

08-2046-CD

Brown Bark II vs Robert Phillips al

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
LOUIS A. SIMONI, ESQUIRE - ID #200869  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477

Plaintiff  
v.

Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 2008-2046-CD

S FILED *pd \$95.00 Atty  
m 10:53 am 2008 Shf  
OCT 24 2008*

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

COMPLAINT IN MORTGAGE FORECLOSURE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE

David S. Meholic

Court Administrator

Clearfield Count Courthouse

Clearfield, PA 16830

814-765-2641 x 5982

*December 9, 2008*  
Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*LM*  
Deputy Prothonotary

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentir una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982**

## **NOTICE**

**The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.**

**If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.**

**This law firm is deemed to be a debt collector and this Notice and the attached document is an attempt to collect a debt, and any information obtained will be used for that purpose.**

**UDREN LAW OFFICES, P.C.  
/s/ Mark J. Udren, Esquire  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
(856) 669-5400**

1. Plaintiff is the Corporation designated as such in the caption on a preceding page. If Plaintiff is an assignee then it is such by virtue of the following recorded assignments:

Assignor: The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. successor by merger to Bank One National Association as Trustee, Residential Funding Company, LLC f/k/a Residential Funding Corporation, Attorney in fact

Assignee: Brown Bark II, L.P.

Recording Date: 12/3/07 Instrument No: 200719812

2. Defendant(s) is the individual designated as such on the caption on a preceding page, whose last known address is as set forth in the caption, and unless designated otherwise, is the real owner(s) and mortgagor(s) of the premises being foreclosed.

3. On or about the date appearing on the Mortgage hereinafter described, at the instance and request of Defendant(s), Plaintiff (or its predecessor, hereinafter called Plaintiff) loaned to the Defendant(s) the sum appearing on said Mortgage, which Mortgage was executed and delivered to Plaintiff as security for the indebtedness. Said Mortgage is incorporated herein by reference in accordance with Pa.R.C.P. 1019 (g).

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: 912 Clara Street

MUNICIPALITY/TOWNSHIP/BOROUGH: Borough of Houtzdale

COUNTY: Clearfield

DATE EXECUTED: 3/18/99

DATE RECORDED: 3/24/99 INSTRUMENT NO: 199904436

The legal description of the mortgaged premises is attached hereto and made part hereof.

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by

said Mortgage itemized below, shall be immediately due.

5. After demand, the Defendant(s) continues to fail or refuses to comply with the terms of the Mortgage as follows:

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

6. The following amounts are due on the said Mortgage as of 9/15/08:

Principal of debt due	\$28,262.03
Unpaid Interest at 12.135% from 1/15/04 to 9/15/08 (the per diem interest accruing on this debt is \$9.40 and that sum should be added each day after 9/15/08)	15,718.92
Title Report	325.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Late Charges (monthly late charge of \$15.05 should be added in accordance with the terms of the note each month after 9/15/08)	181.60
BPO	100.00
Attorneys Fees (anticipated and actual to 5% of principal)	<u>1,413.10</u>
<b>TOTAL</b>	<b>\$46,280.65</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of

the Commonwealth of Pennsylvania has been sent to each Defendant, certified mail, in accordance with the requirements of that act, and copy(s) are attached hereto as Exhibit "A" and made part hereof.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$46,280.65 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF GROUND SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY CLARA STREET AND RUNNING WEST ALONG CLARA STREET FIFTY (50') FEET TO A POST ON LINE OF LOT NO. 611; THENCE NORTH ALONG THE LINE OF SAID LOT NO. 611, ONE HUNDRED FIFTY (150') FEET TO A POST ON BEAR ALLEY; THENCE EAST ALONG THE LINE OF BEAR AVENUE, FIFTY (50') FEET TO A POST ON LINE ALLEY; AND THENCE SOUTH ALONG THE LINE OF SAID ALLEY, ONE HUNDRED FIFTY (150') FEET TO A POST ON CLARE STREET, THE PLACE OF BEGINNING, AND KNOWN AS LOT NO. 609 IN THE GENERAL PLAN OF THE BOROUGH OF HOUTZDALE. HAVING THEREON ERECTED A ONE STORY, FRAME DWELLING HOUSE, BUNGALOW TYPE, AND OTHER OUT BUILDINGS. BEING FURTHER IDENTIFIED BY CLEARFIELD COUNTY MAP ASSESSMENT NUMBER 10-M14-397-00013.

**UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
SUITE 200**

**MARK J. UDREN\***  
**STUART WINNEG\*\***  
**LORRAINE DOYLE\*\***  
**ALAN M. MINATO\*\*\***  
**CHANDRA M. ARKEMA\*\*\***  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
**TINA MARIE RICH**  
**OFFICE ADMINISTRATOR**

**CHERRY HILL, NEW JERSEY 08003-3620**  
**856. 669. 5400**  
**FAX: 856. 669. 5399**

**Pennsylvania Office**  
**(215) 568-9500**

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

September 2, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE #7007 3020 0000 0779 5548  
7007 3020 0000 0779 5531

Robert Phillips  
Michelle E. Phillips

912 Clara Street  
Houtzdale PA 16651

RE: Mortgage Loan dated March 18, 1999

Lender: Brown Bark II, L.P.

NOTICE OF INTENTION TO FORECLOSE

Dear Mortgagor:

The Mortgage serviced/held by Brown Bark II, L.P. (hereinafter we, us or ours) on your property located at 912 Clara Street Houtzdale, PA 16651 IS IN SERIOUS DEFAULT because you have not made the monthly payments of \$300.98 for the months of February 15, 2004 through August 15, 2008.

The last assessed late charge on this account was \$15.05 at a late charge rate of 5% for each delinquent payment(s). As of today, late charges have accrued to the total amount of \$181.60. Other charges including BPO fees & Taxes paid by lender have accrued at the total amount of \$770.32. The total amount now required to cure this default, or in other words, get caught up in your payments, as of the date of this letter is \$17505.82.

**EXHIBIT A**

You may cure this default within THIRTY (30) DAYS of the date of this letter, by paying to us the above amount of \$17505.82, plus any additional monthly payments and late charges which may fall due during this period. To confirm if any additional amounts are due, you may contact us at (856) 669-5400 or (215) 568-9500. All payments must be made either by cash, cashier's check, certified check or money order, and made to

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NEW JERSEY 08003-3620

If you do not cure the default within THIRTY (30) DAYS, we intend to exercise the lender's right to accelerate the mortgage payments. This means that whatever is owing on the original amount borrowed will be considered due immediately and you may lose the chance to pay off the original mortgage in monthly installments.

