

08-1969-CD
IB Property Holdings vs T. Moriarity al

MILSTEAD & ASSOCIATES, LLC
BY: Mary L. Harbert-Bell, Esquire
ID No. 80763
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
File: 4.08946

**IB Property Holdings, LLC, a Delaware
Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,**

Plaintiff,
Vs.

**Timothy M. Moriarity
Box 350 Route 2
Morrisdale, PA 16858,**

and

**Tammy L. Moriarity
Box 350 Route 2
Morrisdale, PA 16858,**

Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.: 2008-1969-CJ

**CIVIL ACTION
MORTGAGE FORECLOSURE**

5
FILED pd \$95.00 Atty
m 11:50 am ICC Atty
OCT 15 2008 4CC Shft
William A. Shaw
Prothonotary/Clerk of Courts

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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NOTICE PURSUANT TO FAIR DEBT COLLECTION PRACTICES ACT

- 1. This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.**
- 2. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after receipt of this notice, the debt will be assumed to be valid by our offices.**
- 3. If you notify our offices in writing within 30 days of receipt of this notice that the debt, or any portion thereof, is disputed, our offices will provide you with verification of the debt or copy of the Judgment against you, and a copy of such verification or judgment will be mailed to you by our offices.**

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(856) 482-1400

Attorney for Plaintiff

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Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, IB Property Holdings, LLC, a Delaware Limited Liability Company (the "Plaintiff"), is a corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 4425 Ponce De Leon Blvd, 5th Floor, Coral Gables, FL 33146.

2. Defendants, Timothy M. Moriarity and Tammy L. Moriarity, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Timothy M. Moriarity, Defendant, resides at Box 350 Route 2, Morrisdale, PA 16858. Tammy L. Moriarity, Defendant, resides at Box 350 Route 2, Morrisdale, PA 16858.

4. On November 7, 2002, in consideration of a loan in the principal amount of \$119,000.00, the Defendants executed and delivered to Alta Financial Mortgage, a New Jersey Corporation an adjustable rate note (the "Note") with interest thereon at 7.7500 percent per annum, payable as to the principal and interest in equal monthly installments of \$852.53 commencing January 1, 2003. The current interest rate is 9.75 percent per annum.

5. To secure the obligations under the Note, the Defendants executed and delivered to Alta Financial Mortgage, a New Jersey Corporation a mortgage (the "Mortgage") dated November 7, 2002, recorded on November 15, 2002 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200218537. Said mortgage was assigned by way of an assignment of mortgage to Wachovia Bank, N.A., recorded on October 29, 2003 under Mortgage Instrument Number 200319732. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference. Plaintiff is proper party plaintiff by way of an assignment to be recorded.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): Box 350 Route 2, Morrisdale, PA 16858. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their obligations pursuant to the Note and Mortgage because payments of principal and interest due April 1, 2008, and monthly thereafter are due and have not been paid, whereby the whole balance of principal and all interest due thereon have become due and payable forthwith together with late charges, escrow deficit (if any) and costs of collection including title search fees and reasonable attorney's fees.

8. The following amounts are due on the Mortgage and Note:

Balance of Principal	\$113,218.55
Accrued but Unpaid Interest to 10/14/08	

@ 9.75% per annum	
(\$27.14 per diem)	\$3,682.18
Accrued Late Charges	\$467.47
Corporate Advance	\$1,426.18
Title Search Fees	\$350.00
Borrower Credit/Payment by Borrower	-\$354.46
Deferred Late Charges	\$0.00
Reasonable Attorney's Fees	\$1,250.00
TOTAL as of 10/14/2008	\$120,039.92

Plus, the following amounts accrued after October 14, 2008:

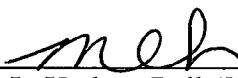
Interest at the Rate of 9.75 per cent per annum (\$27.14 per diem);

Late Charges of \$54.48 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at Box 350 Route 2, Morrisdale, PA 16858 as well as to address of residences as listed in paragraph 3 of this document on June 3, 2008, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

WHEREFORE, Plaintiff demands an in rem judgment against the Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$120,039.92, plus the following amounts accruing after October 14, 2008, to the date of judgment: (a) interest of \$27.14 per day, (b) late charges of \$54.48 per month, (c) plus interest at the legal rate allowed on judgments after the date of judgment, (d) additional attorney's fees (if any) hereafter incurred, (e) and costs of suit.

