

08-1879-CD
US Bank et al vs Michael Harper et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. Bank National Association (Trustee for
the Pennsylvania Housing Finance Agency)

Plaintiff,

vs.

Michael B. Harper and
Rogena L. Harper
Defendants.

CIVIL DIVISION

NO. 08-1879-CD

**COMPLAINT IN MORTGAGE
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

December 8, 2008 Document
Reinstated/Reissued to Sheriff/Attorney
for service.

William A. Shaw
Deputy Prothonotary

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FILED Atty pd. \$95.00
m 12/3/08
OCT 02 2008
3CC Sheriff
William A. Shaw
Prothonotary/Clerk of Courts
ICC Atty

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Plaintiff,) NO:
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Defendant(s).)

COMPLAINT IN MORTGAGE FORECLOSURE

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PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

(814) 765-2641 - EXT. 20

COMPLAINT IN MORTGAGE FORECLOSURE

AND NOW, comes the Plaintiff by its attorneys, Louis P. Vitti and Associates, P.C. and Louis P. Vitti, Esquire, and pursuant to the Pennsylvania Rules of Civil Procedure Numbers 1141 through 1150, for its Complaint in Mortgage Foreclosure, sets forth the following:

1. The Plaintiff is a corporation duly authorized to conduct business within the laws of the Commonwealth of Pennsylvania, having a principal place of business located at 211 N. Front Street, Harrisburg, PA 17105.
2. The Defendant(s) is/are individuals with a last known mailing address of 29 Beyer Street, Clearfield, PA 16830. The property address is **29 Beyer Street, Clearfield, PA 16830** and is the subject of this action.
3. On the 7th day of December, 2001, in consideration of a loan of Sixty One Thousand Nine Hundred and 00/100 (\$61,900.00) Dollars made by Jersey Shore State Bank, a PA corporation, to Defendant(s), the said Defendant(s) executed and delivered to Jersey Shore State Bank, a PA corporation, a "Note" secured by a Mortgage with the Defendant(s) as mortgagor(s) and Jersey Shore State Bank, as mortgagee, which mortgage was recorded on the 7th day of December, 2001, in the Office of the Recorder of Deeds of Clearfield County, at Instrument No. 200119690. The said mortgage is incorporated herein by reference thereto as though the same were set forth fully at length.
4. The premises secured by the mortgage are:

SEE EXHIBIT "A" ATTACHED HERETO.

5. On the 7th day of December, 2001, Jersey Shore State Bank, assigned to the Plaintiff, Pennsylvania Housing Finance Agency, the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 7th day of December, 2001, at Instrument No. 200119691. The said assignment is incorporated herein by reference.

6. On the 24th day of September, 2008, Pennsylvania Housing Finance Agency, assigned to the Plaintiff, U.S. Bank National Association (Trustee for the Pennsylvania Housing Finance Agency), the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 24th day of September, 2008, at Instrument No. 200815497. The said assignment is incorporated herein by reference.

7. Said mortgage provides, inter alia:

"that when as soon as the principal debt secured shall become due and payable, or in case default shall be made in the payment of any installment of principal and interest, or any monthly payment, keeping and performance by the mortgagor of any of the terms, conditions or covenants of the mortgage or note, it shall be lawful for mortgagee to bring an Action of Mortgage Foreclosure, or other proceedings upon the mortgage, of principal debt, interest and all other recoverable sums, together with attorney's fees."

8. Since May 1, 2008, the mortgage has been in default by reason, inter alia, of the failure of the mortgagor(s) to make payments provided for in the said mortgage (including principal and interest) and, under the terms of the mortgage, the entire principal sum is due and payable.

9. In accordance with the appropriate Pennsylvania Acts of Assembly and the Pennsylvania Rules of Civil Procedure, the mortgagor(s) has been advised in writing of the mortgagees intention to foreclose. The appropriate time period has elapsed since the Notice of Intention to Foreclose has been served upon the mortgagor(s).

10. The amount due on said mortgage is itemized on the attached schedule.
11. Pursuant to Pennsylvania Rule of Civil Procedure 1144, the Plaintiff releases from liability for the debt secured by the mortgage any mortgagor, personal representative, heir or devisee of the mortgagor who is not a real owner of the property as evidenced by the last recorded deed of record at the time of the filing of this Complaint.

WHEREFORE, pursuant to Pennsylvania Rule of Civil Procedure Number 1147(6), Plaintiff demands judgment for the amount due of Sixty Three Thousand Nine Hundred Twenty One and 88/100 Dollars (\$63,921.88) with interest and costs.

Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY 
Louis P. Vitti, Esquire
Attorney for Plaintiff

HARPER

SCHEDULE OF AMOUNTS DUE UNDER MORTGAGE

| | | |
|---|--------------------|------------------|
| Unpaid Principal Balance | | 56,242.86 |
| Interest @ 6.0000% from 04/01/08 through 9/30/2008 (Plus \$9.2454 per day after 9/30/2008) | | 1,682.66 |
| Late charges through 9/30/2008 0 months @ 14.84 Accumulated beforehand (Plus \$14.84 on the 17th day of each month after 9/30/2008) | | 59.36 |
| Attorney's fee | | 2,812.14 |
| Escrow deficit | | <u>3,124.86</u> |
| (This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale) | | |
| | BALANCE DUE | 63,921.88 |

EXHIBIT "A"

ALL that certain lot or piece of ground situate in Lawrence Township, Clearfield County, Pennsylvania, known and designated as Lot #18 in Block 3 of the Wrigley & Woolridge Plot of Lots, formerly owned by D.R. Woolridge, bounded and described as follows:

BEGINNING at a post Reighard Street and Byers Street, thence by said Reighard Street South seventy-seven (77°) degrees forty-nine (49') minutes East one hundred forty (140) feet to post at line of alley, thence along line of said alley South ten (10°) degrees eighteen (18') minutes West fifty (50) feet to post at corner of Lot No. 17, thence along line of said Lot No. 17 North seventy-seven (77°) degrees forty-nine (49') minutes West one hundred forty (140) feet to post on line of Byers Street, thence along line of Byers Street North ten (10°) degrees eighteen (18') minutes East fifty (50) feet to post on line of Reighard Street and place of beginning. Said lot fronting fifty (50) feet on Byers Street and extending in depth along Reighard Street one hundred forty (140) feet.

UNDER AND SUBJECT to an existing sewer line easement, the center line of which extends generally between the property now or formerly owned by Delvin Cole and the sewer lateral located on the above-described premises and through the center line of the existing sewer lateral on the above-described premises to the main sewer line. A writing memorializing said easement is not recorded and such a writing is not believed to exist.

BEING the same premises conveyed to the Mortgagors herein by deed from Donald A. Bender, et ux., dated November 21, 2001, which deed is being recorded contemporaneously herewith.

Deed #200119689

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 9/30/08

**SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # 104744**

DEAR MICHAEL B. HARPER

Would you please contact the Sheriff's Office EXTENSION 1360 concerning legal papers we have for you

When you call, please give your name and the case # noted above (**104744**) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

OFFICE HOURS: 8:30 A.M. to 4:00 P.M.
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COPY

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OCT 02 2008

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Louis P. Vitti

Dated: 9/30/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1879-CD

U.S. BANK NATIONAL ASSOCIATION (Trustee)

vs

MICHAEL B. HARPER and ROGENA L. HARPER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 2

SERVE BY: 11/01/2008

HEARING:

PAGE: 104744

S FILED

DEFENDANT: ROGENA L. HARPER

ADDRESS: 212 PONDEROSA DRIVE
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

OCT 16 2008

o/1-36/c
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ROGENA L. HARPER, DEFENDANT

BY HANDING TO _____ / _____

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

ADDRESS SERVED _____

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR ROGENA L. HARPER

AT (ADDRESS) _____

NOW 10/16/08 AT 830 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO ROGENA L. HARPER

REASON UNABLE TO LOCATE do not serve per attorney

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Nathaniel S. Clark

Deputy Signature

S. Hunter

Print Deputy Name

**SHERIFF'S OFFICE
CLEARFIELD COUNTY
CASE # 104744**

DEAR ROGENA L. HARPER

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UNDER AND SUBJECT to an existing sewer line easement, the center line of which extends generally between the property now or formerly owned by Delvin Cole and the sewer lateral located on the above-described premises and through the center line of the existing sewer lateral on the above-described premises to the main sewer line. A writing memorializing said easement is not recorded and such a writing is not believed to exist.

