TREASURE LAKE SUBDIVISION IN SANDY TOWNSHIP,
CLEARFIELD COUNTY, PENNSYLVANIA, RECORDED IN THE RECORDER OF DEEDS
OFFICE IN MISC. DOCKET MAP FILE NO. 24,

EXCEPTING AND RESERVING THEREFROM AND SUBJECT TO:

1. ALL EASEMENTS, RIGHTS OF WAY, RESERVATIONS, RESTRICTIONS AND LIMITATIONS SHOWN OR CONTAINED IN PRIOR INSTRUMENTS OF RECORD AND IN THE AFORESAID RECORDED Plan.
2. THE DECLARATION OF RESTRICTIONS, TREASURE LAKE, INC. RECORDED IN MISC. BOOK VOL. 146, P. 476; ALL OF SAID RESTRICTIONS BEING COVENANTS WHICH RUN WITH THE LAND.
3. ALL MINERALS AND MINING RIGHTS OF EVERY KIND AND NATURE.
4. A LINE FOR ALL UNPAID CHARGES OR ASSESSMENTS AS MAY BE MADE BY TREASURE LAKE, INC. OR TREASURE LAKE PROPERTY OWNERS ASSOCIATION, INC.; WHICH LINE SHALL RUN WITH THE LAND AND BE AN ENCUMBRANCE AGAINST IT.

SOURCE OF TITLE: BOOK 1849 PAGE 03 (RECORDED 06/12/1997)

APN: 128-C2-9-82-21

PREMISES: 1747 TREASURE LAKE

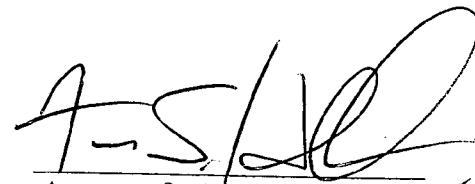
PARCEL#: C02-009-00082-00-21

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.


A-S/H
Attorney for Plaintiff 62695

DATE: 7/10/08

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

NATIONAL CITY BANK

vs.

JOHN DUGAN A/K/A JOHN E.
DUGAN, III

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-1702-CD

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	
	\$73,330.34

Interest from 12/30/08 to Sale	\$ _____
Per diem \$12.22	
Add'l Costs	\$3,141.50
Writ Total	\$

Prothonotary costs 135.00


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Note: Please attach description of Property.

185880

FILED Atty pd. 00.00
M 13-4834
JAN 30 2009 1CC & lewnts
S William A. Shaw
Prothonotary/Clerk of Courts
W prop. desc.
to Sheriff
(610)

No. 2008-1702-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL CITY BANK

FILED

JAN 30 2009

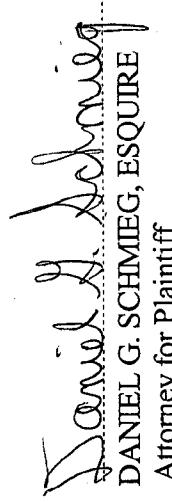
vs.

William A. Shaw
Prothonotary/Clerk of Courts

JOHN DUGAN A/K/A JOHN E. DUGAN, III

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: JOHN DUGAN A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DUBOIS, PA 15801-9046

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

ATTORNEY FOR PLAINTIFF

NATIONAL CITY BANK
150 ALLEGHENY CENTER MALL IDC 24-
050
PITTSBURGH, PA 15212

Plaintiff,
v.

JOHN DUGAN A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DUBOIS, PA 15801-9046

Defendant(s).

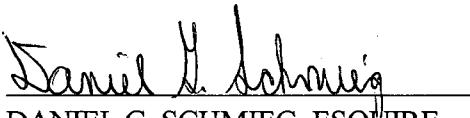
:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 2008-1702-CD
:
:
:

CERTIFICATION

DANIEL G. SCHMIEG, ESQUIRE, hereby states that he is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- an FHA Mortgage
- non-owner occupied
- vacant
- Act 91 procedures have been fulfilled

This certification is made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

NATIONAL CITY BANK
150 ALLEGHENY CENTER MALL IDC 24-
050
PITTSBURGH, PA 15212

Plaintiff,
v.