MILSTEAD & ASSOCIATES, LLC


 Mary L. Harbert-Bell, Esquire
 Attorney for Plaintiff

VERIFICATION

I, Mary L. Harbert-Bell, hereby certify that I am an Attorney for Plaintiff and am authorized to make this verification on Plaintiff's behalf. I verify that the facts and statements set forth in the forgoing Complaint in Mortgage Foreclosure are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. ' 4904, relating to unsworn falsification to authorities.



Name: Mary L. Harbert-Bell, Esquire
Title: Attorney

**FIDELITY NATIONAL TITLE INSURANCE COMPANY
OF NEW YORK
SCHEDULE C**

EXHIBIT A

ALL THAT CERTAIN lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the TOWNSHIP OF COOPER, COUNTY OF CLEARFIELD and Commonwealth of PENNSYLVANIA, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post on Township Road leading from Winburne to Munson; thence by other land of grantee South two degrees thirty minutes West five hundred and ninety-eight feet to post; thence by land occupied by Lewis Wilke, (formerly Horon Krantz,) North eighty and one-fourth degrees West one hundred and thirty-seven feet; thence by land occupied by Fred Broddish North two degrees thirty minutes East six hundred and twenty-six feet to post on Township Road; thence by said road South eighty-five degrees east one hundred and thirty-six feet to post and place of beginning.

BEING BETTER DESCRIBED AS:

BEGINNING at an iron pin located on the Southern side of State Route 2035. Said iron pin being the northeastern corner of property now or formerly owned by Scott and Laura Ronczka; thence along said State Route 2035 South 85 degrees 00 minutes 00 seconds East a distance of 136.00 feet to an iron pin; thence South 2 degrees 14 minutes 00 seconds West a distance of 637.47 feet to an iron pin; thence along lands now or formerly owned by Henry and Beverly J. Knepp North 79 degrees 06 minutes 25 seconds West a distance of 161.66 feet to an iron pipe; thence along lands now or formerly owned by Scott and Laura Ronczka North 4 degrees 26 minutes 55 seconds East distance of 620.16 feet to an iron pin and place of beginning. And being in accordance with a survey dated July 17, 1999 by Lawrence J. Marince P.L.S. No. 34202-E.

THE SECOND THEREOF: BEGINNING at a post on Township Road leading from winburne to Munson; thence South four degrees five minutes West along land occupied by Gus Granis five minutes West along land occupied by Gus Granis five hundred and twenty-four feet to post; thence by other land of grantee South seventy-two and one-half degrees West two hundred and forty-one feet; thence North two degrees thirty minutes East five hundred and ninety-eight feet to post on Township Road; thence by said road South eighty-five degrees East two hundred and fifty-one feet to post and place of beginning.

BEING BETTER DESCRIBED AS:

BEGINNING at an iron pin located on the southern boundary of State Route 2035. Said iron pin being the northwestern corner of property now or formerly owned by the Winburne Presbyterian Church; thence along property now or formerly owned by the Winburne Presbyterian Church South 5 degrees 36 minutes 15 seconds West a distance of 526.14 feet to an iron pin; thence along lands now or formerly owned by Bryan J. and Deborah M. Moriarity South 67 degrees 51 minutes 45 seconds West a distance of 241.24 feet to an iron pin; thence along Lot 1 of this subdivision North 2 degrees 14 minutes 00 seconds East a distance of 637.47 feet to an iron pin; thence along State Route 2035 South 84 degrees 52 minutes 05 seconds East a distance of 251.00 feet to an iron pin and place of beginning. And being in accordance with a survey dated June 17, 1999 by Lawrence J. Marince P.L.S. No. 34202-E.

