

08-1755-CD  
PHH Mortg. Vs Barry Golding

**FILED**  
M 10:58 A.M. GL  
SEP 18 2008 NO CC  
William A. Shaw  
Prothonotary/Clerk of Courts  
N Compl. to Staff

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 186499

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

Plaintiff  
v.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

Defendant

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM  
NO. 2008-1755-CD  
CLEARFIELD COUNTY

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

## NOTICE

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

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

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

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

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

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

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

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

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

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

1. Plaintiff is

PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

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

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

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

3. On 03/30/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to SPE FEDERAL CREDIT UNION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200604749. By Assignment of Mortgage recorded 06/06/2006 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200609193. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$104,340.76
Interest	\$3,340.50
04/01/2008 through 09/17/2008	
(Per Diem \$19.65)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$280.16
03/30/2006 to 09/17/2008	
Mortgage Insurance Premium /	\$71.99
Private Mortgage Insurance	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$109,833.41
Escrow	
Credit	\$0.00
Deficit	\$120.15
Subtotal	<u>\$120.15</u>
<b>TOTAL</b>	<b>\$109,953.56</b>

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

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

9. Notice of Intentior to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. The action does not come under Act 6 of 1974 because the original mortgage amount exceeds the dollar amount provided in the statute.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$109,953.56, together with interest from 09/17/2008 at the rate of \$19.65 per ~~ciem~~ 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: J S / Hallinan 62695  
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 those certain pieces or parcels of real property, situate, lying and being in the Borough of Chester Hill, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a point on the Western line of Decatur Street, which point is sixty feet (60 feet) North of the Northeastern corner of the intersection of Decatur Street and Alton Street; thence by lands now or formerly owned by Arthur Roxby, South 58 degrees 27 minutes West, a distance of one hundred and twenty feet (120 feet) to a point; thence along lands now or formerly owned by Winfield Peters, South 32 degrees 30 minutes East, a distance of fifty feet (50 feet) to a point; thence by lands now or formerly owned by William Dobson, North 58 degrees 27 minutes East, a distance of one hundred and twenty feet (120 feet) to the Western line of Decatur Street; thence along Decatur Street, North 32 degrees 30 minutes West, a distance of fifty feet (50 feet) to a point and place of beginning.

THE SECOND THEREOF: BEGINNING at a point on the West side of Decatur Street, which point is two hundred and five feet (205 feet) from the intersection of Alton Street and Decatur Street; thence South forty-two degrees East (S 42 degrees E) along Decatur Street, a distance of twenty-five (25 feet) feet to a point; thence South thirty-two degrees thirty minutes East (S 32 degrees 30 minutes E) along Decatur Street to a point; thence South fifty-eight degrees twenty-seven minutes West (S 58 degrees 27 minutes W) along other lands of the Grantor and lands now or formerly of Winfield Peters, a distance of one hundred ninety feet (190 feet) to a point; thence North thirty-two degrees and thirty minutes West (N 32 degrees 30

minutes W) along Ida Street, a distance of fifty-three and six tenths feet (53.6 feet) to a point; thence along lands conveyed to Norbert M. and Grace L. Kruger by the Grantor in a Deed recorded in Clearfield County Deed Book 759 at Page 412 in a Northerly direction to a point on Decatur Street and the place of beginning.

BEING the same premises granted and conveyed unto Barry L. Golding, a Married Individual, by Deed of Christine E. Edwards and Eric W. Edwards, her husband, to be recorded simultaneously herewith.

THE FIRST TRACT KNOWN as Clearfield County Tax Assessment Parcel Number 3-P12-335-31 and THE SECOND TRACT KNOWN as Clearfield County Tax Assessment Parcel Number 3-P12-335-33.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as containing in prior Deeds in the chain of title.

**PREMISES: 403 DECATUR 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.

D. Hall  
Attorney for Plaintiff

DATE: 9/17/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-1755-CD

PHH MORTGAGE CORPORATION  
vs  
BARRY L. GOLDING

SERVICE # 1 OF 1

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 10/18/2008 HEARING: PAGE: 104677

DEFENDANT: BARRY L. GOLDING  
ADDRESS: 403 DECATUR ST./  
PHILIPSBURG, PA 16866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS \_\_\_\_\_

\_\_\_\_\_  
**SHERIFF'S RETURN**

NOW, 9/29/08 AT 10:16 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON BARRY L. GOLDING, DEFENDANT

BY HANDING TO Wanda Golding / Wife

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

ADDRESS SERVED 403 Decatur st. Philipsburg Pa

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

COMPLAINT IN MORTGAGE FORECLOSURE FOR BARRY L. GOLDING

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

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

I MAKE RETURN OF **NOT FOUND** AS TO BARRY L. GOLDING

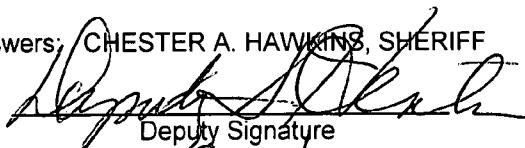
REASON UNABLE TO LOCATE \_\_\_\_\_

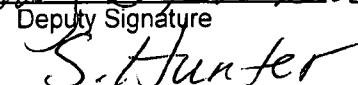
SWORN TO BEFORE ME THIS

\_\_\_\_\_DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

  
Deputy Signature

  
Print Deputy Name

**FILED**

OCT 06 2008

ml 12:05 PM

William A. Shaw  
Prothonotary/Clerk of Courts

S 100 C/C GIO

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

**PHH MORTGAGE CORPORATION**

: COURT OF COMMON PLEAS

Plaintiff : CIVIL DIVISION

vs.

: NO. 2008-1755-CD

**BARRY L. GOLDING**

: CLEARFIELD COUNTY

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: 10/3/08

**VERIFICATION**

Marc J Hinkle hereby states that he/she is  
Vice President of PHH MORTGAGE CORPORATION, servicing agent for Plaintiff, PHH  
MORTGAGE CORPORATION, in this matter, that he/she is authorized to take this Verification, and that  
the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best  
of his/her knowledge, information and belief. The undersigned understands that this statement is made  
subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: 9/19/08

Marc J Hinkle  
Name: Marc J Hinkle  
Title: Vice President

Company: PHH MORTGAGE  
CORPORATION

Loan: 0034865816

File #: 186499

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

<b>PHH MORTGAGE CORPORATION</b>	:	<b>COURT OF COMMON PLEAS</b>
	:	
	:	<b>Plaintiff</b>
	:	
<b>vs.</b>	:	<b>CIVIL DIVISION</b>
	:	
	:	<b>NO. 2008-1755-CD</b>
	:	
<b>BARRY L. GOLDING</b>	:	<b>CLEARFIELD COUNTY</b>
	:	
	:	<b>Defendant(s)</b>
	:	
	:	
	:	

## **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:

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

Phelan Hallinan & Schmieg, LLP  
Attorneys for Plaintiff

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

Date: 10/3/08

----- FOLD HERE -----

Office of the Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 15853

----- FOLD HERE -----

FILED  
DCI 06 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

FILED *Atty pd. 20.00*  
m1/20/09 10:00 a.m. Notice to Def.  
DEC 31 2008  
William A. Shaw  
Prothonotary/Clerk of Courts  
Statement to Atty  
GJL

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

Attorney for Plaintiff

**PHH MORTGAGE CORPORATION**

: **CLEARFIELD COUNTY**

vs.

: **COURT OF COMMON PLEAS**

**BARRY L. GOLDING**  
**403 DECATUR STREET**  
**PHILIPSBURG, PA 16866-2607**

: **CIVIL DIVISION**

: **No. 2008-1755-CD**

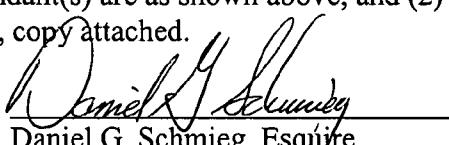
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against **BARRY L. GOLDING**,  
Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service  
thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as  
follows:

As set forth in Complaint	<b>\$109,953.56</b>
Interest - 09/18/2008 to 12/29/2008	<b><u>\$2,023.95</u></b>
<b>TOTAL</b>	<b><u>\$111,977.51</u></b>

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

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

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 12/31/08

  
\_\_\_\_\_  
William A. Shaw

PHS # 186499

PRO PROTHY

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

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

v.

NO. 2008-1755-CD

BARRY L. GOLDING

CLEARFIELD COUNTY

Defendant(s)

TO: BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

**FILE COPY**

**DATE OF NOTICE: December 12, 2008**

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

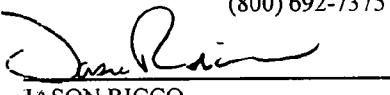
**IMPORTANT NOTICE**

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

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

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

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

  
JASON RICCO  
Legal Assistant

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

Attorney for Plaintiff

**PHH MORTGAGE CORPORATION**

**CLEARFIELD COUNTY**

vs.

**BARRY L. GOLDING**

**COURT OF COMMON PLEAS**  
**CIVIL DIVISION**  
**No. 2008-1755-CD**

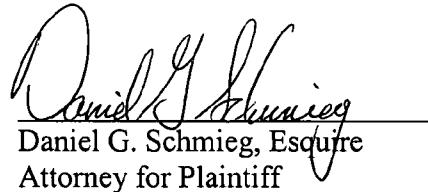
**VERIFICATION OF NON-MILITARY SERVICE**

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

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

(b) that defendant BARRY L. GOLDING is over 18 years of age and resides at 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607.

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

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

(Rule of Civil Procedure No. 236) – Revised

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
:  
: CIVIL DIVISION  
:  
: No. 2008-1755-CD  
:  
:

Notice is given that a Judgment in the above captioned matter has been entered  
against you on December 31, 2008

By: Willie L. Gray DEPUTY

If you have any questions concerning this matter please contact:

Daniel G. Schmieg  
Daniel G. Schmieg, Esquire  
Attorney or Party Filing  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

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

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

PHH Mortgage Corporation  
Plaintiff(s)

No.: 2008-01755-CD

Real Debt: \$111,977.51

Atty's Comm: \$

Vs.

Costs: \$

Barry L. Golding  
Defendant(s)

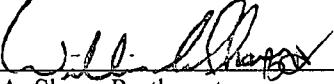
Entry: \$20.00

Instrument: In Rem Judgment

Date of Entry: December 31, 2008

Expires: December 31, 2013

Certified from the record this 31st day of December, 2008.

  
\_\_\_\_\_  
William A. Shaw, Prothonotary

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

\_\_\_\_\_  
Plaintiff/Attorney

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104677  
NO: 08-1755-CD  
SERVICES 1  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: PHH MORTGAGE CORPORATION  
vs.  
DEFENDANT: BARRY L. GOLDING

**SHERIFF RETURN**

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	732689	10.00
SHERIFF HAWKINS	PHELAN	732689	36.72

S FILED  
10/13/08  
10/12/08  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff

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

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. 2008-1755-CD

**PRAECIPE FOR WRIT OF EXECUTION**  
(Mortgage Foreclosure)

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	
Interest from 12/30/08 to Sale	\$111,977.51
Per diem \$18.66	Prothonotary costs 135.00
Add'l Costs	\$
Writ Total	\$3,060.00
	\$

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Note: Please attach description of Property.