BEING the same premises conveyed to the Mortgagors herein by deed from Donald A. Bender, et ux., dated November 21, 2001, which deed is being recorded contemporaneously herewith.

Deed #200119689

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 9/30/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. Bank National Association (Trustee for
the Pennsylvania Housing Finance Agency)

Plaintiff,

vs.

Michael B. Harper and
Rogena L. Harper

Defendants.

CIVIL DIVISION

NO. 08-1879-CD

**PRAECIPE TO REINSTATE
COMPLAINT**

Code -MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

S *pd \$7.00*
FILED *2-prace re to Atty*
m/12/5 5cm
DEC 08 2008
(M) 1-prace re 2
William A. Shaw *reinstated*
Prothonotary/Clerk of Courts *complaints to snff*

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

U.S. Bank National Association (Trustee for)
the Pennsylvania Housing Finance Agency))
)
 Plaintiff,) NO: 08-1879-CD
 vs.)
)
 Michael B. Harper and)
 Rogena L. Harper)
)
 Defendant(s).)

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY OF CLEARFIELD COUNTY:

Please reinstate the complaint in the above-captioned case.

Respectfully submitted,

LOUIS P. VITTI & ASSOCIATES, P.C.

BY: Louis P. Vitti
Louis P. Vitti, Esquire

DATE: 12/5/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1879-CD

U.S. BANK NATIONAL ASSOCIATION (Trustee)

vs

MICHAEL B. HARPER and ROGENA L. HARPER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 2

SERVE BY: 01/07/2009

HEARING:

PAGE: 105038

FILED

08-1879-CD GK
DEC 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

DEFENDANT: ROGENA L. HARPER
ADDRESS: 29 BYERS ST.
CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS 12-12-08 LK _____

SHERIFF'S RETURN

NOW, 12-15-08 AT 1 pm AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ROGENA L. HARPER, DEFENDANT

BY HANDING TO ROGENA L. HARPER / myself

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

ADDRESS SERVED 1 N. 2nd st. Clearfield Pa 16830 (courthouse)

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR ROGENA L. HARPER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO ROGENA L. HARPER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Deputy S. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-1879-CD

U.S. BANK NATIONAL ASSOCIATION (Trustee)

vs SERVICE # 1 OF 2

MICHAEL B. HARPER and ROGENA L. HARPER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/07/2009

HEARING:

PAGE: 105038

DEFENDANT: MICHAEL B. HARPER

ADDRESS: 29 BYERS ST.

CLEARFIELD, PA 16830

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS 12/12/08 W/N

12/29/08 N/H

Home after
3pm

12/18/08 N/H

SHERIFF'S RETURN

NOW, 01-02-2009 AT 12:45 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL B. HARPER, DEFENDANT

BY HANDING TO MICHAEL B. HARPER DEFENDANT

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

ADDRESS SERVED 1 NORTH SECOND STREET
CLEARFIELD PA 16830

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR MICHAEL B. HARPER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MICHAEL B. HARPER

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: CESnyder

Deputy Signature

CESnyder

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104744
NO: 08-1879-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION (Trustee)
vs.
DEFENDANT: MICHAEL B. HARPER and ROGENA L. HARPER

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | VITTI | 9719 | 20.00 |
| SHERIFF HAWKINS | VITTI | 9719 | 21.00 |

5
FILED
03:15 pm
JAN 27 2008
WM
William A. Shaw
Prothonotary/Clerk of Courts

1st
Service

Sworn to Before Me This

So Answers,

Day of _____ 2008



Chester A. Hawkins
Sheriff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. Bank National Association (Trustee for
the Pennsylvania Housing Finance Agency)

Plaintiff,

vs.

Michael B. Harper and
Rogena L. Harper

Defendants.

CIVIL DIVISION

NO. 08-1879 CD

**COMPLAINT IN MORTGAGE
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

OCT 02 2008

Attest.

Lillian L. Vitti
Prothonotary/
Clerk of Courts

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

U.S. Bank National Association (Trustee for
the Pennsylvania Housing Finance Agency))
Plaintiff,) NO:
VS.)
Michael B. Harper and)
Rogena L. Harper)
Defendant(s).)

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 THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND 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 SHOULD NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830

(814) 765-2641 - EXT. 20

COMPLAINT IN MORTGAGE FORECLOSURE

AND NOW, comes the Plaintiff by its attorneys, Louis P. Vitti and Associates, P.C. and Louis P. Vitti, Esquire, and pursuant to the Pennsylvania Rules of Civil Procedure Numbers 1141 through 1150, for its Complaint in Mortgage Foreclosure, sets forth the following:

1. The Plaintiff is a corporation duly authorized to conduct business within the laws of the Commonwealth of Pennsylvania, having a principal place of business located at 211 N. Front Street, Harrisburg, PA 17105.
2. The Defendant(s) is/are individuals with a last known mailing address of 29 Beyer Street, Clearfield, PA 16830. The property address is **29 Beyer Street, Clearfield, PA 16830** and is the subject of this action.
3. On the 7th day of December, 2001, in consideration of a loan of Sixty One Thousand Nine Hundred and 00/100 (\$61,900.00) Dollars made by Jersey Shore State Bank, a PA corporation, to Defendant(s), the said Defendant(s) executed and delivered to Jersey Shore State Bank, a PA corporation, a "Note" secured by a Mortgage with the Defendant(s) as mortgagor(s) and Jersey Shore State Bank, as mortgagee, which mortgage was recorded on the 7th day of December, 2001, in the Office of the Recorder of Deeds of Clearfield County, at Instrument No. 200119690. The said mortgage is incorporated herein by reference thereto as though the same were set forth fully at length.
4. The premises secured by the mortgage are:

SEE EXHIBIT "A" ATTACHED HERETO.

5. On the 7th day of December, 2001, Jersey Shore State Bank, assigned to the Plaintiff, Pennsylvania Housing Finance Agency, the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 7th day of December, 2001, at Instrument No. 200119691. The said assignment is incorporated herein by reference.

6. On the 24th day of September, 2008, Pennsylvania Housing Finance Agency, assigned to the Plaintiff, U.S. Bank National Association (Trustee for the Pennsylvania Housing Finance Agency), the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 24th day of September, 2008, at Instrument No. 200815497. The said assignment is incorporated herein by reference.

7. Said mortgage provides, inter alia:

"that when as soon as the principal debt secured shall become due and payable, or in case default shall be made in the payment of any installment of principal and interest, or any monthly payment, keeping and performance by the mortgagor of any of the terms, conditions or covenants of the mortgage or note, it shall be lawful for mortgagee to bring an Action of Mortgage Foreclosure, or other proceedings upon the mortgage, of principal debt, interest and all other recoverable sums, together with attorney's fees."

8. Since May 1, 2008, the mortgage has been in default by reason, inter alia, of the failure of the mortgagor(s) to make payments provided for in the said mortgage (including principal and interest) and, under the terms of the mortgage, the entire principal sum is due and payable.

9. In accordance with the appropriate Pennsylvania Acts of Assembly and the Pennsylvania Rules of Civil Procedure, the mortgagor(s) has been advised in writing of the mortgagees intention to foreclose. The appropriate time period has elapsed since the Notice of Intention to Foreclose has been served upon the mortgagor(s).

10. The amount due on said mortgage is itemized on the attached schedule.
11. Pursuant to Pennsylvania Rule of Civil Procedure 1144, the Plaintiff releases from liability for the debt secured by the mortgage any mortgagor, personal representative, heir or devisee of the mortgagor who is not a real owner of the property as evidenced by the last recorded deed of record at the time of the filing of this Complaint.

WHEREFORE, pursuant to Pennsylvania Rule of Civil Procedure Number 1147(6), Plaintiff demands judgment for the amount due of Sixty Three Thousand Nine Hundred Twenty One and 88/100 Dollars (\$63,921.88) with interest and costs.

Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY 
Louis P. Vitti, Esquire
Attorney for Plaintiff

HARPER

SCHEDULE OF AMOUNTS DUE UNDER MORTGAGE

| | | | |
|---|---------------|-------------------|----------|
| Unpaid Principal Balance | | 56,242.86 | |
| Interest @ 6.0000% | from 04/01/08 | through 9/30/2008 | 1,682.66 |
| (Plus \$9.2454 per day after 9/30/2008) | | | |
| Late charges through 9/30/2008 | | | |
| 0 months @ 14.84 | | | |
| Accumulated beforehand | | | 59.36 |
| (Plus \$14.84 on the 17th day of each month after 9/30/2008) | | | |
| Attorney's fee | | 2,812.14 | |
| Escrow def.cit | | <u>3,124.86</u> | |
| (This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale) | | | |
| BALANCE DUE | | 63,921.88 | |

EXHIBIT "A"

ALL that certain lot or piece of ground situate in Lawrence Township, Clearfield County, Pennsylvania, known and designated as Lot #18 in Block 3 of the Wrigley & Woolridge Plot of Lots, formerly owned by D.R. Woolridge, bounded and described as follows:

BEGINNING at a post Reighard Street and Byers Street, thence by said Reighard Street South seventy-seven (77°) degrees forty-nine (49') minutes East one hundred forty (140) feet to post at line of alley, thence along line of said alley South ten (10°) degrees eighteen (18') minutes West fifty (50) feet to post at corner of Lot No. 17, thence along line of said Lot No. 17 North seventy-seven (77°) degrees forty-nine (49') minutes West one hundred forty (140) feet to post on line of Byers Street, thence along line of Byers Street North ten (10°) degrees eighteen (18') minutes East fifty (50) feet to post on line of Reighard Street and place of beginning. Said lot fronting fifty (50) feet on Byers Street and extending in depth along Reighard Street one hundred forty (140) feet.

UNDER AND SUBJECT to an existing sewer line easement, the center line of which extends generally between the property now or formerly owned by Delvin Cole and the sewer lateral located on the above-described premises and through the center line of the existing sewer lateral on the above-described premises to the main sewer line. A writing memorializing said easement is not recorded and such a writing is not believed to exist.

BEING the same premises conveyed to the Mortgagors herein by deed from Donald A. Bender, et ux., dated November 21, 2001, which deed is being recorded contemporaneously herewith.

Deed #20019689

EXHIBIT A

VERIFICATION

AND NOW Louis P. Vitti verifies that the statements made in this Complaint are true and correct to the best of his knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. 4904, relating to unsworn falsification to authorities.

By virtue of the fact that the Plaintiff is outside the jurisdiction of the court and the verification cannot be obtained within the time allowed for the filing of this pleading, the pleading is submitted by counsel having sufficient knowledge, information and belief based upon the information provided him by the Plaintiff.



Louis P. Vitti

Dated: 9/30/08

FILED
MAY 26 2009

5 M/10:40 AM
William A. Shaw
Prothonotary/Clerk of Courts
no 9C (60)

Clearfield

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

CIVIL DIVISION

US BANK NATIONAL ASSOCIATION,
(trustee for the
PENNSYLVANIA HOUSING FINANCE
AGENCY)

Plaintiff,

vs.

MICHAEL B. HARPER and ROGENA L.
HARPER,

Defendant.

No. 08-1879-CD

AFFIDAVIT OF SERVICE

Code 140-MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

AFFIDAVIT OF SERVICE

I, Louis P. Vitti, do hereby certify that a Notice of Sale has been served upon the Defendants by the Sheriff of Clearfield County on May 19, 2009 and May 20, 2009 and all Lien Holders, by Certificate of Mailing, for service in the above-captioned case on March 20, 2009, advising them of the Sheriff's sale of the property at 29 Byers Street, Clearfield, PA 16830 on June 5, 2009

LOUIS P. VITTI & ASSOCIATES, P.C.

BY 
Louis P. Vitti

SWORN to and subscribed

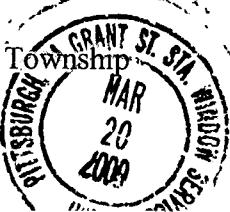
before me this 22nd day

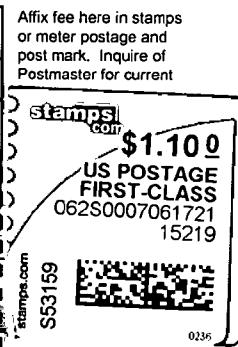
of May, 2009.

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Helen Boyce, Notary Public
City Of Pittsburgh, Allegheny County
My Commission Expires May 4, 2010

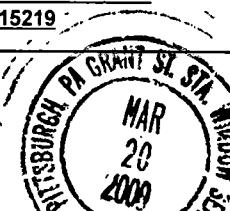
Member, Pennsylvania Association of Notaries

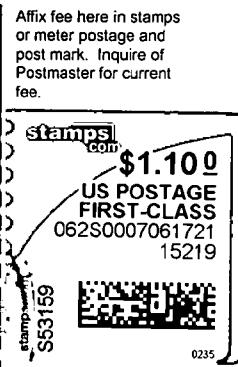

Helen Boyce
Notary Public

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| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | One piece of ordinary mail addressed to: | |
| <u>Louis P. Vitti & Associates, P.C.</u> 916 Fifth Avenue, Pittsburgh, PA 15219 | | Tax Collector of Lawrence Township c/o Hazel Swifter 105 Fulton Street Clearfield, PA 16830 | |
|  | | | |

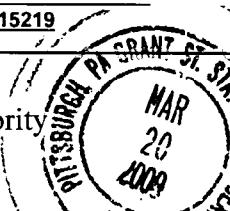


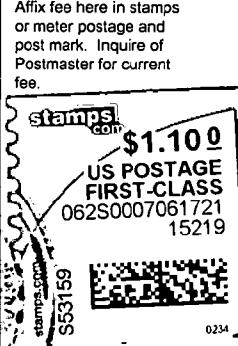
PS Form 3817, January 2001

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| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | One piece of ordinary mail addressed to: | |
| <u>Louis P. Vitti & Associates, P.C.</u> 916 Fifth Avenue, Pittsburgh, PA 15219 | | Water Authority 107 East Market Street Clearfield, PA 16830 | |
|  | | | |

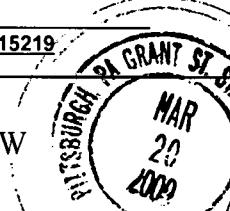


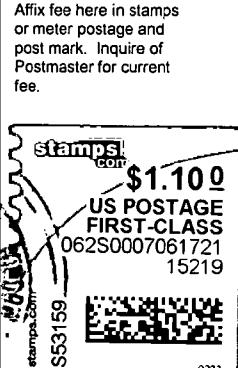
PS Form 3817, January 2001

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| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | One piece of ordinary mail addressed to: | |
| <u>Louis P. Vitti & Associates, P.C.</u> 916 Fifth Avenue, Pittsburgh, PA 15219 | | Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830 | |
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PS Form 3817, January 2001

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| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | One piece of ordinary mail addressed to: | |
| <u>Louis P. Vitti & Associates, P.C.</u> 916 Fifth Avenue, Pittsburgh, PA 15219 | | Commonwealth of PA -DPW P.O. Box 8016 Harrisburg, PA 17105 | |
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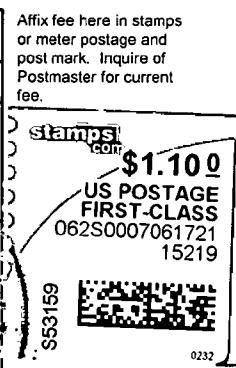


PS Form 3817, January 2001

WB. Harper. 6-5-09

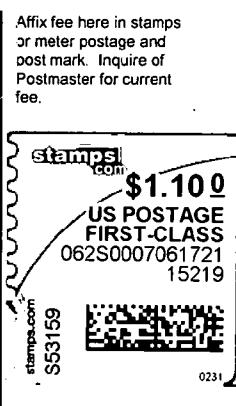
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| Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219 | | | |
| One piece of ordinary mail addressed to: Clerk of Courts Criminal/Civil Division P.O. Box 549 Clearfield, PA 16830 | | | |

PS Form 3817, January 2001



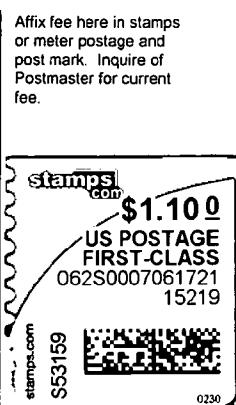
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| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219 | | | |
| One piece of ordinary mail addressed to: Tax Claim Bureau of Clearfield County 230 East Market Street Clearfield, PA 16830 | | | |