If full payment of the amount of default is not made within THIRTY (30) DAYS, the lender also intends to instruct our firm to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed your mortgaged property will be sold by the Sheriff or other similar official to pay off the mortgage debt. If you cure the default before we begin legal proceedings against you, you will still have to pay the reasonable attorney's fees actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay the reasonable attorney's fees even if they are over \$50.00. Any attorney's fees will be added to whatever you owe the lender, which may also include our reasonable costs. If you cure the default within the THIRTY (30) DAY period you will not be required to pay attorney's fees.

The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's or other similar official foreclosure sale. You may do so by paying the total amount of the unpaid monthly payments plus any late or other charges then due, as well as the reasonable attorney's fees and costs connected with the foreclosure sale and perform any other requirements under the mortgage. It is estimated that the earliest date that such a Sheriff's or other similar official's sale could be held would be approximately six months from the date of this letter. A notice of the date of the Sheriff's or similar official sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment will be by calling us at the following number: (856) 669-5400 extension 5644. This payment must be cash, cashier's check, certified check or money order and made payable to us at the address stated above.

You should realize that a Sheriff's or other similar official sale will end your ownership of the mortgaged property and your right to remain in it. If you continue to live in the property after the Sheriff's or other similar official sale, a lawsuit could be started to evict you.

You shall have the right to assert in the foreclosure proceedings, the non-existence of a default or any other defense that you may have to acceleration or foreclosure.

You have additional rights to help protect your interest in the property. YOU HAVE THE RIGHT TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT. YOU MAY HAVE THE RIGHT TO SELL OR TRANSFER THE PROPERTY SUBJECT TO THE MORTGAGE TO A BUYER OR TRANSFeree WHO WILL ASSUME THE MORTGAGE DEBT, PROVIDED THAT ALL THE OUTSTANDING PAYMENTS, CHARGES AND ATTORNEY'S FEES AND COSTS ARE PAID PRIOR TO OR AT THE SALE, AND THAT THE OTHER REQUIREMENTS UNDER THE MORTGAGE ARE SATISFIED. CONTACT US TO DETERMINE UNDER WHAT CIRCUMSTANCES THIS RIGHT MIGHT EXIST. YOU HAVE THE RIGHT TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

*If you cure the default, the mortgage will be restored to the same position as if no default had occurred. However, you are not entitled to this right to cure your default more than three times in any calendar year.*

UDREN LAW OFFICES, P.C.

BY:

Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

cc: First Class Mail

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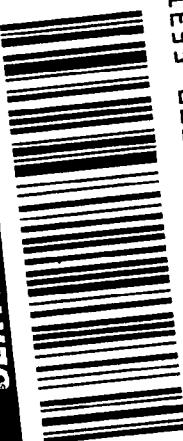
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WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
(856) 669-5400**

08/18/2008

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003



**CERTIFIED MAIL™**

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD A DOTTED LINE

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

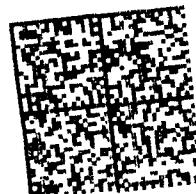
Postage	\$ 4.20
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark  
Here

*Michelle E. Phillips  
912 Glass St  
Holtzdale PA 16651*

PS Form 3800, August 2006

See Reverse for Instructions



Haster

016H26519216  
\$05.320  
09/02/2008  
Mailed From 08003  
US POSTAGE

SENDER: COMPLETE THIS SECTION

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

**COMPLETE THIS SECTION ON DELIVERY**

COMPLETE THIS SECTION ON DELIVERY	
A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If YES, enter delivery address below:	
4. Restricted Delivery? (Extra Fee)	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> C.O.D.  <input type="checkbox"/> Yes	

2. Article Number 7007  
*(Transfer from sub. ....)*

Brett Butler Books

111

2006/12/22 2:11 PM

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003



8455 6720 0000 0020 3007 0007 0000 0000 0020 3007

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

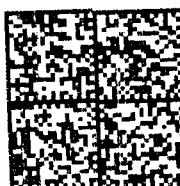
Postage	\$ 4.20
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark  
Here

Send To: Robert F Phillips  
Street, Apt. No. 912 Clara St  
or PO Box No.  
City, State, Zip+4 Haledale Pt 16651

PS Form 3800, August 2006

See Reverse for Instructions



Hasler

016H26519216  
09/02/2008  
Mailed From 08003  
US POSTAGE  
\$05.320

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail.
- NSI NSL Solutions Mail is not available for any class of international mail.

### Current Mail Providers:

**SENDER: COMPLETE THIS SECTION**

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

**COMPLETE THIS SECTION ON DELIVERY**

- |   |   |
|---|---|
| <b>X</b><br> | <b>A. Signature</b><br><input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee |
| <b>B. Received by (Printed Name)</b>  | <b>C. Date of Delivery</b>  |

- D. Is delivery address different from item 1?  
If YES, enter delivery address below:

- |  |  |
|--|--|
| 3. Service Type  |  |
| <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail         |  |
| <input type="checkbox"/> Registered Mail <input type="checkbox"/> Return Receipt for Merchandise |  |
| <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.                            |  |
| 4. Restricted Delivery (Extra Fee)   |  |
| <input type="checkbox"/> Yes   |  |

2. Article Number <i>(Transfer from service label)</i>	7007 3002 0000
PS Form 3811, February 2004	Domestic Return Receipt

V E R I F I C A T I O N

The undersigned, hereby states that he/she is the attorney for the Plaintiff, a corporation unless designated otherwise; that he/she is authorized to take this Verification and does so because of the exigencies regarding this matter, and because Plaintiff must verify much of the information through agents, and because he/she has personal knowledge of some of the facts averred in the foregoing pleading; and that the statements made in the foregoing pleading are true and correct to the best of his/her knowledge, information and belief and the source of his information is public records and reports of Plaintiff's agents. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
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ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff  
v.  
Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
NO. 2008-2046-CD

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the Complaint on the above-captioned matter.