PARCEL ID NO. 110-509-419.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1969-CD

IB PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

VS

TIMOTHY M. MORIARITY AND TAMMY L. MORIARITY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 1 OF 1

SERVE BY: 11/13/2008

HEARING:

PAGE: 104790

S FILED

DEFENDANT: TIMOTHY M. MORIARITY

ADDRESS: 4330 WINBURN MUNSON ROAD

MORRISDALE, PA 16858

ALTERNATE ADDRESS BOX 350, ROUTE 2, MORRISDALE, PA 16858

NOV 10 2008
019:35 (W)
William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

10/30/08 NM _____

SHERIFF'S RETURN

NOW, 10/13/2008 AT 2:30 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON TIMOTHY M. MORIARITY, DEFENDANT

BY HANDING TO TAMMY L. MORIARITY / WIRE

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

ADDRESS SERVED CLEARFIELD County SHERIFF

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR TIMOTHY M. MORIARITY

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO TIMOTHY M. MORIARITY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

10th DAY OF Nov. 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

CHS

Deputy Signature

RE Sauer

Print Deputy Name

IB PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

VS

TIMOTHY M. MORIARITY

NO. 2008- 1969-CD

ACCEPTANCE OF SERVICE

I accept service of the Timothy Moriarity

(on behalf of _____)

and certify that I am authorized to do so).

(Date)

X Tammy Moriarity
(Defendant or Authorized Agent)

(Mailing Address)

(Address Service was made)

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1969-CD

IB PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

VS

TIMOTHY M. MORIARITY AND TAMMY L. MORIARITY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 2

SERVE BY: 11/13/2008

HEARING:

PAGE: 104790

S FILED *SM*

DEFENDANT: TAMMY L. MORIARITY

ADDRESS: 4330 WINBURN MUNSON ROAD

MORRISDALE, PA 16858

ALTERNATE ADDRESS BOX 350, ROUTE 2, MORRISDALE, PA 16858

NOV 10 2008

6/9/35/ *CS*

William A. Shaw

Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, 10/31/2008 AT 2:30 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON TAMMY L. MORIARITY, DEFENDANT

BY HANDING TO Tammy Moriarity / Defendant

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

ADDRESS SERVED CLEARFIELD County Sheriff

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR TAMMY L. MORIARITY

AT (ADDRESS) _____

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

I MAKE RETURN OF NOT FOUND AS TO TAMMY L. MORIARITY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

10th DAY OF Nov. 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: CAS

Deputy Signature

Z.E. Snyder

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1969-CD

IB PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

VS SERVICE # 2 OF 2

TIMOTHY M. MORIARITY AND TAMMY L. MORIARITY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 11/13/2008

HEARING:

PAGE: 104790

DEFENDANT: TAMMY L. MORIARITY

ADDRESS: 4330 WINBURN MUNSON ROAD
MORRISDALE, PA 16858

ALTERNATE ADDRESS BOX 350, ROUTE 2, MORRISDALE, PA 16858

*FILED
07/14/2008
JA: 123 2008
WAM
William A. Shaw
Prothonotary/Clerk of Courts*

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS _____

SHERIFF'S RETURN

NOW, 10/31/2008 AT 2:30 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON TAMMY L. MORIARITY, DEFENDANT

BY HANDING TO Tammy Moriarity / Defendant

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

ADDRESS SERVED CLEARFIELD County Sheriff

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR TAMMY L. MORIARITY

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO TAMMY L. MORIARITY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: CAS Deputy Signature

RE Snyder

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-1969-CD

IB PROPERTY HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY

vs SERVICE # 1 OF 1

TIMOTHY M. MORIARITY AND TAMMY L. MORIARITY

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 11/13/2008

HEARING:

PAGE: 104790

DEFENDANT: TIMOTHY M. MORIARITY

ADDRESS: 4330 WINBURN MUNSON ROAD
MORRISDALE, PA 16858

ALTERNATE ADDRESS BOX 350, ROUTE 2, MORRISDALE, PA 16858

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

10/31/08 N/H/jh

5
FILED
OCT 14 2008
JAN 23 2009
William A. Shaw
Prothonotary/Clerk of Court
PA

SHERIFF'S RETURN

NOW, 10/31/2008 AT 2:30 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON TIMOTHY M. MORIARITY, DEFENDANT

