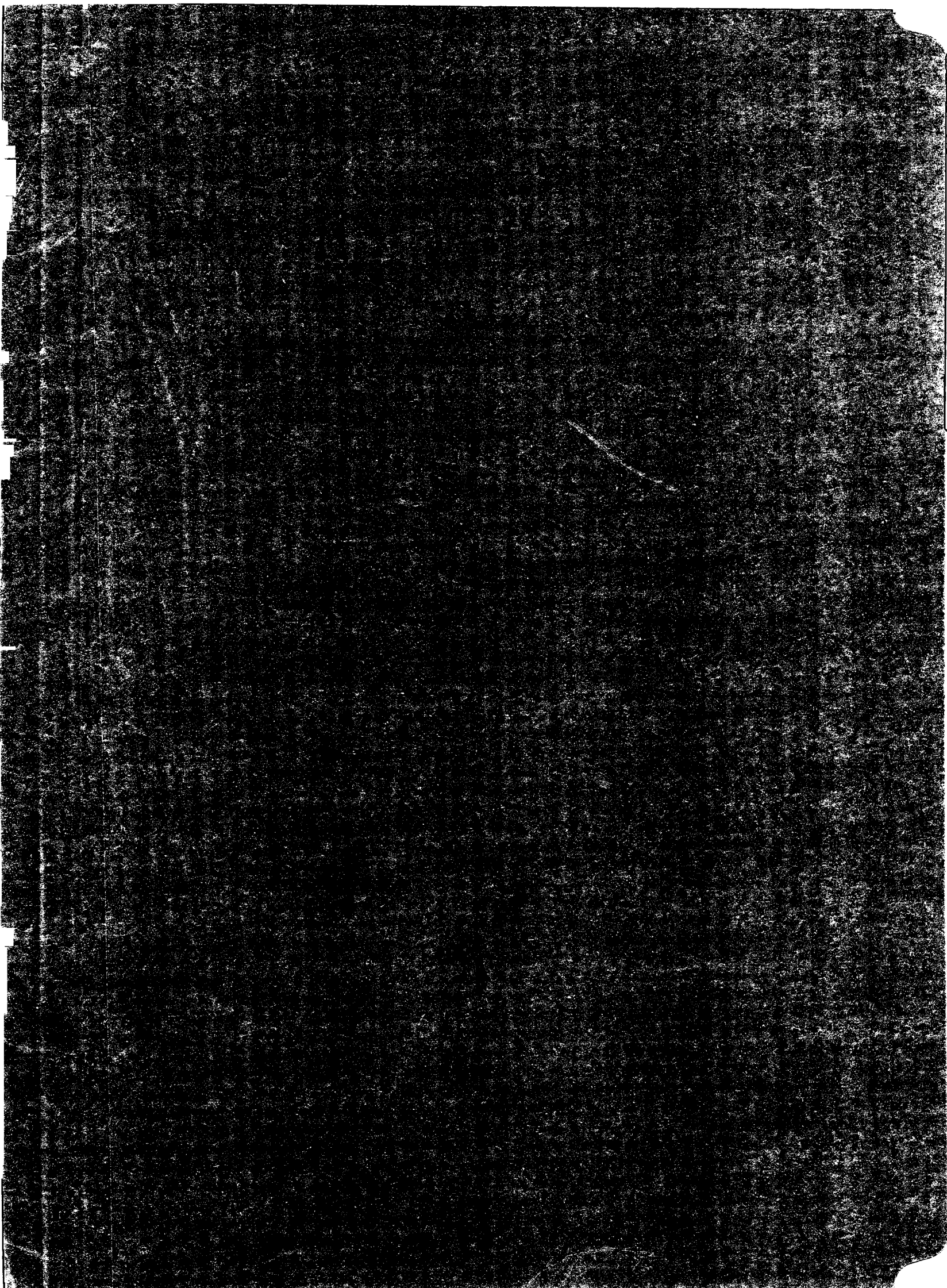


08-1702-CD

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

**FILED** *pd \$95.00 Atty*  
*m/10:50am* *3cc Shff*  
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

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

## NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

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>
<b>TOTAL</b>	<b>\$72,109.34</b>

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

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

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**

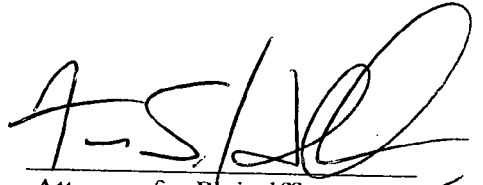
**PARCEL#: C02-009-00082-00-21**

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

SERVICE # 2 OF 3

JOHN DUGAS aka JOHN E. DUGAN III

COMPLAINT IN MORTGAGE FORECLOSURE

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

371-5445

Corner on @ @ Long John Silver

09-30-08 N/A Note

**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

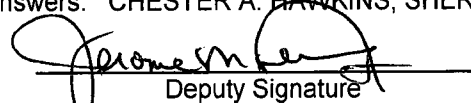
REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

  
Deputy Signature

Jerome M. Newkirk  
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

SERVICE # 1 OF 3

COMPLAINT IN MORTGAGE FORECLOSURE

OCT 06 2008

0/3:40/12

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 lot 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

Common @ P Long John Silver 09-30-08 N/A NITE

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

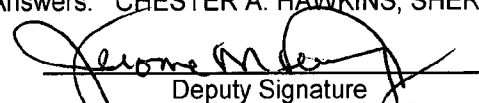
REASON UNABLE TO LOCATE \_\_\_\_\_

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

  
Deputy Signature

Jerome M. Nestling  
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

Plaintiff

vs.

JOHN DUGAN A/K/A JOHN DUGAN,  
III

Defendant(s)

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

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

TO THE PROTHONOTARY:

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

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

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

Date: 10/09/08

<sup>5</sup>  
**FILED** *no cc*  
OCT 15 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

PHS #: 185880

VERIFICATION

VP Default Operations Bryan G Kusich hereby states that he/she is  
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: 

Bryan G Kusich

DATE: 9-15-2008

Title: VP Default Operations

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 Praecipe 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

10  
10

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

**FILED**

JAN 09 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Attorney for Plaintiff

**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	<b>\$72,109.34</b>
Interest - 09/10/2008 to 12/29/2008	
	<b><u>\$1,221.00</u></b>
<b>TOTAL</b>	<b>\$73,330.34</b>

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: 1/9/09

PHS # 185880

  
PRO PROTHY

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**

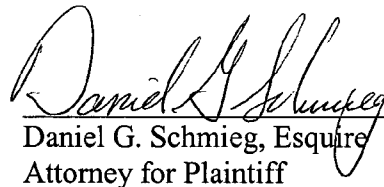
**VERIFICATION OF NON-MILITARY SERVICE**

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.

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  
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

Plaintiff

v.

COURT OF COMMON PLEAS  
CIVIL DIVISION

NO. 2008-1702 CD

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

Defendant(s)

CLEARFIELD COUNTY

**FILE COPY**

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

**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.

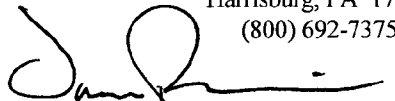
**IMPORTANT NOTICE**

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: William L. Schlegel 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: \$

Int. From: \$

John Dugan  
Defendant(s)

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".

5  
FILED  
0/3/4/6/1  
1-11-12-20-08  
ZM  
William A. Shaw  
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

\_\_\_\_\_ Day of \_\_\_\_\_ 2009

So Answers,



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

COST

MILEAGE

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

DISTRICT

☐ Summons ☒ Complaint  
☐ Other

TYPE OF ACTION  
Mortgage Foreclosure

Special Instructions

TO BE COMPLETED BY SHERIFF

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_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

9-24-08 1005 AB  
10-1-08 0745 AB

TO BE COMPLETED BY PROTHONOTARY

ATTEST

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

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

RECEIVED  
CLERK OF COURT  
SEP 11 2008  
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 A. Brown*  
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  
2<sup>nd</sup> and Market Streets  
Clearfield, PA 16830  
814-765-2641 x 5982

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

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

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

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

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

1. Plaintiff is

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	\$406.25
<b>TOTAL</b>	<b>\$72,109.34</b>

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



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

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 62635

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**

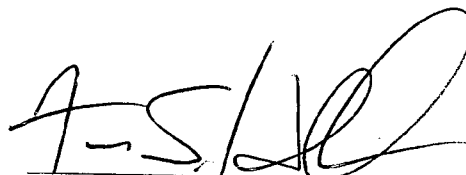
**PARCEL#: C02-009-00082-00-21**

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.

  
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*

DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Note: Please attach description of Property.

185880

**FILED**

JAN 30 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. 20.00

1cc @ lewrits

W/prop desc.  
to Sheriff

(610)

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

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:


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

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

**FILED**

**JAN 30 2009**

William A. Shaw  
Prothonotary/Clerk of Courts

  
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 Praecipe 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

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

6<sup>th</sup> Floor, Strawberry Sq., Dept 28061  
Harrisburg, PA 17128

Internal Revenue Service  
Federated Investors Tower

13<sup>TH</sup> 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 29, 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

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

\$73,330.34  
**Prothonotary costs** 135.00  
\$ \_\_\_\_\_  
\$3,141.50  
\$ \_\_\_\_\_

  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 1/30/09  
(SEAL)

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

Prothy Pd. 135.00

Sheriff

*Daniel H. Schmieg*

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,

  
Deputy Anthony Butler - Clearfield  
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  
Per diem \$12.22  
Add'l Costs  
Writ Total

Prothonotary costs \$73,330.34  
135.00

\$ \_\_\_\_\_

\$3,141.50

*William H. Hays*

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.

*Charles A. Hunsicker*  
Sheriff *Deq Cynthia Butler - Clearfield*

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

\$73,330.34

Real Debt

Int. from 12/30/08

To Date of Sale (\$12.22 per diem)

Costs

Prothy Pd.

135.00

Sheriff

*Daniel H. Schmiege*  
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 this writ this \_\_\_\_\_  
at \_\_\_\_\_  
PA \_\_\_\_\_

### 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.

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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	15.00
SERVICE	
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	

BILLING/PHONE/FAX	
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$15.00</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$0.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	
INTEREST @	0.00
FROM TO	
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	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$20.00</b>

**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	
<b>TOTAL COSTS</b>	<b>\$15.00</b>

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**

Representing Lenders in  
Pennsylvania and New Jersey

Foreclosure Manager

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 matters.

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

PHS # 160291