DATE: December 4, 2008

UDREN LAW OFFICES, P.C.  
BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

S FILED Pd \$7.00  
m 3/25cm 4 reinstated Complaints  
DEC 09 2008 to shoe  
cc to Atty  
William A. Shaw  
Prothonotary/Clerk of Courts

UDREN LAW OFFICES, P.C.  
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FILED  
OCT 24 2008

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David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982

08080332-1 MJK

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2046-CD

BROWN BARK II, L.P.

vs

ROBERT F. PHILLIPS and MICHELLE E. PHILLIPS

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 2

SERVE BY: 11/23/2008

HEARING:

PAGE: 104848

DEFENDANT: MICHELLE E. PHILLIPS  
ADDRESS: 912 CLARA STREET  
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

ATTEMPTS

11-17-08 - 11:20 AM - N/F  
11-18-08 - 10:01 AM N/F

S  
**FILED**  
0/8:30 AM  
DEC 15 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts  
OCCUPIED  
11/20/08 - 1:30 PM N/F

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM **SERVED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MICHELLE E. PHILLIPS, 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 MICHELLE E. PHILLIPS

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

NOW 11-24-08 AT 9:00 AM AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO MICHELLE E. PHILLIPS

REASON UNABLE TO LOCATE Not home/ No response

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Dominic L. Mancillo*  
Deputy Signature

*Dominic L. Mancillo*  
Print Deputy Name

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
LOUIS A. SIMONI, ESQUIRE - ID #200869  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff  
v.

Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION

Clearfield County

NO. 2008-2046-CJ

COMPLAINT IN MORTGAGE FORECLOSURE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE  
David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentear una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se dafiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**David S. Meholick  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982**

## **NOTICE**

**The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.**

**If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.**

**This law firm is deemed to be a debt collector and this Notice and the attached document is an attempt to collect a debt, and any information obtained will be used for that purpose.**

**UDREN LAW OFFICES, P.C.  
/s/ Mark J. Udren, Esquire  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
(856) 669-5400**

1. Plaintiff is the Corporation designated as such in the caption on a preceding page. If Plaintiff is an assignee then it is such by virtue of the following recorded assignments:

Assignor: The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. successor by merger to Bank One National Association as Trustee, Residential Funding Company, LLC f/k/a Residential Funding Corporation, Attorney in fact

Assignee: Brown Bark II, L.P.

Recording Date: 12/3/07 Instrument No: 200719812

2. Defendant(s) is the individual designated as such on the caption on a preceding page, whose last known address is as set forth in the caption, and unless designated otherwise, is the real owner(s) and mortgagor(s) of the premises being foreclosed.

3. On or about the date appearing on the Mortgage hereinafter described, at the instance and request of Defendant(s), Plaintiff (or its predecessor, hereinafter called Plaintiff) loaned to the Defendant(s) the sum appearing on said Mortgage, which Mortgage was executed and delivered to Plaintiff as security for the indebtedness. Said Mortgage is incorporated herein by reference in accordance with Pa.R.C.P. 1019 (g).

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: 912 Clara Street

MUNICIPALITY/TOWNSHIP/BOROUGH: Borough of Houtzdale

COUNTY: Clearfield

DATE EXECUTED: 3/18/99

DATE RECORDED: 3/24/99 INSTRUMENT NO: 199904436

The legal description of the mortgaged premises is attached hereto and made part hereof.

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by

said Mortgage itemized below, shall be immediately due.

5. After demand, the Defendant(s) continues to fail or refuses to comply with the terms of the Mortgage as follows:

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

6. The following amounts are due on the said Mortgage as of 9/15/08:

Principal of debt due	\$28,262.03
Unpaid Interest at 12.135% from 1/15/04 to 9/15/08 (the per diem interest accruing on this debt is \$9.40 and that sum should be added each day after 9/15/08)	15,718.92
Title Report	325.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Late Charges (monthly late charge of \$15.05 should be added in accordance with the terms of the note each month after 9/15/08)	181.60
BPO	100.00
Attorneys Fees (anticipated and actual to 5% of principal)	<u>1,413.10</u>
<b>TOTAL</b>	<b>\$46,280.65</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of

the Commonwealth of Pennsylvania has been sent to each Defendant, certified mail, in accordance with the requirements of that act, and copy(s) are attached hereto as Exhibit "A" and made part hereof.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$46,280.65 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema

Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF GROUND SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY CLARA STREET AND RUNNING WEST ALONG CLARA STREET FIFTY (50') FEET TO A POST ON LINE OF LOT NO. 611; THENCE NORTH ALONG THE LINE OF SAID LOT NO. 611, ONE HUNDRED FIFTY (150') FEET TO A POST ON BEAR ALLEY; THENCE EAST ALONG THE LINE OF BEAR AVENUE, FIFTY (50') FEET TO A POST ON LINE ALLEY; AND THENCE SOUTH ALONG THE LINE OF SAID ALLEY, ONE HUNDRED FIFTY (150') FEET TO A POST ON CLARE STREET, THE PLACE OF BEGINNING, AND KNOWN AS LOT NO. 609 IN THE GENERAL PLAN OF THE BOROUGH OF HOUTZDALE. HAVING THEREON ERECTED A ONE STORY, FRAME DWELLING HOUSE, BUNGALOW TYPE, AND OTHER OUT BUILDINGS. BEING FURTHER IDENTIFIED BY CLEARFIELD COUNTY MAP ASSESSMENT NUMBER 10-M14-397-00013.

**UDREN LAW OFFICES, P.C.**  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
SUITE 200

CHERRY HILL, NEW JERSEY 08003-3620

856.669.5400

FAX: 856.669.5399

**Pennsylvania Office**

(215) 568-9500

MARK J. UDREN\*  
STUART WINNEG\*\*  
LORRAINE DOYLE\*\*  
ALAN M. MINATO\*\*\*  
CHANDRA M. ARKEMA\*\*\*  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
TINA MARIE RICH  
OFFICE ADMINISTRATOR

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

September 2, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE #7007 3020 0000 0779 5548  
7007 3020 0000 0779 5531

Robert Phillips  
Michelle E. Phillips

912 Clara Street  
Houtzdale PA 16651

RE: Mortgage Loan dated March 18, 1999

Lender: Brown Bark II, L.P.