BY HANDING TO TAMMY L. MORIARITY / WIFE

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

ADDRESS SERVED CLEARFIELD County SHERIFF

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR TIMOTHY M. MORIARITY

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO TIMOTHY M. MORIARITY

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: CHS

Deputy Signature

RE Suy
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
DKT PG.104790

IB PROPERTY HOLDINGS, LLC

1969
NO . 08-1259-CD

-VS-

TIMOTHY M. MORIARITY & TAMMY L. MORIARITY

COMPLAINT IN MORTGAGE FORECLOSURE

SHERIFF'S RETURN

NOW FEBRUARY 3, 2009 RETURN THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED" AS TO
TIMOTHY M. MORIARITY & TAMMY L. MORIARITY, DEFENDANTS AT BOX 350, ROUTE 2, MORRISDALE, PA. SERVICE
WAS NOT ATTEMPTED AT THIS ADDRESS.

SHFF. HAWKINS: \$40.21
SHFF. SURCHARGE: \$20.00
PAID BY: ATTY.

So Answers,

SWORN TO BEFORE ME THIS

____ DAY OF 2009

CHESTER A. HAWKINS
SHERIFF

S
FILED
01346051
FEB 03 2009
William A. Shaw
Prothonotary/Clerk of Courts

MILSTEAD & ASSOCIATES, LLC
BY: Mary L. Harbert-Bell, Esquire
ID No. 80763
220 Lake Drive East, Suite 301
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Attorney for Plaintiff
File: 4.08946

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and

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Defendants.

No.: 2008-1969-CD

**CIVIL ACTION
MORTGAGE FORECLOSURE**

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

OCT 15 2008

Attest.

William J. Chay
Prothonotary/
Clerk of Courts

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.

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(856) 482-1400

Attorney for Plaintiff

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and

**Tammy L. Moriarity
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Morrisdale, PA 16858,**

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**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

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2. Defendants, Timothy M. Moriarity and Tammy L. Moriarity, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Timothy M. Moriarity, Defendant, resides at Box 350 Route 2, Morrisdale, PA 16858. Tammy L. Moriarity, Defendant, resides at Box 350 Route 2, Morrisdale, PA 16858.

4. On November 7, 2002, in consideration of a loan in the principal amount of \$119,000.00, the Defendants executed and delivered to Alta Financial Mortgage, a New Jersey Corporation an adjustable rate note (the "Note") with interest thereon at 7.7500 percent per annum, payable as to the principal and interest in equal monthly installments of \$852.53 commencing January 1, 2003. The current interest rate is 9.75 percent per annum.

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TOTAL as of 10/14/2008	\$120,039.92

Plus, the following amounts accrued after October 14, 2008:

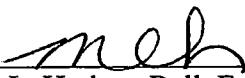
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Late Charges of \$54.48 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at Box 350 Route 2, Morrisdale, PA 16858 as well as to address of residences as listed in paragraph 3 of this document on June 3, 2008, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

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MILSTEAD & ASSOCIATES, LLC


 Mary L. Harbert-Bell, Esquire
 Attorney for Plaintiff

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Name: Mary L. Harbert-Bell, Esquire
Title: Attorney

FIDELITY NATIONAL TITLE INSURANCE COMPANY

OF NEW YORK

SCHEDULE C

EXHIBIT A

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BEING BETTER DESCRIBED AS:

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THE SECOND THEREOF: BEGINNING at a post on Township Road leading from winburne to Munson; thence South four degrees five minutes West along land occupied by Gus Granis five minutes West along land occupied by Gus Granis five hundred and twenty-four feet to post; thence by other land of grantee South seventy-two and one-half degrees West two hundred and forty-one feet; thence North two degrees thirty minutes East five hundred and ninety-eight feet to post on Township Road; thence by said road South eighty-five degrees East two hundred and fifty-one feet to post and place of beginning.

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PARCEL ID NO. 110-509-419.

MILSTEAD & ASSOCIATES, LLC
BY: Mary L. Harbert-Bell, Esquire
ID No. 80763
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff
File: 4.08946

IB Property Holdings, LLC, a Delaware
Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Plaintiff,

Vs.

Timothy M. Moriarity
Box 350 Route 2
Morrisdale, PA 16858,

and

Tammy L. Moriarity
Box 350 Route 2
Morrisdale, PA 16858,

Defendants.