JOHN DUGAN A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DUBOIS, PA 15801-9046

Defendant(s).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 2008-1702-CD

AFFIDAVIT PURSUANT TO RULE 3129.1

NATIONAL CITY BANK, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **1747 TREASURE LAKE, DUBOIS, PA 15801-9046**.

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

NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
JOHN DUGAN A/K/A JOHN E. DUGAN, III	1747 TREASURE LAKE DUBOIS, PA 15801-9046

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 30, 2009
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

NATIONAL CITY BANK
150 ALLEGHENY CENTER MALL IDC 24-
050
PITTSBURGH, PA 15212

Plaintiff,

v.

JOHN DUGAN A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DUBOIS, PA 15801-9046

Defendant(s).

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 2008-1702-CD

AFFIDAVIT PURSUANT TO RULE 3129.1

NATIONAL CITY BANK, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **1747 TREASURE LAKE, DUBOIS, PA 15801-9046**.

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.)**
FIRST FRANKLIN FINANCIAL
2150 NORTH FIRST STREET
SAN JOSE, CA 95131

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. 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	1747 TREASURE LAKE DUBOIS, PA 15801-9046
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 30, 2009
Date



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Copy

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

NATIONAL CITY BANK

vs.

JOHN DUGAN A/K/A JOHN E.
DUGAN, III

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.

No. 2008-1702-CD

No.

**WRIT OF EXECUTION
(Mortgage Foreclosure)**

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 1747 TREASURE LAKE, DUBOIS, PA 15801-9046
(See Legal Description attached)

Amount Due	\$73,330.34
Interest from 12/30/08 to Sale	\$135.00
Per diem \$12.22	\$
Add'l Costs	\$3,141.50
Writ Total	\$

Willie M. Harlan
OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 1/30/09
(SEAL)

185880

No. 2008-1702-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL CITY BANK

vs.

JOHN DUGAN A/K/A JOHN E. DUGAN, III

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

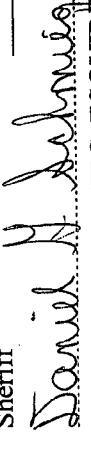
Real Debt \$73,330.34

Int. from 12/30/08
To Date of Sale (\$12.22 per diem)

Costs

Prothly Pd. 135.00

Sheriff


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: JOHN DUGAN A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DUBOIS, PA 15801-9046

LEGAL DESCRIPTION

ALL that certain tract of land designated as Section 9, Lot 82, 'Antigua', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 24,

EXCEPTING AND RESERVING therefrom and subject to:

- 1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.**
- 2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Misc. Book Vol. 146, p. 476; all of said restrictions being covenants, which run with the land.**
- 3. All minerals and mining rights of every kind and nature.**
- 4. A lien for all unpaid charges or assessments as may be made by Treasure Lake, Inc. or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.**

BEING the same premises conveyed to Gordon J. Brandt and Angela E. Brandt, husband and wife, as tenants by the entireties, by deed of David W. Williams and Deborah L. Williams, husband and wife, dated November 8, 1995, and recorded in the Office of the Recorder of Clearfield County in Volume 1849 at page 03.

TITLE TO SAID PREMISES IS VESTED IN John E. Dugan, III, a married individual, by Deed from Gordon J. Brandt and Angela E. Brandt, h/w, as tenants by the entireties, dated 12/04/2003, recorded 12/24/2003 in Instrument Number 200323207.

Premises being: 1747 TREASURE LAKE
DUBOIS, PA 15801-9046

Tax Parcel No. C02-009-00082-00-21

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20917
NO: 08-1702-CD

PLAINTIFF: NATIONAL CITY BANK

vs.

DEFENDANT: JOHN DUGAN A/K/A JOHN E. DUGAN III

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 2/2/2009

LEVY TAKEN @

POSTED @

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 3/9/2009

DATE DEED FILED NOT SOLD

DETAILS

@ SERVED JOHN DUGAN A/K/A JOHN E. DUGAN III

NOW, FEBRUARY 3, 2008 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY WRIT DUE TO A FORBEARANCE PLAN.

@ SERVED

DOCKET ONLY!

@ SERVED

NOW, MARCH 9, 2009 RETURN WRIT AS UNEXECUTED.

FILED
09:13 AM
MAR 09 2009

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20917
NO: 08-1702-CD

PLAINTIFF: NATIONAL CITY BANK

vs.