**NOTICE OF INTENTION TO FORECLOSE**

Dear Mortgagor:

The Mortgage serviced/held by Brown Bark II, L.P. (hereinafter we, us or ours) on your property located at 912 Clara Street Houtzdale, PA 16651 IS IN SERIOUS DEFAULT because you have not made the monthly payments of \$300.98 for the months of February 15, 2004 through August 15, 2008.

The last assessed late charge on this account was \$15.05 at a late charge rate of 5% for each delinquent payment(s). As of today, late charges have accrued to the total amount of \$181.60. Other charges including BPO fees & Taxes paid by lender have accrued at the total amount of \$770.32. The total amount now required to cure this default, or in other words, get caught up in your payments, as of the date of this letter is \$17505.82.

**EXHIBIT A**

You may cure this default within THIRTY (30) DAYS of the date of this letter, by paying to us the above amount of \$17505.82, plus any additional monthly payments and late charges which may fall due during this period. To confirm if any additional amounts are due, you may contact us at (856) 669-5400 or (215) 568-9500. All payments must be made either by cash, cashier's check, certified check or money order, and made to

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NEW JERSEY 08003-3620

If you do not cure the default within THIRTY (30) DAYS, we intend to exercise the lender's right to accelerate the mortgage payments. This means that whatever is owing on the original amount borrowed will be considered due immediately and you may lose the chance to pay off the original mortgage in monthly installments.

If full payment of the amount of default is not made within THIRTY (30) DAYS, the lender also intends to instruct our firm to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed your mortgaged property will be sold by the Sheriff or other similar official to pay off the mortgage debt. If you cure the default before we begin legal proceedings against you, you will still have to pay the reasonable attorney's fees actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay the reasonable attorney's fees even if they are over \$50.00. Any attorney's fees will be added to whatever you owe the lender, which may also include our reasonable costs. If you cure the default within the THIRTY (30) DAY period you will not be required to pay attorney's fees.

The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's or other similar official foreclosure sale. You may do so by paying the total amount of the unpaid monthly payments plus any late or other charges then due, as well as the reasonable attorney's fees and costs connected with the foreclosure sale and perform any other requirements under the mortgage. It is estimated that the earliest date that such a Sheriff's or other similar official's sale could be held would be approximately six months from the date of this letter. A notice of the date of the Sheriff's or similar official sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment will be by calling us at the following number: (856) 669-5400 extension 5644. This payment must be cash, cashier's check, certified check or money order and made payable to us at the address stated above.

You should realize that a Sheriff's or other similar official sale will end your ownership of the mortgaged property and your right to remain in it. If you continue to live in the property after the Sheriff's or other similar official sale, a lawsuit could be started to evict you.

You shall have the right to assert in the foreclosure proceedings, the non-existence of a default or any other defense that you may have to acceleration or foreclosure.

You have additional rights to help protect your interest in the property. YOU HAVE THE RIGHT TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT. YOU MAY HAVE THE RIGHT TO SELL OR TRANSFER THE PROPERTY SUBJECT TO THE MORTGAGE TO A BUYER OR TRANSFeree WHO WILL ASSUME THE MORTGAGE DEBT, PROVIDED THAT ALL THE OUTSTANDING PAYMENTS, CHARGES AND ATTORNEY'S FEES AND COSTS ARE PAID PRIOR TO OR AT THE SALE, AND THAT THE OTHER REQUIREMENTS UNDER THE MORTGAGE ARE SATISFIED. CONTACT US TO DETERMINE UNDER WHAT CIRCUMSTANCES THIS RIGHT MIGHT EXIST. YOU HAVE THE RIGHT TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

*If you cure the default, the mortgage will be restored to the same position as if no default had occurred. However, you are not entitled to this right to cure your default more than three times in any calendar year.*

UDREN LAW OFFICES, P.C.

BY:

Attorneys for Plaintiff

MARK J. UDREN, ESQUIRE

STUART WINNEG, ESQUIRE

LORRAINE DOYLE, ESQUIRE

ALAN M. MINATO, ESQUIRE

CHANDRA M. ARKEMA, ESQUIRE

cc: First Class Mail

## NOTICE

**The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.**

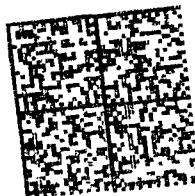
**If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.**

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**UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
(856) 669-5400**

08/11/2011 10:22:11

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003



Hasler

016H26519216  
\$05.320  
09/02/2008  
Mailed From 08003  
US POSTAGE

U.S. Postal Service™  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 4.20
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark  
Here

Sent to Michelle E. Phillips  
Street, Apt. No. 912 Cherry St  
or PO Box No. 20416651  
City, State, ZIP+4  
Holt 30 days 09/16/08  
PS Form 3800, August 2008  
See Reverse for Instructions

**IMPORTANT:** Save this receipt and present it when making an inquiry.  
PS Form 3800, August 2006 (Rev 06/06) PSN 7530-02-000-9047

SENDER: COMPLETE THIS SECTION

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

COMPLETE THIS SECTION ON DELIVERY

- |   |  |
|---|--|
| <b>X</b>  | Z-4  |
| <b>B. Received by (Printed Name)</b>  | <b>C. Date of Delivery</b>   |
| D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br>If YES, enter delivery address below: <input type="checkbox"/> No | <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee |

## Certified Mail Provides:

Second or delivery kept by the Postmaster  
Postmaster Reminders:  
Certified Mail may ONLY be certified  
Service for two years

COMPLETE THIS SECTION ON DELIVERY		SENDER: COMPLETE THIS SECTION	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>			
<p>1. Article Addressed to:</p> <p><b>Michelle L. Phillips</b></p> <p>912 Clark St Hot Springs Ar 71801</p>		<p>2. Mailing Address:</p> <p><b>912 Clark St Hot Springs Ar 71801</b></p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail   <input type="checkbox"/> Express Mail</p> <p><input checked="" type="checkbox"/> Registered   <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail   <input checked="" type="checkbox"/> C.O.D.</p>			
<p>4. Restricted Delivery? (Extra Fee)</p> <p><input type="checkbox"/> Yes</p>			
<p>A. Signature</p> <p><i>Michelle L. Phillips</i></p>	<p>B. Received by (Printed Name)</p>	<p>C. Date of Delivery</p>	<p>D. Is delivery address different from item 1?   <input type="checkbox"/> Yes If YES, enter delivery address below:   <input type="checkbox"/> No</p>

2. Article Number 7007 3020 0000  
(Transfer from St. ....)  
PS Form 3811, February 2004 Domestic Return

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003

A barcode graphic with vertical text 'CERTIFIED MAIL' on the left. On the right, there is a series of numbers: 70007 3020 0000 0779 5548, 70007 3020 0000 0779 5548, and 70007 3020 0000 0779 5548.

Hasler

016H26519216  
\$05.320  
09/02/2008  
Mailed From 08003  
US POSTAGE

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ <u>1.2</u>
Certified Fee	<u>2.70</u>
Return Receipt Fee (Endorsement Required)	<u>2.20</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	<u>\$ 5.32</u>
Postmark Here	
Sent To: <u>Robert F Phillips</u> <u>912 Clarendon</u> <u>Holbrook Rd</u> 16651 Street, Apt. No. or PO Box No. City, State, ZIP	

RECEIPT IS NOT NEEDED, DETACH AND ATTACH LATER WITH POSSESSION MARK ON THE CENTRAL MAIL RECEIPT IS DESIRED.

■ Addressee's authorized agent, delivery may be deemed delivered when the clerk or mail endorser marks "Restricted Delivery".

• For an additional \$30 deposit, may be rescheduled.  
a duplicate return receipt, a USPS® Postmark on your  
fee. Enclose mailing label "Return Receipt Requested". To  
reschedule, call 1-800-229-3535, or write to the address above.

valuables, please consider insured or Registered Mail.  
For an additional fee, a Return Receipt may be requested.  
Delivery, To obtain Return Receipt please send a small  
receipt (PS Form 111) to the article and add  
Delivery.

- **Centrified Mail** is *not* available for any class of intermatial
- **NO INSURANCE COVERAGE** is PROVIDED with the

**Important Reminders:** Credit Card Mail ONLY be combined with First-Class

- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

### **Certified Mail Provides:**

**SENDER: COMPLETE THIS SECTION**

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

COMPLETE THIS SECTION ON DELIVERY

- Certified Mail is not available with First-Class Mail® or Priority Mail®. Certified Mail may only be combined with First-Class Mail® or Priority Mail®.
- NO INSURANCE COVERAGE IS PROVIDED WITH CERTIFIED MAIL.
- Valuables, please consider insurance for international mail.
- Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt, please consider insurance for delivery.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt, please consider insurance for delivery.
- Receipt of PS Form 8211 to the article and add applicable postage to cover fees. Endorse article "Return Receipt Requested". To receive a fee waiver, attach a "Certified Mail" label to the article.
- Receipt of PS Form 8211 to the article and add applicable postage to cover fees. Endorse article "Return Receipt Requested". To receive a fee waiver, attach a "Certified Mail" label to the article.
- Certified Mail may only be combined with First-Class Mail® or Priority Mail®. Certified Mail may only be combined with First-Class Mail® or Priority Mail®.

Important Reminders:  
1. Consider New Ideas  
2. Accept Ideas  
3. Implement Ideas  
4. Evaluate Ideas

- A unique identifier for your mailpiece
- A mailing record
- A record of delivery kept by the Postal Service for two years

■ A mailing receipt  
■ Certified Mail Provides:

2. Article Number <i>(Transfer from service label)</i>	7007 3020 00
PS Form 3811, February 2004	Domestic Return

**Domestic Return Receipt**

102595-02-M-1540

V E R I F I C A T I O N

The undersigned, hereby states that he/she is the attorney for the Plaintiff, a corporation unless designated otherwise; that he/she is authorized to take this Verification and does so because of the exigencies regarding this matter, and because Plaintiff must verify much of the information through agents, and because he/she has personal knowledge of some of the facts averred in the foregoing pleading; and that the statements made in the foregoing pleading are true and correct to the best of his/her knowledge, information and belief and the source of his information is public records and reports of Plaintiff's agents. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2046-CD

BROWN BARK II, L.P.

vs

ROBERT F. PHILLIPS and MICHELLE E. PHILLIPS

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 1 OF 2

SERVE BY: 11/23/2008

HEARING:

PAGE: 104848

DEFENDANT: ROBERT F. PHILLIPS

ADDRESS: 912 CLARA STREET  
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

ATTEMPTS

11-17-08 - 11:20A - NFF

11-18-08 - 11:30A - NFF

S FILED

*0/8:30 cm*

DEC 15 2008

William A. Shaw  
Prothonotary/Clerk of Courts

11/20/08 - 1:30P.M.

SHERIFF'S RETURN

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT F. PHILLIPS, 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 ROBERT F. PHILLIPS

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

NOW 11-24-08 AT 9:00 A.M. AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO ROBERT F. PHILLIPS

REASON UNABLE TO LOCATE Not home / no response

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Dominic L. Morgillo  
Deputy Signature

Dominic L. Morgillo  
Print Deputy Name

UDREN LAW OFFICES, P.C.

MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
LOUIS A. SIMONI, ESQUIRE - ID #200869  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
[pleadings@udren.com](mailto:pleadings@udren.com)

ATTORNEY FOR PLAINTIFF

Brown Bark III, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff  
v.

Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION

Clearfield County

NO. 2008-2046-CD

Oct 1 2008

Office of the Clerk

COMPLAINT IN MORTGAGE FORECLOSURE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE

David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentear una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se dafiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

**David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982**

## **NOTICE**

**The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.**

**If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.**

**This law firm is deemed to be a debt collector and this Notice and the attached document is an attempt to collect a debt, and any information obtained will be used for that purpose.**

**UDREN LAW OFFICES, P.C.  
/s/ Mark J. Udren, Esquire  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
(856) 669-5400**

1. Plaintiff is the Corporation designated as such in the caption on a preceding page. If Plaintiff is an assignee then it is such by virtue of the following recorded assignments:

Assignor: The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. successor by merger to Bank One National Association as Trustee, Residential Funding Company, LLC f/k/a Residential Funding Corporation, Attorney in fact

Assignee: Brown Bark II, L.P.

Recording Date: 12/3/07      Instrument No: 200719812

2. Defendant(s) is the individual designated as such on the caption on a preceding page, whose last known address is as set forth in the caption, and unless designated otherwise, is the real owner(s) and mortgagor(s) of the premises being foreclosed.

3. On or about the date appearing on the Mortgage hereinafter described, at the instance and request of Defendant(s), Plaintiff (or its predecessor, hereinafter called Plaintiff) loaned to the Defendant(s) the sum appearing on said Mortgage, which Mortgage was executed and delivered to Plaintiff as security for the indebtedness. Said Mortgage is incorporated herein by reference in accordance with Pa.R.C.P. 1019 (g).

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: 912 Clara Street

MUNICIPALITY/TOWNSHIP/BOROUGH: Borough of Houtzdale

COUNTY: Clearfield

DATE EXECUTED: 3/18/99

DATE RECORDED: 3/24/99      INSTRUMENT NO: 199904436

The legal description of the mortgaged premises is attached hereto and made part hereof.

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by

said Mortgage itemized below, shall be immediately due.

5. After demand, the Defendant(s) continues to fail or refuses to comply with the terms of the Mortgage as follows:

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

6. The following amounts are due on the said Mortgage as of 9/15/08:

Principal of debt due	\$28,262.03
Unpaid Interest at 12.135% from 1/15/04 to 9/15/08 (the per diem interest accruing on this debt is \$9.40 and that sum should be added each day after 9/15/08)	15,718.92
Title Report	325.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Late Charges (monthly late charge of \$15.05 should be added in accordance with the terms of the note each month after 9/15/08)	181.60
BPO	100.00
Attorneys Fees (anticipated and actual to 5% of principal)	<u>1,413.10</u>
<b>TOTAL</b>	<b>\$46,280.65</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of

the Commonwealth of Pennsylvania has been sent to each Defendant, certified mail, in accordance with the requirements of that act, and copy(s) are attached hereto as Exhibit "A" and made part hereof.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$46,280.65 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF GROUND SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY CLARA STREET AND RUNNING WEST ALONG CLARA STREET FIFTY (50') FEET TO A POST ON LINE OF LOT NO. 611; THENCE NORTH ALONG THE LINE OF SAID LOT NO. 611, ONE HUNDRED FIFTY (150') FEET TO A POST ON BEAR ALLEY; THENCE EAST ALONG THE LINE OF BEAR AVENUE, FIFTY (50') FEET TO A POST ON LINE ALLEY; AND THENCE SOUTH ALONG THE LINE OF SAID ALLEY, ONE HUNDRED FIFTY (150') FEET TO A POST ON CLARE STREET, THE PLACE OF BEGINNING, AND KNOWN AS LOT NO. 609 IN THE GENERAL PLAN OF THE BOROUGH OF HOUTZDALE. HAVING THEREON ERECTED A ONE STORY, FRAME DWELLING HOUSE, BUNGALOW TYPE, AND OTHER OUT BUILDINGS. BEING FURTHER IDENTIFIED BY CLEARFIELD COUNTY MAP ASSESSMENT NUMBER 10-M14-397-00013.

**UDREN LAW OFFICES, P.C.**  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
SUITE 200  
CHERRY HILL, NEW JERSEY 08003-3620  
856. 669. 5400  
FAX: 856. 669. 5399

**Pennsylvania Office**  
(215) 568-9500

MARK J. UDREN\*  
STUART WINNEG\*\*  
LORRAINE DOYLE\*\*  
ALAN M. MINATO\*\*\*  
CHANDRA M. ARKEMA\*\*\*  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
TINA MARIE RICH  
OFFICE ADMINISTRATOR

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

September 2, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE #7007 3020 0000 0779 5548  
7007 3020 0000 0779 5531

Robert Phillips  
Michelle E. Phillips

912 Clara Street  
Houtzdale PA 16651

RE: Mortgage Loan dated March 18, 1999

Lender: Brown Bark II, L.P.

**NOTICE OF INTENTION TO FORECLOSE**

Dear Mortgagor:

The Mortgage serviced/held by Brown Bark II, L.P. (hereinafter we, us or ours) on your property located at 912 Clara Street Houtzdale, PA 16651 IS IN SERIOUS DEFAULT because you have not made the monthly payments of \$300.98 for the months of February 15, 2004 through August 15, 2008.

The last assessed late charge on this account was \$15.05 at a late charge rate of 5% for each delinquent payment(s). As of today, late charges have accrued to the total amount of \$181.60. Other charges including BPO fees & Taxes paid by lender have accrued at the total amount of \$770.32. The total amount now required to cure this default, or in other words, get caught up in your payments, as of the date of this letter is \$17505.82.

**EXHIBIT A**

You may cure this default within THIRTY (30) DAYS of the date of this letter, by paying to us the above amount of \$17505.82, plus any additional monthly payments and late charges which may fall due during this period. To confirm if any additional amounts are due, you may contact us at (856) 669-5400 or (215) 568-9500. All payments must be made either by cash, cashier's check, certified check or money order, and made to

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NEW JERSEY 08003-3620

If you do not cure the default within THIRTY (30) DAYS, we intend to exercise the lender's right to accelerate the mortgage payments. This means that whatever is owing on the original amount borrowed will be considered due immediately and you may lose the chance to pay off the original mortgage in monthly installments.

If full payment of the amount of default is not made within THIRTY (30) DAYS, the lender also intends to instruct our firm to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed your mortgaged property will be sold by the Sheriff or other similar official to pay off the mortgage debt. If you cure the default before we begin legal proceedings against you, you will still have to pay the reasonable attorney's fees actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay the reasonable attorney's fees even if they are over \$50.00. Any attorney's fees will be added to whatever you owe the lender, which may also include our reasonable costs. If you cure the default within the THIRTY (30) DAY period you will not be required to pay attorney's fees.

The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's or other similar official foreclosure sale. You may do so by paying the total amount of the unpaid monthly payments plus any late or other charges then due, as well as the reasonable attorney's fees and costs connected with the foreclosure sale and perform any other requirements under the mortgage. It is estimated that the earliest date that such a Sheriff's or other similar official's sale could be held would be approximately six months from the date of this letter. A notice of the date of the Sheriff's or similar official sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment will be by calling us at the following number: (856) 669-5400 extension 5644. This payment must be cash, cashier's check, certified check or money order and made payable to us at the address stated above.

You should realize that a Sheriff's or other similar official sale will end your ownership of the mortgaged property and your right to remain in it. If you continue to live in the property after the Sheriff's or other similar official sale, a lawsuit could be started to evict you.

You shall have the right to assert in the foreclosure proceedings, the non-existence of a default or any other defense that you may have to acceleration or foreclosure.

You have additional rights to help protect your interest in the property. YOU HAVE THE RIGHT TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT. YOU MAY HAVE THE RIGHT TO SELL OR TRANSFER THE PROPERTY SUBJECT TO THE MORTGAGE TO A BUYER OR TRANSFEREE WHO WILL ASSUME THE MORTGAGE DEBT, PROVIDED THAT ALL THE OUTSTANDING PAYMENTS, CHARGES AND ATTORNEY'S FEES AND COSTS ARE PAID PRIOR TO OR AT THE SALE, AND THAT THE OTHER REQUIREMENTS UNDER THE MORTGAGE ARE SATISFIED. CONTACT US TO DETERMINE UNDER WHAT CIRCUMSTANCES THIS RIGHT MIGHT EXIST. YOU HAVE THE RIGHT TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

*If you cure the default, the mortgage will be restored to the same position as if no default had occurred. However, you are not entitled to this right to cure your default more than three times in any calendar year.*

UDREN LAW OFFICES, P.C.

BY:

Attorneys for Plaintiff

MARK J. UDREN, ESQUIRE

STUART WINNEG, ESQUIRE

LORRAINE DOYLE, ESQUIRE

ALAN M. MINATO, ESQUIRE

CHANDRA M. ARKEMA, ESQUIRE

cc: First Class Mail

## NOTICE

**The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do not notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.**

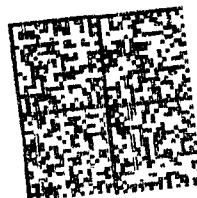
**If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.**

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**UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
(856) 669-5400**

DKK 332-1100

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003



Hasler

016H26519216  
\$05.32  
09/02/2008  
Mailed From 08003  
US POSTAGE

**U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 42
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark  
Here

**Sent to:** Michelle E. Phillips  
Street, Apt. No.: 912 Cherry St  
or PO Box No.: Suite 200  
City, State, ZIP+4: Holmdale, NJ 07645  
PS Form 3800, August 2006

See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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

COMPLETE THIS SECTION ON DELIVERY

- |  |   |   |
|--|---|---|
| <b>X</b>   |   | A. Signature<br> |
|  |   | <input type="checkbox"/> Agent<br><input type="checkbox"/> Addressee                                |
| B. Received by (Printed Name)  | C. Date of Delivery   |   |
| D. Is delivery address different from item 1?<br>If YES, enter delivery address below: | <input type="checkbox"/> Yes<br><input type="checkbox"/> No |   |

**Certified Mail Provides:**

### piece

31 Service for two years

**COMPLETE THIS SEC**

1. Article Addressed to:  
Michelle. Phillips  
912 Clara St  
Holtzdale Dr  
16651

## 2. Article Number

2. Article Number 7007  
*Transfer from sl. ....*

PS Form 3811, February 2004

## Domestic Return Receipt

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003.



U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

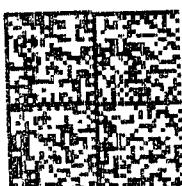
**OFFICIAL USE**

Postage	\$ 1.20
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark  
Here

Sent To: Robert Phillips  
Street, Apt. No.  
or PO Box No.  
912 Clarendon  
City, State, ZIP: 4  
Hillside Pt 16651

PS Form 3800, August 2006  
See Reverse for Instructions



Hasler

016H26519216  
\$ 05.320  
09/02/2008  
Mailed From 08003  
US POSTAGE



V E R I F I C A T I O N

The undersigned, hereby states that he/she is the attorney for the Plaintiff, a corporation unless designated otherwise; that he/she is authorized to take this Verification and does so because of the exigencies regarding this matter, and because Plaintiff must verify much of the information through agents, and because he/she has personal knowledge of some of the facts averred in the foregoing pleading; and that the statements made in the foregoing pleading are true and correct to the best of his/her knowledge, information and belief and the source of his information is public records and reports of Plaintiff's agents. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2046-CD

BROWN BARK II, L.P.

vs

ROBERT F. PHILLIPS & MICHELLE E. PHILLIPS

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/08/2009

HEARING:

PAGE: 105047

SERVICE # 4 OF 4

DEFENDANT: MICHELLE E. PHILLIPS  
ADDRESS: 5887 GLEN HOPE BLVD.  
GLEN HOPE, PA 16645

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

S **FILED**  
08:30 a.m. GK  
DEC 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, 12-15-08 AT 2:21 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MICHELLE E. PHILLIPS, DEFENDANT

BY HANDING TO Robert Phillips, Husband

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

ADDRESS SERVED 5887 Glen Hope Blvd.  
Glen Hope, Pa. 16645

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

COMPLAINT IN MORTGAGE FORECLOSURE FOR MICHELLE E. PHILLIPS

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

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

I MAKE RETURN OF **NOT FOUND** AS TO MICHELLE E. PHILLIPS

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*James F. Davis*

Deputy Signature

*James F. Davis*

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2046-CD

BROWN BARK II, L.P.

vs

ROBERT F. PHILLIPS & MICHELLE E. PHILLIPS

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/08/2009

HEARING:

PAGE: 105047

SERVICE # 3 OF 4

DEFENDANT: ROBERT F. PHILLIPS  
ADDRESS: 5887 GLEN HOPE BLVD.  
GLEN HOPE, PA 16645

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

S FILED  
08:30 a.m. 6IC  
DEC 16 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, 12-15-08 AT 2:21 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT F. PHILLIPS, DEFENDANT

BY HANDING TO Robert F. Phillips, Def.