No.: 2008-1969-C

CIVIL ACTION
MORTGAGE FORECLOSURE

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

OCT 15 2008

Attest.

Wendy L. Harbert-Bell
Prothonotary/
Clerk of Courts

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyers Referral and Information Services
Clearfield County Bar Association
Clearfield County Courthouse
230 E. Market Street
Clearfield, NJ 16830
800-692-7375

Daniel J. Nelson, Court Admin.
Clearfield County Courthouse
230 E. Market Street
Clearfield, PA 16830
814-765-2641 ex 5982

NOTICE PURSUANT TO FAIR DEBT COLLECTION PRACTICES ACT

- 1. This communication is from a debt collector. This is an attempt to collect a debt and any information obtained will be used for that purpose.**
- 2. Unless you dispute the validity of this debt, or any portion thereof, within 30 days after receipt of this notice, the debt will be assumed to be valid by our offices.**
- 3. If you notify our offices in writing within 30 days of receipt of this notice that the debt, or any portion thereof, is disputed, our offices will provide you with verification of the debt or copy of the Judgment against you, and a copy of such verification or judgment will be mailed to you by our offices.**

MILSTEAD & ASSOCIATES, LLC
BY: Mary L. Harbert-Bell, Esquire
ID No. 80763
220 Lake Drive East, Suite 301
Cherry Hill, NJ 08002
(856) 482-1400

Attorney for Plaintiff

**IB Property Holdings, LLC, a Delaware
Limited Liability Company
4425 Ponce De Leon Blvd, 5th Floor
Coral Gables, FL 33146,**

Plaintiff,

Vs.

**Timothy M. Moriarity
Box 350 Route 2
Morrisdale, PA 16858,**

and

**Tammy L. Moriarity
Box 350 Route 2
Morrisdale, PA 16858,**

Defendants.

**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

No.:

**CIVIL ACTION
MORTGAGE FORECLOSURE**

COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff, IB Property Holdings, LLC, a Delaware Limited Liability Company (the "Plaintiff"), is a corporation registered to conduct business in the Commonwealth of Pennsylvania and having an office and place of business at 4425 Ponce De Leon Blvd, 5th Floor, Coral Gables, FL 33146.

2. Defendants, Timothy M. Moriarity and Tammy L. Moriarity, (collectively, the "Defendants"), are adult individuals and are the real owners of the premises hereinafter described.

3. Timothy M. Moriarity, Defendant, resides at Box 350 Route 2, Morrisdale, PA 16858. Tammy L. Moriarity, Defendant, resides at Box 350 Route 2, Morrisdale, PA 16858.

4. On November 7, 2002, in consideration of a loan in the principal amount of \$119,000.00, the Defendants executed and delivered to Alta Financial Mortgage, a New Jersey Corporation an adjustable rate note (the "Note") with interest thereon at 7.7500 percent per annum, payable as to the principal and interest in equal monthly installments of \$852.53 commencing January 1, 2003. The current interest rate is 9.75 percent per annum.

5. To secure the obligations under the Note, the Defendants executed and delivered to Alta Financial Mortgage, a New Jersey Corporation a mortgage (the "Mortgage") dated November 7, 2002, recorded on November 15, 2002 in the Department of Records in and for the County of Clearfield under Mortgage Instrument Number 200218537. Said mortgage was assigned by way of an assignment of mortgage to Wachovia Bank, N.A., recorded on October 29, 2003 under Mortgage Instrument Number 200319732. Pursuant to Pa.R.C.P. 1019 (g) the mortgage is incorporated herein by reference. Plaintiff is proper party plaintiff by way of an assignment to be recorded.

6. The Mortgage secures the following real property (the "Mortgaged Premises"): Box 350 Route 2, Morrisdale, PA 16858. A legal description of the Mortgaged Premises is attached hereto as Exhibit "A" and made a part hereof.

7. The Defendants are in default of their obligations pursuant to the Note and Mortgage because payments of principal and interest due April 1, 2008, and monthly thereafter are due and have not been paid, whereby the whole balance of principal and all interest due thereon have become due and payable forthwith together with late charges, escrow deficit (if any) and costs of collection including title search fees and reasonable attorney's fees.

8. The following amounts are due on the Mortgage and Note:

Balance of Principal	\$113,218.55
Accrued but Unpaid Interest to 10/14/08	

@ 9.75% per annum	
(\$27.14 per diem)	\$3,682.18
Accrued Late Charges	\$467.47
Corporate Advance	\$1,426.18
Title Search Fees	\$350.00
Borrower Credit/Payment by Borrower	-\$354.46
Deferred Late Charges.....	\$0.00
Reasonable Attorney's Fees	\$1,250.00
TOTAL as of 10/14/2008	\$120,039.92

Plus, the following amounts accrued after October 14, 2008:

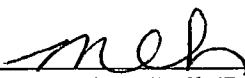
Interest at the Rate of 9.75 per cent per annum (\$27.14 per diem);

Late Charges of \$54.48 per month.

9. Plaintiff has complied fully with Act No. 91 (35 P.S.'1680.401(c) of the 1983 Session of the General Assembly ("Act 91") of the Commonwealth of Pennsylvania, by mailing to the Defendants at Box 350 Route 2, Morrisdale, PA 16858 as well as to address of residences as listed in paragraph 3 of this document on June 3, 2008, the notice pursuant to § 403-C of Act 91, and the applicable time periods therein have expired.

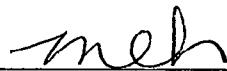
WHEREFORE, Plaintiff demands an in rem judgment against the Defendants for foreclosure and sale of the Mortgaged Premises in the amount due as set forth in paragraph 8, namely, \$120,039.92, plus the following amounts accruing after October 14, 2008, to the date of judgment: (a) interest of \$27.14 per day, (b) late charges of \$54.48 per month, (c) plus interest at the legal rate allowed on judgments after the date of judgment, (d) additional attorney's fees (if any) hereafter incurred, (e) and costs of suit.

MILSTEAD & ASSOCIATES, LLC


Mary L. Harbert-Bell, Esquire
Attorney for Plaintiff

VERIFICATION

I, Mary L. Harbert-Bell, hereby certify that I am an Attorney for Plaintiff and am authorized to make this verification on Plaintiff's behalf. I verify that the facts and statements set forth in the forgoing Complaint in Mortgage Foreclosure are true and correct to the best of my knowledge, information and belief. This verification is made subject to the penalties of 18 Pa. C.S. ' 4904, relating to unsworn falsification to authorities.



Name: Mary L. Harbert-Bell, Esquire
Title: Attorney

**FIDELITY NATIONAL TITLE INSURANCE COMPANY
OF NEW YORK**

SCHEDULE C

EXHIBIT A

ALL THAT CERTAIN lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the TOWNSHIP OF COOPER, COUNTY OF CLEARFIELD and Commonwealth of PENNSYLVANIA, bounded and described as follows, to wit:

THE FIRST THEREOF: BEGINNING at a post on Township Road leading from Winburne to Munson; thence by other land of grantee South two degrees thirty minutes West five hundred and ninety-eight feet to post; thence by land occupied by Lewis Witke, (formerly Horon Krantz,) North eighty and one-fourth degrees West one hundred and thirty-seven feet; thence by land occupied by Fred Broddish North two degrees thirty minutes East six hundred and twenty-six feet to post on Township Road; thence by said road South eighty-five degrees east one hundred and thirty-six feet to post and place of beginning.

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PARCEL ID NO. 110-509-419.

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Attorney for Plaintiff
4.08946

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**COURT OF COMMON PLEAS
CLEARFIELD COUNTY**

Plaintiff,

Vs.

**Timothy M. Moriarity,
and**

Tammy L. Moriarity,

Defendant(s).

No.: 2008-1969 CD

**Praecipe to Dismiss the Mortgage
Foreclosure Action without Prejudice**

TO THE PROTHONOTARY:

Kindly dismiss the above captioned Mortgage Foreclosure Complaint without
Prejudice.

MILSTEAD & ASSOCIATES, LLC



Mary L. Harbert-Bell, Esquire
Attorney ID No. 80763

s
FILED /CC Atty
Bell
mjl:45cm
FEB 27 2009
W.A. Shaw
Prothonotary/Clerk of Courts