PS Form 3817, January 2001



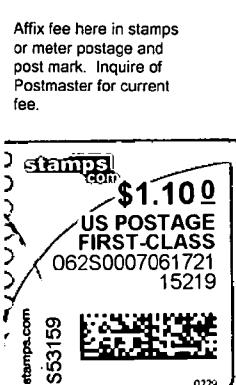
| | | | |
|---|--|------------------------|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219 | | | |
| One piece of ordinary mail addressed to: Court of Common Pleas of Clearfield County Domestic Relations Division P.O. Box 549 Clearfield, PA 16830 | | | |

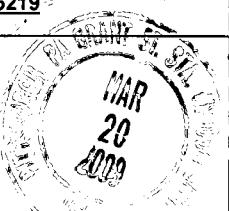
PS Form 3817, January 2001



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| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219 | | | |
| One piece of ordinary mail addressed to: PA Dept. of Sheriff Sales Bureau of Compliance Dept. #281230 Harrisburg, PA 17128-1230 | | | |

PS Form 3817, January 2001



| | | | |
|---|--|------------------------|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: Louis P. Vitti & Associates, P.C. 916 Fifth Avenue, Pittsburgh, PA 15219 | | | |
| One piece of ordinary mail addressed to: Tenant/Occupant 29 Byers Street Clearfield, PA 16830 | | | |
|  | | | |

PS Form 3817, January 2001

Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current

\$1.10 0
US POSTAGE
FIRST-CLASS
062S0007061721
15219



S53159

William A. Shaw
Platina Valley Clerk of Courts

MAY 26 2009

FILED

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20940

NO: 08-1879-CD

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE

AGENCY

VS.

DEFENDANT: MICHAEL B. HARPER AND ROGENA L.HARPER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 2/27/2009

LEVY TAKEN 3/17/2009 @ 11:18 AM

POSTED 3/17/2009 @ 11:17 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/18/2010

DATE DEED FILED **NOT SOLD**

FILED
079-3281
JAN 18 2010
S William A. Shaw
Prothonotary/Clerk of Courts

DETAILS

@ SERVED MICHAEL B. HARPER

DEPUTIES UNABLE TO SERVE MICHAEL B. HARPER AT 29 BYERS STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA; HE NO LONGER LIVES AT THAT RESIDENCE.

3/19/2009 @ 11:32 AM SERVED ROGENA L. HARPER

SERVED ROGENA L. HARPER, DEFENDANT, AT HER RESIDENCE 212 PONDEROSA DRIVE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO LINCOLN HARPER, DAUGHTER OF DEFENDANT/ADULT AT RESIDENCE

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

5/20/2009 @ 3:04 PM SERVED MICHAEL B. HARPER

SERVED MICHAEL B. HARPER, DEFENDANT, AT HIS RESIDENCE 612 ARMOR STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO BARBARA HARPER, MOTHER OF THE DEFENDANT/ADULT AT RESIDENCE

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

@ SERVED

NOW, MAY 28, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR JUNE 5, 2009 TO SEPTEMBER 4, 2009.

@ SERVED

NOW, SEPTEMBER 1, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR SEPTEMBER 4, 2009.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20940

NO: 08-1879-CD

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY

vs.

DEFENDANT: MICHAEL B. HARPER AND ROGENA L. HARPER

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$20,930.00

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

Chester A. Hawkins
My Authorised Deputy
Chester A. Hawkins
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

U.S. Bank National Association, Trustee for
the Pennsylvania Housing Finance Agency

Vs.

NO.: 2008-01879-CD

Michael B. Harper and Rogena L. Harper

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

(1) See Attached Descriptions

AMOUNT DUE/PRINCIPAL: \$65,280.95
INTEREST FROM 2/25/09-Sale Date
ATTY'S COMM: \$
DATE: 2/27/2009

PROTH. COSTS PAID: \$142.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 27th day
of February A.D. 2009
At 3:00 A.M./P.M.

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Ave.
Pittsburgh, PA 15219
(412) 281-1725

Chester A. Hawkins
Sheriff Sgt. Cynthia Butler-Cayhoun, D.A.

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

SHORT DESCRIPTION

Lawrence Township, Clearfield County, Pennsylvania, HET a dwelling known as 29 Byers Street,
Clearfield, PA 16830. Tax ID# 123-k08-243-00004.

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

LEGAL DESCRIPTION

All that certain lot or piece of ground situate in Lawrence Township, Clearfield County, Pennsylvania, known and designated as Lot#18 in Block 3 of the Wrigley & Woolridge Plot of Lots, formerly owned by D.R. Woolridge, bounded and described as follows:

Beginning at a post Reighard Street and Byers Street, thence by said Reighard Street South seventy-seven (77°) degrees forty-nine (49') minutes East one hundred forty (140) feet to a post at line of alley, thence along line of said alley South ten (10°) degrees eighteen (18') minutes West fifty (50) feet to a post at corner of Lot No. 17, thence along line of said Lot No. 17 North seventy-seven (77°) degrees forty-nine (49') minutes west one hundred forty (140) feet to post on line of Byers Street, thence along line of Byers Street North (10 °) degrees eighteen (18') minutes East fifty (50) feet to post on line of Reighard Street and place of beginning. Said lot fronting fifty (50) feet on Byers Street and extending in depth along Reighard Street one hundred forty (140) feet.

Under and subject to an existing sewer line easement, the center line of which extends generally between the property now or formerly owned by Delvin Cole and the sewer lateral located on the above-described premises and through the center line of the existing sewer lateral on the above described premises to the main newer line. a writing memorializing said easement is not recorded and such a writing is not believed to exist.

Having erected thereon a dwelling known as 29 Byers Street, Clearfield, PA 16830

Tax ID#123-K08-243-00004
Control# 123090644

Being the same premises which Donald A. Bender and Darlene J. Bender, his wife, nu theor deed dated 11/21/01 and recorded on 12/7/01 in the Recorder of Deeds Office of Clearfield County, Pennsylvania in Instrument# 200119689 granted and conveyed unto Michael B. harper and Rogena L. harper, his wife as tenants by the entirety.

REAL ESTATE SALE SCHEDULE OF DISTRIBUTION

NAME MICHAEL B. HARPER NO. 08-1879-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 Michael B. Harper And Rogena L. Harper 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 appropriation s, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

| | | | |
|----------------------------|-----------------|--------------------------------|--------------------|
| RDR SERVICE | 15.00 | DEBT-AMOUNT DUE | 65,280.95 |
| MILEAGE | 15.00 | INTEREST @ | 0.00 |
| LEVY | 2.00 | FROM TO 09/04/2009 | |
| MILEAGE POSTING | 15.00 | ATTORNEY FEES | |
| CSDS | 10.00 | PROTH SATISFACTION | |
| COMMISSION | 0.00 | LATE CHARGES AND FEES | |
| POSTAGE | 6.30 | COST OF SUIT-TO BE ADDED | |
| HANDBILLS | 15.00 | FORECLOSURE FEES | |
| DISTRIBUTION | 25.00 | ATTORNEY COMMISSION | |
| ADVERTISING | 15.00 | REFUND OF ADVANCE | 40.00 |
| ADD'L SERVICE | 15.00 | REFUND OF SURCHARGE | |
| DEED | | SATISFACTION FEE | |
| ADD'L POSTING | | ESCROW DEFICIENCY | |
| ADD'L MILEAGE | 4.00 | PROPERTY INSPECTIONS | |
| ADD'L LEVY | | INTEREST | |
| BID/SETTLEMENT AMOUNT | | MISCELLANEOUS | |
| RETURNS/DEPUTIZE | | | |
| COPIES | 15.00 | TOTAL DEBT AND INTEREST | \$65,320.95 |
| | 5.00 | | |
| BILLING/PHONE/FAX | 15.00 | COSTS: | |
| CONTINUED SALES | 20.00 | ADVERTISING | 256.00 |
| MISCELLANEOUS | | TAXES - COLLECTOR | |
| TOTAL SHERIFF COSTS | \$209.30 | TAXES - TAX CLAIM | |
| | | DUE | |
| | | LIEN SEARCH | |
| | | ACKNOWLEDGEMENT | |
| | | DEED COSTS | 0.00 |
| | | SHERIFF COSTS | 209.30 |
| | | LEGAL JOURNAL COSTS | 243.00 |
| | | PROTHONOTARY | 142.00 |
| | | MORTGAGE SEARCH | |
| | | MUNICIPAL LIEN | |
| DEED COSTS: | | | |
| ACKNOWLEDGEMENT | | TOTAL COSTS | \$850.30 |
| REGISTER & RECORDER | | | |
| TRANSFER TAX 2% | 0.00 | | |
| TOTAL DEED COSTS | \$0.00 | | |

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

CHESTER A. HAWKINS, Sheriff

LOUIS P. VITTI & ASSOCIATES, P.C.