DEFENDANT: JOHN DUGAN A/K/A JOHN E. DUGAN III

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$15.00

SURCHARGE \$20.00 PAID BY ATTORNEY

So Answers,


Chester A. Hawkins
Sheriff

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

NATIONAL CITY BANK

vs.

JOHN DUGAN A/K/A JOHN E.
DUGAN, III

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.
No. 2008-1702-CD
No.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 1747 TREASURE LAKE, DUBOIS, PA 15801-9046

(See Legal Description attached)

Amount Due	
Interest from 12/30/08 to Sale	\$73,330.34
Per diem \$12.22	135.00
Add'l Costs	\$
Writ Total	\$3,141.50

Willie L. Thompson
.....
OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 1/30/09
(SEAL)

185880

Received this writ this 2nd day
of February A.D. 2009
At 10:00 A.M./P.M.

Chesler A. Henklein
Sheriff Sgt. Cynthia Butler - Deputy

No. 2008-1702-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

NATIONAL CITY BANK

vs.

JOHN DUGAN A/K/A JOHN E. DUGAN, III

W~~E~~IT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt
\$73,330.34

Int. from 12/30/08
To Date of Sale (\$12.22 per diem)

Costs

Prothy Pd.

135.00

Sheriff


DANIEL G. SCHMIEG, ESQUIRE

Attorney for Plaintiff

Address: JOHN DUGAN A/K/A JOHN E. DUGAN, III
1747 TREASURE LAKE
DUBOIS, PA 15801-9046

RECEIVED
SIXTY EIGHT DOLLARS
68
A.D.
A.M.A.
V.
TUES. 2

LEGAL DESCRIPTION

ALL that certain tract of land designated as Section 9, Lot 82, 'Antigua', in the Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania, recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 24,

EXCEPTING AND RESERVING therefrom and subject to:

- 1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.**
- 2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Misc. Book Vol. 146, p. 476; all of said restrictions being covenants, which run with the land.**
- 3. All minerals and mining rights of every kind and nature.**
- 4. A lien for all unpaid charges or assessments as may be made by Treasure Lake, Inc. or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.**

BEING the same premises conveyed to Gordon J. Brandt and Angela E. Brandt, husband and wife, as tenants by the entireties, by deed of David W. Williams and Deborah L. Williams, husband and wife, dated November 8, 1995, and recorded in the Office of the Recorder of Clearfield County in Volume 1849 at page 03.

TITLE TO SAID PREMISES IS VESTED IN John E. Dugan, III, a married individual, by Deed from Gordon J. Brandt and Angela E. Brandt, h/w, as tenants by the entireties, dated 12/04/2003, recorded 12/24/2003 in Instrument Number 200323207.

Premises being: 1747 TREASURE LAKE
DUBOIS, PA 15801-9046

Tax Parcel No. C02-009-00082-00-21

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME JOHN DUGAN A/K/A JOHN E. DUGAN III

NO. 08-1702-CD

NOW, March 08, 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 , I exposed the within described real estate of John Dugan A/K/A John E. Dugan III to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	15.00
MILEAGE	
LEVY	
MILEAGE POSTING	
CSDS	
COMMISSION	0.00
POSTAGE	
HANDBILLS	
DISTRIBUTION	
ADVERTISING	
ADD'L SERVICE	
DEED	
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	
TOTAL SHERIFF COSTS	\$15.00

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	
INTEREST @	
FROM TO	0.00
ATTORNEY FEES	
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	\$20.00
COSTS:	
ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	15.00
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$15.00

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

Phelan Hallinan & Schmieg, L.L.P.
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000
Fax: (215) 563-7009

Foreclosure Manager

Representing Lenders in
Pennsylvania and New Jersey

February 3, 2009

Office of the Sheriff
Clearfield County Courthouse

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: NATIONAL CITY BANK v.
JOHN DUGAN, A/K/A JOHN DUGAN, III
1747 TREASURE LAKE, DU BOIS, PA 15801-9046
Court No. 2008-1702 CD

Dear Sir/Madam:

Please STAY the all proceeding of the above referenced property due to the following: Forbearance Plan.

You are hereby directed to immediate discontinue the advertising of the sale and processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as possible. In addition, please forward a copy of the cost sheet pertaining to this sale to our office via facsimile to 215-567-0072 or regular mail at your earliest convenience.

Thank you for your correspondence in this matter.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP