

08-1753-CD
US Bank vs Kevin Swauger et al

FILED

12:30 p.m. GK

SEP 17 2008

NO CC

8COMPL. SHFF

William A. Shaw
Prothonotary/Clerk of Courts

Atty Paid 95.00

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62595
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

183011

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff

v.

KEVIN M. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1753-CD

CLEARFIELD COUNTY

CIVIL ACTION - LAW

COMPLAINT IN MORTGAGE FORECLOSURE

Feb. 19, 2009 Document 10
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

Jan 23, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

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

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

KEVIN M. SWAUGER
507 HISTORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HISTORY STREET
COALPORT, PA 16627

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

3. On 07/18/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR MORTGAGE LENDERS NETWORK USA, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200612160. 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 04/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$47,245.33
Interest	\$2,206.96
03/01/2008 through 09/12/2008	
(Per Diem \$11.26)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
07/18/2006 to 09/12/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$51,252.29
Escrow	
Credit	(\$520.79)
Deficit	\$0.00
Subtotal	<u>(\$520.79)</u>
TOTAL	\$50,731.50

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 \$50,731.50, together with interest from 09/12/2008 at the rate of \$11.26 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN/HALLINAN & SCHMIEG, LLP

By:  

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

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

BEING the same premises granted and conveyed unto Mary L. Swauger and Kevin M. Swauger by Deed of Dorothy H. Roberts Estate by William Lynn Hollen as Executor, dated May 25, 2005 and recorded June 2, 2005 in Clearfield County Instrument #2005-08190.

BEING identified by Clearfield County Assessment **Parcel Number 5-H17-347-36.**

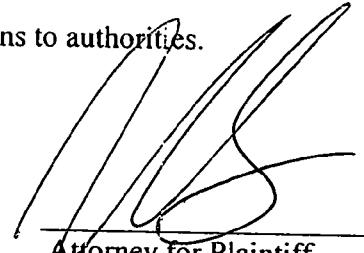
UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

PREMISES: 534 RAILROAD STREET

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.



202331

Attorney for Plaintiff

DATE: 01/15/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1753-CD

US BANK NATIONAL ASSOCIATION as Trustee

vs

KEVIN M. SWAUGER and MARY L. SWAUGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 3 OF 8

SERVE BY: 10/17/2008

HEARING:

PAGE: 104674

DEFENDANT: KEVIN M. SWAUGER
ADDRESS: 507 HICKORY ST.
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON KEVIN M. SWAUGER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR KEVIN M. SWAUGER

AT (ADDRESS) _____

NOW 10-1-08 AT 10:46 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO KEVIN M. SWAUGER

REASON UNABLE TO LOCATE

*According to Mother, Def. living in
Holidaysburg, PA.*

So Answers: CHESTER A. HAWKINS, SHERIFF

SWORN TO BEFORE ME THIS

BY:

James E. Davis
Deputy Signature

James E. Davis
Print Deputy Name

DAY OF 10 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1753-CD

US BANK NATIONAL ASSOCIATION as Trustee

vs

KEVIN M. SWAUGER and MARY L. SWAUGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 4 OF 8

SERVE BY: 10/17/2008

HEARING:

PAGE: 104674

FILED

08/5/2008
OCT 02 2008

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT: MARY L. SWAUGER
ADDRESS: 507 HICKORY ST.
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MARY L. SWAUGER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR MARY L. SWAUGER

AT (ADDRESS) _____

NOW 10-1-08 AT 10:46 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO MARY L. SWAUGER

REASON UNABLE TO LOCATE According to Mother, def. living in Holidaysburg

Pa.

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis

Deputy Signature

JAMES E. DAVIS

Print Deputy Name

____ DAY OF _____ 2008

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1753-CD

US BANK NATIONAL ASSOCIATION as Trustee

vs

KEVIN M. SWAUGER and MARY L. SWAUGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 1 OF 8

SERVE BY: 10/17/2008

HEARING:

PAGE: 104674

DEFENDANT: KEVIN M. SWAUGER
ADDRESS: 534 RAILROAD ST.
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

FILED
of 8:52 AM
Oct 02 2008
S

OCCUPIED William A. Shaw
Prothonotary/Clerk of Courts

ATTEMPTS

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON KEVIN M. SWAUGER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR KEVIN M. SWAUGER

AT (ADDRESS) _____

NOW 10-1-08 AT 10:46 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO KEVIN M. SWAUGER

REASON UNABLE TO LOCATE According to Mother, he living in Hollidaysburg

SWORN TO BEFORE ME THIS

DAY OF October 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James C. Davis
Deputy Signature

James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1753-CD

US BANK NATIONAL ASSOCIATION as Trustee

vs

KEVIN M. SWAUGER and MARY L. SWAUGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 8

SERVE BY: 10/17/2008

HEARING:

PAGE: 104674

DEFENDANT: MARY L. SWAUGER

ADDRESS: 534 RAILROAD ST.
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS

VACANT

FILED
018:52 AM
OCT 02 2008
WMA

ATTEMPTS

OCCUPIED William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MARY L. SWAUGER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW 10-1-08 AT 10:10 AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR MARY L. SWAUGER

AT (ADDRESS) _____

NOW 10-1-08 AT 10:46 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO MARY L. SWAUGER

REASON UNABLE TO LOCATE According to Mother, def. living in

SWORN TO BEFORE ME THIS

Holiday Inn PA So Answers: CHESTER A. HAWKINS, SHERIFF
BY: James E. Davis

Deputy Signature

James E. Davis

Print Deputy Name

DAY OF 10 2008

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

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

Plaintiff : NO. 2008-1753-CD

:

: CLEARFIELD COUNTY

:

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

:

:

:

Defendant(s)

PRAECIPE TO SUBSTITUTE VERIFICATION
TO CIVIL ACTION COMPLAINT
IN MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

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

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

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

Date: 10/21/08

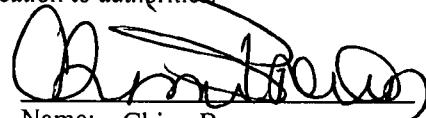
FILED NOCC
M 11-3950
S OCT 23 2008 G10

William A. Shaw
Prothonotary/Clerk of Courts

PHS #: 183011

VERIFICATION

China Brown _____ hereby states that he/she is
Vice President of Loan Documentation
____ of WELLS FARGO FINANCIAL PENNSYLVANIA, INC., 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: China Brown

DATE: 9/22/08

Title: Vice President of Loan Documentation

Company: WELLS FARGO FINANCIAL
PENNSYLVANIA, INC.

Loan: 1115009040

File #: 183011

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

**US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC**

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

Plaintiff : NO. 2008-1753-CD

:

: CLEARFIELD COUNTY

:

vs.

**KEVIN M. SWAUGER
MARY L. SWAUGER**

:

:

:

Defendant(s)

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:

**KEVIN M. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627**

**MARY L. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16527**

**Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff**

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

Date: 10/21/08

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 52205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

FILED NO
M 10:41 AM CC
S JAN 23 2009
6K
William A. Shaw
Prothonotary/Clerk of Courts

Attorney for Plaintiff

US Bank National Association, As : COURT OF COMMON PLEAS
Trustee for Residential Funding
Company, LLC : CIVIL DIVISION
vs. : CLEARFIELD COUNTY
Kevin M. Swauger :
Mary L. Swauger :
: NO. 2008-1753-CD

MOTION FOR SERVICE PURSUANT TO
SPECIAL ORDER OF COURT

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant, Kevin M. Swauger and Mary L. Swauger by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the last known addresses, 507 Hickory Street, Coalport, PA 16627, 2631 West Chestnut Avenue, Altoona, PA 16601 and P.O. Box 7, Coalport, PA 16627 and the mortgaged premises, 534 Railroad Street, Coalport, PA 16627, and in support thereof avers the following:

1. Plaintiff, by and through its counsel, initiated the above referenced Complaint if Mortgage Foreclosure Action on September 7, 2008. As indicated by the copy of said complaint attached hereto as Exhibit "A".

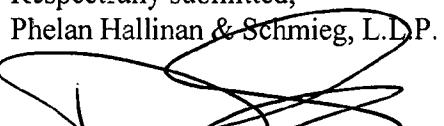
2. Said complaint was forwarded to the Office of the Sheriff on or about September 19, 2008 for service to be completed on the Defendant, Kevin M. Swauger and Mary L. Swauger at the mortgaged premises, 534 Railroad Street, Coalport, PA 16627. Service was also attempted at 507 Hickory Street, Coalport, PA 16627, 2631 West Chestnut Avenue, Altoona, PA 16601 and 2121 Wesley Street, McKeesport, PA 15132. Plaintiff was advised by the Sheriff's Office that there was no service made at any of these addresses. It was further indicated by the Sheriff and the resident of 2121 Wesley Street, McKeesport, PA 15132, that this address is not one that belongs to the defendant. It belongs to a Kevin Swauger but not the Kevin Swauger who should be named in this Action. Plaintiff is unable to append a copy of the Return of Service as a result of a backlog in completing the Affidavit at the Sheriff's Office. Plaintiff's Affidavit of Service is attached hereto and marked as Exhibit "B".

3. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "C".

4. Plaintiff has reviewed its internal records and has not been contacted by the Defendants as of January 14, 2009 to bring loan current.

5. Plaintiff submits that it has made a good faith effort to locate the Defendants but has been unable to do so.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by posting, first class mail and certified mail.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.
By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: January 14, 2009

FILED
2:30 P.M.
SEP 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
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JAIME MCGUINNESS, ESQ., Id. No. 90134
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183011

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1753-C

CLEARFIELD COUNTY

KEVIN M. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

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

MARY L. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

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. 37077
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 183011

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO.

CLEARFIELD COUNTY

KEVIN M. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

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

MARY L. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS
COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN**

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

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

1. Plaintiff is

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

KEVIN M. SWAUGER
507 HICKORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HICKORY STREET
COALPORT, PA 16627

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

3. On 07/18/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR MORTGAGE LENDERS NETWORK USA, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200612160. 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 04/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

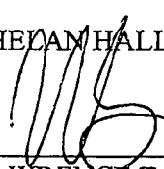
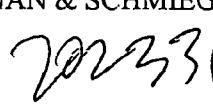
Principal Balance	\$47,245.33
Interest 03/01/2008 through 09/12/2008 (Per Diem \$11.26)	\$2,206.96
Attorney's Fees	\$1,250.00
Cumulative Late Charges 07/18/2006 to 09/12/2008	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$51,252.29
Escrow	
Credit	(\$520.79)
Deficit	\$0.00
Subtotal	<u>(\$520.79)</u>
TOTAL	\$50,731.50

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 \$50,731.50, together with interest from 09/12/2008 at the rate of \$11.26 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:  

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

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

BEING the same premises granted and conveyed unto Mary L. Swauger and Kevin M. Swauger by Deed of Dorothy H. Roberts Estate by William Lynn Hollen as Executor, dated May 25, 2005 and recorded June 2, 2005 in Clearfield County Instrument #2005-08190.

BEING identified by Clearfield County Assessment Parcel Number 5-H17-347-36.

UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

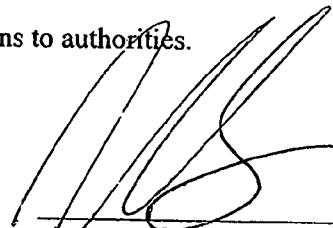
PREMISES: 534 RAILROAD STREET

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.



202331

Attorney for Plaintiff

DATE: 01/15/06

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

Attorney for Plaintiff

US Bank National Association, As
Trustee for Residential Funding
Company, LLC

COURT OF COMMON PLEAS

vs.

Kevin M. Swauger
Mary L. Swauger

CIVIL DIVISION

CLEARFIELD COUNTY

NO. 2008-1753-CD

AFFIDAVIT OF SERVICE

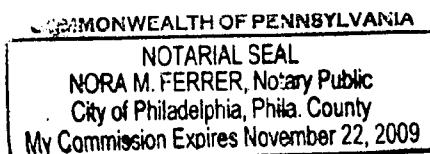
Plaintiff's Counsel, Phelan Hallinan & Schmieg, LLP, does hereby swear and subscribe that it contacted the Sheriff's Office of Clearfield County on November 12, 2008, November 25, 2008 and December 19, 2008 and was advised that the Sheriff was unable to complete personal service on Kevin M. Swauger and Mary L. Swauger at the mortgaged premises, 534 Railroad Street, Coalport, PA 16627 and last known addresses, 507 Hickory Street, Coalport, PA 16627, 2631 West Chestnut Avenue, Altoona, PA 16601 and 2121 Wesley Street, McKeesport, PA 15132. On December 24, 2008, the Plaintiff, by its Counsel, called the Sheriff's Office inquiring if a Return of Service was complete. The Sheriff's Office advised the Plaintiff's Counsel that they are behind with getting the returns typed up and out the door. However, they did confirm that the Defendants, Kevin M. Swauger and Mary L. Swauger, were not served with a copy of the complaint

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: *Daniel G. Schmieg, Esquire*
Attorney for Plaintiff

Sworn to and subscribed before me on this 14th¹ day of January 2009

Nora M. Ferrer
Notary Public



FULL SPECTRUM LEGAL SERVICES, INC.
AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: 183011
Attorney Firm: Phelan, Hallinan & Schmieg, LLP
Subject: Kevin M. Swauger & Mary L. Swauger

Property Address: 534 Railroad Street, Coalport, PA 16627
Possible Mailing Address: 507 Hickory Street, Coalport, PA 16627
(Kevin M. Swauger) 2631 West Chestnut Avenue, Altoona, PA 16601
(Kevin M. Swauger) 2121 Wesley Street, McKeesport, PA 15132
(Mary L. Swauger) P.O. Box 7, Coalport, PA 16627

I, Brendan Booth, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct
Kevin M. Swauger - xxx-xx-6365
Mary L. Swauger - xxx-xx-1867

B. EMPLOYMENT SEARCH

Kevin M. Swauger & Mary L. Swauger - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Kevin M. Swauger reside(s) at: RR 1 Box 7, Coalport, PA 16627 & Mary L. Swauger reside(s) at: 507 Hickory Street, Coalport, PA 16627.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which indicated that Kevin M. Swauger reside(s) at: 2121 Wesley Street, McKeesport, PA 15132, however had no listing for Mary L. Swauger. On 07-21-08 our office made several telephone calls to the subject's phone number (412) 664-1912 and received the following information: no answer.

B. On 07-21-08 our office made a telephone call to the phone number (814) 672-3345 and received the following information: disconnected. On 07-21-08 our office made a telephone call to the phone number (814) 672-1559 and received the following information: disconnected.

III. INQUIRY OF NEIGHBORS

On 07-21-08 our office made several phone calls in an attempt to contact Erika Benson (814) 672-4235, 326 Railroad Street, Coalport, PA 16627: answering machine.

On 07-21-08 our office made several phone calls in an attempt to contact Lonney Kephart (814) 672-3474, 326 Railroad Street, Coalport, PA 16627: answering machine.

On 07-21-08 our office made several phone calls in an attempt to contact Kristin Ricciotti (814) 672-4153, 504 Railroad Street, Coalport, PA 16627: answering machine.

On 07-21-08 our office made several phone calls in an attempt to contact Michael E. Kowalski Jr. (814) 672-4338, 235 Hickory Street, Coalport, PA 16627: no answer.

On 07-21-08 our office made several phone calls in an attempt to contact Timothy Dietrich (814) 672-4471, 251 Hickory Street, Coalport, PA 16627: answering machine.

On 07-21-08 our office made several phone calls in an attempt to contact Cell Hut (814) 943-1383, 2411 West Chestnut Avenue, Altoona, PA 16601: answering machine.

On 07-21-08 our office made several phone calls in an attempt to contact Sovereign Grace Church Of Central Pennsylvania (814) 949-5940, 2510 West Chestnut Avenue, Altoona, PA 16601: answering machine.

On 07-21-08 our office made several phone calls in an attempt to contact Reogle Warren H Funeral Dir (814) 944-0641, 2636 West Chestnut Avenue, Altoona, PA 16601: answering machine.

On 07-21-08 our office made a phone call in an attempt to contact Jay N. Weinberg (412) 664-1388, 2040 Wesley Street, McKeesport, PA 15132: spoke with an unidentified male who could not confirm that the subjects reside(s) at 2121 Wesley Street, McKeesport, PA 15132.

On 07-21-08 our office made several phone calls in an attempt to contact Michael Scott (412) 672-4805, 2100 Wesley Street, McKeesport, PA 15132: answering machine.

On 07-21-08 our office made several phone calls in an attempt to contact John F. Sisko Sr. (412) 678-5047, 2101 Wesley Street, McKeesport, PA 15132: answering machine.

Using our white pages database our office was unable to locate any additional neighbors for 507 Hickory Street, Coalport, PA 16627.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 07-21-08 we reviewed the National Address database and found the following information: Kevin M. Swauger - 2631 West Chestnut Avenue, Altoona, PA 16601 & Mary L. Swauger - P.O. Box 7, Coalport, PA 16627.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: 507 Hickory Street, Coalport, PA 16627, (Kevin M. Swauger) 2631 West Chestnut Avenue, Altoona, PA 16601 & 2121 Wesley Street, McKeesport, PA 15132 and (Mary L. Swauger) P.O. Box 7, Coalport, PA 16627.

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Kevin M. Swauger & Mary L. Swauger.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 07-21-08 Vital Records and all public databases have no death record on file for Kevin M. Swauger & Mary L. Swauger.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Kevin M. Swauger & Mary L. Swauger residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Kevin M. Swauger - 06-01-1968

Mary L. Swauger - 12-01-1934

B. A.K.A.

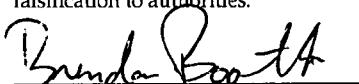
Mary Louise Swauger

* Our accessible databases have been checked and cross-referenced for the above named individual(s).

* Please be advised our database information indicates the subject resides at the current address.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.

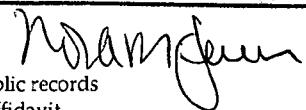


AFFIANT - Brendan Booth

Full Spectrum Legal Services, Inc.

Sworn to and subscribed before me this 21st day of July, 2008.

COMMONWEALTH OF PENNSYLVANIA	
NOTARIAL SEAL	
NORA M. FERRER, Notary Public	
City of Philadelphia, Phila. County	
My Commission Expires November 22, 2009	



The above information is obtained from available public records
and we are only liable for the cost of the affidavit.

IND

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard – Suite 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000
Fax (215) 563-3352

UNITED STATES POSTAL SERVICE

July 15, 2008

POSTMASTER
COALPORT, PA 16627

Request for Change of Address of Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

NAME: **SWAUGER, KEVIN M. & SWAUGER, MARY L.**
ADDRESS: **507 HICKORY STREET, COALPORT, PA 16627**
COALPORT, PA 16627

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

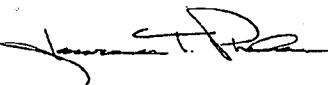
The following information is provided in accordance with 39 CFR 265.6(d)(4)(II). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and corresponding Administrative Support Manual 352.44a.

1. Capacity of Requester (e.g., process server, attorney, party representing self): Attorney
2. Statute or regulation that empowers me to serve (not required when requester is an attorney or a party acting pro se-except a corporation acting pro se must cite statute): n/a
3. The names of all parties to the litigation: AMERICA'S SERVICING COMPANY vs. SWAUGER, KEVIN M. and SWAUGER, MARY L.
4. The court in which the case has been or will be heard: Civil Division - CLEARFIELD County
5. The docket or other identifying number if one has been issued: NO.
6. The capacity in which this individual is to be served: Defendant in a Mortgage Foreclosure Action

WARNING

THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.


Lawrence T. Phelan, ESQUIRE
Attorney I.D. No. 32227

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

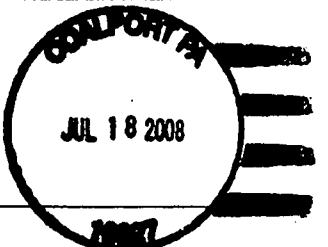
FOR POST OFFICE USE ONLY

- No change of address order on file
 Moved, left no forwarding address
 No such address
 Good as Addresses

NEW ADDRESS OR BOXHOLDER'S
NAME AND STREET ADDRESS

507 Hickory ST
PO Box 7
COALPORT PA 16627-0007

POSTMARK



PHS # 183011

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard – Suite 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000
Fax (215) 563-3352

UNITED STATES POSTAL SERVICE

July 15, 2008

POSTMASTER
COALPORT, PA 16627

Request for Change of Address of Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

NAME: SWAUGER, KEVIN M. & SWAUGER, MARY L.
ADDRESS: 534 RAILROAD STREET, COALPORT, PA 16627
COALPORT, PA 16627

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

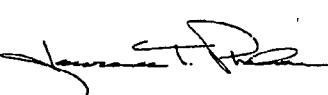
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1. Capacity of Requester (e.g., process server, attorney, party representing self): Attorney
2. Statute or regulation that empowers me to serve (not required when requester is an attorney or a party acting pro se-except a corporation acting pro se must cite statute): n/a
3. The names of all parties to the litigation: AMERICA'S SERVICING COMPANY vs. SWAUGER, KEVIN M. and SWAUGER, MARY L.
4. The court in which the case has been or will be heard: Civil Division - CLEARFIELD County
5. The docket or other identifying number if one has been issued: NO.
6. The capacity in which this individual is to be served: Defendant in a Mortgage Foreclosure Action

WARNING

THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.


Lawrence T. Phelan, ESQUIRE
Attorney I.D. No. 32227

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

FOR POST OFFICE USE ONLY

- No change of address order on file
 Moved, left no forwarding address
 No such address
 cod as Addresses

NEW ADDRESS OR BOXHOLDER'S
NAME AND STREET ADDRESS

507 Hickory St.
PO Box
COALPORT PA 16627-0001

POSTMARK

JUL 18 2008

PHS # 183011

PHELAN HALLINAN & SCHMIEG, LLP
One Penn Center at Suburban Station
1517 John F. Kennedy Boulevard – Suite 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000
Fax (215) 563-3352

UNITED STATES POSTAL SERVICE

July 15, 2008

POSTMASTER
COALPORT, PA 16627

Request for Change of Address of Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

NAME: SWAUGER, KEVIN M. & SWAUGER, MARY L.
ADDRESS: 507 HICKORY STREET, COALPORT, PA 16627
COALPORT, PA 16627

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(4)(II). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and corresponding Administrative Support Manual 352.44a.

1. Capacity of Requester (e.g., process server, attorney, party representing self): Attorney
2. Statute or regulation that empowers me to serve (not required when requester is an attorney or a party acting pro se-except a corporation acting pro se must cite statute): n/a
3. The names of all parties to the litigation: AMERICA'S SERVICING COMPANY vs. SWAUGER, KEVIN M. and SWAUGER, MARY L.
4. The court in which the case has been or will be heard: Civil Division - CLEARFIELD County
5. The docket or other identifying number if one has been issued: NO.
6. The capacity in which this individual is to be served: Defendant in a Mortgage Foreclosure Action

WARNING

THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.


Lawrence T. Phelan, ESQUIRE
Attorney I.D. No. 32227

One Penn Center at Suburban Station
1517 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814

FOR POST OFFICE USE ONLY

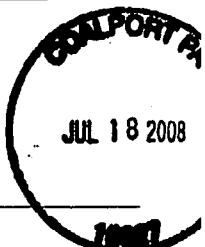
- No change of address order on file
 Moved, left no forwarding address
 No such address
 Good as Addresses

NEW ADDRESS OR BOXHOLDER'S

NAME AND STREET ADDRESS

507 Hickory St
Po Box 7
COALPORT PA 16627-0007

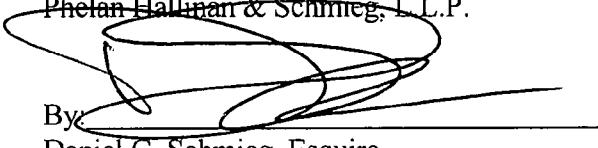
POSTMARK



VERIFICATION

Daniel G. Schmieg, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements made are subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By _____
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: January 14, 2009

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

Attorney for Plaintiff

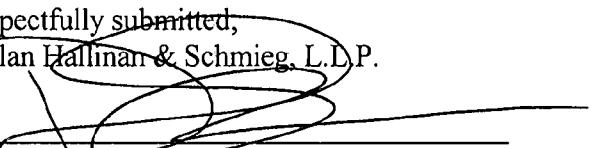
US Bank National Association, : COURT OF COMMON PLEAS
As Trustee for Residential
Funding Company, LLC :
: CIVIL DIVISION
vs. :
Kevin M. Swauger : CLEARFIELD COUNTY
Mary L. Swauger :
: NO. 2008-1753-CD

CERTIFICATION OF SERVICE

I, Daniel G. Schmieg, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court, Memorandum of Law, Proposed Order and attached exhibits have been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

Kevin M. Swauger and Mary L. Swauger
534 Railroad Street, Coalport, PA 16627
507 Hickory Street, Coalport, PA 16627
2631 West Chestnut Avenue, Altoona, PA 16601
P.O. Box 7, Coalport, PA 16627

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

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.
By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: January 14, 2009

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS : COURT OF COMMON PLEAS
TRUSTEE FOR RESIDENTIAL FUNDING :
COMPANY, LLC : CIVIL DIVISION
Plaintiff :
vs. : CLEARFIELD COUNTY

KEVIN M. SWAUGER : No. 2008-1753-CD
MARY L. SWAUGER :
Defendants :
:

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: 
Francis S. Hallinan, Esquire
Lawrence T. Phelan, Esquire
Daniel G. Schmieg, Esquire
Attorneys for Plaintiff

Date: January 13, 2009

/jmr, Svc Dept.
File# 183011

FILED No CC
M 72 15 AM Atty pd \$7.00
JAN 23 2009
William A. Shaw
Prothonotary/Clerk of Courts
(Comp). Reinstated
to Atty
(610)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

US BANK NATIONAL ASSOCIATION as TRUSTEE *
for RESIDENTIAL FUNDING COMPANY, LLC,
Plaintiff

vs.
KEVIN M. SWAUGER
MARY L. SWAUGER
Defendants

NO. 08-1753-CD

FILED

JAN 26 2009

01/26/09 1:00 PM
William A. Shaw
Prothonotary/Clerk of Courts

4 Client to

O R D E R

NOW, this 26th day of January, 2009, the Plaintiff is granted leave to serve the ~~complaint~~ Complaint upon the Defendants **KEVIN M., SWAUGER and MARY L. SWAUGER** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 534 Railroad Street, Coalport, PA 16627; 507 Hickory Street, Coalport, PA 16627; 2631 West Chestnut Avenue, Altoona, PA 16601, PO Box 7, Coalport, PA 16627 and 200 Logan Blvd., Hollidaysburg, PA 16648;
3. By certified mail, return receipt requested to 534 Railroad Street, Coalport, PA 16627; 507 Hickory Street, Coalport, PA 16627; 2631 West Chestnut Avenue, Altoona, PA 16601, PO Box 7, Coalport, PA 16627 and 200 Logan Blvd., Hollidaysburg, PA 16648; and
4. By posting the mortgaged premises known in this herein action as to 534 Railroad Street, Coalport, PA 16627.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

BY THE COURT,


PREDRIC J. AMMERMAN
President Judge

DATE: 1-26-09

Prithivindaray/Chawla
William A. Shaw
Protobiont or Cours
Using
www.626.org

FILED
JAN 26 1990

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

US Bank National Association as Trustee for
Residential Funding Company, LLC
Plaintiff

vs.

Kevin M. Swauger
Mary L. Swauger

Defendant(s)

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: CLEARFIELD COUNTY

: NO. 2008-1753-CD

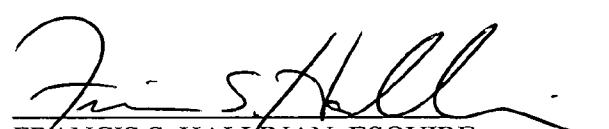
S FILED 1CC 144
m/11/10 LM H Hallinan
FEB 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

**AFFIDAVIT OF SERVICE OF COMPLAINT
BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage
Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt
requested, to **Kevin M. Swauger and Mary L. Swauger** at **534 Railroad Street, Coalport, PA
16627, 507 Hickory Street, P.O. Box 71, Coalport, PA 16627, 2631 West Chestnut Avenue,
Altoona, PA 16601, P.O. Box 7, Coalport, PA 16627 and 200 Logan Boulevard,
Hollidaysburg, PA 16648** on **February 17, 2009**, in accordance with the Order of Court dated
January 26, 2009. The undersigned understands that this statement is made subject to the
penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: February 17, 2009


FRANCIS S. HALLINAN, ESQUIRE
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendants

COURT OF COMMON PLEAS
CIVIL DIVISION
CLEARFIELD COUNTY

No. 2008-1753-CD

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above
captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: 
Francis S. Hallinan, Esquire
Lawrence T. Phelan, Esquire
Daniel G. Schmieg, Esquire
Attorneys for Plaintiff

Date: February 17, 2009

/jmr, Svc Dept.
File# 183011

pd \$7.00 A/Hy
FILED 1CC + 1 reinstated
m 11:45 am
FEB 19 2009
reinstated complaints
to shff
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1753-CD

US BANK NATIONAL ASSOCIATION as TRUSTEE for RESIDENTIAL FUNDING COMPANY, LLC
vs
KEVIN M. SWAUGER & MARY L. SWAUGER

SERVICE # 1 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER

SERVE BY: 03/21/2009 HEARING: PAGE: 105293

DEFENDANT: KEVIN M. SWAUGER
ADDRESS: 534 RAILROAD ST.
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: POST ON PROPERTY

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

013:14R1
FILED
FEB 24 2009
S
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER ON KEVIN M. SWAUGER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW 2-24-09 AT 11:13 AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER FOR KEVIN M. SWAUGER

AT (ADDRESS) 534 Railroad St.
Coalport, Pa. 16627

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

I MAKE RETURN OF **NOT FOUND** AS TO KEVIN M. SWAUGER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis
Deputy Signature
James E. Davis
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1753-CD

US BANK NATIONAL ASSOCIATION as TRUSTEE for RESIDENTIAL FUNDING COMPANY, LLC
vs
KEVIN M. SWAUGER & MARY L. SWAUGER
COMPLAINT IN MORTGAGE FORECLOSURE & ORDER

SERVE BY: 03/21/2009 HEARING: PAGE: 105293

DEFENDANT: MARY L. SWAUGER
ADDRESS: 534 RAILROAD ST.
COALPORT, PA 16627

ALTERNATE ADDRESS

SERVE AND LEAVE WITH ~~POST ON PROPERTY~~

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED
ATTEMPTS _____

S
FILED
03/14/09
FEB 24 2009
William A. Shaw
Prothonotary/Clerk of Courts
WM

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER ON MARY L. SWAUGER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW 2-24-09 AT 11:13 AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER FOR MARY L. SWAUGER

AT (ADDRESS) 534 Railroad St.
Coalport, Pa. 16627

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

I MAKE RETURN OF **NOT FOUND** AS TO MARY L. SWAUGER

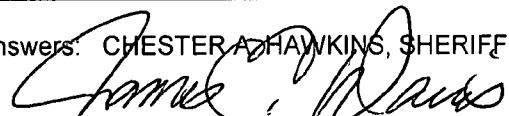
REASON UNABLE TO LOCATE _____

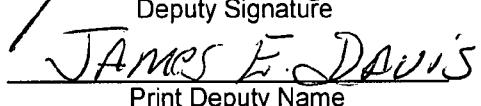
SWORN TO BEFORE ME THIS

DAY OF 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:


Deputy Signature


Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104674
NO: 08-1753-CD
SERVICE # 5 OF 8
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION as Trustee
vs.
DEFENDANT: KEVIN M. SWAUGER and MARY L. SWAUGER

SHERIFF RETURN

NOW, September 25, 2008, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KEVIN M. SWAUGER.

NOW, October 07, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON KEVIN M. SWAUGER, DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

FILED
9:05 AM
APR 07 2009

5
William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104674
NO: 08-1753-CD
SERVICE # 6 OF 8
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION as Trustee
vs.
DEFENDANT: KEVIN M. SWAUGER and MARY L. SWAUGER

SHERIFF RETURN

NOW, September 25, 2008, SHERIFF OF BLAIR COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARY L. SWAUGER.

NOW, October 07, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MARY L. SWAUGER, DEFENDANT. THE RETURN OF BLAIR COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104674
NO: 08-1753-CD
SERVICE # 7 OF 8
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION as Trustee
vs.
DEFENDANT: KEVIN M. SWAUGER and MARY L. SWAUGER

SHERIFF RETURN

NOW, September 25, 2008, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON
KEVIN M. SWAUGER.

NOW, September 29, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON
KEVIN M. SWAUGER, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE
PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104674
NO: 08-1753-CD
SERVICE # 8 OF 8
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION as Trustee
VS.
DEFENDANT: KEVIN M. SWAUGER and MARY L. SWAUGER

SHERIFF RETURN

NOW, September 25, 2008, SHERIFF OF ALLEGHENY COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON
MARY L. SWAUGER.

NOW, September 29, 2008 ATTEMPTED TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON
MARY L. SWAUGER, DEFENDANT. THE RETURN OF ALLEGHENY COUNTY IS HERETO ATTACHED AND MADE
PART OF THIS RETURN MARKED "NOT FOUND".

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104674
NO: 08-1753-CD
SERVICES 8
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: US BANK NATIONAL ASSOCIATION as Trustee

vs.

DEFENDANT: KEVIN M. SWAUGER and MARY L. SWAUGER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	731290	80.00
SHERIFF HAWKINS	PHELAN	731290	20.00
SHERIFF HAWKINS	PheLAN	791324	65.76
BLAIR CO.	PHELAN	731285	42.50
ALLEGHENY CO.	PHELAN	731281	115.00

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

DATE RECEIVED

DATE PROCESSED

3RD Attempt

SHERIFF'S DEPARTMENT

1-2

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

Co309T

1. PLAINTIFF / S/

US Bank National

2. COURT NUMBER

08-1753-CD/001947-08

3. DEFENDANT / S/

Kevin M & Mary L Swauger

4. TYPE OF WRIT OR COMPLAINT

Mortgage Foreclosure

SERVE



5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

Mary L Swauger

6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

2631 W. Chestnut Avenue Altoona PA 16601

7. INDICATE UNUSUAL SERVICE:

 PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL REGISTERED MAIL POSTED OTHER

NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

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

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

Melody Halman Schieber
Deputized Clearfield Co.

10. TELEPHONE NUMBER

11. DATE

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

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized BCSD Deputy or Clerk and Title

13. Date Received

14. Expiration/Hearing date

9-29-08 10-17-08

15. I hereby CERTIFY and RETURN that I have personally served, have served person in charge, have legal evidence of service as shown in "Remarks" (on reverse) have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing or Posting a TRUE and ATTESTED COPY thereof.16. I hereby certify and return a NOT FOUND because I am unable to locate the individual, company, corporation, etc., named above. (See remarks below)

17. Name and title of individual served

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. Read Order

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

20. Date of Service

21. Time

22. ATTEMPTS	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.	Date	Miles	Dep. Int.
1	10/7/08	IRMA	10/7/08	1/6	CSC	10/11/08	4/2	4/2	CMB	10/11/08	4/2.50	4/2.50	10/11/08	4/2.50	4/2.50

23. Advance Costs	24.	25.	26.	27. Total Costs	28. CASH DUE OR REFUND
(\$0.00 Rec'dt 133633		514	10.00	42.50	107.50

30. REMARKS

134062 32.

SO ANSWER.

AFFIRMED and subscribed to before me this

29th

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

Date

day of October, 2008

COMMONWEALTH OF PENNSYLVANIA

Notary Seal

NOTARY PUBLIC, STATE OF PENNSYLVANIA

HON. HENRY B. BLAIR, BUREAU OF NOTARIES

HON. HENRY

SHERIFF'S RETURN OF SERVICE

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

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

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

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

And thereafter:

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

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

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

The affidavit from said publication is hereto attached.

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

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

(5) Other _____

DATE RECEIVED

DATE PROCESSED

SHERIFF'S DEPARTMENT

BLAIR COUNTY, PENNSYLVANIA
COURTHOUSE, HOLLIDAYSBURG, PA. 16648

2-2

SHERIFF SERVICE
PROCESS RECEIPT, and AFFIDAVIT OF RETURN

INSTRUCTIONS:

Print legibly, insuring readability of all copies.

Do not detach any copies. BCSD ENV. #

60309T

1. PLAINTIFF / S /

US Bank National

2. COURT NUMBER

08-1753-CO/60309T-2008

3. DEFENDANT / S /

Kevon M. Mary L. Swauger

4. TYPE OF WRIT OR COMPLAINT

Mortgage foreclosure

SERVE



5. NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SOLD.

AT

Kevon M. Swauger

6. ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

2631 W. Chestnut Avenue Altoona PA 16601

7. INDICATE UNUSUAL SERVICE:

 PERSONAL PERSON IN CHARGE DEPUTIZE CERT. MAIL REGISTERED MAIL POSTED OTHER

NOW, _____, I, SHERIFF OF BLAIR COUNTY, PA., do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law. This deputation being made at the request and risk of the plaintiff.

SHERIFF OF BLAIR COUNTY

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

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriffs' sale thereof.

9. SIGNATURE of ATTORNEY or other ORIGINATOR requesting service on behalf of:

PLAINTIFF
 DEFENDANT

10. TELEPHONE NUMBER:

11. DATE

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

12. I acknowledge receipt of the writ or complaint as indicated above.

SIGNATURE of Authorized BCSD Deputy or Clerk and Title

13. Date Received

14. Expiration/Hearing date

9-29-08

10-17-08

15. I hereby CERTIFY and RETURN that I have personally served, have served person in charge, have legal evidence of service as shown in "Remarks" (on reverse) have posted the above described property with the writ or complaint described on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., at the address inserted below by handing or posting a TRUE and ATTESTED COPY hereof.

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

17. Name and title of individual served

18. A person of suitable age and discretion then residing in the defendant's usual place of abode. Read Order

19. Address of where served (complete only if different than shown above) (Street or RFD, Apartment No., City, Boro, Twp., State and ZIP Code)

20. Date of Service

21. Time

22. ATTEMPTS	Date	Miles	Dep. Int.												
--------------	------	-------	-----------	------	-------	-----------	------	-------	-----------	------	-------	-----------	------	-------	-----------

23. Advance Costs 24. 25. 26. 27. Total Costs 28. COST DUE OR REFUND

30. REMARKS

SO ANSWER.

AFFIRMED and subscribed to before me this _____

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

Date

day of _____

Signature of Sheriff

Date

NOTARY PUBLIC

SHERIFF OF BLAIR COUNTY

MY COMMISSION EXPIRES

I ACKNOWLEDGE RECEIPT OF THE SHERIFF'S RETURN SIGNATURE
OF AUTHORIZED ISSUING AUTHORITY AND TITLE.

39. Date Received

SHERIFF'S RETURN OF SERVICE

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

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

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

in the following manner:

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

And thereafter:

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

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

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

The affidavit from said publication is hereto attached.

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

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

(5) Other _____

104674
9/29/08
9/30/08 D/W

ALLEGHENY.EFILINGS@FEDPHE.COM
ALLEGHENY COUNTY SHERIFF'S DEPARTMENT
436 GRANT STREET
PITTSBURGH, PA 15219-2496
PHONE (412)350-4700
FAX (412) 350-6388

9/29/08
9/30/08 D/W

PHS# 186060

08-1753-CJ

JOSEPH A. RIZZO
Chief Deputy

WILLIAM P. MULLEN
Sheriff

PLAINTIFF: U.S. BANK NATIONAL,...

VS.

DEFT: KEVIN M. SWAUGER & MARY L. SWAUGER

DEFT:

DEFT:

SERVE: KEVIN M. SWAUGER

ADDRESS: 2121 WESLEY STREET, MCKEESPORT, PA 15132

MUNICIPALITY or CITY WARD: 68

DATE: AUGUST 28TH 2008

ATTY'S PHONE: 215-563-7000

CASE #:

EXPIRES: 10-17-08

- SUMMONS/PRAECIPE
- SEIZURE OR POSSESSION
- NOTICE AND COMPLAINT
- REVIVAL OR SCI FA
- INTERROGATORIES
- EXECUTION · LEVY OR GARNISHEE
- OTHER

ATTY: PHELAN HALLINAN & SCHMIEG, LLP.

ADDRESS: 1617 JFK BLVD., STE 1400

PHLADELPHIA, PA 19103

INDICATE TYPE OF SERVICE: PERSONAL PERSON IN CHARGE DEPUTIZE MAIL POSTED OTHER LEVY SEIZED & STORED

NOW: 20 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depelize the Sheriff of County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell the personal property of the defendant on the premises located at

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the _____ day of _____ 20 ___, at _____ o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania.

I have served in the manner Described below:

- Defendant(s) personally served.
- Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____
- Adult in charge of Defendant's residence who refused to give name or relationship _____
- Manger/other person authorized to accept deliveries of United States Mail _____
- Agent or person in charge of Defendant(s) office or usual place of business.

Other _____ *Kevin C. Swauger lives at address, Not Deft*
 Property Posted _____

Defendant not found because _____ Moved _____ Unknown _____ No Answer _____ Vacant _____ Other _____ *Not at address.*
 Certified Mail _____ Receipt _____ Envelope Returned _____ Neither receipt or envelope returned: writ expired _____
 Regular Mail _____ Why _____

You are hereby notified that on _____, _____, levy was made in the case of _____
Possession/Sale has been set for _____, 20 _____ at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 - 9:30 A.M.
ATTEMPTS _____ / _____ / _____ / _____ / _____ / _____

Additional Costs Due \$ _____, This is
Placed on writ when returned to Prothonotary. Please check
Before satisfying case.

Affirmed and subscribed before me
This _____ day of _____ 20 _____

WILLIAM P. MULLEN, Sheriff

BY:

W. P. Mullen

(DEPUTY)

DISTRICT: 7

Notary



CHESTER A. HAWKINS
SHERIFF

Sheriff's Office Clearfield County

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641
FAX (814) 765-5915
ROBERT SNYDER
CHIEF DEPUTY
MARILYN HAMM
DEPT. CLERK
CYNTHIA AUGHENBAUGH
OFFICE MANAGER
KAREN BAUGHMAN
CLERK TYPIST
PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 104674

TERM & NO. 08-1753-CD

US BANK NATIONAL ASSOCIATION as Trustee

COMPLAINT IN MORTGAGE FORECLOSURE

VS.

KEVIN M. SWAUGER and MARY L. SWAUGER

10-17-08
SERVE BY: 10/14/08
COURT DATE:

MAKE REFUND PAYABLE TO PHELAN HALLINAN & SCHMIEG, ESQ.

SERVE: KEVIN M. SWAUGER

ADDRESS: 2121 WESLEY STREET, MCKEESPORT, PA 15132

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, September 25, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

ALLEGHENY.EFILINGS@FEDPHE.COM
ALLEGHENY COUNTY SHERIFF'S DEPARTMENT
 436 GRANT STREET
 PITTSBURGH, PA 15219-2496
 PHONE (412)350-4700
 FAX (412) 350-6388

9/29/08
 11:40 AM
 JK

PHS# 186060

WILLIAM P. MULLEN
 Sheriff

08-1753-C

JOSEPH A. RIZZO
 Chief Deputy

PLAINTIFF: U.S. BANK NATIONAL, ...
 VS.
 DEFT: KEVIN M. SWAUGER & MARY L. SWAUGER
 DEFT:
 DEFT:
 SERVE: MARY L. SWAUGER
 ADDRESS: 2121 WESLEY STREET, MCKEESPORT, PA 15132

CASE #: 16-17-08
 EXPIRES: 16-17-08

- SUMMONS/PRAECIPE
 SEIZURE OR POSSESSION
 NOTICE AND COMPLAINT
 REVIVAL OR SCI FA
 INTERROGATORIES
 EXECUTION · LEVY OR GARNISHEE
 OTHER

MUNICIPALITY or CITY WARD: 68
 DATE: AUGUST 28TH 2008
 ATTY'S PHONE: 215-563-7000
 ATTY: PHELAN HALLINAN & SCHMIEG, LLP.
 ADDRESS: 1617 JFK BLVD., STE 1400
 PHILADELPHIA, PA 19103

INDICATE TYPE OF SERVICE: PERSONAL PERSON IN CHARGE DEPUTIZE MAIL POSTED OTHER LEVY SEIZED & STORED

NOW: 20 I, SHERIFF OF ALLEGHENY COUNTY, PA do hereby depose the Sheriff of County to execute this Writ and make return thereof according to law

NOTE: ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN – Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment, with out liability on the part of such deputy herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Seize, levy, advertise and sell the personal property of the defendant on the premises located at: _____

MAKE	MODEL	MOTOR NUMBER	SERIAL NUMBER	LICENSE NUMBER
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the 8 day of Oct 2008 at 10:00 o'clock, A.M./P.M. Address Above/ Address Below, County of Allegheny, Pennsylvania.

I have served in the manner Described below:

- Defendant(s) personally served.
 Adult family member with whom said Defendant(s) reside(s). Name & Relationship _____
 Adult in charge of Defendant's residence who refused to give name or relationship _____
 Manger/other person authorized to accept deliveries of United States Mail _____
 Agent or person in charge of Defendant(s) office or usual place of business _____

 Other _____
 Property Posted _____

~~Deft. Does not live at address~~
 Defendant not found because Moved Unknown No Answer Vacant Other _____
 Certified Mail Receipt _____ Envelope Returned _____ Neither receipt or envelope returned: writ expired _____
 Regular Mail Why _____

You are hereby notified that on _____, _____, levy was made in the case of _____
 Possession/Sale has been set for _____, 20 _____ at _____ o'clock

YOU MUST CALL DEPUTY ON THE MORNING OF SALE/POSSESSION BETWEEN 8:30 – 9:30 A.M.
 ATTEMPTS _____ / _____ / _____ / _____ / _____ / _____

Additional Costs Due \$ _____, This is
 Placed on writ when returned to Prothonotary. Please check
 Before satisfying case.

Affirmed and subscribed before me

This _____ day of _____ 20 _____

WILLIAM P. MULLEN, Sheriff

BY: William P. Mullen (DEPUTY)

DISTRICT: 7

Notary



CHESTER A. HAWKINS
SHERIFF

**Sheriff's Office
Clearfield County**

COURTHOUSE
1 NORTH SECOND STREET, SUITE 116
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER
CHIEF DEPUTY

MARILYN HAMM
DEPT. CLERK

CYNTHIA AUGHENBAUGH
OFFICE MANAGER

KAREN BAUGHMAN
CLERK TYPIST

PETER F. SMITH
SOLICITOR

DEPUTATION

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

PAGE 104674

TERM & NO. 08-1753-CD

US BANK NATIONAL ASSOCIATION as Trustee

COMPLAINT IN MORTGAGE FORECLOSURE

VS.

KEVIN M. SWAUGER and MARY L. SWAUGER

10-17-08

SERVE BY: 10/14/08

COURT DATE:

MAKE REFUND PAYABLE TO PHELAN HALLINAN & SCHMIEG, ESQ.

SERVE: MARY L. SWAUGER

ADDRESS: 2121 WESLEY STREET, MCKEESPORT, PA 15132

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby depelize the SHERIFF OF ALLEGHENY COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, September 25, 2008.

RESPECTFULLY,

A handwritten signature in black ink, appearing to read "Chester A. Hawkins".

CHESTER A. HAWKINS,
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

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

SEP 17 2008

Attest.

William C. Clegg
Prothonotary/
Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
JUDITH T. ROMANO, ESQ., Id. No. 58745
SHEETAL SHAH-JANI, ESQ., Id. No. 81760
JENINE R. DAVEY, ESQ., Id. No. 87077
LAUREN R. TABAS, ESQ., Id. No. 93337
VIVEK SRIVASTAVA, ESQ., Id. No. 202331
JAY B. JONES, ESQ., Id. No. 86657
PETER MULCAHY, ESQ., Id. No. 61791
ANDREW SPIVACK, ESQ., Id. No. 84439
JAIME MCGUINNESS, ESQ., Id. No. 90134
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 183011

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff
v.

KEVIN M. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627
Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1753-C

CLEARFIELD COUNTY

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

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS
COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN**

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

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

1. Plaintiff is

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

KEVIN M. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

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

3. On 07/18/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR MORTGAGE LENDERS NETWORK USA, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200612160. 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 04/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$47,245.33
Interest	\$2,206.96
03/01/2008 through 09/12/2008	
(Per Diem \$11.26)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
07/18/2006 to 09/12/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$51,252.29

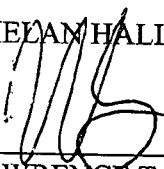
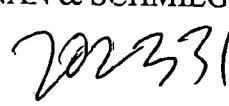
Escrow	
Credit	(\$520.79)
Deficit	\$0.00
Subtotal	<u>(\$520.79)</u>
TOTAL	\$50,731.50

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 \$50,731.50, together with interest from 09/12/2008 at the rate of \$11.26 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:  

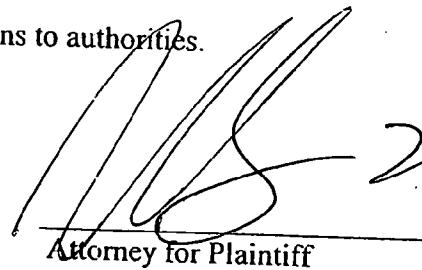
LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
SHEETAL R. SHAH-JANI, ESQUIRE
JENINE R. DAVEY, ESQUIRE
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
JAY B. JONES, ESQUIRE
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK,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

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.



202331

Attorney for Plaintiff

DATE: 01/15/06

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

SEP 17 2008

Attest.



William L. Brown
Prothonotary/
Clerk of Courts

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

183011

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff
v.

KEVIN M. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627
Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1753-CD

CLEARFIELD COUNTY

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

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

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

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

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL
THE END OF THE THIRTY (30) DAY PERIOD
FOLLOWING FIRST CONTACT WITH YOU BEFORE
SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH
THE LAW PROVIDES THAT YOUR ANSWER TO THIS
COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN**

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

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

1. Plaintiff is

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

KEVIN M. SWAUGER
507 HISTORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HISTORY STREET
COALPORT, PA 16627

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

3. On 07/18/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR MORTGAGE LENDERS NETWORK USA, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200612160. 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 04/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

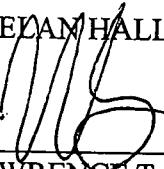
Principal Balance	\$47,245.33
Interest	\$2,206.96
03/01/2008 through 09/12/2008	
(Per Diem \$11.26)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
07/18/2006 to 09/12/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$51,252.29
Escrow	
Credit	(\$520.79)
Deficit	\$0.00
Subtotal	<u>(\$520.79)</u>
TOTAL	\$50,731.50

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 \$50,731.50, together with interest from 09/12/2008 at the rate of \$11.26 per dem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:  202331

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

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

BEING the same premises granted and conveyed unto Mary L. Swauger and Kevin M. Swauger by Deed of Dorothy H. Roberts Estate by William Lynn Hollen as Executor, dated May 25, 2005 and recorded June 2, 2005 in Clearfield County Instrument #2005-08190.

BEING identified by Clearfield County Assessment **Parcel Number 5-H17-347-36**.

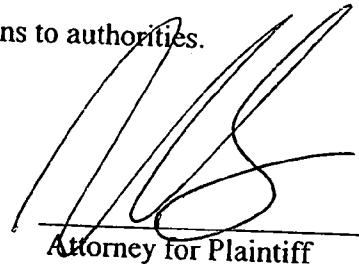
UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

PREMISES: 534 RAILROAD STREET

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.



202331

Attorney for Plaintiff

DATE: 01/15/06

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105293
NO: 08-1753-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE &

ORDER

PLAINTIFF: US BANK NATIONAL ASSOCIATION as TRUSTEE for RESIDENTIAL FUNDING COMPANY, LLC
VS.

DEFENDANT: KEVIN M. SWAUGER & MARY L. SWAUGER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	777478	20.00
SHERIFF HAWKINS	PHELAN	777478	45.80

FILED
09:05 am
APR 07 2009
S William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

5 **FILED** NOCC
M 110:55 AM
AUG 06 2009
LM
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
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Lauren R. Tabas, Esq., Id. No. 93337
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Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEYS FOR PLAINTIFF

US Bank National Association As Trustee for
Residential Funding Company, LLC

: Court Of Common Pleas

: Civil Division

: Clearfield County

: No. 2008-1753-CD

vs.

Kevin M. Swauger
Mary L. Swauger

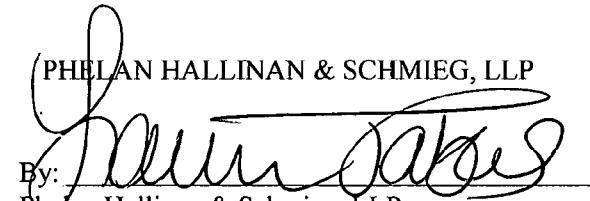
AFFIDAVIT OF SERVICE BY
PUBLICATION IN ACCORDANCE WITH COURT ORDER

I hereby certify that service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order dated January 26, 2009 as indicated below:

By publication as provided by Pa. R.C.P. Rule 430(b)(1)

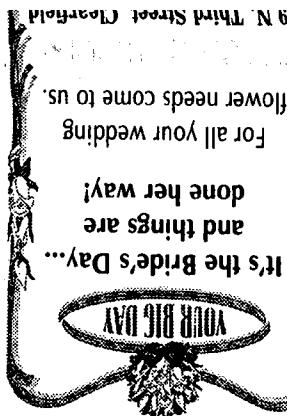
in The Progress on April 13, 2009 and Clearfield County Legal Journal of the Courts of Clearfield County on July 24, 2009. Proofs of the said publications are attached hereto.

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


By: _____
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
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Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375

Attorneys for Plaintiff

Date: August 5, 2009



NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW
NO. 2008-1753-CD

US Bank National Association as Trustee for
residential Funding Company, LLC vs. Kevin M.
Swauger, Mary L. Swauger

NOTICE

TO Kevin M. Swauger and Mary L. Swauger
You are hereby notified that on September 17,
2008, Plaintiff, US Bank National Association as
Trustee for residential Funding Company, LLC,
filed a mortgage foreclosure Complaint endorsed
with a notice to defend, against you in the Court
of Common Pleas of Clearfield County Pennsylvania,
docketed to No. 2008-1753-CD. Wherein
Plaintiff seeks to foreclose on the mortgage se-
cured on your property located at 534 Railroad
Street, Coalport, PA 16627 whereupon your prop-
erty would be sold by the Sheriff of Clearfield
County.

You are hereby notified to plead to the above
referenced Complaint on or before 20 days from
the date of this publication or a judgment will be
entered against you.

NOTICE

If you wish to defend, you must enter a written
appearance personally or by attorney and file
your defenses or objections in writing with the
court. You are warned that if you fail to do so
the case may proceed without you and a judg-
ment may be entered against you without fur-
ther notice for the relief requested by the plain-
tiff. You may lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS NOTICE TO YOUR
LAWYER AT ONCE. IF YOU DO NOT HAVE A
LAWYER, GO TO OR TELEPHONE THE OF-
FICE SET FORTH BELOW. THIS OFFICE CAN
PROVIDE YOU WITH INFORMATION ABOUT
HIRING A LAWYER. IF YOU CAN NOT AF-
FORD TO HIRE A LAWYER, THIS OFFICE
MAY BE ABLE TO PROVIDE YOU WITH IN-
FORMATION ABOUT AGENCIES THAT MAY
OFFER LEGAL SERVICES TO ELIGIBLE PER-
SONS AT A REDUCED FEE OR NO FEE.

CLEARFIELD COUNTY
DAVID S. MEHOLICK, COURT
ADMINISTRATOR
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
(814) 765-2641 x5982
PENNSYLVANIA LAWYER REFERRAL
SERVICE
PENNSYLVANIA BAR ASSOCIATION
100 SOUTH STREET
PO BOX 186
HARRISBURG, PA 17108
800-692-7375

THE PRICE OR SUM AT WHICH THE PROPERTY SHALL BE STRUCK OFF MUST BE PAID AT THE TIME OF SALE OR SUCH OTHER ARRANGEMENTS MADE AS WILL BE APPROVED, OTHERWISE THE PROPERTY WILL BE IMMEDIATELY PUT UP AND SOLD AGAIN AT THE EXPENSE AND RISK OF THE PERSON WHOM IT WAS STRUCK OFF AND WHO IN CASE OF DEFICIENCY OF SUCH RESALE SHALL MAKE GOOD FOR THE SAME AND IN NO INSTANCE WILL THE DEED BE PRESENTED FOR CONFIRMATION UNLESS THE MONEY IS ACTUALLY PAID TO THE SHERIFF.

To all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

Your house (real estate) at 6695 Rockton Mountain Highway a.k.a. P.O. Box 24, Rockton, Pennsylvania 15856 is scheduled to be sold at Sheriff Sale on Friday, August 7, 2009 at 10:00 a.m. in the Sheriff's Office of the Clearfield County Courthouse, 1 North Second Street, Clearfield, Pennsylvania 16830 to enforce the court judgment of \$88,945.39 by

7
DANCE WITH THE SCHEDULE UNLESS EXCEPTIONS ARE FILED WITHIN TEN (10) DAYS THEREAFTER.

Your house (real estate) at 123 Jacks Run Road, Woodland, PA 16881 is scheduled to be sold at Sheriff's Sale on FRIDAY, AUGUST 7, 2009 at 10:00 A.M., in Clearfield County Sheriff's Office, Courthouse, 1 North Second Street, Clearfield, PA 16830 to enforce the court judgment of \$70,248.35 obtained by Deutsche Bank National Trust Company, as Indenture Trustee for New Century Home Equity Loan Trust 2004-2 (the mortgagee) against you. All that certain piece or parcel of land known as lot 1 in Timothy L. and Evette D. Shaw Subdivision situate in Bradford Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a point set in the southern line of a private road, said point also being the north-western corner of the land herein described; thence by the southern line of the private road South 85 degrees 26 minutes 09 seconds East 104.693 feet to a $\frac{1}{4}$ " iron pin set in the southern line of said private road; thence by land of Seth and Colleen Cowder North 44 degrees 49 minutes 09 seconds East 14.925 feet to a corner; thence still by land of Seth and Colleen Cowder the following courses a distances; South 31 degrees 31 minutes 55 seconds East 68.220 feet to a corner, South 04 degrees 30 minutes 28 Seconds West 165.206 feet to a $\frac{1}{4}$ " rebar and North 85 degrees 25 minutes 30 Seconds West 49.958

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

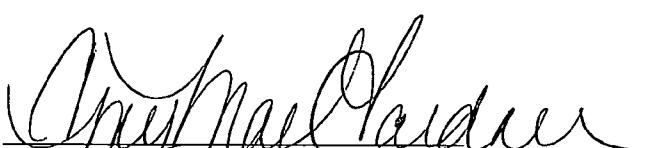
COUNTY OF CLEARFIELD :

On this 24th day of July AD 2009, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of July 24, 2009, Vol. 21, No. 30. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

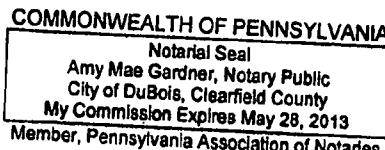


Gary A. Knaresboro, Esquire
Editor

Sworn and subscribed to before me the day and year aforesaid.



Amy Mae Gardner
Notary Public
My Commission Expires



Stephanie McAvery
Full Spectrum Service
400 Fellowship Road
Suite 220
Mount Laurel, NJ 08054

FILED *(R)*

AUG 28 2009

11:10 AM

William A. Shaw
Prothonotary/Clerk of Courts w/ notice

2 CENTS TO EACH

DEFT. (1) 200 LCGW

Be

Monogram

1 CENT w/ NOTICE
TO ATTY.

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
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. 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 J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375

1617 JFK Boulevard, Suite 1400

One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

US BANK NATIONAL ASSOCIATION	:	CLEARFIELD COUNTY
AS TRUSTEE FOR RESIDENTIAL	:	
FUNDING COMPANY, LLC	:	COURT OF COMMON PLEAS
vs.	:	CIVIL DIVISION
KEVIN M. SWAUGER	:	No. 2008-1753-CD
MARY L. SWAUGER	:	
	:	

**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 **KEVIN M. SWAUGER, and MARY L. SWAUGER**, 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	\$50,731.50
Interest - 09/13/2008 to 08/27/2009	<u>\$3,929.74</u>
 TOTAL	 \$54,661.24

I hereby certify that (1) the Defendants' last known addresses are 534 RAILROAD STREET, COALPORT, PA 16627, 2631 WEST CHESTER AVENUE, ALTOONA, PA 16601 and 200 LOGAN BOULEVARD, HOLLIDAYSBURG, PA 16648, and (2) that notice has been given in accordance with Rule 237.1, copy attached.

By: J. Schlie
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
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Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
Attorneys for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 8-28-09

PHS # 183011

C. Schlie
PROTHONOTARY

Phelan Hallinan & Schmieg, LLP

By: Lawrence T. Phelan, Esq., Id. No. 32227

Attorney for Plaintiff

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

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Joshua I. Goldman, Esq., Id. No. 205047

Courtenay R. Dunn, Esq., Id. No. 206779

Andrew C. Bramblett, Esq., Id. No. 208375

1617 JFK Boulevard, Suite 1400

One Penn Center Plaza

Philadelphia, PA 19103

215-563-7000

US BANK NATIONAL ASSOCIATION	:	CLEARFIELD COUNTY
AS TRUSTEE FOR RESIDENTIAL	:	
FUNDING COMPANY, LLC	:	COURT OF COMMON PLEAS
	:	
	:	CIVIL DIVISION
vs.	:	
KEVIN M. SWAUGER	:	No. 2008-1753-CD
MARY L. SWAUGER	:	

VERIFICATION OF NON-MILITARY SERVICE

The undersigned attorney hereby verifies that he/she is the attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he/she 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 KEVIN M. SWAUGER is over 18 years of age and his last known addresses are 534 RAILROAD STREET, COALPORT, PA 16627, 2631 WEST CHESTER AVENUE, ALTOONA, PA 16601 and 200 LOGAN BOULEVARD, HOLLIDAYSBURG, PA 16648.

(c) that defendant MARY L. SWAUGER is over 18 years of age and her last known addresses are 534 RAILROAD STREET, COALPORT, PA 16627, 2631 WEST CHESTER AVENUE, ALTOONA, PA 16601 and 200 LOGAN BOULEVARD, HOLLIDAYSBURG, PA 16648.

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



- 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 R. 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 J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

(Rule of Civil Procedure No. 236) – Revised

**US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC**

vs.

**KEVIN M. SWAUGER
MARY L. SWAUGER**

**CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
No. 2008-1753-CD**

Notice is given that a Judgment in the above captioned matter has been entered
against you on Aug. 28, 2009

By: Willie DEPUTY

If you have any questions concerning this matter please contact:

By: Isabella
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 R. Shah-Jani, Esq., Id. No. 81760
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Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
Attorneys for Plaintiff

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ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.****

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

TO: KEVIN M. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

DATE OF NOTICE: August 14, 2009

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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

By: 

Lawrence T. Phelan, Esq., Id. No. 32227
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1617 JFK Boulevard, Suite 1400
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Philadelphia, PA 19103

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

TO: KEVIN M. SWAUGER
2631 WEST CHESTNUT AVENUE
ALTOONA, PA 16601

DATE OF NOTICE: August 14, 2009

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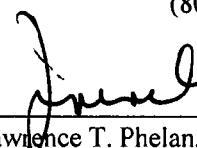
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US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

TO: KEVIN M. SWAUGER
200 LOGAN BOULEVARD
HOLLIDAYSBURG, PA 16648

DATE OF NOTICE: August 14, 2009

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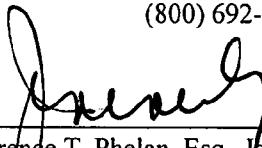
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US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

TO: KEVIN M. SWAUGER
P.O. BOX 7
COALPORT, PA 16627

DATE OF NOTICE: August 14, 2009

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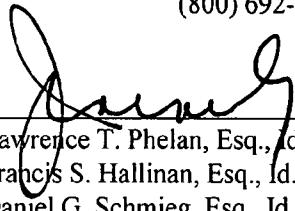
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US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

COURT OF COMMON PLEAS
CIVIL DIVISON

Plaintiff

NO. 2008-1753-CD

v.

CLEARFIELD COUNTY

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

TO: MARY L. SWAUGER
2631 WEST CHESTER AVENUE
ALTOONA, PA 16601

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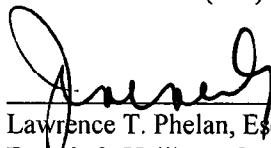
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US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

TO: MARY L. SWAUGER
200 LOGAN BOULEVARD
HOLIDAYSBURG, PA 16648

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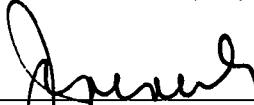
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US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

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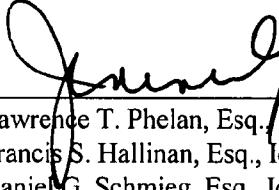
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US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

Defendant(s)

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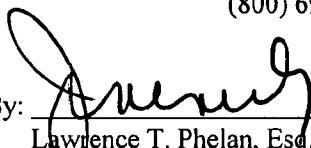
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Pennsylvania Bar Association
100 South Street
P.O. Box 186
Harrisburg, PA 17108
(800) 692-7375

By: 

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 R. 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 J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

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

US.BANK.NATIONAL
ASSOCIATION AS TRUSTEE FOR
RESIDENTIAL FUNDING
COMPANY, LLC.

vs.

KEVIN M. SWAUGER

MARY L. SWAUGER

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-1753-CD

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	Prothonotary costs	\$54,661.24
Interest from 8/28/09 to Sale		149.00
Per diem \$8.99		\$ _____
Add'l Costs		\$5,028.26
Writ Total		\$

DANIEL G. SCHMIEG, ESQUIRE
JAY B. JONES, ESQUIRE
ANDREW L. SPIVACK, ESQUIRE
JENINE R. DAVEY, ESQUIRE
Attorney for Plaintiff

Note: Please attach description of Property.

183011

FILED Atty pd. 20.00
m/j/overd
SEP 18 2009
S
William A. Shaw
Prothonotary/Clerk of Courts
IN 1/CColewits
w/ prop desc.
to Sheriff

No. 2008-1753-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION AS TRUSTEE
FOR RESIDENTIAL FUNDING COMPANY, LLC

FILED

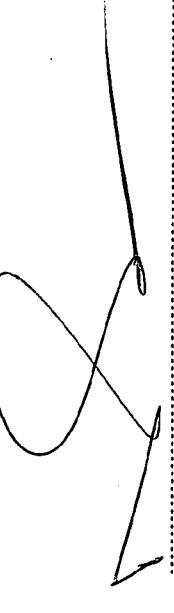
SEP 18 2009

William A. Shaw
Prothonotary/Clerk of Courts

KEVIN M. SWAUGER
MARY L. SWAUGER

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



DANIEL G. SCHMIEG, ESQUIRE
JAY B. JONES, ESQUIRE
ANDREW L. SPIVACK, ESQUIRE
JENINE R. DAVEY, ESQUIRE
Attorney for Plaintiff

Address: KEVIN M. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

MARY L. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

PHELAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

Identification No. 62205

JAY B. JONES

Identification No. 86657

ANDREW L. SPIVACK

Identification No. 84439

JENINE R. DAVEY

Identification No. 87077

Suite 1400

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Philadelphia, PA 19103-1814

(215) 563-7000

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS

Plaintiff,

: CIVIL DIVISION

v.

: NO. 2008-1753-CD

KEVIN M. SWAUGER
MARY L. SWAUGER

:

:

:

Defendant(s).

:

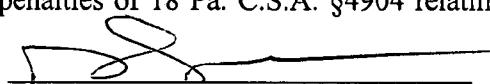
:

CERTIFICATION

The undersigned attorney, 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
JAY B. JONES, ESQUIRE
ANDREW L. SPIVACK, ESQUIRE
JENINE R. DAVEY, ESQUIRE
Attorney for Plaintiff

**US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC**

:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**

Plaintiff,

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

:
: **CIVIL DIVISION**
: **NO. 2008-1753-CD**

Defendant(s).

:
:
:
:

AFFIDAVIT PURSUANT TO RULE 3129.1

**US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC**, Plaintiff in the above action, by its attorney, the undersigned attorney, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **534 RAILROAD STREET, COALPORT, PA 16627**.

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

NAME **KEVIN M. SWAUGER** ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

**507 HICKORY STREET
COALPORT, PA 16627**

**534 RAILROAD STREET
COALPORT, PA 16627**

NAME **MARY L. SWAUGER** ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

**507 HICKORY STREET
COALPORT, PA 16627**

**534 RAILROAD STREET
COALPORT, PA 16627**

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

NAME **Same as Above** ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

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

NAME **None** ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

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

NAME
None

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

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

NAME
None

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

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
None

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

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

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

TENANT/OCCUPANT

534 RAILROAD STREET
COALPORT, PA 16627

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

MARIANNE MZAL SWAUGER

BOX 281
NORTHERN CAMBRIA, PA 15714

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.

SEPTEMBER 11, 2009
Date

DANIEL G. SCHMIEG, ESQUIRE
JAY B. JONES, ESQUIRE
ANDREW L. SPIVACK, ESQUIRE
JENINE R. DAVEY, ESQUIRE
Attorney for Plaintiff

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

US.BANK.NATIONAL
ASSOCIATION AS TRUSTEE FOR
RESIDENTIAL FUNDING
COMPANY, LLC

vs.

KEVIN M. SWAUGER

MARY L. SWAUGER

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-1753-CD

WRIT OF EXECUTION
(Mortgage Foreclosure)

PREMISES: 534 RAILROAD STREET, COALPORT, PA 16627
(See Legal Description attached)

Amount Due

Interest from 8/28/09 to Sale

Per diem \$8.99

Add'l Costs

Writ Total

\$54,661.24
Prothonotary costs 149.00

\$ _____

\$5,028.26

\$ _____

.....
WILLIAM J. SWAUGER
.....
OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 9/18/09
(SEAL)

No. 2008-1753-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION AS TRUSTEE
FOR RESIDENTIAL FUNDING COMPANY, LLC

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$54,661.24

Int. from 8/28/09
To Date of Sale (\$8.99 per diem)

Costs

Prothy Pd.

Sheriff

DANIEL G. SCHMIEG, ESQUIRE
JAY B. JONES, ESQUIRE
ANDREW L. SPIVACK, ESQUIRE
JENINE R. DAVEY, ESQUIRE
Attorney for Plaintiff

Address: KEVIN M. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

MARY L. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Streets in said Borough; thence eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

TITLE TO SAID PREMISES IS VESTED IN Mary L. Swauger and Kevin M. Swauger, her son, as joint tenants with right of survivorship, by Deed from William Lynn Hollen, executor of the last will and testament of Dorothy H. Roberts, deceased, dated 05/25/2005, recorded 06/02/2005 in Instrument Number 200508190.

Premises being: 534 RAILROAD STREET
COALPORT, PA 16627

Tax Parcel No. 5-H17-347-00036

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED
FEB 09 2010
NO CC
M 10730

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC

Plaintiff,

v.

KEVIN M. SWAUGER
MARY L. SWAUGER
Defendant(s)

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
: No. 2008-1753-CD

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA)
CLEARFIELD COUNTY) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

Rule

- 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 R. 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 J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

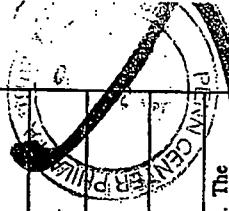
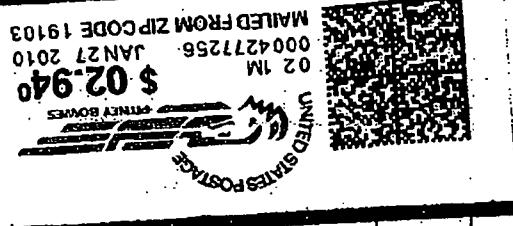
Date: 2/2/2010

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

Name and
Address
of Sender

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

8



Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 534 RAILROAD STREET COALPORT, PA 16627		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower 13 th Floor, Suite 1300, 1001 Liberty Avenue Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit Estate Recovery Program, P.O. Box 8486, Willow Oak Building Harrisburg, PA 17105		
7		MARIANNE MZAL SWAUGER BOX 281 NORTHERN CAMBRIA, PA 15714		
8				
9				
10				
11				
12		Re: KEVIN M. SWAUGER JVS 183011 TEAM 3		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R901, S913 and S921 for limitations of coverage.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21040

NO: 08-1753-CD

PLAINTIFF: US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RESIDENTIAL FUNDING COMPANY, LLC

vs.

DEFENDANT: KEVIN M. SWAUGER AND MARY L. SWAUGER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 9/18/2009

LEVY TAKEN 10/15/2009 @ 11:15 AM

POSTED 10/15/2009 @ 11:15 AM

SALE HELD 4/9/2010

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 7/7/2010

DATE DEED FILED NOT SOLD

FILED
01343-07
JUL 07 2010
S
William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

11/5/2009 @ 2:06 PM SERVED KEVIN M. SWAUGER

SERVED KEVIN M. SWAUGER, DEFENDANT, AT HIS RESIDENCE 507 HICKORY STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY SWAUGER DEFENDANT'S MOTHER/CO-DEFENDANT

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

11/5/2009 @ 2:06 PM SERVED MARY L. SWAUGER

SERVED MARY L. SWAUGER, DEFENDANT, AT HER RESIDENCE 507 HICKORY STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY SWAUGER

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, DECEMBER 3, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR DECEMBER 4, 2009 TO MARCH 5, 2010.

@ SERVED

NOW, MARCH 4, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR MARCH 5, 2010 TO APRIL 9, 2010.

@ SERVED

NOW, APRIL 5, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR APRIL 9, 2010 \$2,940.00 WAS RECEIVED TO CURE THE DEFAULT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21040
NO: 08-1753-CD

PLAINTIFF: US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RESIDENTIAL FUNDING COMPANY, LLC
vs.
DEFENDANT: KEVIN M. SWAUGER AND MARY L. SWAUGER

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$425.72

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester Hawkins
by Cynthia Butler - Deputy Sheriff
Chester A. Hawkins
Sheriff

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

U.S. BANK NATIONAL
ASSOCIATION AS TRUSTEE FOR
RESIDENTIAL FUNDING
COMPANY, LLC

vs.

KEVIN M. SWAUGER

MARY L. SWAUGER

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-1753-CD

WRIT OF EXECUTION
(Mortgage Foreclosure)

PREMISES: 534 RAILROAD STREET, COALPORT, PA 16627
(See Legal Description attached)

Amount Due

Interest from 8/28/09 to Sale

Per diem \$8.99

Add'l Costs

Writ Total

\$54,661.24
Prothonotary costs \$149.00

\$ _____

\$5,028.26

\$ _____

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

Dated 9/18/09
(SEAL)

183011

Received this writ this 18th day
of September A.D. 2009
At 2:10 A.M./P.M.

Cynthia A. Henselis
Sheriff Sgt. Cynthia Butler - Authorized

No. 2008:1753:CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
US BANK NATIONAL ASSOCIATION AS TRUSTEE
FOR RESIDENTIAL FUNDING COMPANY, LLC
vs.
KEVIN M. SWAUGER
MARY L. SWAUGER

WRIT OF EXECUTION
(Mortgage Foreclosure)

	Costs
Real Debt	\$54,661.24

Int. from 8/28/09
To Date of Sale (\$8.99 per diem)

	Costs
Prothy Pd.	_____
Sheriff	_____

DANIEL G. SCHMIEG, ESQUIRE
JAY B. JONES, ESQUIRE
ANDREW L. SPIVACK, ESQUIRE
JENNIE R. DAVEY, ESQUIRE
Attorney for Plaintiff

Address: KEVIN M. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

MARY L. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

M.T.M.A.

LEGAL DESCRIPTION

ALL THAT CERTAIN lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Streets in said Borough; thence eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

TITLE TO SAID PREMISES IS VESTED IN Mary L. Swauger and Kevin M. Swauger, her son, as joint tenants with right of survivorship, by Deed from William Lynn Hollen, executor of the last will and testament of Dorothy H. Roberts, deceased, dated 05/25/2005, recorded 06/02/2005 in Instrument Number 200508190.

Premises being: 534 RAILROAD STREET
COALPORT, PA 16627

Tax Parcel No. 5-H17-347-00036

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

US.BANK.NATIONAL
ASSOCIATION AS TRUSTEE FOR
RESIDENTIAL FUNDING
COMPANY, LLC

vs.

KEVIN M. SWAUGER

MARY L. SWAUGER

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEAREFIELD COUNTY, PENNSYLVANIA:

PREMISES: 534 RAILROAD STREET, COALPORT, PA 16627
(See Legal Description attached)

Amount Due

Interest from 8/28/09 to Sale

Per diem \$8.99

Add'l Costs

Writ Total

\$54,661.24

140.00

\$ _____

\$5,028.26

\$ _____

Willie Shaffer
OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 9/18/09
(SEAL)

183011

Received this writ this 18th day
of September A.D. 2009
At 2:10 A.M. P.M.

Cynthia A. Hawkins
Sheriff By Cynthia A. Button-Anderson

No. 2008-1753-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION AS TRUSTEE
FOR RESIDENTIAL FUNDING COMPANY, LLC

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

W^RI^T OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$54,661.24

Int. from 8/28/09
To Date of Sale (\$8.99 per diem)

Costs

Prothy Pd.

Sheriff

DANIEL G. SCHMIEG, ESQUIRE
JAY B. JONES, ESQUIRE
ANDREW L. SPIVACK, ESQUIRE
JENNIE R. DAVEY, ESQUIRE
Attorney for Plaintiff

MARY L. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

LEGAL DESCRIPTION

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TITLE TO SAID PREMISES IS VESTED IN Mary L. Swauger and Kevin M. Swauger, her son, as joint tenants with right of survivorship, by Deed from William Lynn Hollen, executor of the last will and testament of Dorothy H. Roberts, deceased, dated 05/25/2005, recorded 06/02/2005 in Instrument Number 200508190.

Premises being: 534 RAILROAD STREET
COALPORT, PA 16627

Tax Parcel No. 5-H17-347-00036

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME KEVIN M. SWAUGER

NO. 08-1753-CD

NOW, July 07, 2010, 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 April 09, 2010, I exposed the within described real estate of Kevin M. Swauger And Mary L. Swauger 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 \$2,940.00 and made the following appropriations, viz:

SHERIFF COSTS:

RDR SERVICE	15.00
MILEAGE	15.00
LEVY	30.80
MILEAGE POSTING	15.00
CSDS	10.00
COMMISSION	58.80
POSTAGE	7.92
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	92.40
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	2,940.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	40.00
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$425.72

DEED COSTS:

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

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	54,661.24
INTEREST @ 8.9900	2,013.76
FROM 08/28/2009 TO 04/09/2010	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$56,715.00
COSTS:	
ADVERTISING	261.25
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	425.72
LEGAL JOURNAL COSTS	216.00
PROTHONOTARY	149.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
TOTAL COSTS	\$1,051.97

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

December 3, 2009

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

**Re: US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC v.
KEVIN M. SWAUGER and MARY L. SWAUGER
534 RAILROAD STREET COALPORT, PA 16627
Court No. 2008-1753-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for December 4, 2009 due to the following: Forbearance Plan.

The Property is to be relisted for the March 5, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
TOBY BJORKMAN for
Phelan Hallinan & Schmieg, LLP

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

March 1, 2010

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC v.
KEVIN M. SWAUGER and MARY L. SWAUGER
534 RAILROAD STREET COALPORT, PA 16627
Court No. 2008-1753-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for March 5, 2010 due to the following: Forbearance Plan.

The Property is to be relisted for the April 9, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

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

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

April 5, 2010

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **US BANK NATIONAL ASSOCIATION AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC v.
KEVIN M. SWAUGER and MARY L. SWAUGER
534 RAILROAD STREET COALPORT, PA 16627
Court No. 2008-1753-CD**

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for April 9, 2010 due to the following: Forbearance Plan.

[\$23,940.00] was received in consideration of the stay.

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 cooperation in this matter.

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

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

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

COURT OF COMMON PLEAS
CIVIL DIVISION
NO. 2008-1753-CD
CLEARFIELD COUNTY

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	\$54,661.24
Interest from 08/28/2009 to Sale	169.00
Per diem \$8.99	\$ _____.
Add'l Costs	\$8,027.31
Writ Total	\$ _____.

June McGuinness

Attorney for Plaintiff

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 R. 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 J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Note: Please attach description of Property.

PHS # 183011

60
FILED 44th Fl. 20.00
M 14/00/2010 ICC 6 units
S 11.14.2010 w/prop. desc.
William A. Shaw
Prothonotary/Clerk of Courts to Sheriff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

FILED
2010

William A. Shatz
Prothonotary/Clerk of Courts

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

PRAECEIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:

Kevin M. Swauger

Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- Lawrence T. Phelan, Esq., Id. No. 322227
- 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 R. Shah-Jani, Esq., Id. No. 81760
- Jenine R. Davey, Esq., Id. No. 87077
- Lauren R. Tabas, Esq., Id. No. 93337
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- Peter J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Filiakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtney R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:

KEVIN M. SWAUGER

MARY L. SWAUGER

534 RAILROAD STREET
COALPORT, PA 16627

KEVIN M. SWAUGER

MARY L. SWAUGER

507 HICKORY STREET
COALPORT, PA 16627

KEVIN M. SWAUGER

MARY L. SWAUGER

2631 WEST CHESTNUT AVENUE
ALTOONA, PA 16601

KEVIN M. SWAUGER

MARY L. SWAUGER

P.O. BOX 7
COALPORT, PA 16627

KEVIN M. SWAUGER

MARY L. SWAUGER

200 LOGAN BLVD
HOLLIDAYSBURG, PA 16648

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

Attorneys for Plaintiff

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8
Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER
Defendant(s)

: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO. 2008-1753-CD**
: **CLEARFIELD COUNTY**
:

CERTIFICATION

The undersigned attorney hereby states that he/she 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:

- () the mortgage is an FHA Mortgage
- () the premises is non-owner occupied
- () the premises is vacant
- (X) 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.

By: Jenine McGuinness
Attorney for Plaintiff

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 R. Shah-Jani, Esq., Id. No. 81760
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- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8	:	COURT OF COMMON PLEAS
Plaintiff	:	CIVIL DIVISION
v.	:	NO. 2008-1753-CD
KEVIN M. SWAUGER	:	CLEARFIELD COUNTY
MARY L. SWAUGER	:	
Defendant(s)		PHS # 183011

AFFIDAVIT PURSUANT TO RULE 3129.1

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8, Plaintiff in the above action, by the undersigned attorney sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **534 RAILROAD STREET, COALPORT, PA 16627**.

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

Name

KEVIN M. SWAUGER

Address (if address cannot be reasonably ascertained, please so indicate)

**534 RAILROAD STREET
COALPORT, PA 16627**

**507 HICKORY STREET
COALPORT, PA 16627**

**2631 WEST CHESTNUT AVENUE
ALTOONA, PA 16601**

**P.O. BOX 7
COALPORT, PA 16627**

**200 LOGAN BLVD
HOLLIDAYSBURG, PA 16648**

MARY L. SWAUGER

**534 RAILROAD STREET
COALPORT, PA 16627**

**507 HICKORY STREET
COALPORT, PA 16627**

**2631 WEST CHESTNUT AVENUE
ALTOONA, PA 16601**

**P.O. BOX 7
COALPORT, PA 16627**

**200 LOGAN BLVD
HOLLIDAYSBURG, PA 16648**

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

Name

Address (if address cannot be reasonably ascertained, please so indicate)

SAME AS ABOVE

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 2008-1753-CD

CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 534 RAILROAD STREET, COALPORT, PA 16627

(See Legal Description attached)

Amount Due

Interest from 08/28/2009 to Sale

\$54,661.24

Per diem \$8.99

~~164.00~~

Add'l Costs

\$8,027.31

Writ Total

\$ _____

Dated 7/14/10
(SEAL)

PHS # 183011

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

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

KEVIN M. SWAUGER
MARY L. SWAUGERWRIT OF EXECUTION
(Mortgage Foreclosure)

	Costs
Real Debt	\$34,661.24
Int. from To Date of Sale (\$8.99 per diem)	
Costs	
Prothy. Pd.	<u>160.00</u>
Sheriff	

Filed

Jeanne M. Schmieg

Attorney for Plaintiff

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 R. 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 J. Mulcahy, Esq., Id. No. 61791
 Andrew L. Spivack, Esq., Id. No. 84439
 Jaime McGuinness, Esq., Id. No. 90134
 Chrisovalante P. Flakos, Esq., Id. No. 94620
 Joshua I. Goldman, Esq., Id. No. 205047
 Courtenay R. Dunn, Esq., Id. No. 206779
 Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:

KEVIN M. SWAUGER
 MARY L. SWAUGER
 534 RAILROAD STREET
 COALPORT, PA 16627

KEVIN M. SWAUGER
 MARY L. SWAUGER
 507 HICKORY STREET
 COALPORT, PA 16627

KEVIN M. SWAUGER
 MARY L. SWAUGER
 2631 WEST CHESTNUT AVENUE
 ALTOONA, PA 16601

KEVIN M. SWAUGER
 MARY L. SWAUGER
 P.O. BOX 7
 COALPORT, PA 16627

KEVIN M. SWAUGER
 MARY L. SWAUGER
 200 LOGAN BLVD
 HOLLIDAYSBURG, PA 16648

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

TITLE TO SAID PREMISES IS VESTED IN Mary L. Swauger and Kevin M. Swauger, her son, as joint tenants with right of survivorship, by Deed from William Lynn Hollen, executor of the last will and testament of Dorothy H. Roberts, deceased, dated 05/25/2005, recorded 06/02/2005 in Instrument Number 200508190.

Premises being: 534 RAILROAD STREET
COALPORT, PA 16627

Tax Parcel No. 5-H17-347-36

FILED
JUL 14 2010
M 14 00 PM Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
6X

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
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
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Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779

ATTORNEY FOR PLAINTIFF

1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

**US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC** : COURT OF COMMON PLEAS
: CLEARFIELD COUNTY
: No. 2008-1753-CD

Plaintiff :
:
:
v. :
:
:
:
:
:
:
:
Defendant(s) :

**KEVIN M. SWAUGER
MARY L. SWAUGER**

**PRAECIPE FOR VOLUNTARY SUBSTITUTION OF PARTY PLAINTIFF
PURSUANT TO Pa.R.C.P., 2352**

TO THE PROTHONOTARY:

Kindly substitute US BANK AS TRUSTEE, RASC 2006-EMX8 as successor Plaintiff for the originally named Plaintiff.

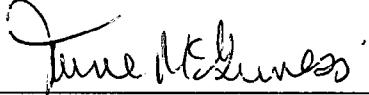
The material facts on which the right of succession and substitution are based as follows:

US BANK AS TRUSTEE, RASC 2006-EMX8 is the current holder of the mortgage by virtue of that certain Assignment of Mortgage, which Assignment has been executed and sent for recording in CLEARFIELD County on or about 06/24/2010.

Kindly amend the information on the docket accordingly.

Date: 7-9-10

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
- Michele M. Bradford, Esq., Id. No. 59849
- Judith T. Romano, Esq., Id. No. 58745
- Sheetal R. Shah-Jan, 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. 85657
- Peter J. Mulcahy, Esq., Id. No. 51791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Attorneys for Plaintiff

ONE PENN CENTER AT
SUBURBAN STATION
1617 JFK BLVD., SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

FILED
M 10 2010
SEP 02 2010
S
William A. Shaw
Prothonotary/Clerk of Courts
OK

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
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
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Jay B. Jones, Esq., Id. No. 86657
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Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

US BANK N.A., AS TRUSTEE FOR RASC 2006- EMX8	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
KEVIN M. SWAUGER MARY L. SWAUGER	:	No. 2008-1753-CD
Defendants	:	

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorneys, Phelan Hallinan & Schmieg, LLP, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on September 17, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on August 28, 2009 in the amount of \$54,661.24. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

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

4. The Property is listed for Sheriff's Sale on October 1, 2010.

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

Principal Balance	\$45,802.49
Interest Through October 1, 2010	\$7,314.66
Per Diem \$10.92	
Late Charges	\$0.00
Legal fees	\$1,925.00
Cost of Suit and Title	\$3,298.01
Sheriff's Sale Costs	\$2,558.80
Property Inspections/ Property Preservation	\$247.50
Appraisal/Brokers Price Opinion	\$180.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$1,024.79</u>

TOTAL	\$62,351.25
--------------	--------------------

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

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

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

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

Phelan Hallinan & Schmieg, LLP

DATE: 9-1-10

By: Jane M. Ellsworth

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
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 Joshua I. Goldman, Esq., Id. No. 205047
 Courtenay R. Dunn, Esq., Id. No. 206779
 Andrew C. Bramblett, Esq., Id. No. 208375

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
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Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

US BANK N.A., AS TRUSTEE FOR RASC 2006- EMX8	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
KEVIN M. SWAUGER MARY L. SWAUGER	:	No. 2008-1753-CD
Defendants	:	

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION TO REASSESS DAMAGES**

I. BACKGROUND OF CASE

KEVIN M. SWAUGER and MARY L. SWAUGER executed a Promissory Note agreeing to pay principal, interest, late charges, real estate taxes, hazard insurance premiums, and mortgage insurance premiums as these sums became due. Plaintiff's Note was secured by a Mortgage on the Property located at 534 RAILROAD STREET, COALPORT, PA 16627. The Mortgage indicates that in the event of a default in the mortgage, Plaintiff may advance any necessary sums, including taxes, insurance, and other items, in order to protect the security of the Mortgage.

In the instant case, Defendants defaulted under the Mortgage by failing to tender numerous, promised monthly mortgage payments. Accordingly, after it was clear that the default would not be cured, Plaintiff commenced the instant mortgage foreclosure action. Judgment was subsequently entered by the Court, and the Property is currently scheduled for Sheriff's Sale.

Because of the period of time between the initiation of the mortgage foreclosure action, the entry of judgment and the Sheriff's Sale date, damages as previously assessed are outdated and need to be adjusted to include current interest, real estate taxes, insurance premiums, costs of collection, and other expenses which Plaintiff has been obligated to pay under the Mortgage in order to protect its interests. It is also appropriate to give Defendants credit for monthly payments tendered through bankruptcy, if any.

II. LEGAL ARGUMENT TO AMEND PLAINTIFF'S IN REM JUDGMENT

It is settled law in Pennsylvania that the Court may exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. 20 P.L.E., Judgments § 191. Stephenson v. Butts, 187 Pa.Super. 55, 59, 142 A.2d 319, 321 (1958). Chase

Home Mortgage Corporation of the Southwest v. Good, 537 A.2d 22, 24 (Pa.Super. 1988). The Pennsylvania Superior Court has repeatedly cited the right of a foreclosing creditor to amend its judgment prior to the Sheriff's sale. Nationsbanc Mortgage Corp. v. Grillo, 827 A.2d 489 (Pa.Super. 2003). Morgan Guaranty Trust Co. of N.Y. v. Mowl, 705 A.2d 923 (Pa. Super. 1998). Union National Bank of Pittsburgh v. Ciongoli, 407 Pa.Super. 171, 595 A.2d 179 (1991).

The Supreme Court of Pennsylvania recognized in Landau v. Western Pa. Nat. Bank, 445 Pa. 117, 282 A.2d 335 (1971), that the debt owed on a Mortgage is subject to change and, in fact, can be expected to change from day to day because the bank must advance sums in order to protect its collateral. Because a Mortgage lien is not extinguished until the debt is paid, Plaintiff must protect its collateral up until the date of sale. Beckman v. Altoona Trust Co., 332 Pa. 545, 2 A.2d 826 (1939). Because a judgment in mortgage foreclosure is strictly in rem, it is critical that the judgment reflect those amounts expended by the Plaintiff in protecting the property. Meco Reality Company v. Burns, 414 Pa. 495, 200 A.2d 335 (1971). Plaintiff submits that if it goes to sale without the requested amended judgment, and if there is competitive bidding for the Property, Plaintiff will suffer a significant loss in that it would not be able to recoup monies it advanced to protect its interests. Conversely, amending the in rem judgment will not be detrimental to Defendants as it imputes no personal liability.

In B.C.Y. v. Bukovich, the Pennsylvania Superior Court reiterated its long standing rule that a Court has the inherent power to correct a judgment to conform to the facts of a case. 257 Pa. Super. 157, 390 A.2d 276 (1978). In the within case, the amount of the original judgment does not adequately reflect the additional sums due on the Mortgage due to Defendants' failure to tender payments during the foreclosure proceeding and the advances made by the mortgage company. The Mortgage plainly requires the mortgagors to tender to the mortgagee monthly payments of principal

and interest until the Promissory Note accompanying the Mortgage is paid in full. The mortgagors are also required to remit to the mortgagee sufficient sums to pay monthly mortgage insurance premiums, fire insurance premiums, taxes and other assessments relating to the Property. The mortgagors have breached the terms of the Mortgage, and Plaintiff has been forced to incur significant unjust financial losses on this loan.

III. THE FORECLOSURE JUDGMENT IS IN REM ONLY

The within case is a mortgage foreclosure action, the sole purpose of which is to take the mortgaged property to Sheriff's Sale. Pennsylvania law makes clear that an action in mortgage foreclosure is strictly in rem and does not include any personal liability. Newtown Village Partnership v. Kimmel, 424 Pa. Super 53, 55, 621 A.2d 1036, 1037 (1993). Signal Consumer Discount Company v. Babuscio, 257 Pa. Super 101, 109, 390 A.2d 266, 270 (1978). Pennsylvania Rule of Civil Procedure 1141(a).

However, Pennsylvania law requires that the foreclosure action demand judgment for the amount due. Pa.R.C.P. 1147(6). The purpose of the dollar amount in the in rem judgment is for bidding at the Sheriff's Sale. In the event that a third party real estate speculator were to bid on the mortgaged property at the Sheriff's Sale and become the successful purchaser, Plaintiff would receive the amount of the in rem judgment from the Sheriff.

IV. INTEREST

The Mortgage clearly requires that the Defendants' shall promptly pay when due the principal and interest due on the outstanding debt. In addition, the Note specifies the rate of interest to be charged until the debt is paid in full or otherwise satisfied. Specifically, interest from 30 days prior to the date of default through the date of the impending Sheriff's sale has been requested.

V. TAXES AND INSURANCE

If Plaintiff had not advanced monies for taxes and insurance throughout the foreclosure proceeding, Plaintiff would have risked loss of its collateral. If the Property were sold at a tax sale, Plaintiff's interest very well may be divested, and Plaintiff would sustain a complete loss on the outstanding balance due on the loan. If the Property were damaged in a fire, Plaintiff would not be able to obtain insurance proceeds to restore the Property if it did not pay the insurance premiums.

Most importantly, the Mortgage specifically provides that the mortgagee may advance the monies for taxes and insurance and charge these payments against the escrow account. Plaintiff is simply seeking to have the Court enforce the terms of the Mortgage.

VI. ATTORNEY'S FEES

The amount of attorney's fees requested in the Motion to Reassess Damages is in accordance with the loan documents and Pennsylvania law. Pennsylvania Courts have long and repeatedly concluded that a request of five percent of the outstanding principal balance is reasonable and enforceable as an attorney's fee. Robinson v. Loomis, 51 Pa. 78 (1865); First Federal Savings and Loan Association v. Street Road Shopping Center, 68 D&C 2d 751, 755 (1974).

In Federal Land Bank of Baltimore v. Fetner, the Superior Court held that an attorney's fee of ten percent of the original mortgage amount is not unconscionable. 410 A.2d 344 (Pa. Super. 1979). Recently, the Superior Court cited Fetner in confirming that an attorney's fee of ten percent included in the judgment in mortgage foreclosure action was reasonable. Citicorp v. Morrisville Hampton Realty, 662 A.2d 1120 (Pa. Super. 1995). Importantly, Plaintiff recognizes this Honorable Court's equitable authority to set attorney's fees and costs as it deems reasonable.

VII. COST OF SUIT AND TITLE

Pursuant to the terms of the mortgage, Plaintiff is entitled to recover all expenses incurred in the foreclosure action. The amount claimed for the costs of suit and title are the expenses Plaintiff paid to date as a result of the mortgage default.

The title report is necessary to determine the record owners of the property, as Pa.R.C.P. 1144 requires all record owners to be named as Defendants in the foreclosure action. It is also necessary to determine whether there are any prior liens to be cleared, so that the Sheriff's sale purchaser acquires clear title to the property. It is necessary to determine if there are IRS liens on the property, whether the Defendants are divorced (which could affect service of the complaint), and numerous other legal issues. The title bringdown is necessary to identify any new liens on the property or new owners between the time of filing and complaint and the writ date.

The Freedom of Information Act inquiries and the investigation into Defendants' whereabouts are necessary to effectively attempt personal service of the complaint and notice of sale on the Defendant. The notice of sale and Rule 3129 notice are required by Pa.R.C.P. 3129.1 and 3129.2 to notify all lienholders, owners, and interested persons of the Sheriff's sale date, as their interests will be divested by the Sheriff's sale.

Accordingly, the modest sums Plaintiff has incurred for the costs of suit and title were necessary pursuant to Pennsylvania law. The amounts were reasonable and actually incurred. The mortgage and Pennsylvania law permit Plaintiff to recover these sums through its foreclosure action. As the foreclosure action is in rem only, Plaintiff recovers its judgment from the sale of the property, not out of the Defendant's pockets. Plaintiff should recover the costs of suit and title in their entirety, which will not cause harm to the Defendants.

VIII. CONCLUSION

Therefore, Plaintiff respectfully submits that if the enforcement of its rights is delayed by legal proceedings, and such delays require the mortgagee to expend additional sums provided for by the Mortgage, then the expenses necessarily become part of the mortgagee's lien and should be included in the judgment.

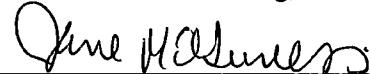
Plaintiff respectfully requests that this Honorable Court grant its Motion to Reassess Damages. Plaintiff submits that it has acted in good faith in maintaining the Property in accordance with the Mortgage, and has relied on terms of the Mortgage with the understanding that it would recover the monies it expended to protect its collateral.

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

Phelan Hallinan & Schmieg, LLP

DATE: 9-1-10

By:

- 
- 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 R. 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 J. Mulcahy, Esq., Id. No. 61791
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 - Jaime McGuinness, Esq., Id. No. 90134
 - Chrisovalante P. Fliakos, Esq., Id. No. 94620
 - Joshua I. Goldman, Esq., Id. No. 205047
 - Courtenay R. Dunn, Esq., Id. No. 206779
 - Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

Exhibit “A”

FILED
2:30 P.M.
SEP 17 2008

William A. Shaw
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
JUDITH T. ROMANO, ESQ., Id. No. 58745
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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

183011

ATTORNEY FOR PLAINTIFF

US BANK NATIONAL ASSOCIATION AS
TRUSTEE FOR RESIDENTIAL FUNDING
COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

Plaintiff
v.

KEVIN M. SWAUGER
507 HICKORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HICKORY STREET
COALPORT, PA 16627
Defendants

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1753-CD

CLEARFIELD COUNTY

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

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

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

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC
3476 STATEVIEW BLVD
FORT MILL, SC 29715

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

KEVIN M. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

MARY L. SWAUGER
507 HICTORY STREET
COALPORT, PA 16627

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

3. On 07/18/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS A NOMINEE FOR MORTGAGE LENDERS NETWORK USA, INC. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200612160. 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 04/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$47,245.33
Interest	\$2,206.96
03/01/2008 through 09/12/2008	
(Per Diem \$11.26)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$0.00
07/18/2006 to 09/12/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$51,252.29
Escrow	
Credit	(\$520.79)
Deficit	\$0.00
Subtotal	<u>(\$520.79)</u>
TOTAL	\$50,731.50

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 \$50,731.50, together with interest from 09/12/2008 at the rate of \$11.26 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:  202331

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

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

BEING the same premises granted and conveyed unto Mary L. Swauger and Kevin M. Swauger by Deed of Dorothy H. Roberts Estate by William Lynn Hollen as Executor, dated May 25, 2005 and recorded June 2, 2005 in Clearfield County Instrument #2005-08190.

BEING identified by Clearfield County Assessment **Parcel Number 5-H17-347-36**.

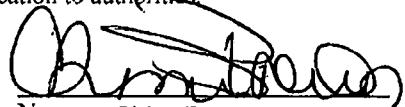
UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

PREMISES: 534 RAILROAD STREET

VERIFICATION

China Brown _____ hereby states that he/she is

Vice President of Loan Documentation
_____ of WELLS FARGO FINANCIAL PENNSYLVANIA, INC., 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: China Brown

DATE: 9/22/08

Title: Vice President of Loan Documentation

Company: WELLS FARGO FINANCIAL
PENNSYLVANIA, INC.

Loan: 1115009040

File #: 183011

Exhibit “B”

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

AUG 28 2009

Attest.

William J. Chen
Prothonotary/
Clerk of Courts

Phelan Hallinan & Schmieg, LLP

By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. 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 J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

1617 JFK Boulevard, Suite 1400

One Penn Center Plaza

Philadelphia, PA 19103

215-563-7000

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR RESIDENTIAL
FUNDING COMPANY, LLC

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS

vs.

: CIVIL DIVISION

KEVIN M. SWAUGER
MARY L. SWAUGER

: No. 2008-1753-CD

**PRAECLPICE 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 KEVIN M. SWAUGER, and MARY L. SWAUGER, 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	\$50,731.50
Interest - 09/13/2008 to 08/27/2009	<u>\$3,929.74</u>
TOTAL	\$54,661.24

I hereby certify that (1) the Defendants' last known addresses are 534 RAILROAD STREET, COALPORT, PA 16627, 2631 WEST CHESTER AVENUE, ALTOONA, PA 16601 and 200 LOGAN BOULEVARD, HOLLIDAYSBURG, PA 16648, and (2) that notice has been given in accordance with Rule 237.1, copy attached.

By: J. Schell
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
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Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
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Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
Attorneys for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 8-28-09

PHS.# 183011

W. Schell
PROTHONOTARY

VERIFICATION

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

DATE: 9-1-10

By: John McElroy

- Lawrence T. Phelan, Esq., Id. No. 32227
 - Francis S. Hallinan, Esq., Id. No. 62695
 - Daniel G. Schmieg, Esq., Id. No. 62205
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 - Courtenay R. Dunn, Esq., Id. No. 206779
 - Andrew C. Bramblett, Esq., Id. No. 208375
- ATTORNEY FOR PLAINTIFF

Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
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Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

US BANK N.A., AS TRUSTEE FOR RASC 2006- EMX8	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
KEVIN M. SWAUGER MARY L. SWAUGER	:	No. 2008-1753-CD
Defendants	:	

CERTIFICATION OF SERVICE

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

KEVIN M. SWAUGER
MARY L. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

KEVIN M. SWAUGER
MARY L. SWAUGER
2631 WEST CHESTNUT AVENUE
ALTOONA, PA 16601

MARY L. SWAUGER
KEVIN M. SWAUGER
507 HICKORY STREET
P.O. BOX 71
COALPORT, PA 16627

KEVIN M. SWAUGER
MARY L. SWAUGER
200 LOGAN BOULEVARD
HOLLIDAYSBURG, PA 16648

MARY L. SWAUGER
KEVIN M. SWAUGER
PO BOX 7
COALPORT, PA 16627

DATE: 9-1-10

Phelan Hallinan & Schmieg, LLP
By: Jane M. Eskiness

- 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 R. 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 J. Mulcahy, Esq., Id. No. 61791
 - Andrew L. Spivack, Esq., Id. No. 84439
 - Jaime McGuinness, Esq., Id. No. 90134
 - Chrisovalante P. Fliakos, Esq., Id. No. 94620
 - Joshua I. Goldman, Esq., Id. No. 205047
 - Courtenay R. Dunn, Esq., Id. No. 206779
 - Andrew C. Bramblett, Esq., Id. No. 208375
- ATTORNEY FOR PLAINTIFF

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

US BANK N.A., AS TRUSTEE FOR RASC 2006- : Court of Common Pleas
EMX8

Plaintiff : Civil Division

v. : CLEARFIELD County

KEVIN M. SWAUGER : No. 2008-1753-CD
MARY L. SWAUGER

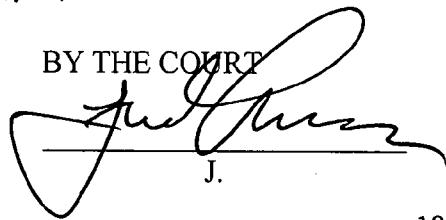
Defendants

RULE

AND NOW, this 3rd day of Sept 2010, a Rule is entered upon the
Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to
Reassess Damages.

Rule Returnable on the 19th day of October 2010, at 11:30 ^{A.M.} in the Clearfield
County Courthouse, Clearfield, Pennsylvania, Courtroom #1.

BY THE COURT



J.

183011

S FILED 1CC
04/06/2011 Atty McGuinness
SFP 07 2010
RECD William A. Shaw
Prothonotary/Clerk of Courts

183011

FILED

SEP 07 2010

William A. Straw
Prothonotary/Clerk of Courts

DATE: 9/7/10

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

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

FILED
m10:08 AM NO CC
SEP 13 2010
WM

US BANK N.A., AS TRUSTEE FOR RASC 2006-
EMX8
Plaintiff,

v.

KEVIN M. SWAUGER
MARY L. SWAUGER
Defendant(s)

CLEARFIELD COUNTY
COURT OF COMMON PLEAS
CIVIL DIVISION
No. 2008-1753-CD

William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA)
PHILADELPHIA COUNTY) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

Jane M. Elsheness

- 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 R. 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 J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

Date: 8/27/10

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

Name and
Address
Of Sender

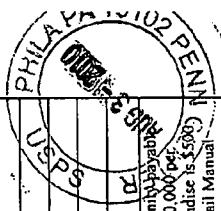
Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

10/1/0
10 AM

Line	Article Number	Name of Addressee, Street, and Post Office Address	JOT/JSC -	SALE	Postage	Fee
1	*****	Commonwealth of Pennsylvania Bureau of Individual Tax Inheritance Tax Division 6th Floor, Strawberry Sq. Dept 28061, Harrisburg, PA 17128 Internal Revenue Service				
2	*****	Federated Investors Tower 13TH Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222				
3	*****	Department of Public Welfare TPL Casualty Unit Estate Recovery Program P.O. Box 8486 Willow Oak Building Harrisburg, PA 17105				
4	*****	MARIANNE MZAL SWAUGER BOX 281 NORTHERN CAMBRIA, PA 15714				
5	*****	KEVIN M. SWAUGER & MARY L. SWAUGER P.O. BOX 7 COALPORT, PA 16627				
6	*****	KEVIN M. SWAUGER & MARY L. SWAUGER 200 LOGAN BLVD HOLLIDAYSBURG, PA 16648				
7	*****	KEVIN M. SWAUGER & MARY L. SWAUGER 534 RAILROAD STREET COALPORT, PA 16627				
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15	*****	RE: KEVIN M. SWAUGER (CLEARFIELD) TEAM 3 PHS# 183011				
Total Number of Pieces Mailed by Sender				Postmaster Per Name Receiving Office		

\$ 02.940
000427256 AUG03 2010
MAILED FROM ZIP CODE 19103

UNITED STATES POSTAGE
FIRST CLASS



THE full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable under Express Mail document reconstruction insurance is \$50,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$300 per occurrence. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R300 SP13 and SP21 for limitations of coverage.

Name and
Address
Of Sender

Phelan Hallinan & Schmitz, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103

0110
10AM

Line	Article Number	Name of Addressee, Street, and Post Office Address	JOT/JSC - SALE	Postage	Fee
1	****	TENANT/OCCUPANT 534 RAILROAD STREET COALPORT, PA 16627			
2	****	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830			
3	****	Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105			
4	****	United States Internal Revenue Special Procedures Branch Federated Investors Tower 13th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222			
5	****	U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219			
6		KEVIN M. SWAUGER & MARY L. SWAUGER 507 HICKORY STREET COALPORT, PA 16627			
7		KEVIN M. SWAUGER & MARY L. SWAUGER 2631 WEST CHESTNUT AVENUE ALTOONA, PA 16601			
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15		RE: KEVIN M. SWAUGER (CLEARFIELD) TEAM 3 PHS# 183011			

Total Number of
Pieces Listed by Sender

Total Number of
Pieces Received at Post Office

Postmaster, Per Name of
Receiving Post Office

Postage

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FILED NO CC
11/10/2011

SEP 29 2011

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
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Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
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1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

US BANK N.A., AS TRUSTEE FOR RASC 2006-	:	Court of Common Pleas
EMX8	:	
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
KEVIN M. SWAUGER	:	No. 2008-1753-CD
MARY L. SWAUGER	:	
Defendants		

CERTIFICATION OF SERVICE

I hereby certify that a true and correct copy of the Court's September 3, 2010 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

KEVIN M. SWAUGER
MARY L. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

KEVIN M. SWAUGER
MARY L. SWAUGER
2631 WEST CHESTNUT AVENUE
ALTOONA, PA 16601

MARY L. SWAUGER
KEVIN M. SWAUGER
507 HICKORY STREET
P.O. BOX 71
COALPORT, PA 16627

KEVIN M. SWAUGER
MARY L. SWAUGER
200 LOGAN BOULEVARD
HOLLIDAYSBURG, PA 16648

MARY L. SWAUGER
KEVIN M. SWAUGER
PO BOX 7
COALPORT, PA 16627

DATE: 9/28/10

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
 - Michele M. Bradford, Esq., Id. No. 69849
 - Judith T. Romano, Esq., Id. No. 58745
 - Sheetal R. 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 J. Mulcahy, Esq., Id. No. 61791
 - Andrew L. Spivack, Esq., Id. No. 84439
 - Jaime McGuinness, Esq., Id. No. 90134
 - Chrisovalante P. Fliakos, Esq., Id. No. 94620
 - Joshua I. Goldman, Esq., Id. No. 205047
 - Courtenay R. Dunn, Esq., Id. No. 206779
 - Andrew C. Bramblett, Esq., Id. No. 208375
- ATTORNEY FOR PLAINTIFF

FILED

OCT 19 2010

o 11:50 (60)
William A. Shaw
Prothonotary/Clerk of Court
2 Court To
Attn

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK N.A., AS TRUSTEE FOR RASC 2006-
EMX8

Court of Common Pleas

Plaintiff

Civil Division

v.

KEVIN M. SWAUGER
MARY L. SWAUGER

CLEARFIELD County

Defendants

No. 2008-1753-CD

ORDER

AND NOW, this 19th day of October, 2010 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	\$45,802.49
Interest Through October 1, 2010	\$7,314.66
Per Diem \$10.92	
Late Charges	\$0.00
Legal fees	\$1,925.00
Cost of Suit and Title	\$3,298.01
Sheriff's Sale Costs	\$2,558.80
Property Inspections/ Property Preservation	\$247.50
Appraisal/Brokers Price Opinion	\$180.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,024.79
TOTAL	\$62,351.25

Plus interest from October 1, 2010 through the date of sale at six percent per annum.

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

BY THE COURT

J. Kumerow

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21206
NO. 08-1753-CD

PLAINTIFF: US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

DEFENDANT: KEVIN M. SWAUGER AND MARY L. SWAUGER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 7/15/2010

LEVY TAKEN 7/30/2010 @ 11:11 AM

POSTED 7/30/2010 @ 11:11 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 6/27/2027

DATE DEED FILED

PROPERTY ADDRESS 534 RAILROAD STREET COALPORT, PA 16627

FILED

9 JUN 27 2011

William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

SEE ATTACHED SHEET(S) OF SERVICES

SHERIFF HAWKINS \$268.48

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2011

Chester A. Hawkins
Jeff Cimino, Butlers Appraiser
Chester A. Hawkins
Sheriff

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs

KEVIN M. SWAUGER AND MARY L. SWAUGER

1 @ SERVED KEVIN M. SWAUGER

DEFENDANT, KEVIN M. SWAUGER, NOT SERVED AT 534 RAILROAD STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA

2 7/30/2010 @ 11:15 AM SERVED KEVIN M. SWAUGER

SERVED KEVIN M. SWAUGER, DEFENDANT, AT HIS RESIDENCE 507 HICKORY STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO AMY SWAUGHER, SISTER OF THE DEFENDANT/ADULT AT RESIDENCE

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

3 @ SERVED KEVIN M. SWAUGER

KEVIN M. SWAUGER, DEFENDANT, NOT SERVED AT P. O. BOX 7, COALPORT, PA

4 @ SERVED MARY L. SWAUGER

MARY L. SWAUGER, DEFENDANT, NOT SERVED AT 534 RAILROAD STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA.

5 7/30/2010 @ 11:15 AM SERVED MARY L. SWAUGER

SERVED MARY L. SWAUGER, DEFENDANT, AT HER RESIDENCE 507 HICKORY STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO AMY SWAUGHER, DAUGHTER

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

6 @ SERVED MARY L. SWAUGER

MARY L. SWAUGER, DEFENDANT, NOT SERVED AT P. O. BOX 7, COALPORT, PENNSYLVANIA.

@ SERVED

NOW, SEPTEMBER 23, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR OCTOBER 1, 2010 TO DECEMBER 3, 2010, DUE TO LOSS MITIGATION.

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs
KEVIN M. SWAUGER AND MARY L. SWAUGER

@ SERVED

NOW, NOVEMBER 24, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR DECEMBER 3, 2010 TO FEBRUARY 4, 2011 DUE TO LOSS MITIGATION.

@ SERVED

NOW, JANUARY 27, 2011 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR FEBRUARY 4, 2011 DUE TO LOSS MITIGATION.

PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 2008-1753-CD

CLEARFIELD COUNTY

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	
	\$62,351.25

Interest from 10/02/2010 to Sale	\$ _____
----------------------------------	----------

Per diem \$10.25

Writ Total

Prothonotary Costs \$169.06

Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No. 80193
Attorney for Plaintiff

FILED

Note: Please attach description of Property.

PHS # 183011

SEP 21 2012
113.00
William A. Shaw
Prothonotary/Clerk of Courts
Clerk. to Sheriff
w/6 wnts.

No.: 2008-1753-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

PRAECLPPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:



Phelan Hallinan & Schmieg, LLP

Robert W. Cusick, Esq., Id. No. 80193
Attorney for Plaintiff

Address where papers may be served:

KEVIN M. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627

MARY L. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

Title of said property is vested in Mary L. Swauger and Kevin M. Swauger, her son, as joint tenants with right of survivorship, by Deed from William Lynn Hollen, executor of the last will and testament of Dorothy H. Roberts, deceased, dated 05/25/2005, recorded 06/02/2005 in Instrument Number 200508190.

Premises being: 534 RAILROAD STREET
COALPORT, PA 16627

Tax Parcel No. 5-H17-347-36

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183 and Rule 3257

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 2008-1753-CD

CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 534 RAILROAD STREET, COALPORT, PA 16627

(See Legal Description attached)

Amount Due	
	\$62,351.25

Interest from 10/02/2010 to Sale	\$ _____
----------------------------------	----------

Per diem \$10.25	
------------------	--

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

*PROTHONOTARY COSTS, 169-
JEL*

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 9-21-12
(SEAL)

PHS # 183011

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA
US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8
vs.
KEVIN M. SWAUGER
MARY L. SWAUGER

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	<u>Costs</u>
Int. from	\$62,351.25
To Date of Sale (\$10.25 per diem)
Costs
Prothy Pd.
Sheriff

Filed

Address where papers may be served:

KEVIN M. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627

MARY L. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627



LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

Title of said property is vested in Mary L. Swauger and Kevin M. Swauger, her son, as joint tenants with right of survivorship, by Deed from William Lynn Hollen, executor of the last will and testament of Dorothy H. Roberts, deceased, dated 05/25/2005, recorded 06/02/2005 in Instrument Number 200508190.

Premises being: 534 RAILROAD STREET
COALPORT, PA 16627

Tax Parcel No. 5-H17-347-36

US BANK N.A., AS TRUSTEE FOR	COURT OF COMMON PLEAS
RASC 2006-EMX8	
Plaintiff	CIVIL DIVISION
v.	NO.: <u>2008-1753-CD</u>
KEVIN M. SWAUGER	
MARY L. SWAUGER	CLEARFIELD COUNTY
Defendant(s)	
	PHS # 183011

AFFIDAVIT PURSUANT TO RULE 3129.1

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **534 RAILROAD STREET, COALPORT, PA 16627**.

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

Name

Address (if address cannot be reasonably ascertained, please so indicate)

KEVIN M. SWAUGER

**507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627**

MARY L. SWAUGER

**507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627**

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

Name

Address (if address cannot be reasonably ascertained, please so indicate)

SAME AS ABOVE

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please 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

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

TENANT/OCCUPANT

**534 RAILROAD STREET
COALPORT, PA 16627**

**COMMONWEALTH OF PENNSYLVANIA
BUREAU OF INDIVIDUAL TAXES
INHERITANCE TAX DIVISION**

**6TH FLOOR, STRAWBERRY SQ.
DEPT 280601
HARRISBURG, PA 17128**

**DEPARTMENT OF PUBLIC WELFARE,
TPL CASUALTY UNIT,
ESTATE RECOVERY PROGRAM**

**P.O. BOX 8486
WILLOW OAK BUILDING
HARRISBURG, PA 17105**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

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

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF WELFARE**

**P.O. BOX 2675
HARRISBURG, PA 17105**

INTERNAL REVENUE SERVICE ADVISORY

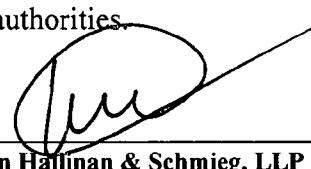
**1000 LIBERTY AVENUE ROOM 704
PITTSBURGH, PA 15222**

**U.S. DEPARTMENT OF JUSTICE
U.S. ATTORNEY FOR THE WESTERN
DISTRICT OF PA
U.S. POST OFFICE & COURTHOUSE**

**700 GRANT STREET
SUITE 4000
PITTSBURGH, PA 15219**

I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and 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.

Date: 9/19/12

By: 

Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No. 80193
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
Robert W. Cusick, Esq., Id. No.80193
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorneys for Plaintiff

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8
Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER
Defendant(s)

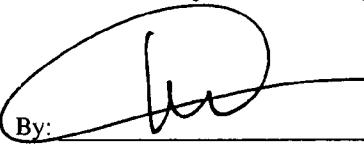
: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO.: 2008-1753-CD**
: **CLEARFIELD COUNTY**

CERTIFICATION

The undersigned attorney hereby states that he/she 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:

- () the mortgage is an FHA Mortgage
() the premises is non-owner occupied
() the premises is vacant
(X) Act 91 procedures have been fulfilled
() Act 91 is Not Applicable pursuant to Pa Bulletin, Doc No 11-1197, 41 Pa.B. 3943

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



By:

Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No.80193
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
Robert W. Cusick, Esq., Id. No.80193
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorneys for Plaintiff

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8
Plaintiff

v.

KEVIN M. SWAUGER
MARY L. SWAUGER
Defendant(s)

: **COURT OF COMMON PLEAS**
: **CIVIL DIVISION**
: **NO.: 2008-1753-CD**
: **CLEARFIELD COUNTY**

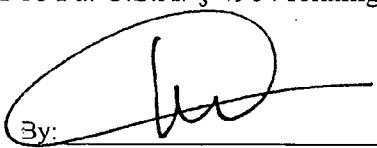
CERTIFICATION

The undersigned attorney hereby states that he/she 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:

- () the mortgage is an FHA Mortgage
() the premises is non-owner occupied
() the premises is vacant
(X) Act 91 procedures have been fulfilled
() Act 91 is Not Applicable pursuant to Pa Bulletin, Doc No 11-1197, 41 Pa.B. 3943

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

By:


Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No.80193
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
John Michael Kolesnik, Esq., Id. No.308877
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

US BANK N.A., AS TRUSTEE FOR RASC 2006- EMX8	:	CLEARFIELD COUNTY
Plaintiff,	:	COURT OF COMMON PLEAS
v.	:	CIVIL DIVISION
KEVIN M. SWAUGER	:	No.: <u>2008-1753-CD</u>
MARY L. SWAUGER	:	
Defendant(s)	:	

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA)
PHILADELPHIA COUNTY) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

Date: 11/16/12


John Michael Kolesnik, Esquire
Attorney for Plaintiff

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

PHS # 183011

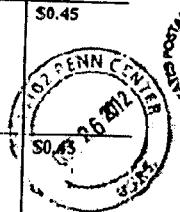
S
FILED NO. 8
NOV 19 2012
William A. Shaw
Prothonotary/Clerk of Courts

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

A7K/DDA-12/7/2012 SALE

Line Number	Name of Addressee, Street, and Post Office Address	Postage
***	TENANT/OCCUPANT 534 RAILROAD STREET COALPORT, PA 16627	\$0.45
***	COMMONWEALTH OF PENNSYLVANIA BUREAU OF INDIVIDUAL TAXES INHERITANCE TAX DIVISION 6TH FLOOR, STRAWBERRY SQ. DEPT 280601 HARRISBURG, PA 17128	\$0.45
***	DEPARTMENT OF PUBLIC WELFARE, TPL CASUALTY UNIT, ESTATE RECOVERY PROGRAM P.O. BOX 8486 WILLOW OAK BUILDING HARRISBURG, PA 17105	\$0.45
***	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830	\$0.45
***	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE P.O. BOX 2675 HARRISBURG, PA 17105	\$0.45
***	INTERNAL REVENUE SERVICE ADVISORY 1000 LIBERTY AVENUE ROOM 704 PITTSBURGH, PA 15222	\$0.45
***	U.S. DEPARTMENT OF JUSTICE U.S. ATTORNEY FOR THE WESTERN DISTRICT OF PA U.S. POST OFFICE & COURTHOUSE 700 GRANT STREET, SUITE 4000 PITTSBURGH, PA 15219	\$0.45
RE: KEVIN M. SWAUGER (CLEARFIELD) PHS# 183011/1021		Page 1 of 1 Writ Team \$3.15

Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is 350 pieces, subject to a limit of \$100,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$25,000 per registered mail, sent with optional insurance. See Domestic Mail R900, S913 and S921 for limitations of coverage.
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Phelan Hallinan, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney For Plaintiff

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs	:	CLEARFIELD County
KEVIN M. SWAUGER	:	No. 2008-1753-CD
MARY L. SWAUGER	:	
Defendant	:	

PRAECIPE

TO THE PROTHONOTARY:

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

Date: 5/24/13

PHELAN HALLINAN, LLP

By: John Lobb
Jonathan Lobb, Esq., Id. No.312174
Attorney for Plaintiff

PHS # 183011

FILED *AA*
MAY 30 2013 *ICC A4*
S *11:00am* *Lobb*
William A. Shaw
Prothonotary/Clerk of Courts

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

Attorney for Plaintiff

US BANK N.A., AS TRUSTEE FOR RASC 2006- Court of Common Pleas
EMX8

Plaintiff

Civil Division

v.

KEVIN M. SWAUGER
MARY L. SWAUGER
Defendant

CLEARFIELD County
No. 2008-1753-CD
PHS # 183011

CERTIFICATION OF SERVICE

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

KEVIN M. SWAUGER
MARY L. SWAUGER
534 RAILROAD STREET
COALPORT, PA 16627

Date: 5/24/13

PHELAN HALLINAN, LLP

By: John Lobb
Jonathan Lobb, Esq., Id. No. 312174
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21503
NO: 08-1753-CD

PLAINTIFF: US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

DEFENDANT: KEVIN M. SWAUGER AND MARY L. SWAUGER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 9/24/2012

LEVY TAKEN 10/1/2012 @ 9:56 AM

POSTED 10/1/2012 @ 9:56 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 6/18/2013

DATE DEED FILED NOT SOLD

S FILED (LG)
6/18/2013
JUN 18 2013

William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

10/16/2012 @ SERVED KEVIN M. SWAUGER

SERVED KEVIN M. SWAUGER, DEFENDANT, AT HIS RESIDENCE 534 RAILROAD STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO GINA COEN, GIRLFRIEND/CO-DEFENDANT

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

10/1/2012 @ 2:11 PM SERVED MARY L. SWAUGER

SERVED MARY L. SWAUGER, DEFENDANT, AT HER RESIDENCE P. O. BOX 71, 507 HICKORY STREET, COALPORT, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MARY L. SWAUGER

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE, AND COPY OF THE LEVY AND BY MAKING KNOW TO HIM / HER THE CONTENTS THEREOF.

@ SERVED

NOW, DECEMBER 5, 2013 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR DECEMBER 7, 2012 TO FEBRUARY 1, 2013, DUE TO SERVICE OF NOTICE OF SALE.

@ SERVED

NOW, JANUARY 22, 2013 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR FEBRUARY 1, 2013 TO APRIL 5, 2013, DUE TO LOSS MITIGATION.

@ SERVED

NOW, MARCH 28, 2013 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR APRIL 5, 2013. THE DEFENDANTS PAID \$2,403.76 TO CURE THE DEFAULT.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21503
NO: 08-1753-CD

PLAINTIFF: US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

VS.

DEFENDANT: KEVIN M. SWAUGER AND MARY L. SWAUGER

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$385.53

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
By Captain Butch Christopher
Chester A. Hawkins
Sheriff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183 and Rule 3257

US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8

vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

COURT OF COMMON PLEAS

CIVIL DIVISION

NO.: 2008-1753-CD

CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 534 RAILROAD STREET, COALPORT, PA 16627

(See Legal Description attached)

Amount Due	
	\$62,351.25

Interest from 10/02/2010 to Sale	\$ _____
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Per diem \$10.25	
------------------	--

Writ Total	
------------	--

Prothonotary Costs *169.00* *W.L.*

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 9-21-12
(SEAL)

PHS # 183011

Received this writ this 24th day
of September A.D. 2012
At 10:00 A.M./P.M.

Chad A. Hawley
Sheriff *by Amherst Butterworth*

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA
US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8
vs.

KEVIN M. SWAUGER
MARY L. SWAUGER

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	<u>Costs</u>
Int. from	\$62,351.25
To Date of Sale (\$10.25 per diem)	_____
Costs	_____
Prothy Pd.	_____
Sheriff	_____

Filed


Phelan Hallinan & Schmieg, LLP
Robert W. Cusick, Esq., Id. No. 80193
Attorney for Plaintiff

Address where papers may be served:
KEVIN M. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627
MARY L. SWAUGER
507 HICKORY STREET, P.O. BOX 71
COALPORT, PA 16627

LEGAL DESCRIPTION

ALL that certain lot or piece of land situate, lying and being in the Borough of Coalport, County of Clearfield, and State of Pennsylvania, bounded and described as follows:

BEGINNING at a post on the corner of Railroad and Walnut Street in said Borough; thence Eastwardly by Walnut Street, one hundred fifty (150) feet to post on Lumber Alley; thence Southeastwardly along said alley, fifty (50) feet to post; thence Westwardly by line of Lot No. 24, one hundred fifty (150) feet to a post on Railroad Street; thence Northwardly by Railroad Street, fifty (50) feet to place of beginning. Being known as Lot No. 23.

UNDER and subject to the exceptions, reservations, restrictions and conditions as exist by virtue of prior recorded instruments, deeds of conveyances.

Title of said property is vested in Mary L. Swauger and Kevin M. Swauger, her son, as joint tenants with right of survivorship, by Deed from William Lynn Hollen, executor of the last will and testament of Dorothy H. Roberts, deceased, dated 05/25/2005, recorded 06/02/2005 in Instrument Number 200508190.

Premises being: 534 RAILROAD STREET
COALPORT, PA 16627

Tax Parcel No. 5-H17-347-36

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME KEVIN M. SWAUGER NO. 08-1753-CD

NOW, June 18, 2013, 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 April 05, 2013, I exposed the within described real estate of Kevin M. Swauger And Mary L. Swauger 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 \$2,403.76 and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

RDR	15.00	DEBT-AMOUNT DUE	62,351.25
SERVICE	15.00	INTEREST @ 10.2500	9,389.00
MILEAGE	31.08	FROM 10/02/2010 TO 04/05/2013	
LEVY	15.00	ATTORNEY FEES	
MILEAGE	31.08	PROTH SATISFACTION	
POSTING	15.00	LATE CHARGES AND FEES	
CSDS	10.00	COST OF SUIT-TO BE ADDED	
COMMISSION	48.08	FORECLOSURE FEES	
POSTAGE	8.13	ATTORNEY COMMISSION	
HANDBILLS	15.00	REFUND OF ADVANCE	
DISTRIBUTION	25.00	REFUND OF SURCHARGE	40.00
ADVERTISING	15.00	SATISFACTION FEE	
ADD'L SERVICE	15.00	ESCROW DEFICIENCY	
DEED		PROPERTY INSPECTIONS	
ADD'L POSTING		INTEREST	
ADD'L MILEAGE	62.16	MISCELLANEOUS	
ADD'L LEVY			
BID/SETTLEMENT AMOUNT	2,403.76	TOTAL DEBT AND INTEREST	\$71,780.25
RETURNS/DEPUTIZE			
COPIES	15.00	COSTS:	
	5.00	ADVERTISING	274.00
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	
CONTINUED SALES	40.00	TAXES - TAX CLAIM	0.00
MISCELLANEOUS		ASSESSMENT FEE	
TOTAL SHERIFF COSTS	\$385.53	LIEN SEARCH	100.00
		ACKNOWLEDGEMENT	
DEED COSTS:		DEED COSTS	0.00
ACKNOWLEDGEMENT		SHERIFF COSTS	385.53
REGISTER & RECORDER		LEGAL JOURNAL COSTS	135.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	169.00
TOTAL DEED COSTS	\$0.00	MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
		TOTAL COSTS	\$1,103.53

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, LLP
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**

December 5, 2012

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8 v.**
KEVIN M. SWAUGER and MARY L. SWAUGER
534 RAILROAD STREET COALPORT, PA 16627
No.: 2008-1753-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for December 7, 2012 due to the following: Service of NOS.

The Property is to be relisted for the February 1, 2013 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
PATRICK WIRT for
Phelan Hallinan, LLP

Phelan Hallinan, LLP
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

January 22, 2013

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8 v.
KEVIN M. SWAUGER and MARY L. SWAUGER
534 RAILROAD STREET COALPORT, PA 16627
No.: 2008-1753-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for February 1, 2013 due to the following: Loss Mitigation.

The Property is to be relisted for the April 5, 2013 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,
PATRICK RALSTON for
Phelan Hallinan, LLP

Phelan Hallinan, LLP
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

March 28, 2013

Office of the Sheriff
Clearfield County Courthouse
1 North Second Street
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: US BANK N.A., AS TRUSTEE FOR RASC 2006-EMX8 v.
KEVIN M. SWAUGER and MARY L. SWAUGER
534 RAILROAD STREET COALPORT, PA 16627
No.: 2008-1753-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for April 5, 2013 due to the following: The mortgage company is pursuing alternatives to foreclosure with the Defendant(s).

~~\$32,403.76~~ was received in consideration of the stay.

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 cooperation in this matter.

Very Truly Yours,
ERIN MOORE for
Phelan Hallinan, LLP