186499

**FILED** *Atty pd. 20.00*  
*2/13/09*  
*FEB 26 2009* **1CC6writs**  
S William A. Shaw  
Prothonotary/Clerk of Courts *w/prop. desc*  
*to Sheriff*  
*(610)*

No. 2008-1755-CD .....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

**FILED**

**FEB 26 2019**

William A. Shaw  
Prothonotary/Clerk of Courts

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

---

PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:



DANIEL G. SCHMITZ, ESQUIRE  
Attorney for Plaintiff

Address: BARRY L. GOLDING  
403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607

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

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

Plaintiff,

v.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607

Defendant(s).

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS

: CIVIL DIVISION

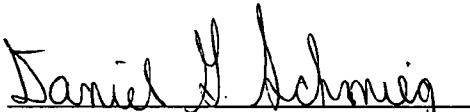
: NO. 2008-1755-CD

CERTIFICATION

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

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

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

  
\_\_\_\_\_  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

Plaintiff,

v.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607

Defendant(s).

:  
CLEARFIELD COUNTY  
COURT OF COMMON PLEAS

:  
CIVIL DIVISION

:  
NO. 2008-1755-CD

:

:

:

**AFFIDAVIT PURSUANT TO RULE 3129.1**

**PHH MORTGAGE CORPORATION**, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **403 DECATUR STREET, PHILLIPSBURG, PA 16866-2607**.

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

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

<b>BARRY L. GOLDING</b>	<b>403 DECATUR STREET</b> <b>PHILLIPSBURG, PA 16866-2607</b>
-------------------------	---

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

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

**Same as Above**

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

FEBRUARY 9, 2009  
Date

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

**PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054**

**Plaintiff,**

V.

**BARRY L. GOLDING  
403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607**

**Defendant(s).**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

## CIVIL DIVISION

NO. 2008-1755-CD

**AFFIDAVIT PURSUANT TO RULE 3129.1**

**PHH MORTGAGE CORPORATION**, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **403 DECATUR STREET, PHILLIPSBURG, PA 16866-2607**.

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

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

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

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

5 Name and address of every other person who has any ownership on the property

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

C  
C  
J

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

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. ....

No. 2008-1755-CD

No. ....

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 403 DECATUR STREET, PHILLIPSBURG, PA 16866-2607

(See Legal Description attached)

Amount Due	
Interest from 12/30/08 to Sale	\$111,977.51
Per diem \$18.66	135.00
Add'l Costs	\$ _____.
Writ Total	\$3,060.00

*W.L. Hager*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated ..... 2/20/09  
(SEAL)

186499

No. 2008-1755-CD .....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs	\$111,977.51
Real Debt	
Int. from 12/30/08 To Date of Sale (\$18.66 per diem)	
Costs	_____
Prothy Pd.	_____

Sheriff  
  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: BARRY L. GOLDING  
403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607

**LEGAL DESCRIPTION**

**ALL those certain pieces or parcels of real property, situate, lying and being in the Borough of Chester Hill, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:**

**THE FIRST THEREOF: BEGINNING** at a point on the Western line of Decatur Street, which point is sixty feet (60 feet) North of the Northeastern corner of the intersection of Decatur Street and Alton Street; thence by lands now or formerly owned by Arthur Roxby, South 58 degrees 27 minutes West, a distance of one hundred and twenty feet (120 feet) to a point; thence along lands now or formerly owned by Winfield Peters, South 32 degrees 30 minutes East, a distance of fifty feet (50 feet) to a point; thence by lands now or formerly owned by William Dobson, North 58 degrees 27 minutes East, a distance of one hundred and twenty feet (120 feet) to the Western line of Decatur Street; thence along Decatur Street, North 32 degrees 30 minutes West, a distance of fifty feet (50 feet) to a point and place of beginning.

**THE SECOND THEREOF: BEGINNING** at a point on the West side of Decatur Street, which point is two hundred and five feet (205 feet) from the intersection of Alton Street and Decatur Street; thence South 42 degrees East along Decatur Street, a distance of twenty-five (25 feet) feet to a point; thence South 32 degrees 30 minutes East along Decatur Street to a point; thence South 58 degrees 27 minutes West along other lands of the Grantor and lands now or formerly of Winfield Peters, a distance of one hundred ninety feet (190 feet) feet to a point; thence North 32 degrees 30 minutes West along Ida Street, a distance of fifty-three and six tenths feet (53.6 feet) to a point; thence along lands conveyed to Norbert M. and Grace L. Kruger by the grantor in a Deed recorded in Clearfield County Deed Book 759 at page 412, in a Northerly direction to a point on Decatur Street and the place of beginning.

**BEING the same premises granted and conveyed unto Christine E. Edwards and Eric W. Edwards, her husband, by Deed of Christine E. Bastian, n/k/a Christine E. Edwards and Eric W. Edwards, her husband, dated February 18, 2004, and recorded February 23, 2004, in Clearfield County at Instrument Number 200402600.**

**TITLE TO SAID PREMISES IS VESTED IN Barry L. Golding, a married individual, by Deed from Eric W. Edwards and Christine E. Edwards, h/w, dated 03/27/2006, recorded 03/30/2006 in Instrument Number 200604748.**

Premises being: 403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607

Tax Parcel No. 3-P12-335-31

FILED  
M 111701  
APR 23 2009  
NO CC  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
GJ

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

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
BARRY L. GOLDING	:	No. 2008-1755-CD
Defendant	:	

**PLAINTIFF'S MOTION TO REASSESS DAMAGES**

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on September 18, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".
2. Judgment was entered on December 31, 2008 in the amount of \$111,977.51. 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 June 5, 2009.

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

Principal Balance	\$104,340.76
Interest Through June 5, 2009	\$8,447.67
Per Diem \$19.65	
Late Charges	\$280.16
Legal fees	\$1,300.00
Cost of Suit and Title	\$1,110.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$0.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$3,228.01
 <b>TOTAL</b>	 \$118,706.60

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

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

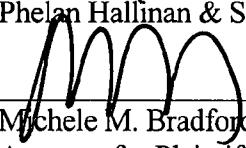
8. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

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

DATE: 4/21/09

By:

Phelan Hallinan & Schmieg, LLP

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

# **Exhibit “A”**

FILED  
10:58 A.M.  
SEP 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
SHEETAL SHAH-JANI, ESQ., Id. No. 81760  
JENINE R. DAVEY, ESQ., Id. No. 87077  
LAUREN R. TABAS, ESQ., Id. No. 93337  
VIVEK SRIVASTAVA, ESQ., Id. No. 202331  
JAY B. JONES, ESQ., Id. No. 86657  
PETER MULCAHY, ESQ., Id. No. 61791  
ANDREW SPIVACK, ESQ., Id. No. 84439  
JAIME MCGUINNESS, ESQ., Id. No. 90134  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 186499

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

Plaintiff  
v.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

Defendant

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

COURT OF COMMON PLEAS  
CIVIL DIVISION

TERM

NO. 2008-1755-CD

CLEARFIELD COUNTY

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

**NOTICE**

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

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW.**

**THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.**

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

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

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

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

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

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

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

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

1. Plaintiff is

PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

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

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

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

3. On 03/30/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to SPE FEDERAL CREDIT UNION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200604749. By Assignment of Mortgage recorded 06/06/2006 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200609193. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$104,340.76
Interest	\$3,340.50
04/01/2008 through 09/17/2008	
(Per Diem \$19.65)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$280.16
03/30/2006 to 09/17/2008	
Mortgage Insurance Premium /	\$71.99
Private Mortgage Insurance	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$109,833.41
Escrow	
Credit	\$0.00
Deficit	\$120.15
Subtotal	<u>\$120.15</u>
<b>TOTAL</b>	<b>\$109,953.56</b>

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

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

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. The action does not come under Act 6 of 1974 because the original mortgage amount exceeds the dollar amount provided in the statute.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$109,953.56, together with interest from 09/17/2008 at the rate of \$19.65 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: J. Hallinan 62695

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 those certain pieces or parcels of real property, situate, lying and being in the Borough of Chester Hill, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a point on the Western line of Decatur Street, which point is sixty feet (60 feet) North of the Northeastern corner of the intersection of Decatur Street and Alton Street; thence by lands now or formerly owned by Arthur Roxby, South 58 degrees 27 minutes West, a distance of one hundred and twenty feet (120 feet) to a point; thence along lands now or formerly owned by Winfield Peters, South 32 degrees 30 minutes East, a distance of fifty feet (50 feet) to a point; thence by lands now or formerly owned by William Dobson, North 58 degrees 27 minutes East, a distance of one hundred and twenty feet (120 feet) to the Western line of Decatur Street; thence along Decatur Street, North 32 degrees 30 minutes West, a distance of fifty feet (50 feet) to a point and place of beginning.

THE SECOND THEREOF: BEGINNING at a point on the West side of Decatur Street, which point is two hundred and five feet (205 feet) from the intersection of Alton Street and Decatur Street; thence South forty-two degrees East (S 42 degrees E) along Decatur Street, a distance of twenty-five (25 feet) feet to a point; thence South thirty-two degrees thirty minutes East (S 32 degrees 30 minutes E) along Decatur Street to a point; thence South fifty-eight degrees twenty-seven minutes West (S 58 degrees 27 minutes W) along other lands of the Grantor and lands now or formerly of Winfield Peters, a distance of one hundred ninety feet (190 feet) to a point; thence North thirty-two degrees and thirty minutes West (N 32 degrees 30

minutes W) along Ida Street, a distance of fifty-three and six tenths feet (53.6 feet) to a point; thence along lands conveyed to Norbert M. and Grace L. Kruger by the Grantor in a Deed recorded in Clearfield County Deed Book 759 at Page 412 in a Northerly direction to a point on Decatur Street and the place of beginning.

BEING the same premises granted and conveyed unto Barry L. Golding, a Married Individual, by Deed of Christine E. Edwards and Eric W. Edwards, her husband, to be recorded simultaneously herewith.

THE FIRST TRACT KNOWN as Clearfield County Tax Assessment Parcel Number 3-P12-335-31 and THE SECOND TRACT KNOWN as Clearfield County Tax Assessment Parcel Number 3-P12-335-33.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as containing in prior Deeds in the chain of title.

**PREMISES: 403 DECATUR 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.

  
\_\_\_\_\_  
Attorney for Plaintiff

DATE: 9/17/08

# **Exhibit “B”**

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

**ATTORNEY FILE COPY** Attorney for Plaintiff  
**PLEASE RETURN**

**PHH MORTGAGE CORPORATION** : **CLEARFIELD COUNTY**  
vs. :  
: **COURT OF COMMON PLEAS**  
: :  
: **CIVIL DIVISION**  
: :  
: **No. 2008-1755-CD**

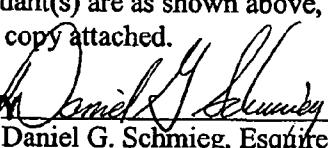
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY: **ATTORNEY FILE COPY**  
**PLEASE RETURN**

Kindly enter judgment in favor of the Plaintiff and against **BARRY L. GOLDING**,  
Defendant(s) for failure to file an Answer to Plaintiff's Complaint within 20 days from service  
thereof and for foreclosure and sale of the mortgaged premises, and assess Plaintiff's damages as  
follows:

As set forth in Complaint	<b>\$109,953.56</b>
Interest - 09/18/2008 to 12/29/2008	<b><u>\$2,023.95</u></b>
<b>TOTAL</b>	<b>\$111,977.51</b>

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

**ATTORNEY FILE COPY**   
**PLEASE RETURN** Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 12/31/08

PHS # 186499

PRO PROTHY

FILED  
12/20  
DEC 31 2008

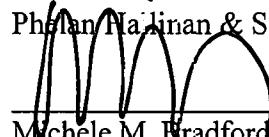
William A. Shaw  
Prothonotary/Clerk of Courts

**VERIFICATION**

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

DATE: 4/21/09

By:

  
Phelan Hallinan & Schmieg, LLP  
\_\_\_\_\_  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION

Plaintiff

: Court of Common Pleas

: Civil Division

v.

: CLEARFIELD County

BARRY L. GOLDING

Defendant

: No. 2008-1755-CD

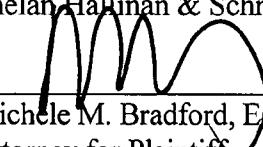
**CERTIFICATION OF SERVICE**

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

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

DATE: 4/21/19

By:

Phelan Hallinan & Schmieg, LLP  
  
\_\_\_\_\_  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

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

PHH MORTGAGE CORPORATION	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
BARRY L. GOLDING	:	No. 2008-1755-CD
Defendant	:	

**ORDER**

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

Principal Balance	\$104,340.76
Interest Through June 5, 2009	\$8,447.67
Per Diem \$19.65	
Late Charges	\$280.16
Legal fees	\$1,300.00
Cost of Suit and Title	\$1,110.00
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$0.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$3,228.01
 <b>TOTAL</b>	 \$118,706.60

Plus interest from June 5, 2009 through the date of sale at six percent per annum.

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

BY THE COURT

---

J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

PHH MORTGAGE CORPORATION : Court of Common Pleas  
Plaintiff :  
: Civil Division  
v. :  
: CLEARFIELD County  
BARRY L. GOLDING :  
: No. 2008-1755-CD  
Defendant :  
:

RULE

AND NOW, this 24<sup>th</sup> day of April 2009, a Rule is entered upon the  
Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to  
Reassess Damages.

Rule Returnable on the 30<sup>th</sup> day of JUNE 2009, at 2:00 p.m. in the Clearfield  
County Courthouse, Clearfield, Pennsylvania, Courtroom #1

BY THE COURT

  
J.

5  
**FILED** *ICC*  
*04/24/09* *Am. Bradford*  
*APR 24 2009*  
William A. Shaw  
Prothonotary/Clerk of Courts  
*(61)*

186499

FILED

APR 24 2009

William A. Shaw  
Clerk of Courts

Prothonotary: John D. O'Farrell  
DATE: 4/24/09

You are responsible for serving all appropriate processes \_\_\_\_\_

The Prothonotary's office has provided service to the public since 1852.

Plaintiff(s) Attorney — Other

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_ Defendant(s) Attorney \_\_\_\_\_

Communications

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

Plaintiff,

v.

BARRY L. GOLDING

Defendant(s)

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 2008-1755-CD  
:

**AFFIDAVIT OF SERVICE OF LIENHOLDERS PURSUANT TO RULE 3129**

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF CLEARFIELD ) SS:

Plaintiff in the above action sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: 403 DECATUR STREET, PHILLIPSBURG, PA 16866-2607.

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

PHELAN HALLINAN & SCHMIEG, LLP

By: Lawrence T. Phelan *62675*

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 J. Mulcahy, Esquire  
Andrew L. Spivack, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire

Attorneys for Plaintiff

Date: April 23, 2009

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

Name and  
Address  
of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 403 DECATUR STREET PHILLIPSBURG, PA 16866-2607		
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 <sup>th</sup> Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower 13 <sup>TH</sup> 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				
8				
9				
10		JVS		
11				
12		<b>Re: BARRY L. GOLDING</b>	<b>186499</b>	<b>TEAM 3</b>
Total Number of Pieces Received at Post Office		Postmaster, Per (Name of Receiving Employee)		
Pieces Listed by Sender				

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

PHH MORTGAGE CORPORATION,  
Plaintiff

\*  
\*  
\*  
\*  
\*  
\*  
\*

vs.

NO. 08-1755-CD

BARRY L. GOLDING,  
Defendant

ORDER

NOW, this 5<sup>th</sup> day of May, 2009, due to a scheduling conflict; it is the  
ORDER of this Court that the argument on the Plaintiff's Motion to Reassess Damages  
be and is hereby rescheduled from the 30<sup>th</sup> day of June, 2009, at 2:00 p.m. to the 18<sup>th</sup>  
day of June, 2009 at 2:00 p.m. in Courtroom No. 1 of the Clearfield County  
Courthouse, Clearfield, Pennsylvania.

BY THE COURT,

  
FREDRIC J. AMMERMAN  
President Judge

FILED  
012482009  
MAY 06 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
2cc Atty Hallinan  
2cc Def-  
403 Decatur St.  
Philipsburg, PA 16866

**FILED**

**MAY 06 2009**

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

DATE: 5/6/09

You are responsible for serving all appropriate parties.

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

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

5  
**FILED** NOCC  
MAY 07 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
UR

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

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
BARRY L. GOLDING	:	No. 2008-1755-CD
Defendant	:	

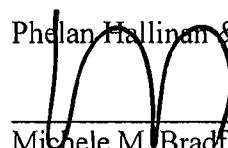
**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the Court's April 24, 2009 Rule directing the Defendant to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

DATE: 5/6/09

By:

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

08-1755-CD

**FAX TRANSMITTAL SHEET**

**W. DAVID TODD  
ATTORNEY  
P.O. BOX 321  
BOALSBURG, PA 16827  
PHONE: 814-466-7611  
FAX: 814-466-6721**

**TO:** Clearfield County Sheriff's Office  
Clearfield County Judge's Office  
Phelan Hallinan & Schmieg, PPL for PHH Mtg.

**FAX NUMBERS:** (814) 765-5915  
(814) 765-7649  
(215) 563-3352

**FROM:** W. David Todd

**FILED**

05/19/2009  
MAY 19 2009

William A. Shaw  
Prothonotary/Clerk of Courts

**DATE:** 05/19/2009

**RE:** Barry Golding Real Estate Sheriff's Sale for 06/05/2009  
PHH Mortgage vs. Barry L. Golding  
No. 2008-1755-CD  
File No. 186499

**Total pages (including cover):** 2

**MESSAGE:**

Barry Golding filed a Chapter 13 bankruptcy case on 05/14/2009 with the following bankruptcy case number:

**4:09-bk-03714**

**Please Cancel the sale scheduled for 06/05/2009.**

W. David Todd

**THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW.**

IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE.

## Open a Voluntary Bankruptcy Case

### U.S. Bankruptcy Court

### Middle District of Pennsylvania

#### Notice of Bankruptcy Case Filing

The following transaction was received from W. David Todd entered on 5/14/2009 at 2:56 PM EDT and filed on 5/14/2009

**Case Name:** Barry Lynn Golding and Wanda K. Golding

**Case Number:** 4:09-bk-03714

**Document Number:** 1

#### Docket Text:

Chapter 13 Voluntary Petition , *Exhibit Ds for Debtor and Co-Debtor, Certificates of Counseling for Debtor and Co-Debtor, Schedules A-J, Summaries, Declaration Concerning Debtor's Schedules, Statement of Financial Affairs, Statement of Intention, Disclosure of Compensation, Affidavit of Disbursement*. Filing fee due in the amount of \$ 274.00 Filed by W. David Todd on behalf of Barry Lynn Golding, Wanda K. Golding. (Todd, W.)

The following document(s) are associated with this transaction:

**Document description:** Main Document

**Original filename:** C:\Documents and Settings\Owner\My Documents\GOLDING BANKRUPTCY\Filing STEP 1.pdf

**Electronic document Stamp:**

[STAMP bkecfStamp\_ID=1009835235 [Date=5/14/2009] [FileNumber=6274694-0] [0c9f71563e357dd06377b9111a9ca1df8bdb04a2eadad0fd94ad1192c5072754a2c682d35aedf0980b9da8c036e1dddae48cf7a0bfca4cb4dd2a7fa98f17082a]]

**4:09-bk-03714 Notice will be electronically mailed to:**

W. David Todd on behalf of Debtor Barry Golding  
boalsburg@hotmail.com, dwdt@aol.com

United States Trustee  
ustpregion03.ha.ecf@usdoj.gov

**4:09-bk-03714 Notice will not be electronically mailed to:**

105  
FILED  
M110-5961 NOCC  
JUN 16 2009

William A. Shaw  
Prothonotary/Clerk of Courts

(G10)

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

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION : Court of Common Pleas  
Plaintiff

v.

BARRY L. GOLDING : Civil Division  
Defendant

CLEARFIELD County  
No. 2008-1755-CD

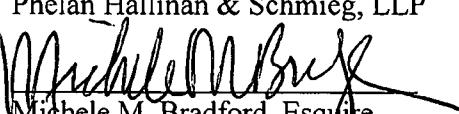
**PRAECIPE**

**TO THE PROTHONOTARY:**

Plaintiff hereby withdraws its Motion to Reassess Damages, filed on April 23, 2009 in  
the above referenced action.

DATE: 6/15/09

By:

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

PHELAN HALLINAN & SCHMIEG, LLP

by: Michele M. Bradford, Esquire, Atty. I.D. No. 69849  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

PHH MORTGAGE CORPORATION  
Plaintiff

: Court of Common Pleas

v.

: Civil Division

BARRY L. GOLDING  
Defendant

: CLEARFIELD County

: No. 2008-1755-CD

:  
:

**CERTIFICATE OF SERVICE**

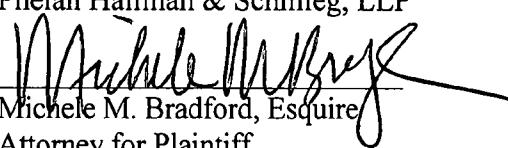
I hereby certify that a true and correct copy of Plaintiff's Praecipe to withdraw its Motion to Reassess Damages was served upon the following interested parties on the date indicated below.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

DATE: 6/15/09

By:

Phelan Hallinan & Schmieg, LLP

  
Michele M. Bradford, Esquire  
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20938  
NO: 08-1755-CD

PLAINTIFF: PHH MORTGAGE CORPORATION  
vs.  
DEFENDANT: BARRY L. GOLDING  
Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 2/27/2009

LEVY TAKEN 3/12/2009 @ 11:20 AM

POSTED 3/12/2009 @ 11:20 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/18/2010

DATE DEED FILED NOT SOLD

FILED  
019-38-01  
JAN 18 2011  
William A. Shaffer  
Prothonotary/Clerk of Courts

DETAILS

3/12/2009 @ 11:20 AM SERVED BARRY L. GOLDING

SERVED BARRY L. GOLDING, DEFENDANT, AT 403 DECATUR STREET, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY  
HANDING TO BARRY L. GOLDING

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.

4/24/2009 @ 9:25 AM SERVED BARRY L. GOLDING

SERVED BARRY L. GOLDING, DEFENDANT, AT 403 DECATUR STREET, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA BY  
HANDING TO WANDA GOLDING, WIFE/ADULT AT RESIDENCE

AN AMENDED NOTICE OF SALE.

@ SERVED

NOW, MAY 29, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR  
JUNE 5, 2009 TO SEPTEMBER 4, 2009.

@ SERVED

NOW, SEPTEMBER 3, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR  
SEPTEMBER 4, 2009 DUE TO BANKRUPTCY FILING.

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

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

No. ....

No. 2008-1755-CD

No. ....

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 403 DECATUR STREET, PHILLIPSBURG, PA 16866-2607  
(See Legal Description attached)

Amount Due	\$111,977.51
Interest from 12/30/08 to Sale	Prothonotary costs <u>135.00</u>
Per diem \$18.66	\$ _____
Add'l Costs	\$3,060.00
Writ Total	\$ _____

*William Allen*

-----  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 2/26/09  
(SEAL)

186499

Received this writ this 27 <sup>th</sup> day  
of February A.D. 2009  
At 11:30 A.M./P.M.

*Charles A. Henklein*  
Sheriff by Anthony Bitter-Auerbach

No. 2008:1755:CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

---

WRIT OF EXECUTION  
(Mortgage Foreclosure)

---

Costs	
Real Debt	\$111,977.51
Int. from 12/30/08 To Date of Sale (\$18.66 per diem)	
Costs	
Prothy Pd.	<u>135.00</u>

Sheriff

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Address: BARRY L. GOLDING  
403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607

2008-1755-CD  
S.A. 30  
S.A. 30  
S.A. 30  
S.A. 30

11/20/08

**LEGAL DESCRIPTION**

**ALL** those certain pieces or parcels of real property, situate, lying and being in the Borough of Chester Hill, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

**THE FIRST THEREOF: BEGINNING** at a point on the Western line of Decatur Street, which point is sixty feet (60 feet) North of the Northeastern corner of the intersection of Decatur Street and Alton Street; thence by lands now or formerly owned by Arthur Roxby, South 58 degrees 27 minutes West, a distance of one hundred and twenty feet (120 feet) to a point; thence along lands now or formerly owned by Winfield Peters, South 32 degrees 30 minutes East, a distance of fifty feet (50 feet) to a point; thence by lands now or formerly owned by William Dobson, North 58 degrees 27 minutes East, a distance of one hundred and twenty feet (120 feet) to the Western line of Decatur Street; thence along Decatur Street, North 32 degrees 30 minutes West, a distance of fifty feet (50 feet) to a point and place of beginning.

**THE SECOND THEREOF: BEGINNING** at a point on the West side of Decatur Street, which point is two hundred and five feet (205 feet) from the intersection of Alton Street and Decatur Street; thence South 42 degrees East along Decatur Street, a distance of twenty-five (25 feet) feet to a point; thence South 32 degrees 30 minutes East along Decatur Street to a point; thence South 58 degrees 27 minutes West along other lands of the Grantor and lands now or formerly of Winfield Peters, a distance of one hundred ninety feet (190 feet) feet to a point; thence North 32 degrees 30 minutes West along Ida Street, a distance of fifty-three and six tenths feet (53.6 feet) to a point; thence along lands conveyed to Norbert M. and Grace L. Kruger by the grantor in a Deed recorded in Clearfield County Deed Book 759 at page 412, in a Northerly direction to a point on Decatur Street and the place of beginning.

**BEING** the same premises granted and conveyed unto Christine E. Edwards and Eric W. Edward, her husband, by Deed of Christine E. Bastian, n/k/a Christine E. Edwards and Eric W. Edwards, her husband, dated February 18, 2004, and recorded February 23, 2004, in Clearfield County at Instrument Number 200402600.

**TITLE TO SAID PREMISES IS VESTED IN** Barry L. Golding, a married individual, by Deed from Eric W. Edwards and Christine E. Edwards, h/w, dated 03/27/2006, recorded 03/30/2006 in Instrument Number 200604748.

Premises being: 403 DECATUR STREET  
PHILLIPSBURG, PA 16866-2607

Tax Parcel No. 3-P12-335-31

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME BARRY L. GOLDING NO. 08-1755-CD

NOW, January 16, 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 September 04, 2009, I exposed the within described real estate of Barry L. Golding to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

## **SHERIFF COSTS:**

## PLAINTIFF COSTS, DEBT AND INTEREST:

RDR SERVICE	15.00	DEBT-AMOUNT DUE	111,977.50
MILEAGE	15.00	INTEREST @ 18.6600	4,627.68
LEVY	17.60	FROM 12/30/2008 TO 09/04/2009	
MILEAGE	15.00	ATTORNEY FEES	
POSTING	15.00	PROTH SATISFACTION	
CSDS	10.00	LATE CHARGES AND FEES	
COMMISSION	0.00	COST OF SUIT-TO BE ADDED	
POSTAGE	5.04	FORECLOSURE FEES	
HANDBILLS	15.00	ATTORNEY COMMISSION	
DISTRIBUTION	25.00	REFUND OF ADVANCE	20.00
ADVERTISING	15.00	REFUND OF SURCHARGE	
ADD'L SERVICE	15.00	SATISFACTION FEE	
DEED		ESCROW DEFICIENCY	
ADD'L POSTING		PROPERTY INSPECTIONS	
ADD'L MILEAGE		INTEREST	
ADD'L LEVY		MISCELLANEOUS	
BID/SETTLEMENT AMOUNT		<b>TOTAL DEBT AND INTEREST</b>	<b>\$116,625.18</b>
RETURNS/DEPUTIZE			
COPIES	15.00	<b>COSTS:</b>	
	5.00	ADVERTISING	529.00
BILLING/PHONE/FAX	15.00	TAXES - COLLECTOR	
CONTINUED SALES	20.00	TAXES - TAX CLAIM	
MISCELLANEOUS		DUE	
<b>TOTAL SHERIFF COSTS</b>	<b>\$235.24</b>	LIEN SEARCH	
		ACKNOWLEDGEMENT	
DEED COSTS:		DEED COSTS	0.00
ACKNOWLEDGEMENT		SHERIFF COSTS	235.24
REGISTER & RECORDER		LEGAL JOURNAL COSTS	324.00
TRANSFER TAX 2%	0.00	PROTHONOTARY	135.00
<b>TOTAL DEED COSTS</b>	<b>\$0.00</b>	MORTGAGE SEARCH	
		MUNICIPAL LIEN	
		<b>TOTAL COSTS</b>	<b>\$1,223.24</b>

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

CHESTER A. HAWKINS, Sheriff

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

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

May 29, 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: **PHH MORTGAGE CORPORATION v.**  
**BARRY L. GOLDING**  
**403 DECATUR STREET PHILIPSBURG, PA 16866-2607**  
**Court No. 2008-1755-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for June 5, 2009 due to the following: Bankruptcy.

The Property is to be relisted for the September 4, 2009 Sheriff Sale.

Thank you for your correspondence 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

September 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: PHH MORTGAGE CORPORATION v.**  
**BARRY L. GOLDING**  
**403 DECATUR STREET PHILIPSBURG, PA 16866-2607**  
**Court No. 2008-1755-CD**

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for September 4, 2009 due to the following: Bankruptcy.

Defendants filed a Chapter 13, Bankruptcy Number 4:09-03714, on May 14, 2009.

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

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 2008-1755-CD  
CLEARFIELD COUNTY

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	
Interest from 12/30/2008 to Sale	\$111,977.51
Per diem \$18.66	155.00
Add'l Costs	\$ _____
Writ Total	\$7,080.00 \$ _____

  
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 # 186499

**FILED** Atty pd. 20.00  
MAY 07 2010 11:45 AM  
S. William A. Shaw  
Prothonotary/Clerk of Courts  
w/prop. desc.  
to Sheriff

(14)

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
PHH MORTGAGE CORPORATION

**FILED**

vs.

BARRY L. GOLDING

**MAY 07 2010**

**PRAECIPE FOR WRIT OF EXECUTION**  
(Mortgage Foreclosure)

Filed

Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

Lawrence T. Phelan, Esq., Id. No. 322227  
 Francis S. Hallinan, Esq., Id. No. 622695  
 Daniel G. Schmieg, Esq., Id. No. 622025  
 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. 933337  
 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. Filakos, 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:

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

William A. Shaw  
Prothonotary/Clerk of Courts

**Phelan Hallinan & Schmieg, LLP**

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

Attorneys for Plaintiff

**PHH MORTGAGE CORPORATION**

Plaintiff

v.

**BARRY L. GOLDING**

Defendant(s)

**COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 2008-1755-CD**

**CLEARFIELD COUNTY**

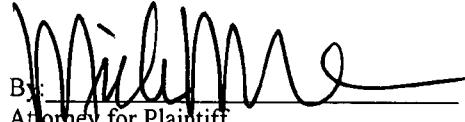
:

**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:   
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

PHH MORTGAGE CORPORATION : COURT OF COMMON PLEAS  
Plaintiff :  
V. :  
BARRY L. GOLDING : CIVIL DIVISION  
Defendant(s) : NO. 2008-1755-CD  
: CLEARFIELD COUNTY

**AFFIDAVIT PURSUANT TO RULE 3129.1**

PHH MORTGAGE CORPORATION, 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 **403 DECATUR STREET, PHILIPSBURG, PA 16866-2607**.

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

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

**BARRY L. GOLDING**

**403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607**

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**

**403 DECATUR STREET**  
**PHILIPSBURG, PA 16866-2607**

**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**

**United States Internal Revenue**  
**Special Procedures Branch**  
**Federated Investors Tower**

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

**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**

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.

April 30, 2010

By \_\_\_\_\_  
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

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

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607

(See Legal Description attached)

Amount Due	
Interest from 12/30/2008 to Sale	\$111,977.51
Per diem \$18.66	155.00
Add'l Costs	
Writ Total	\$7,080.00

*Willie L. Chapman*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 5/7/10  
(SEAL)

PHS # 186499

IN THE COURT OF COMMON PLEAS OF  
CLERAFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

**WRIT OF EXECUTION**  
(Mortgage Foreclosure)

	Costs	
Real Debt		\$111,977.51
Int. from		
Costs		
To Date of Sale (\$18.66 per diem)		
Protho Pd.		<u>155.00</u>
Sheriff		

Filed

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
- 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

Address where papers may be served:  
BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

### LEGAL DESCRIPTION

ALL those certain pieces or parcels of real property, situate, lying and being in the Borough of Chester Hill, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a point on the Western line of Decatur Street, which point is sixty feet (60 feet) North of the Northeastern corner of the intersection of Decatur Street and Alton Street; thence by lands now or formerly owned by Arthur Roxby, South 58 degrees 27 minutes West, a distance of one hundred and twenty feet (120 feet) to a point; thence along lands now or formerly owned by Winfield Peters, South 32 degrees 30 minutes East, a distance of fifty feet (50 feet) to a point; thence by lands now or formerly owned by William Dobson, North 58 degrees 27 minutes East, a distance of one hundred and twenty feet (120 feet) to the Western line of Decatur Street; thence along Decatur Street, North 32 degrees 30 minutes West, a distance of fifty feet (50 feet) to a point and place of beginning.

THE SECOND THEREOF: BEGINNING at a point on the West side of Decatur Street, which point is two hundred and five feet (205 feet) from the intersection of Alton Street and Decatur Street; thence South forty-two degrees East (S 42 degrees E) along Decatur Street, a distance of twenty-five (25 feet) feet to a point; thence South thirty-two degrees thirty minutes East (S 32 degrees 30 minutes E) along Decatur Street to a point; thence South fifty-eight degrees twenty-seven minutes West (S 58 degrees 27 minutes W) along other lands of the Grantor and lands now or formerly of Winfield Peters, a distance of one hundred ninety feet (190 feet) to a point; thence North thirty-two degrees and thirty minutes West (N 32 degrees 30 minutes W) along Ida Street, a distance of fifty-three and six tenths feet (53.6 feet) to a point; thence along lands conveyed to Norbert M. and Grace L. Kruger by the Grantor in a Deed recorded in Clearfield County Deed Book 759 at Page 412 in a Northerly direction to a point on Decatur Street and the place of beginning.

BEING the same premises granted and conveyed unto Barry L. Golding, a Married Individual, by Deed of Christine E. Edwards and Eric W. Edwards, her husband, to be recorded simultaneously herewith.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as containing in prior Deeds in the chain of title.

TITLE TO SAID PREMISES IS VESTED IN Barry L. Golding, a married individual, by Deed from Eric W. Edwards and Christine E. Edwards, h/w, dated 03/27/2006, recorded 03/30/2006 in Instrument Number 200604748.

Premises being: 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607

Tax Parcel No. 3-P12-335-33  
3-P12-335-31

FILED <sup>No CC</sup>  
m 9:55 am (610)  
JUN 28 2010

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  
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

PHH MORTGAGE CORPORATION : Court of Common Pleas  
Plaintiff :  
v. : Civil Division  
BARRY L. GOLDING : CLEARFIELD County  
Defendant : No. 2008-1755-CD

**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 18, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on December 31, 2008 in the amount of \$111,977.51. 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. A Sheriff's Sale of the mortgaged property at 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607 (hereinafter the "Property") was postponed or stayed for the following reason:

a.) The Defendant filed a Chapter 13 Bankruptcy at Docket Number 4:09-03714 on May 14, 2009. The Bankruptcy was dismissed by order of court dated March 3, 2010. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "C".

5. The Property is listed for Sheriff's Sale on August 6, 2010.

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

Principal Balance	\$103,925.92
Interest Through August 6, 2010	\$14,387.72
Per Diem \$19.57	
Late Charges	\$280.16
Legal fees	\$2,600.00
Cost of Suit and Title	\$1,480.00
Sheriff's Sale Costs	\$1,108.24
Property Inspections/ Property Preservation	\$168.25
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$287.96
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Susperse/Misc. Credits	(\$0.00)
Escrow Deficit	\$5,733.68
<b>TOTAL</b>	<b>\$129,971.93</b>

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

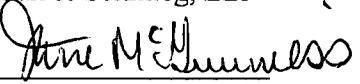
8. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendant.

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

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

DATE: 6-25-10

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

# **Exhibit “A”**

FILED  
10:58 A.M.  
SEP 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

186499

PHH MORTGAGE CORPORATION  
4001 LEADENHALL ROAD  
MOUNT LAUREL, NJ 08054

Plaintiff  
v.

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

Defendant

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-1755-CD

CLEARFIELD COUNTY

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

**NOTICE**

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

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

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

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

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

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

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

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

6. The following amounts are due on the mortgage:

Principal Balance	\$104,340.76
Interest	\$3,340.50
04/01/2008 through 09/17/2008	
(Per Diem \$19.65)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$280.16
03/30/2006 to 09/17/2008	
Mortgage Insurance Premium /	\$71.99
Private Mortgage Insurance	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$109,833.41
Escrow	
Credit	\$0.00
Deficit	\$120.15
Subtotal	<u>\$120.15</u>
<b>TOTAL</b>	<b>\$109,953.56</b>

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

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

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
10. The action does not come under Act 6 of 1974 because the original mortgage amount exceeds the dollar amount provided in the statute.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$109,953.56, together with interest from 09/17/2008 at the rate of \$19.65 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: J.S. Hallinan 62695  
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 those certain pieces or parcels of real property, situate, lying and being in the Borough of Chester Hill, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a point on the Western line of Decatur Street, which point is sixty feet (60 feet) North of the Northeastern corner of the intersection of Decatur Street and Alton Street; thence by lands now or formerly owned by Arthur Roxby, South 58 degrees 27 minutes West, a distance of one hundred and twenty feet (120 feet) to a point; thence along lands now or formerly owned by Winfield Peters, South 32 degrees 30 minutes East, a distance of fifty feet (50 feet) to a point; thence by lands now or formerly owned by William Dobson, North 58 degrees 27 minutes East, a distance of one hundred and twenty feet (120 feet) to the Western line of Decatur Street; thence along Decatur Street, North 32 degrees 30 minutes West, a distance of fifty feet (50 feet) to a point and place of beginning.

THE SECOND THEREOF: BEGINNING at a point on the West side of Decatur Street, which point is two hundred and five feet (205 feet) from the intersection of Alton Street and Decatur Street; thence South forty-two degrees East (S 42 degrees E) along Decatur Street, a distance of twenty-five (25 feet) feet to a point; thence South thirty-two degrees thirty minutes East (S 32 degrees 30 minutes E) along Decatur Street to a point; thence South fifty-eight degrees twenty-seven minutes West (S 58 degrees 27 minutes W) along other lands of the Grantor and lands now or formerly of Winfield Peters, a distance of one hundred ninety feet (190 feet) to a point; thence North thirty-two degrees and thirty minutes West (N 32 degrees 30

minutes W) along Ida Street, a distance of fifty-three and six tenths feet (53.6 feet) to a point; thence along lands conveyed to Norbert M. and Grace L. Kruger by the Grantor in a Deed recorded in Clearfield County Deed Book 759 at Page 412 in a Northerly direction to a point on Decatur Street and the place of beginning.

BEING the same premises granted and conveyed unto Barry L. Golding, a Married Individual, by Deed of Christine E. Edwards and Eric W. Edwards, her husband, to be recorded simultaneously herewith.

THE FIRST TRACT KNOWN as Clearfield County Tax Assessment Parcel Number 3-P12-335-31 and THE SECOND TRACT KNOWN as Clearfield County Tax Assessment Parcel Number 3-P12-335-33.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as containing in prior Deeds in the chain of title.

**PREMISES: 403 DECATUR STREET**

**VERIFICATION**

Vice President Marc J Hinkle hereby states that he/she is  
of PHH MORTGAGE CORPORATION, servicing agent for Plaintiff, PHH  
MORTGAGE CORPORATION, in this matter, that he/she is authorized to take this Verification, and that  
the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best  
of his/her knowledge, information and belief. The undersigned understands that this statement is made  
subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE: 9/19/08

Marc J Hinkle  
Name: Marc J Hinkle  
Title: Vice President

Company: PHH MORTGAGE  
CORPORATION

Loan: 0034865816

File #: 186499

# **Exhibit “B”**

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

**ATTORNEY FILE COPY** Attorney for Plaintiff  
**PLEASE RETURN**

PHH MORTGAGE CORPORATION : CLEARFIELD COUNTY  
vs. : COURT OF COMMON PLEAS  
BARRY L. GOLDING : CIVIL DIVISION  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607 : No. 2008-1755-CD

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

TO THE PROTHONOTARY: **ATTORNEY FILE COPY**  
**PLEASE RETURN**

Kindly enter judgment in favor of the Plaintiff and against **BARRY L. GOLDING**,  
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	\$109,953.56
Interest - 09/18/2008 to 12/29/2008	
<b>TOTAL</b>	<b>\$2,023.95</b>
	<b>\$111,977.51</b>

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

**ATTORNEY FILE COPY** *Daniel G. Schmieg*  
**PLEASE RETURN** Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 12/31/08

PHS # 186499

PRO PROTHY

**FILED**  
12/20  
DEC 31 2008

William A. Shaw  
Prothonotary/Clerk of Courts

# **Exhibit “C”**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:

**BARRY LYNN GOLDING  
WANDA K GOLDING**

Debtor(s)

Chapter: **13**

Case Number: **4:09-bk-03714 JJT**

**CHARLES J DEHART, III  
(TRUSTEE)**

Movant(s)

vs.

**BARRY LYNN GOLDING  
WANDA K GOLDING**

Respondent(s)

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to dismiss case and it having been determined after notice and no response that the case should be dismissed, it is

**ORDERED** that the above-named case of the debtor(s) be and it hereby is dismissed.

By the Court,



John J. Thomas, Bankruptcy Judge

(BS)

*This document is electronically signed and filed on the same date.*

Date: March 3, 2010

**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: 6-25-10

By:

*Jaime McGuinness*

- 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 *ICC 444*

*m/ 9:55 am*  
JUN 28 2010

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  
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

PHH MORTGAGE CORPORATION  
Plaintiff

v.

BARRY L. GOLDING

Defendant

Court of Common Pleas  
Civil Division  
CLEARFIELD County  
No. 2008-1755-CD

CERTIFICATION OF SERVICE

...and the *McGraw-Hill* logo is now part of the *McGraw-Hill* family of products!

PHILIPSBURG, PA 16866-3001  
43 DECATUR STREET  
MURRAY L. GORDING

DRICK D. IVY, M.D.  
1700 15th  
MEDIA, PA. 19063

Digitized by Shanti Bhawan Library

०१-४६-३

**FILED**

JUN 28 2010

William A. Shaw  
Prothonotary/Clerk of Courts

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

PHH MORTGAGE CORPORATION	:	Court of Common Pleas
Plaintiff	:	
	:	Civil Division
v.	:	
BARRY L. GOLDING	:	CLEARFIELD County
Defendant	:	No. 2008-1755-CD

## RULE

AND NOW, this 29<sup>th</sup> day of June 2010, a Rule is entered upon the  
Defendant to show cause why an Order should not be entered granting Plaintiff's Motion to  
Reassess Damages.

Rule Returnable on the 16<sup>th</sup> day of August 2010, at 9:00 in the Clearfield  
County Courthouse, Clearfield, Pennsylvania.

BY THE COURT  


186499

FILED *OTIS KID* ICC  
JUN 30 2010 *Atty McGuinness*  
S *LM*  
William A. Shaw  
Prothonotary/Clerk of Courts

186499

FILED

JUN 30 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 6/21/2010

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

**PHELAN HALLINAN & SCHMIEG, LLP**  
BY: Vivek Srivastava, Esq.  
Attorney I.D. No.: 202331  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

**FILED**  
M1208831 NO  
JUL 13 2010 CC  
601

PHH MORTGAGE CORPORATION

Plaintiff : CLEARFIELD COUNTY

v.

COURT OF COMMON PLEAS

BARRY LYNN GOLDING A/K/A BARRY L.  
GOLDING

CIVIL DIVISION

NO. 2008-1755-CD

Defendant :

William A. Shaw  
Prothonotary/Clerk of Courts

**MOTION FOR SERVICE OF NOTICE OF SALE  
PURSUANT TO SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP, petitions this Honorable Court for an Order directing service of the Notice of Sale upon the above-captioned Defendant, **BARRY LYNN GOLDING A/K/A BARRY L. GOLDING**, by certified mail and regular mail to 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607, and posting 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607 and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **AUGUST 6, 2010**.
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendant be served with a notification of Sheriff's Sale at least thirty (30) days prior to the scheduled sale date.

3. Attempts to serve Defendant with the Notice of Sale have been unsuccessful, as indicated by the Return of Service attached hereto as Exhibit "A".
4. 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 therefrom is attached hereto as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607, and posting 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607.

PHELAN HALLINAN & SCHMIEG, LLP

By:

  
Vivek Srivastava, Esq.  
Attorney for Plaintiff

# AFFIDAVIT OF SERVICE

PLAINTIFF  
PHH MORTGAGE CORPORATION

CLEARFIELD COUNTY

EXHIBIT B  
PHS # 186499

DEFENDANT  
BARRY LYNN GOLDING A/K/A BARRY L. GOLDING

SERVICE TEAM/ kxc

SERVE BARRY LYNN GOLDING A/K/A BARRY L.  
GOLDING AT:  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

COURT NO.: 2008-1755-CD  
TYPE OF ACTION  
XX Notice of Sheriff's Sale  
SALE DATE: 08/06/2010

## SERVED

Served and made known to \_\_\_\_\_, Defendant on the \_\_\_ day of \_\_\_\_\_, 20 \_\_, at  
\_\_\_\_\_, o'clock \_\_\_. M., at \_\_\_\_\_, in the manner described below:

Defendant personally served.

Adult family member with whom Defendant(s) reside(s).

Relationship is \_\_\_\_\_.

Adult in charge of Defendant's residence who refused to give name or relationship.

Manager/Clerk of place of lodging in which Defendant(s) reside(s).

Agent or person in charge of Defendant's office or usual place of business.

\_\_\_\_\_ an officer of said Defendant's company.

Other: \_\_\_\_\_.

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, \_\_\_\_\_, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this \_\_\_\_ day  
of \_\_\_\_\_, 20 \_\_\_\_.

Notary: By:

## NOT SERVED

On the 8<sup>th</sup> day of June, 20 10, at 8:40 o'clock A M., Defendant NOT FOUND because:

Vacant       Bad Address       Moved       Does Not Reside (Not Vacant)

No Answer on \_\_\_\_\_ at \_\_\_\_\_; \_\_\_\_\_ at \_\_\_\_\_

Service Refused

Other: 6/3/10 6:01 pm    6/6/10 11:50 pm

Sworn to and subscribed  
before me this 9<sup>th</sup> day  
of June, 20 10.

By: D.M. Ellis  
DM Ellis

Notary:

*Marilyn A. Campbell*  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Marilyn A. Campbell, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Dec. 6, 2011  
Member, Pennsylvania Association of Notaries

## ATTORNEY FOR PLAINTIFF

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  
Courtney R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
One Penn Center at Suburban Station  
1617 John F. Kennedy Blvd., Suite 1400

EXHIBIT A

# EXHIBIT B

## AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: 186499

Attorney Firm: Phelan, Hallinan & Schmieg, LLP

Subject: Barry L. Golding

Current Address: 403 Decatur Street, Philipsburg, PA 16866

Property Address: 403 Decatur Street, Philipsburg, PA 16866

Mailing Address: 403 Decatur Street, Philipsburg, PA 16866

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

### I. CREDIT INFORMATION

#### A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct

Barry L. Golding - xxx-xx-6292

#### B. EMPLOYMENT SEARCH

Barry L. Golding - A review of the credit reporting agencies provided no employment information.

#### C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Barry L. Golding reside(s) at: 403 Decatur Street, Philipsburg, PA 16866.

### II. INQUIRY OF TELEPHONE COMPANY

#### A. DIRECTORY ASSISTANCE SEARCH

Our office searched directory assistance databases, which indicated that Barry L. Golding reside(s) at: 403 Decatur Street, Philipsburg, PA 16866. On 06-21-10 our office made a telephone call to the subject's phone number (814) 342-3227 and received the following information: disconnected.

#### B. On 06-21-10 our office made a telephone call to a possible phone number of the subject(s) (814) 238-5041 and received the following information: spoke with Barry L. Golding who confirmed that he reside(s) at: 403 Decatur Street, Philipsburg, PA 16866.

### III. ADDRESS INQUIRY

#### A. NATIONAL ADDRESS UPDATE

On 06-21-10 we reviewed the National Address database and found the following information: Barry L. Golding - P.O. Box 4, Philipsburg, PA 16866.

#### B. ADDITIONAL ACTIVE MAILING ADDRESSES

Per our inquiry of creditors, the following is a possible mailing address: no addresses on file.

# EXHIBIT B

## IV. OTHER INQUIRIES

### A. DEATH RECORDS

As of 06-21-10 Vital Records and all public databases have no death record on file for Barry L. Golding.

## V. ADDITIONAL INFORMATION OF SUBJECT

### A. DATE OF BIRTH

Barry L. Golding - 07-24-1963

### B. A.K.A.

Barry Lynn Golding

\* 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 statements 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

Sworn to and subscribed before me this 2 day of July, 2010

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

IND

  
ENID ESTRADA  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 12/16/2011

**PHELAN HALLINAN & SCHMIEG, LLP**  
**BY: Vivek Srivastava, Esq.**  
**Attorney I.D. No.: 202331**  
**One Penn Center Plaza, Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**

**Attorney for Plaintiff**

PHH MORTGAGE CORPORATION	:	
	:	CLEARFIELD COUNTY
	:	COURT OF COMMON PLEAS
v.	:	
	:	CIVIL DIVISION
BARRY LYNN GOLDING A/K/A BARRY L.	:	
GOLDING	:	NO. 2008-1755-CD
	:	
	:	
Defendant	:	
	:	
	:	
	:	

### **PLAINTIFF'S MEMORANDUM OF LAW**

Pursuant to Pennsylvania Rule of Civil Procedure, Rule 3129.2, it is necessary in a foreclosure action for the Sheriff or Process Server to serve upon the Defendant Notice of the Sale of the mortgaged premises. Specifically, Pa.R.C.P., Rule 3129.2 (c) provides in applicable part as follows:

The written notice shall be prepared by the plaintiff, shall contain the same information as the handbills or may consist of the handbill and shall be served at least thirty days before the sale on all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1.

- (1) Service of the Notice shall be made:
  - (i) upon a defendant...
    - (A) by the sheriff or by a competent adult in the manner prescribed by Rule 402 (a) for the service of original process upon a defendant, or
    - (B) by the plaintiff mailing a copy of the manner prescribed by Rule 403 to the addresses set forth in the affidavit; or

(C) if service cannot be made as provided in the subparagraph (A) or (B), the notice shall be served pursuant to special order of court as prescribed by Rule 430, except that if original process was served pursuant to a special order of court under Rule 430 upon the defendant in the judgment, the notice may be served upon that defendant in the manner provided by the order for service of original process without further application to the court.

Because the whereabouts of Defendant, BARRY LYNN GOLDING A/K/A BARRY L. GOLDING, are unknown, a reasonable investigation of their last known address was made in accordance with Pa.R.C.P. 430(a).

Pennsylvania Rule of Civil Procedure, Rule 430 (a) provides as follows:

(a) If service cannot be made under the applicable rule the Plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

Note: A Sheriff's Return or Affidavit of Service of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa.Super. 362, 357 A.2d 580 (1976). Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address. Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

An illustration of good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends and employers of the defendant and (3) examinations of local telephone directories, voter registration records, local tax records and motor vehicle records.

As indicated by the attached Affidavit of Return of Service, marked hereto as Exhibit "A", the Process Server has been unable to serve the Notice of Sale.

A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607, and posting 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607.

Respectfully submitted,

PHELAN HALLINAN & SCHMIEG, LLP

By:

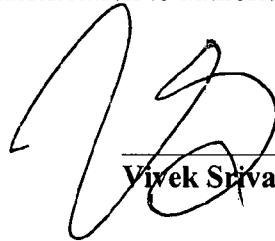
  
\_\_\_\_\_  
Vivek Srivastava, Esq.  
Attorney for Plaintiff

## VERIFICATION

Vivek Srivastava, Esquire, hereby states that he is the attorney for the Plaintiff in this action, that he is authorized to take the verification and that the statements made in the foregoing Motion for Service of Notice of Sale pursuant to Special Order of Court are true and correct to the best of his knowledge, information and belief.

The undersigned also understands that this statement herein is made subject to the penalties of 18 Pa. Sec. 4904 relating to unsworn falsification to authorities.

Date: 07/02/10



---

Vivek Srivastava, Esq.

**PHELAN HALLINAN & SCHMIEG, LLP**

**BY: Vivek Srivastava, Esq.**

**Attorney for Plaintiff**

**Attorney I.D. No.: 202331**

**One Penn Center Plaza, Suite 1400**

**Philadelphia, PA 19103-1814**

**(215) 563-7000**

**PHH MORTGAGE CORPORATION**

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

**v.**

**BARRY LYNN GOLDING A/K/A BARRY L.  
GOLDING**

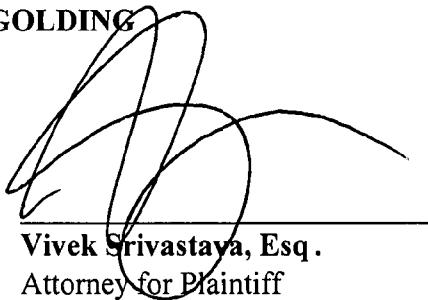
**CIVIL DIVISION**  
**NO. 2008-1755-CD**

**Defendant**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Service of Notice of Sale Pursuant to Special Order of Court, Proposed Order, Memorandum of Law, Certification of Service and Verification in the above captioned matter was sent by first class mail, postage prepaid to the following interested parties on the date indicated below.

**BARRY LYNN GOLDING A/K/A BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607**



**Vivek Srivastava, Esq.**  
Attorney for Plaintiff

**Date:**



**02/12/09**

FILED NO  
M 112:49 AM  
JUL 14 2010  
S  
William A. Shaw  
Prothonotary/Clerk of Courts  
601

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

PHH MORTGAGE CORPORATION	:	Court of Common Pleas
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
BARRY L. GOLDING	:	No. 2008-1755-CD
Defendant	:	

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the Court's June 29, 2010 Rule directing the Defendant to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

BARRY L. GOLDING  
PO BOX 4  
PHILIPSBURG, PA 16866

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

DATE: 7/13/10

Phelan Hallinan & Schmieg, LLP

By: Jenine McGuinness

- 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. 94520
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY, PENNSYLVANIA

FILED NO  
JUL 14 2010

PHH MORTGAGE CORPORATION  
Plaintiff,

v.

BARRY L. GOLDING A/K/A BARRY LYNN  
GOLDING  
Defendant(s)

CLEARFIELD COUNTY William A. Shaw  
Prothonotary/Clerk of Courts

COURT OF COMMON PLEAS

CIVIL DIVISION

No. 2008-1755-CD

**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".

*Sue*

- 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: 7/8/10

**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.

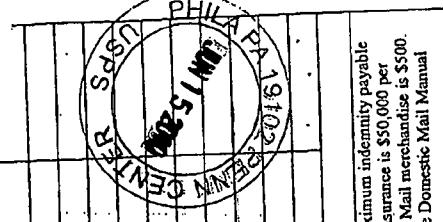
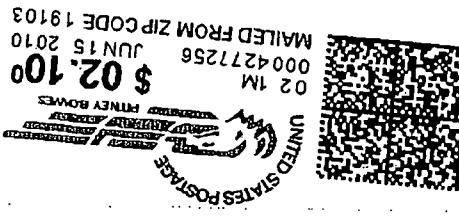
Name and  
Address  
Of Sender

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

↑  
JSC  
JOT/DE5-

SALE

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	*****	TENANT/OCCUPANT 403 DECATUR STREET PHILIPSBURG, PA 16866-2607		
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	81610	
4	*****	United States Internal Revenue Special Procedures Branch Federated Investors Tower 13th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222	1066W	
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				
7				
8				
9				
10				
11				
12				
13				
14		RE: BARRY L. GOLDING A/K/A BARRY LYNN GOLDING (CLEARFIELD) TEAM 3 PHS# 186499		
15				
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 Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900 S913 and S921 for limitations of coverage.

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

PHH MORTGAGE CORPORATION \* NO. 08-1755-CD  
Plaintiff \* ( )

vs  
**BARRY LYNN GOLDING a/k/a BARRY L. GOLDING**  
**Defendant**

## ORDER

NOW, this 15<sup>th</sup> day of July, 2010, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendant **BARRY LYNN GOLDING a/k/a BARRY L.**  
**GOLDING** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to the following addresses: 403 Decatur Street, Philipsburg, PA 16866-2607;
3. By certified mail, return receipt requested, to the following addresses: 403 Decatur Street, Philipsburg, PA 16866-2607;
4. By posting the mortgaged premises known in this herein action as 403 Decatur Street, Philipsburg, PA 16866-2607.

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.

FILED

04:00501  
JUL 16 2010

William A. Shaw  
Prothonotary/Clerk of Courts

3CC Atty Srivastava

BY THE COURT.

~~FREDRIC J. AMMERMAN~~  
President Judge

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

07/18/2010  
AUG 16 2010

2CC  
Atty

William A. Shaw  
Prothonotary/Clerk of Courts  
(66)

PHH MORTGAGE CORPORATION  
Plaintiff

v.

BARRY L. GOLDING  
Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 2008-1755-CD

ORDER

AND NOW, this 16<sup>th</sup> day of August, 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	\$103,925.92
Interest Through August 6, 2010	\$14,387.72
Per Diem \$19.57	
Late Charges	\$280.16
Legal fees	\$2,600.00
Cost of Suit and Title	\$1,480.00
Sheriff's Sale Costs	\$1,108.24
Property Inspections/ Property Preservation	\$168.25
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$287.96
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	<u>\$5,733.68</u>
<b>TOTAL</b>	<b>\$129,971.93</b>

Plus interest from August 6, 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.

*Judie J. Zimmerman*  
BY THE COURT  
J.

ORIGINAL

**FILED**

AUG 16 2010

William A. Shaw  
Prothonotary/Clerk of Courts

DATE: 8/16/10

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 \_\_\_\_\_

Special Instructions:

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

5 FILED  
MTO:4/20/2011  
SEP 22 2011  
11  
William A. Shaw  
Prothonotary/Clerk of Courts

PHH MORTGAGE CORPORATION  
Plaintiff,

v.

BARRY LYNN GOLDING A/K/A BARRY L.  
GOLDING  
Defendant(s).

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: NO. 2008-1755-CD

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

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **BARRY LYNN GOLDING A/K/A BARRY L. GOLDING** on **AUGUST 25, 2010**, in accordance with the Order of Court dated **JULY 15, 2010**. The property was posted on **AUGUST 5, 2010**. Publication was advertised in **CLEARFIELD COUNTY LEGAL JOURNAL** on **AUGUST 27, 2010** & in **COURIER-EXPRESS/TR-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT** on **AUGUST 27, 2010**.

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

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  
Attorneys for Plaintiff

Dated: 9/21/10

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

PHH MORTGAGE CORPORATION \* NO. 08-1755-CD  
Plaintiff \*  
vs \*  
BARRY LYNN GOLDING a/k/a BARRY L. GOLDING \*  
Defendant \*

O R D E R

NOW, this 15<sup>th</sup> day of July, 2010, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendant **BARRY LYNN GOLDING a/k/a BARRY L.**  
**GOLDING** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to the following addresses: 403 Decatur Street, Philipsburg, PA 16866-2607;
3. By certified mail, return receipt requested, to the following addresses: 403 Decatur Street, Philipsburg, PA 16866-2607;
4. By posting the mortgaged premises known in this herein action as 403 Decatur Street, Philipsburg, PA 16866-2607.

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,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN  
President Judge hereby certifies this to be a true  
and attested copy of the original  
statement filed in this case.

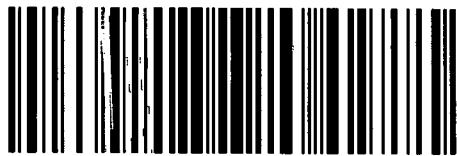
JUL 16 2010

186499

Attest,



*William J. Ammerman*  
Prothonotary  
Clerk of Courts



7178 2417 6099 0062 9251

4 / KXC **RESTRICTED DELIVERY**  
BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#) [FAQs](#)

## Track & Confirm

### Search Results

Label/Receipt Number: **7178 2417 6099 0062 9251**

Class: **First-Class Mail®**

Service(s): **Return Receipt Electronic**

Status: **Delivered**

Your item was delivered at 7:57 am on August 23, 2010 in PENNSYLVANIA FURNACE, PA 16865.

[Track & Confirm](#)[Go >](#)

### Detailed Results:

- Delivered, August 23, 2010, 7:57 am, PENNSYLVANIA FURNACE, PA 16865
- Acceptance, July 28, 2010, 4:43 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, July 28, 2010

### Notification Options

#### Return Receipt (Electronic)

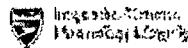
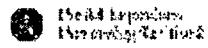
Verify who signed for your item by email. [Go >](#)

[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA

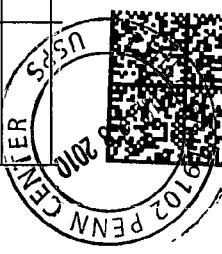


Name and  
Address  
of Sender

→

**PHELAN HALLINAN & SCHMIEG**  
One Penn Center at Suburban, Suite 1400  
Philadelphia, PA 19103

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage
1	*****	BARRY L. GOLDING 403 DECATUR STREET PHILIPSBURG, PA 16866	
2	*****		
3	*****		
4	*****		
5	*****		
6	*****		
7	*****		
8	*****		
9	*****		
10	*****		
11	*****		
12	*****		
13	*****		
14			
15		<b>RE: GOLDING</b> <b>CLEARFIELD</b> <b>PHS# 186499</b> <b>TEAM 4/KXC</b>	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)



UNITED STATES POSTAGE  
PITNEY BOWES  
02 1M  
0004277256 JUL 28 2010  
MAILED FROM ZIP CODE 19103

KXC

**AFFIDAVIT OF SERVICE  
CLEARFIELD COUNTY**

**PLAINTIFF**  
**PHH MORTGAGE CORPORATION**

**PHS # 186499**

**SERVICE TEAM/ kxc**

**DEFENDANT**  
**BARRY LYNN GOLING A/K/A BARRY L. GOLING**

**COURT NO.: 2008-1755-CD**

**SERVE BARRY LYNN GOLING A/K/A BARRY L.  
GOLING AT:  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607  
\*\*\*\*PLEASE POST PER COURT ORDER\*\*\*\***

**TYPE OF ACTION**

**XX Notice of Sheriff's Sale**

**SALE DATE: 10/01/2010**

**SERVED**

Served and made known to BARRY LYNN GOLING, Defendant on the 5th day of AUG 4 2010, at 3:02 o'clock P.M., at 403 DECATUR STREET, in the manner described below:

Defendant personally served. PHILIPSBURG, PA,

Adult family member with whom Defendant(s) reside(s).

Relationship is \_\_\_\_\_.

Adult in charge of Defendant's residence who refused to give name or relationship.

Manager/Clerk of place of lodging in which Defendant(s) reside(s).

Agent or person in charge of Defendant's office or usual place of business.

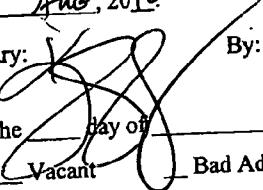
an officer of said Defendant's company.

Other: POSTED

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, Ronald Moll, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this 5th day  
of AUG, 2010.

Notary:  By: 

**KIMBERLY CURTY  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES MARCH 7, 2013**

On the 5th day of 2010, at o'clock M., Defendant NOT FOUND because:

Vacant Bad Address Moved Does Not Reside (Not Vacant)

No Answer on \_\_\_\_\_ at \_\_\_\_\_; \_\_\_\_\_ at \_\_\_\_\_

Service Refused

Other:

Sworn to and subscribed  
before me this 20 day  
of 2010. By:

Notary:

**ATTORNEY FOR PLAINTIFF**

Lawrence T. Phein, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schanig, Esq., Id. No. 62205  
Michelle M. Bradford, Esq., Id. No. 69649  
Judith T. Romano, Esq., Id. No. 58745  
Skeletal R. Shah-Jani, Esq., Id. No. 81760  
Jacqueline E. Davey, Esq., Id. No. 57077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Malatay, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Christvalencia P. Flakot, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtney R. Duma, Esq., Id. No. 206779  
Andrew C. Bramlett, Esq., Id. No. 204375  
One Penn Center at Suburban Station  
1617 John F. Kennedy Blvd., Suite 1400

**PROOF OF PUBLICATION OF NOTICE APPEARING IN THE  
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO. 2008-1755-CD

BY McLEAN PUBLISHING COMPANY,  
DUBOIS PENNSYLVANIA  
87, Approved May 16, 1929, P.L. 1784

PHH MORTGAGE CORPORATION

vs.  
BARRY LYNN GOLDING A/K/A BARRY L. GOLDING

NOTICE TO: BARRY LYNN GOLDING  
A/K/A BARRY L. GOLDING

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 403 DECATUR STREET, PHILIPSBURG, PA  
16866-2607

Being in CHESTER HILL BOROUGH Township, County of  
CLEARFIELD Commonwealth of Pennsylvania

Parcel Number 1: 3-P12-335-33

Improvements consist of residential property.

Sold as the property of BARRY LYNN GOLDING  
A/K/A BARRY L. GOLDING

Your house (real estate) at 403 DECATUR STREET, PHILIPS-  
BURG, PA 16866-2607 is scheduled to be sold at the Sheriff's  
Sale on OCTOBER 1, 2010 at 10:00 AM, at the CLEARFIELD  
County Courthouse to enforce the Court Judgment of  
\$111,977.51 obtained by, PHH MORTGAGE CORPORATION  
(the mortgagee), against the above premises.

PHELAN HALLINAN & SCHMIEG, LLP  
Attorney for Plaintiff

8/27/2010

SS:

Ferra, Classified Advertising Supervisor of the **Courier-Express/Tri-County Sunday/Jeffersonian Democrat**, a weekly newspaper and **Jeffersonian Democrat**, a publishing Company at 500 Jeffers Street, City of DuBois, County and State 1879, since which date said, the daily publication and the weekly **Jeffersonian Democrat**, and that a copy of the printed notice of publication is attached published in the regular editions of the paper on the following dates, viz: the

1st August A.D., 2010

or duly authorized by the **Courier-Express**, a daily newspaper, **Tri-County Sunday/Jeffersonian Democrat**, a weekly newspaper to verify the foregoing statement lot interested in the subject matter of the aforesaid notice of publication, and it as to time, place and character of publication are true.

**McLEAN PUBLISHING COMPANY Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

*[Signature]*

1st day of Sept., 2010

*[Signature]*  
NOTARY PUBLIC

Statement of Advertising Cost

**McLEAN PUBLISHING COMPANY**

Publisher of

**COURIER-EXPRESS/TRI-COUNTY SUNDAY/  
JEFFERSONIAN DEMOCRAT**



DuBois, PA

TO

**Full Spectrum Services Inc.**

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$156.83</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$164.33</u>

**Publisher's Receipt for Advertising Costs**

The **Courier-Express**, a daily newspaper, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

**McLEAN PUBLISHING COMPANY**

Publisher of

**COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

By

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

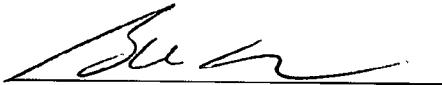
NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYL-  
VANIA  
CIVIL ACTION - LAW  
NO. 2008-1755-CD

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
:   
COUNTY OF CLEARFIELD :  
:

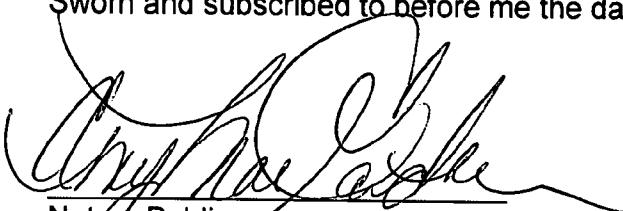
On this 27th day of August AD 2010, before me, the subscriber in and for said County and State, personally appeared Gary A. Knare Clearfield County Legal Journal of the Courts of Clearfield County, as is a true copy of the notice or advertisement published in said public issues of Week of August 27, 2010, Vol. 22, No.35. And that all of the statement as to the time, place, and character of the publication are true.

PHH MORTGAGE CORPORATION vs.  
BARRY LYNN GOLDING A/K/A BARRY L.  
GOLDING  
NOTICE TO: BARRY LYNN GOLDING A/K/  
A BARRY L. GOLDING NOTICE OF SHER-  
IFF'S SALE OF REAL PROPERTY"  
Being Premises: 403 DECATUR STREET,  
PHILIPSBURG, PA 16866-2607  
Being in CHESTER HILL BOROUGH Town-  
ship, County of CLEARFIELD Common-  
wealth  
of Pennsylvania Parcel Number 1: 3-P12-  
335-33 Improvements consist of residential  
property.  
Sold as the property of BARRY LYNN  
GOLDING A/K/A BARRY L. GOLDING  
Your house (real estate) at 403 DECATUR  
STREET, PHILIPSBURG, PA 16866-2607  
is scheduled to be sold at the Sheriffs Sale  
on OCTOBER 1, 2010 at 10:00 AM., at the  
CLEARFIELD County Courthouse to en-  
force the Court Judgment of \$111,977.51  
obtained by, PHH MORTGAGE CORPORA-  
TION (the mortgagee), against the above  
premises.  
PHELAN HALLINAN & SCHMIEG, LLP  
Attorney for Plaintiff

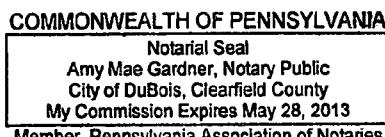


Gary A. Knaresboro, Esquire  
Editor

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



Notary Public  
My Commission Expires



Brendan Booth  
400 Fellowship Road  
Suite 220  
Mount Laurel, NJ 08054

1  
FILED

SEP 22 2010

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21170  
NO: 08-1755-CD

PLAINTIFF: PHH MORTGAGE CORPORATION  
vs.  
DEFENDANT: BARRY L. GOLDING

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 5/7/2010

LEVY TAKEN 5/24/2010 @ 9:44 AM

POSTED 5/24/2010 @ 9:44 AM

SALE HELD 10/1/2010

SOLD TO FANNIE MAE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 10/19/2010

DATE DEED FILED 10/19/2010

PROPERTY ADDRESS 403 DECATUR STREET PHILIPSBURG , PA 16866-2607

5 FILED  
012-09501  
OCT 19 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

SERVICES

10/14/2010 @ SERVED BARRY L. GOLDING

SERVED BARRY L. GOLDING, DEFENDANT, BY REG & CERT MAIL TO 403 DECATUR STREET, PHILIPSBURG, CLEARFIELD COUNTY, PENNSYLVANIA, CERT #70083230000335908966. SIGNED FOR BY BARY LYNN GOLDING

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

@ SERVED

NOW, AUGUST 4, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR AUGUST 6, 2010 TO OCTOBER 1, 2010 DUE TO SERVICE OF NOTICE OF SALE.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21170  
NO: 08-1755-CD

PLAINTIFF: PHH MORTGAGE CORPORATION

vs.

DEFENDANT: BARRY L. GOLDING

Execution REAL ESTATE

SHERIFF RETURN

---

SHERIFF HAWKINS \$245.48

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

\_\_\_\_ Day of \_\_\_\_\_ 2010

  
by Cynthia Butter-Alphakayf  
Chester A. Hawkins  
Sheriff

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

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

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 2008-1755-CD

CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607

(See Legal Description attached)

Amount Due	
Interest from 12/30/2008 to Sale	\$111,977.51
Per diem \$18.66	155.00
Add'l Costs	
Writ Total	\$7,080.00
	\$

Prothonotary costs

Dated 5/7/10  
(SEAL)

PHS # 186499

*Will Ellingson*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Received this writ this 7th day  
of May A.D. 2010  
At 3:00 A.M./P.M.

*Chesler A. Hawkins*  
Sheriff Cynthie Butcher-Administrator

IN THE COURT OF COMMON PLEAS OF  
CLERAFIELD COUNTY, PENNSYLVANIA

PHH MORTGAGE CORPORATION

vs.

BARRY L. GOLDING

WRIT OF EXECUTION  
(Mortgage Foreclosure)

	Costs	
Real Debt		\$111,977.51
Int. from		
Costs		
To Date of Sale (\$18.66 per diem)		
Prothy Pd.		<u>155.00</u>
Sheriff		
Filed		

  
M. A. [Signature]  
M. A. [Signature]

Attorney for Plaintiff

Pielan Hallinan & Schmiege, LLP

Lawrence T. Phelan, Esq., Id. No. 32227  
 Francis S. Hallinan, Esq., Id. No. 62695  
 Daniel G. Schmiege, 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

Address where papers may be served:

BARRY L. GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866-2607

### LEGAL DESCRIPTION

ALL those certain pieces or parcels of real property, situate, lying and being in the Borough of Chester Hill, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a point on the Western line of Decatur Street, which point is sixty feet (60 feet) North of the Northeastern corner of the intersection of Decatur Street and Alton Street; thence by lands now or formerly owned by Arthur Roxby, South 58 degrees 27 minutes West, a distance of one hundred and twenty feet (120 feet) to a point; thence along lands now or formerly owned by Winfield Peters, South 32 degrees 30 minutes East, a distance of fifty feet (50 feet) to a point; thence by lands now or formerly owned by William Dobson, North 58 degrees 27 minutes East, a distance of one hundred and twenty feet (120 feet) to the Western line of Decatur Street; thence along Decatur Street, North 32 degrees 30 minutes West, a distance of fifty feet (50 feet) to a point and place of beginning.

THE SECOND THEREOF: BEGINNING at a point on the West side of Decatur Street, which point is two hundred and five feet (205 feet) from the intersection of Alton Street and Decatur Street; thence South forty-two degrees East (S 42 degrees E) along Decatur Street, a distance of twenty-five (25 feet) feet to a point; thence South thirty-two degrees thirty minutes East (S 32 degrees 30 minutes E) along Decatur Street to a point; thence South fifty-eight degrees twenty-seven minutes West (S 58 degrees 27 minutes W) along other lands of the Grantor and lands now or formerly of Winfield Peters, a distance of one hundred ninety feet (190 feet) to a point; thence North thirty-two degrees and thirty minutes West (N 32 degrees 30 minutes W) along Ida Street, a distance of fifty-three and six tenths feet (53.6 feet) to a point; thence along lands conveyed to Norbert M. and Grace L. Kruger by the Grantor in a Deed recorded in Clearfield County Deed Book 759 at Page 412 in a Northerly direction to a point on Decatur Street and the place of beginning.

BEING the same premises granted and conveyed unto Barry L. Golding, a Married Individual, by Deed of Christine E. Edwards and Eric W. Edwards, her husband, to be recorded simultaneously herewith.

UNDER AND SUBJECT, NEVERTHELESS, to all exceptions, reservations, conditions and restrictions as containing in prior Deeds in the chain of title.

TITLE TO SAID PREMISES IS VESTED IN Barry L. Golding, a married individual, by Deed from Eric W. Edwards and Christine E. Edwards, h/w, dated 03/27/2006, recorded 03/30/2006 in Instrument Number 200604748.

Premises being: 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607

Tax Parcel No. 3-P12-335-33  
3-P12-335-31

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME BARRY L. GOLDING

NO. 08-1755-CD

NOW, October 19, 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 October 01, 2010, I exposed the within described real estate of Barry L. Golding to public venue or outcry at which time and place I sold the same to FANNIE MAE he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	16.00
LEVY	15.00
MILEAGE	16.00
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	12.48
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$245.48</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	52.00
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$52.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	111,977.51
INTEREST @ 18.6600 %	11,942.40
FROM 12/30/2008 TO 10/01/2010	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$123,939.91</b>
<b>COSTS:</b>	
ADVERTISING	236.50
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	20.00
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	52.00
SHERIFF COSTS	245.48
LEGAL JOURNAL COSTS	162.00
PROTHONOTARY	155.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,015.98</b>

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

CHESTER A. HAWKINS, Sheriff

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

PHH MORTGAGE CORPORATION  
Plaintiff

\* NO. 08-1755-CD

VS  
BARRY LYNN GOLDING a/k/a BARRY L. GOLDING  
Defendant

\*  
\*  
\*

ORDER

NOW, this 15<sup>th</sup> day of July, 2010, the Plaintiff is granted leave to serve the  
NOTICE OF SALE upon the Defendant **BARRY LYNN GOLDING a/k/a BARRY L.**  
**GOLDING** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to the following addresses: 403 Decatur Street, Philipsburg, PA 16866-2607;
3. By certified mail, return receipt requested, to the following addresses: 403 Decatur Street, Philipsburg, PA 16866-2607;
4. By posting the mortgaged premises known in this herein action as 403 Decatur Street, Philipsburg, PA 16866-2607.

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,

/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN

President Judge ~~Handwritten copy of this is to be a true~~  
~~and attested copy of the original~~  
~~statement filed in this case.~~

JUL 16 2010

186499

Attest,

*William J. Ammerman*  
Prothonotary  
Clerk of Courts

**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

August 4, 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: PHH MORTGAGE CORPORATION v.  
BARRY L. GOLDING  
403 DECATUR STREET PHILIPSBURG, PA 16866-2607  
Court No. 2008-1755-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for August 6, 2010 due to the following: Service of NOS.

The Property is to be relisted for the October 1, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,  
REGINALD SMITH for  
Phelan Hallinan & Schmieg, LLP

## SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

BARRY LYNN GOLDING  
403 DECATUR STREET  
PHILIPSBURG, PA 16866

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

*BARRY LYNN GOLDING*

Agent  
 Addressee

B. Received by (Printed Name)

*BARRY LYNN GOLDING* 10-14-16

C. Date of Deliver

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

## 3. Service Type

<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail
<input type="checkbox"/> Registered	<input type="checkbox"/> Return Receipt for Merchandise
<input type="checkbox"/> Insured Mail	<input type="checkbox"/> C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7008 3230 0003 3590 8966

PS Form 3811, February 2004 11 Domestic Return Receipt

102595-02-M-15

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only. No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	

Postage	\$	 Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.71	
Sent To Street, Apt. No. or PO Box No. City, State, ZIP+4		
PS Form 3800, August 2006		
See Reverse for Instructions		

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

PHH MORTGAGE CORPORATION	:	Court of Common Pleas
Plaintiff	:	
v.	:	Civil Division
BARRY L. GOLDING	:	CLEARFIELD County
Defendant	:	No. 2008-1755-CD

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

## **I. BACKGROUND OF CASE**

BARRY L. GOLDING 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 403 DECATUR STREET, PHILIPSBURG, PA 16866-2607. 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, Defendant 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 Defendant 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 Defendant 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 Defendant's failure to tender payments during the foreclosure proceeding and the advances made by the mortgage company. The Mortgage plainly requires the mortgagor to tender to the mortgagee monthly payments of principal and interest until the Promissory Note accompanying the Mortgage is paid in full. The mortgagor is

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 mortgagor has 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 Defendant's 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: 6-25-10

By: June McGuinness

- 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