916 Fifth Avenue
Pittsburgh, PA 15219



PHONE: (412) 281-1725

FAX: (412) 281-3810

FACSIMILE TRANSMITTAL

| | |
|------------------|-----------------|
| DATE: | 5/28/09 |
| ADDRESSEE: | Cindy |
| COMPANY: | |
| YOUR FAX NUMBER: | (814) 765-5915 |
| FROM: | Helen |

Number of Pages: 1

RE:Michael and Rogena Harper No. 08-1879-CD

ADDITIONAL COMMENTS:

Please continue the sale from the June sale until the September 4, 2009 sale, due to a bankruptcy filing.

Original Copy to follow by mail: Yes No

NOTE: If you have difficulty receiving this transmittal, please call (412) 281-1725. Thank you.

THIS FACSIMILE CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED FOR THE USE OF THE ABOVE NAMED INDIVIDUAL OR COMPANY. IF THE READER IS NOT THE INTENDED RECIPIENT, EMPLOYEE, OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED PARTY, YOU ARE HEREBY NOTIFIED THAT DISSEMINATION OR COPYING OF THIS FACSIMILE IS PROHIBITED BY LAW. IF YOU RECEIVE THIS FACSIMILE IN ERROR, PLEASE NOTIFY THE ABOVE BY TELEPHONE OR RETURN THE ORIGINAL FACSIMILE BY THE U.S. POSTAL SERVICE. THANK YOU.

Vitti and Vitti and Associates, P.C.

COUNSELLORS AT LAW
916 FIFTH AVENUE
PITTSBURGH, PENNSYLVANIA 15219

PHONE: (412) 281-1725

FAX: (412) 281-3810



LOUIS P. VITTI
LOIS M. VITTI *
RODNEY PERMIGIANI

* Admitted in PA, NY & NJ

DAVID F. ALPERN - Of Counsel
Phone: (412) 471-1960 & 1961 / Fax: (412) 232-3666
E-Mail: AlpernDFA@city-net.com

Today is Tuesday

September 1, 2009

Sheriff of Clearfield County

Clearfield County Courthouse

1/814-763-5915

RE: Harper, Michael and Rogena

Sale #: 08-1879-cd

To whom it may concern:

Please stay the writ on the above captioned case which is scheduled for the September 4, 2009 Sheriff sale.

REASON: Active Bankruptcy

MONEY REALIZED: YES for the amount of \$

NO

Thank you for your attention to this matter.

Very Truly Yours,

Louis P. Vitti

Louis P. Vitti

LPV/hb

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21057

NO: 08-1879-CD

PLAINTIFF: U. S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY

VS.

DEFENDANT: MICHAEL B. HARPER AND ROGENA L. HARPER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 10/26/2009

LEVY TAKEN 11/12/2009 @ 1:20 PM

POSTED 11/12/2009 @ 1:20 PM

SALE HELD 1/8/2009

SOLD TO U. S. BANK NATIONAL ASSOCIATION, (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY)

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 1/19/2010 *Reissued Writ*

DATE DEED FILED 1/19/2010

PROPERTY ADDRESS 29 BYERS STREET CLEARFIELD, PA 16830

SERVICES

11/12/2009 @ 2:15 PM SERVED MICHAEL B. HARPER

SERVED MICHAEL B. HARPER, DEFENDANT, AT HIS RESIDENCE 612 ARMOR STREET, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO MICHAEL B. HARPER

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

11/30/2009 @ 11:40 AM SERVED ROGENA L. HARPER

SERVED ROGENA L. HARPER, DEFENDANT, AT HER RESIDENCE 212 PONDEROSA DRIVE, CLEARFIELD, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROGENA HARPER

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.

FILED

01/19/2010
JAN 19 2010
LS

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21057
NO: 08-1879-CD

PLAINTIFF: U. S. BANK NATIONAL ASSOCIATION, TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY

vs.

DEFENDANT: MICHAEL B. HARPER AND ROGENA L. HARPER

Execution REAL ESTATE

SHERIFF RETURN

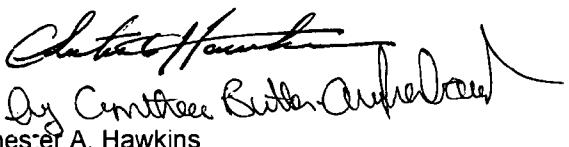
SHERIFF HAWKINS \$217.82

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

So Answers,

____ Day of _____ 2010


By Committee Butch Aufderhake
Chester A. Hawkins
Sheriff

**REISSUED WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

U.S. Bank National Association, Trustee for
the Pennsylvania Housing Finance Agency

Vs.

NO.: 2008-01879-CD

Michael B. Harper and Rogena L. Harper

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

(1) See Attached Descriptions

AMOUNT DUE/PRINCIPAL: \$65,280.95
INTEREST FROM 2/25/09-Sale Date
ATTY'S COMM: \$
DATE: 10/26/2009

PROTH. COSTS PAID: \$149.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this 26th day
of October A.D. 2009
At 10:30 A.M./P.M.

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Ave.
Pittsburgh, PA 15219
(412) 281-1725

Chesler A. Heekler
Sheriff by Cynthia Ritter - Deaf and Hard of Hearing

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

SHORT DESCRIPTION

Lawrence Township, Clearfield County, Pennsylvania, HET a dwelling known as 29 Byers Street,
Clearfield, PA 16830. Tax ID# 123-k08-243-00004.

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

LEGAL DESCRIPTION

All that certain lot or piece of ground situate in Lawrence Township, Clearfield County, Pennsylvania, known and designated as Lot#18 in Block 3 of the Wrigley & Woolridge Plot of Lots, formerly owned by D.R. Woolridge, bounded and described as follows:

Beginning at a post Reighard Street and Byers Street, thence by said Reighard Street South seventy-seven (77°) degrees forty-nine (49') minutes East one hundred forty (140) feet to a post at line of alley, thence along line of said alley South ten (10°) degrees eighteen (18') minutes West fifty (50) feet to a post at corner of Lot No. 17, thence along line of said Lot No. 17 North seventy-seven (77°) degrees forty-nine (49') minutes west one hundred forty (140) feet to post on line of Byers Street, thence along line of Byers Street North (10 °) degrees eighteen (18') minutes East fifty (50) feet to post on line of Reighard Street and place of beginning. Said lot fronting fifty (50) feet on Byers Street and extending in depth along Reighard Street one hundred forty (140) feet.

Under and subject to an existing sewer line easement, the center line of which extends generally between the property now or formerly owned by Delvin Cole and the sewer lateral located on the above-described premises and through the center line of the existing sewer lateral on the above described premises to the main newer line. a writing memorializing said easement is not recorded and such a writing is not believed to exist.

Having erected thereon a dwelling known as 29 Byers Street, Clearfield, PA 16830

Tax ID#123-K08-243-00004
Control# 123090644

Being the same premises which Donald A. Bender and Darlene J. Bender, his wife, nu theor deed dated 11/21/01 and recorded on 12/7/01 in the Recorder of Deeds Office of Clearfield County, Pennsylvania in Instrument# 200119689 granted and conveyed unto Michael B. harper and Rogena L. harper, his wife as tenants by the entirety.

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME MICHAEL B. HARPER NO. 08-1879-CD

NOW, January 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 January 08, 2009, I exposed the within described real estate of Michael B. Harper And Rogena L. Harper to public venue or outcry at which time and place I sold the same to U. S. BANK NATIONAL ASSOCIATION, (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY) he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

PLAINTIFF COSTS, DEBT AND INTEREST:

| | | | |
|----------------------------|-----------------|--------------------------------|--------------------|
| RDR | 15.00 | DEBT-AMOUNT DUE | 65,280.95 |
| SERVICE | 15.00 | INTEREST @ % | 0.00 |
| MILEAGE | 2.00 | FROM TO 01/08/2009 | |
| LEVY | 15.00 | | |
| MILEAGE | 3.00 | PROTH SATISFACTION | |
| POSTING | 15.00 | LATE CHARGES AND FEES | |
| CSDS | 10.00 | COST OF SUIT-TO BE ADDED | |
| COMMISSION | 0.00 | FORECLOSURE FEES | |
| POSTAGE | 5.28 | ATTORNEY COMMISSION | |
| HANDBILLS | 15.00 | REFUND OF ADVANCE | 40.00 |
| DISTRIBUTION | 25.00 | REFUND OF SURCHARGE | |
| ADVERTISING | 15.00 | SATISFACTION FEE | |
| ADD'L SERVICE | 15.00 | ESCROW DEFICIENCY | |
| DEED | 30.00 | PROPERTY INSPECTIONS | |
| ADD'L POSTING | | INTEREST | |
| ADD'L MILEAGE | 2.00 | MISCELLANEOUS | |
| ADD'L LEVY | | | |
| BID AMOUNT | 1.00 | TOTAL DEBT AND INTEREST | \$65,320.95 |
| RETURNS/DEPUTIZE | 9.00 | | |
| COPIES | 15.00 | | |
| | 5.00 | | |
| BILLING/PHONE/FAX | 5.00 | | |
| CONTINUED SALES | | | |
| MISCELLANEOUS | 10.00 | COSTS: | |
| TOTAL SHERIFF COSTS | \$227.28 | ADVERTISING | 254.50 |
| | | TAXES - COLLECTOR | |
| | | TAXES - TAX CLAIM | |
| | | DUE | |
| | | LIEN SEARCH | 100.00 |
| | | ACKNOWLEDGEMENT | 5.00 |
| | | DEED COSTS | 52.50 |
| | | SHERIFF COSTS | 227.28 |
| | | LEGAL JOURNAL COSTS | 243.00 |
| | | PROTHONOTARY | 149.00 |
| | | MORTGAGE SEARCH | 40.00 |
| | | MUNICIPAL LIEN | 66.74 |
| DEED COSTS: | | | |
| ACKNOWLEDGEMENT | 5.00 | TOTAL COSTS | \$1,138.02 |
| REGISTER & RECORDER | 52.50 | | |
| TRANSFER TAX 2% | 0.00 | | |
| TOTAL DEED COSTS | \$52.50 | | |

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

DOCKET # 105038
NO: 08-1879-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION (Trustee)
vs.
DEFENDANT: MICHAEL B. HARPER and ROGENA L. HARPER

SHERIFF RETURN

RETURN COSTS

| Description | Paid By | CHECK # | AMOUNT |
|-----------------|---------|---------|--------|
| SURCHARGE | VITTI | 10547 | 20.00 |
| SHERIFF HAWKINS | VITTI | 10547 | 23.00 |

S FILED
03:05pm
JUN -2 2009
WM
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

____ Day of _____ 2009



Chester A. Hawkins
Sheriff

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

US BANK NATIONAL ASSOCIATION,
(trustee for the
PENNSYLVANIA HOUSING FINANCE
AGENCY)

Plaintiff,
vs.
MICHAEL B. HARPER and ROGENA L.
HARPER,
Defendant.

CIVIL DIVISION

No. 08-1879-CD

AFFIDAVIT OF SERVICE

Code 140-MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Vitti & Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED
M 110:00 AM NO
DEC 21 2009 CC
S
William A. Shaw
Prothonotary/Clerk of Courts
(GW)

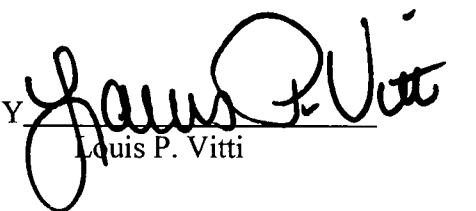
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL DIVISION

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

AFFIDAVIT OF SERVICE

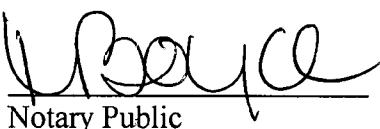
I, Louis P. Vitti, do hereby certify that a Notice of Sale has been served upon the Defendants by the Sheriff of Clearfield County on November 10, 2009 and all Lien Holders, by Certificate of Mailing, for service in the above-captioned case on November 12, 2009, advising them of the Sheriff's sale of the property 29 Byers Street, Clearfield, PA 16830 on January 8, 2010.

VITTI AND VITTI AND ASSOCIATES, P.C.

BY 
Louis P. Vitti

SWORN to and subscribed

before me this 16th day
of December 2009.


Notary Public

| | | | |
|--|--|---|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  \$1.150 US POSTAGE FIRST-CLASS 062S0007061721 15219 0119 | |
| One piece of ordinary mail addressed to: | | | |
| Tax Collector of Lawrence Township c/o Hazel Swifter 105 Fulton Street Clearfield, PA 16830 | | | |

PS Form 3817, January 2001

| | | | |
|---|--|---|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  \$1.150 US POSTAGE FIRST-CLASS 062S0007061721 15219 0120 | |
| One piece of ordinary mail addressed to: | | | |
| Water Authority 107 East Market Street Clearfield, PA 16830 | | | |

PS Form 3817, January 2001

| | | | |
|---|--|---|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  \$1.150 US POSTAGE FIRST-CLASS 062S0007061721 15219 0121 | |
| One piece of ordinary mail addressed to: | | | |
| Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830 | | | |

PS Form 3817, January 2001

| | | | |
|---|--|---|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  \$1.150 US POSTAGE FIRST-CLASS 062S0007061721 15219 0122 | |
| One piece of ordinary mail addressed to: | | | |
| Commonwealth of PA -DPW P.O. Box 8016 Harrisburg, PA 17105 | | | |

PS Form 3817, January 2001

U.B. Harper. 1-8-10

| | | | |
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| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  | |
| One piece of ordinary mail addressed to: | | | |
| Clerk of Courts Criminal/Civil Division P.O. Box 549 Clearfield, PA 16830 | |  | |

PS Form 3817, January 2001

| | | | |
|---|--|---|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  | |
| One piece of ordinary mail addressed to: | | | |
| Tax Claim Bureau of Clearfield County 230 East Market Street Clearfield, PA 16830 | |  | |

PS Form 3817, January 2001

| | | | |
|--|--|---|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  | |
| One piece of ordinary mail addressed to: | | | |
| Court of Common Pleas of Clearfield County Domestic Relations Division P.O. Box 549 Clearfield, PA 16830 | |  | |

PS Form 3817, January 2001

| | | | |
|---|--|---|--|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING | |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | | |
| Received From: | | Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee. | |
| <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | |  | |
| One piece of ordinary mail addressed to: | | | |
| PA Dept. of Sheriff Sales Bureau of Compliance Dept. #281230 Harrisburg, PA 17128-1230 | |  | |

PS Form 3817, January 2001

| | | |
|---|--|------------------------|
| U.S. POSTAL SERVICE | | CERTIFICATE OF MAILING |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER | | |
| Received From: <u>Louis P. Vitti & Associates, P.C.</u> <u>916 Fifth Avenue, Pittsburgh, PA 15219</u> | | |
| One piece of ordinary mail addressed to: Tenant/Occupant 29 Byers Street Clearfield, PA 16830 | | |

Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.



PS Form 3817, January 2001

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION,
(trustee for the
PENNSYLVANIA HOUSING FINANCE
AGENCY)

Plaintiff,

vs.

MICHAEL B. HARPER and ROGENA L.
HARPER,

Defendant.

CIVIL DIVISION

No. 08-1879-CD

**PRAECIPE FOR DEFAULT
JUDGMENT, CERTIFICATION OF
MAILING AND AFFIDAVIT OF NON-
MILITARY SERVICE**

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED *Any pd. 20.00*
M/10/52/04 *NO CC*
FEB 27 2009

S *William A. Shaw*
Prothonotary/Clerk of Courts
610 *Notice to Defs*

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY))
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

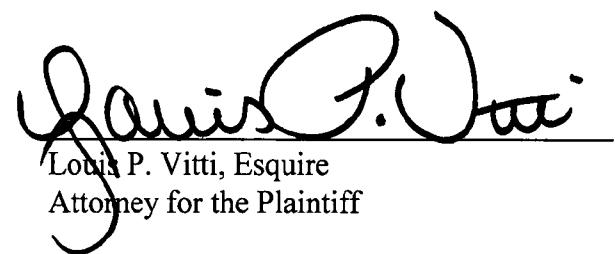
PRAECIPE FOR DEFAULT JUDGMENT
AND ASSESSMENT OF DAMAGES

TO: PROTHONOTARY OF CLEARFIELD

Enter judgment in Default of an Answer in the amount of **\$65,280.95**, in favor of the Us bank National Association, et al , Plaintiff in the above-captioned action, against the Defendants, **Michael B. Harper and Rogena L. Harper** and assess Plaintiff's damages as follows and/or as calculated in the Complaint:

| | |
|--|---------------------------|
| Unpaid Principal Balance | \$56,242.86 |
| Interest from 4/1/08-2/23/09 (Plus 6.00% per day after 2/23/09) | 3,041.73 |
| Late charges (Plus \$14.84 per month from 9/30/08-Sale Date) | 59.36 |
| Attorney's fee | 2,812.14 |
| Escrow Deficit (Plus any additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale) | <u>3,124.86</u> |
| Total Amount Due | <u>\$65,280.95</u> |

The real estate, which is the subject matter of the Complaint, is situate in Lawrence Township, Clearfield County, Pennsylvania, HET a dwelling known as 29 Byers Street, Clearfield, PA 16830. Tax ID# 123-k08-243-00004.



Louis P. Vitti, Esquire
Attorney for the Plaintiff

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

CERTIFICATION OF MAILING

I, Louis P. Vitti, do hereby certify that a Notice of Intention to Take Judgment was mailed to the Defendant(s), in the above-captioned case on February 3, 2009, giving ten (10) day notice that judgment would be entered should no action be taken.

LOUIS P. VITTI & ASSOCIATES, P.C.

BY:


Louis P. Vitti, Esquire
Attorney for Plaintiff

SWORN to and subscribed

before me this 24th day
of February, 2009.


Notary Public

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

IMPORTANT NOTICE

TO: Micheal Harper
29 Byers Street
Clearfield, PA 16830

Rogena Harper
212 Ponderosa Drive,
Clearfield, PA 16830

Date of Notice: **February 3, 2009**

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 YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

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

PROTHONOTARY
CLEARFIELD COUNTY COURTHOUSE
CLEARFIELD, PA 16830
814-765-2641 X 20

LOUIS P. VITTI & ASSOCIATES, P.C.
BY: 
Louis P. Vitti, Esquire
Attorney for Plaintiff
916 Fifth Avenue
Pittsburgh, PA 15219

**** THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN 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 ENFORCEMENT OF A LIEN AGAINST PROPERTY.****

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

COMMONWEALTH OF PENNSYLVANIA, SS:

COUNTY OF ALLEGHENY

BEFORE me, the undersigned authority, personally appeared Louis P. Vitti, Esquire, who, being duly sworn according to law, deposes and says that he is advised and believes that DEFENDANT(S) is/are not presently in the active military service of the United States of America and not members of the Army of the United States, United States Navy, the Marine Corps, or the Coast Guard, and not officers of the Public Health Service detailed by proper authority for duty with the Army or Navy; nor engaged in any active military service or duty with any military or naval units covered by the Soldiers and Sailors Civil Relief Act of 1940 and designated therein as military service, and to the best of this affiant's knowledge is/are not enlisted in military service covered by said act, and that the averments herein set forth, insofar as they are within his knowledge, are correct, and true; and insofar as they are based on information received from others, are true and correct as he verily believes.

This Affidavit is made under the provisions of the Soldiers and Sailors Civil Relief Act of 1940.

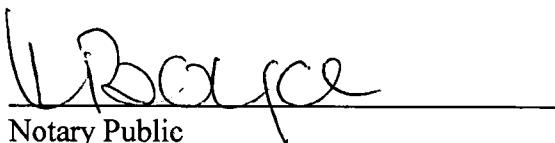


Louis P. Vitti, Esquire

SWORN to and subscribed

before me this 24th day

of February, 2009.



Notary Public

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

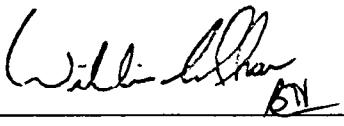
US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

NOTICE OF ORDER, DECREE OR JUDGMENT

TO: DEFENDANT(S)

You are hereby notified that a judgment was entered in the above-captioned proceeding
on the 27th day of February 2009.

Judgment is as follows: \$65,280.95.



Deputy

** THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN 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 ENFORCEMENT OF A LIEN AGAINST PROPERTY.**

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION,
(trustee for the
PENNSYLVANIA HOUSING FINANCE
AGENCY)

Plaintiff,

vs.

MICHAEL B. HARPER and ROGENA L.
HARPER,

Defendant.

CIVIL DIVISION

No. 08-1879-CD

**PRAECLPICE TO REISSUE WRIT OF
EXECUTION AND AFFIDAVIT OF
LAST KNOWN ADDRESS**

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

5/19/40/01
FILED
OCT 26 2009
Atty pd.
20.00
1CC & Lewits
will prop. desc.
to Sheriff
William A. Shaw
Prothonotary/Clerk of Courts

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

**PRAECIPE TO REISSUE WRIT OF
EXECUTION IN MORTGAGE FORECLOSURE**

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Issue a Writ of Execution in favor of the Plaintiff and against the Defendant(s) in the
above-captioned matter as follows:

| | |
|----------------------------|-------------------------------------|
| Amount Due | \$65,280.95 |
| Interest 2/25/09-Sale Date | _____ |
| Total | \$ <u>149.00</u> Prothonotary costs |

The real estate, which is the subject matter of the Praecipe for Writ of Execution is situate
in:

Lawrence Township, Clearfield County, Pennsylvania, HET a dwelling known as 29 Byers Street,
Clearfield, PA 16830. Tax ID# 123-k08-243-00004.


Louis P. Vitti, Esquire
Attorney for Plaintiff

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

AFFIDAVIT

I, Louis P. Vitti, do hereby swear that, to the best of my knowledge, information and belief, the Defendant(s), is/are the owners of the real property on which the Plaintiff seeks to execute . That the Defendants' last known address for Michael B. Harper is 29 Byers Street, Clearfiled, PA 16830 and the last known address for Rogena Haprer is 212 Ponderosa Drive Clearfield, PA 16830.

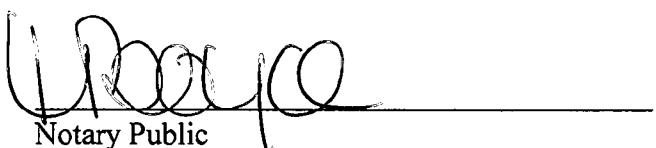


Louis P. Vitti
Louis P. Vitti, Esquire

SWORN TO and subscribed

before me this 23rd day of

October, 2009.



Notary Public

REISSUED WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW

U.S. Bank National Association, Trustee for
the Pennsylvania Housing Finance Agency

Vs.

NO.: 2008-01879-CD

Michael B. Harper and Rogena L. Harper

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

(1) See Attached Descriptions

AMOUNT DUE/PRINCIPAL: \$65,280.95
INTEREST FROM 2/25/09-Sale Date
ATTY'S COMM: \$
DATE: 10/26/2009

PROTH. COSTS PAID: \$149.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Sheriff

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Ave.
Pittsburgh, PA 15219
(412) 281-1725

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

SHORT DESCRIPTION

Lawrence Township, Clearfield County, Pennsylvania, HET a dwelling known as 29 Byers Street, Clearfield, PA 16830. Tax ID# 123-k08-243-00004.

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

LEGAL DESCRIPTION

All that certain lot or piece of ground situate in Lawrence Township, Clearfield County, Pennsylvania, known and designated as Lot#18 in Block 3 of the Wrigley & Woolridge Plot of Lots, formerly owned by D.R. Woolridge, bounded and described as follows:

Beginning at a post Reighard Street and Byers Street, thence by said Reighard Street South seventy-seven (77°) degrees forty-nine (49') minutes East one hundred forty (140) feet to a post at line of alley, thence along line of said alley South ten (10°) degrees eighteen (18') minutes West fifty (50) feet to a post at corner of Lot No. 17, thence along line of said Lot No. 17 North seventy-seven (77°) degrees forty-nine (49') minutes west one hundred forty (140) feet to post on line of Byers Street, thence along line of Byers Street North (10°) degrees eighteen (18') minutes East fifty (50) feet to post on line of Reighard Street and place of beginning. Said lot fronting fifty (50) feet on Byers Street and extending in depth along Reighard Street one hundred forty (140) feet.

Under and subject to an existing sewer line easement, the center line of which extends generally between the property now or formerly owned by Delvin Cole and the sewer lateral located on the above-described premises and through the center line of the existing sewer lateral on the above described premises to the main newer line. a writing memorializing said easement is not recorded and such a writing is not believed to exist.

Having erected thereon a dwelling known as 29 Byers Street, Clearfield, PA 16830

Tax ID#123-K08-243-00004
Control# 123090644

Being the same premises which Donald A. Bender and Darlene J. Bender, his wife, nu theor deed dated 11/21/01 and recorded on 12/7/01 in the Recorder of Deeds Office of Clearfield County, Pennsylvania in Instrument# 200119689 granted and conveyed unto Michael B. harper and Rogena L. harper, his wife as tenants by the entirety.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

US BANK NATIONAL ASSOCIATION,
(trustee for the
PENNSYLVANIA HOUSING FINANCE
AGENCY)

Plaintiff,

vs.

MICHAEL B. HARPER and ROGENA L.
HARPER,

Defendant.

CIVIL DIVISION

No. 08-1879-CD

**PRAECIPE FOR WRIT OF
EXECUTION AND AFFIDAVIT OF
LAST KNOWN ADDRESS**

Code MORTGAGE FORECLOSURE

Filed on behalf of
Plaintiff

Counsel of record for this
party:

Louis P. Vitti, Esquire
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.
916 Fifth Avenue
Pittsburgh, PA 15219

(412) 281-1725

FILED Atty pd. 20.00
M 11/01/09
FEB 27 2009 1CC@Lewinits

William A. Shaw
Prothonotary/Clerk of Courts
w/prop. desc.
to Sheriff

(610)

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

**PRAECIPE FOR WRIT OF
EXECUTION IN MORTGAGE FORECLOSURE**

TO: PROTHONOTARY OF CLEARFIELD COUNTY

Issue a Writ of Execution in favor of the Plaintiff and against the Defendant(s) in the
above-captioned matter as follows:

| | |
|----------------------------|---------------------------|
| Amount Due | \$65,280.95 |
| Interest 2/25/09-Sale Date | 142.00 Prothonotary costs |
| Total | \$ _____. |

The real estate, which is the subject matter of the Praecipe for Writ of Execution is situate
in:

Lawrence Township, Clearfield County, Pennsylvania, HET a dwelling known as 29 Byers Street,
Clearfield, PA 16830. Tax ID# 123-k08-243-00004.



Louis P. Vitti, Esquire
Attorney for Plaintiff

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

AFFIDAVIT

I, Louis P. Vitti, do hereby swear that, to the best of my knowledge, information and belief, the Defendant(s), is/are the owners of the real property on which the Plaintiff seeks to execute . That the Defendants' last known address for Michael B. Harper is 29 Byers Street, Clearfiled, PA 16830 and the last known address for Rogena Haprer is 212 Ponderosa Drive Clearfield, PA 16830.

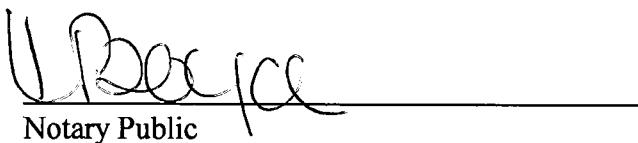


Louis P. Vitti, Esquire

SWORN TO and subscribed

before me this 24th day of

February, 2009.



U. Boege
Notary Public

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

AFFIDAVIT PURSUANT TO RULE 3129.1

US Bank National Association, et al , Plaintiff in the above action, sets forth as of the date the Praecept for the Writ of Execution was filed the following information concerning the real property located at 29 Byers Street, Clearfield, PA 16830.

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)

Michael B. Harper 29 Byers Street
Clearfield, PA 16830

Rogena L. Harper 212 Ponderosa Drive
Clearfield, PA 16830

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

Name: Address (Please indicate if this
cannot be reasonably ascertained)

Same as No. 1 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 (Please indicate if this
cannot be reasonably ascertained)

None

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

Name

Address (Please indicate if this
cannot be reasonably ascertained)

None

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

Name

Address (Please indicate if this
cannot be reasonably ascertained)

None

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

Name

Address (Please indicate if this
cannot be reasonably ascertained)

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 (Please indicate if this
cannot be reasonably ascertained)

Tax Collector of Lawrence Township

c/o Hazel Swifter
105 Fulton Street
Clearfield, PA 16830

Water Authority

107 East Market Street
Clearfield, PA 16830

Clearfield Municipal Authority

107 East Market Street
Clearfield, PA 16830

Commonwealth of PA -DPW

P.O. Box 8016
Harrisburg, PA 17105

Clerk of Courts
Criminal/Civil Division

P.O. Box 549
Clearfield, PA 16830

Tax Claim Bureau of Clearfield County

230 East Market Street
Clearfield, PA 16830

Court of Common Pleas of
Clearfield County
Domestic Relations Division

P.O. Box 549
Clearfield, PA 16830

PA Dept. of Sheriff Sales
Bureau of Compliance

Dept. #281230
Harrisburg, PA 17128-1230

Tenant/Occupant

29 Byers Street
Clearfield, PA 16830

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. Section 4904 relating to unsworn falsification to authorities.

February 24, 2009

Date



Louis P. Vitti
Attorney for Plaintiff

SWORN TO and subscribed

before me this 24th day

of February, 2009.



Notary Public

**WRIT OF EXECUTION and/or ATTACHMENT
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD
CIVIL ACTION – LAW**

U.S. Bank National Association, Trustee for
the Pennsylvania Housing Finance Agency

Vs.

NO.: 2008-01879-CD

Michael B. Harper and Rogena L. Harper

TO THE SHERIFF OF CLEARFIELD COUNTY:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

(1) See Attached Descriptions

AMOUNT DUE/PRINCIPAL: \$65,280.95
INTEREST FROM 2/25/09-Sale Date
ATTY'S COMM: \$
DATE: 2/27/2009

PROTH. COSTS PAID: \$142.00
SHERIFF: \$
OTHER COSTS: \$



William A. Shaw
Prothonotary/Clerk Civil Division

Received this writ this _____ day
of _____ A.D. _____
At _____ A.M./P.M.

Sheriff

Requesting Party: Louis P. Vitti, Esq.
916 Fifth Ave.
Pittsburgh, PA 15219
(412) 281-1725

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY))
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

SHORT DESCRIPTION

Lawrence Township, Clearfield County, Pennsylvania, HET a dwelling known as 29 Byers Street, Clearfield, PA 16830. Tax ID# 123-k08-243-00004.

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

US BANK NATIONAL ASSOCIATION, (trustee for the) No. 08-1879-CD
PENNSYLVANIA HOUSING FINANCE AGENCY)
Plaintiff,)
vs.)
MICHAEL B. HARPER and ROGENA L. HARPER,)
Defendant.)

LEGAL DESCRIPTION

All that certain lot or piece of ground situate in Lawrence Township, Clearfield County, Pennsylvania, known and designated as Lot#18 in Block 3 of the Wrigley & Woolridge Plot of Lots, formerly owned by D.R. Woolridge, bounded and described as follows:

Beginning at a post Reighard Street and Byers Street, thence by said Reighard Street South seventy-seven (77°) degrees forty-nine (49') minutes East one hundred forty (140) feet to a post at line of alley, thence along line of said alley South ten (10°) degrees eighteen (18') minutes West fifty (50) feet to a post at corner of Lot No. 17, thence along line of said Lot No. 17 North seventy-seven (77°) degrees forty-nine (49') minutes west one hundred forty (140) feet to post on line of Byers Street, thence along line of Byers Street North (10°) degrees eighteen (18') minutes East fifty (50) feet to post on line of Reighard Street and place of beginning. Said lot fronting fifty (50) feet on Byers Street and extending in depth along Reighard Street one hundred forty (140) feet.

Under and subject to an existing sewer line easement, the center line of which extends generally between the property now or formerly owned by Delvin Cole and the sewer lateral located on the above-described premises and through the center line of the existing sewer lateral on the above described premises to the main newer line. a writing memorializing said easement is not recorded and such a writing is not believed to exist.

Having erected thereon a dwelling known as 29 Byers Street, Clearfield, PA 16830

Tax ID#123-K08-243-00004
Control# 123090644

Being the same premises which Donald A. Bender and Darlene J. Bender, his wife, nu theor deed dated 11/21/01 and recorded on 12/7/01 in the Recorder of Deeds Office of Clearfield County, Pennsylvania in Instrument# 200119689 granted and conveyed unto Michael B. harper and Rogena L. harper, his wife as tenants by the entirety.