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

ADDRESS SERVED 5887 Glen Hope Blvd.  
Glen Hope, Pa. 16645

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

COMPLAINT IN MORTGAGE FORECLOSURE FOR ROBERT F. PHILLIPS

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

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

I MAKE RETURN OF **NOT FOUND** AS TO ROBERT F. PHILLIPS

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis

Deputy Signature

James E. Davis

Print Deputy Name

Elavore Kasubick

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2046-CD

BROWN BARK II, L.P.

vs

ROBERT F. PHILLIPS & MICHELLE E. PHILLIPS

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/08/2009

HEARING:

PAGE: 105047

DEFENDANT: ROBERT F. PHILLIPS

ADDRESS: 912 CLARA STREET  
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

(CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: )

VACANT

OCCUPIED

ATTEMPTS

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON ROBERT F. PHILLIPS, 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 ROBERT F. PHILLIPS

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

NOW 12-18-08 AT 3:27 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO ROBERT F. PHILLIPS

REASON UNABLE TO LOCATE

*Def's Not living at above Address  
Occupied by Others*

So Answers: CHESTER A. HAWKINS, SHERIFF

SWORN TO BEFORE ME THIS

DAY OF 2008

BY: *James E. Davis*

Deputy Signature

*James E. Davis*  
Print Deputy Name

FILED

03:34 PM  
DEC 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

UDREN LAW OFFICES, P.C.

ATTORNEY FOR PLAINTIFF

MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
LOUIS A. SIMONI, ESQUIRE - ID #200869  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff  
v.

Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 2008-2046-C

FILED  
OCT 24 2008  
11

William A. Shaw -  
Prothonotary/Clerk of Courts

COMPLAINT IN MORTGAGE FORECLOSURE

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE

David S. Meholic

Court Administrator

Clearfield Count Courthouse

Reinstated/Reissued to Sheriff/Attorney Clearfield, PA 16830  
for service. 814-765-2641 x 5982

W.A. Shaw  
Deputy Prothonotary

cm

08080332-1/MK

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentear una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se dafiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

David S. Meholick  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982

## NOTICE

The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.

If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.

This law firm is deemed to be a debt collector and this Notice and the attached document is an attempt to collect a debt, and any information obtained will be used for that purpose.

UDREN LAW OFFICES, P.C.  
/s/ Mark J. Udren, Esquire  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
(856) 669-5400

1. Plaintiff is the Corporation designated as such in the caption on a preceding page. If Plaintiff is an assignee then it is such by virtue of the following recorded assignments:

Assignor: The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. successor by merger to Bank One National Association as Trustee, Residential Funding Company, LLC f/k/a Residential Funding Corporation, Attorney in fact

Assignee: Brown Bark II, L.P.

Recording Date: 12/3/07 Instrument No: 200719812

2. Defendant(s) is the individual designated as such on the caption on a preceding page, whose last known address is as set forth in the caption, and unless designated otherwise, is the real owner(s) and mortgagor(s) of the premises being foreclosed.

3. On or about the date appearing on the Mortgage hereinafter described, at the instance and request of Defendant(s), Plaintiff (or its predecessor, hereinafter called Plaintiff) loaned to the Defendant(s) the sum appearing on said Mortgage, which Mortgage was executed and delivered to Plaintiff as security for the indebtedness. Said Mortgage is incorporated herein by reference in accordance with Pa.R.C.P. 1019 (g).

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: 912 Clara Street

MUNICIPALITY/TOWNSHIP/BOROUGH: Borough of Houtzdale

COUNTY: Clearfield

DATE EXECUTED: 3/18/99

DATE RECORDED: 3/24/99 INSTRUMENT NO: 199904436

The legal description of the mortgaged premises is attached hereto and made part hereof.

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by

said Mortgage itemized below, shall be immediately due.

5. After demand, the Defendant(s) continues to fail or refuses to comply with the terms of the Mortgage as follows:

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

6. The following amounts are due on the said Mortgage as of 9/15/08:

Principal of debt due	\$28,262.03
Unpaid Interest at 12.135% from 1/15/04 to 9/15/08 (the per diem interest accruing on this debt is \$9.40 and that sum should be added each day after 9/15/08)	15,718.92
Title Report	325.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Late Charges (monthly late charge of \$15.05 should be added in accordance with the terms of the note each month after 9/15/08)	181.60
BPO	100.00
Attorneys Fees (anticipated and actual to 5% of principal)	<u>1,413.10</u>
<b>TOTAL</b>	<b>\$46,280.65</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of

the Commonwealth of Pennsylvania has been sent to each Defendant, certified mail, in accordance with the requirements of that act, and copy(s) are attached hereto as Exhibit "A" and made part hereof.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$46,280.65 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF GROUND SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY CLARA STREET AND RUNNING WEST ALONG CLARA STREET FIFTY (50') FEET TO A POST ON LINE OF LOT NO. 611; THENCE NORTH ALONG THE LINE OF SAID LOT NO. 611, ONE HUNDRED FIFTY (150') FEET TO A POST ON BEAR ALLEY; THENCE EAST ALONG THE LINE OF BEAR AVENUE, FIFTY (50') FEET TO A POST ON LINE ALLEY; AND THENCE SOUTH ALONG THE LINE OF SAID ALLEY, ONE HUNDRED FIFTY (150') FEET TO A POST ON CLARE STREET, THE PLACE OF BEGINNING, AND KNOWN AS LOT NO. 609 IN THE GENERAL PLAN OF THE BOROUGH OF HOUTZDALE. HAVING THEREON ERECTED A ONE STORY, FRAME DWELLING HOUSE, BUNGALOW TYPE, AND OTHER OUT BUILDINGS. BEING FURTHER IDENTIFIED BY CLEARFIELD COUNTY MAP ASSESSMENT NUMBER 10-M14-397-00013.

**UDREN LAW OFFICES, P.C.**

WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
SUITE 200

CHERRY HILL, NEW JERSEY 08003-3620

856. 669. 5400  
FAX: 856. 669. 5399

Pennsylvania Office  
(215) 568-9500

MARK J. UDREN\*  
STUART WINNEG\*\*  
LORRAINE DOYLE\*\*  
ALAN M. MINATO\*\*\*  
CHANDRA M. ARKEMA\*\*\*  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
TINA MARIE RICH  
OFFICE ADMINISTRATOR

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

September 2, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE #7007 3020 0000 0779 5548  
7007 3020 0000 0779 5531

Robert Phillips  
Michelle E. Phillips

912 Clara Street  
Houtzdale PA 16651

RE: Mortgage Loan dated March 18, 1999

Lender: Brown Bark II, L.P.

**NOTICE OF INTENTION TO FORECLOSE**

Dear Mortgagor:

The Mortgage serviced/held by Brown Bark II, L.P. (hereinafter we, us or ours) on your property located at 912 Clara Street Houtzdale, PA 16651 IS IN SERIOUS DEFAULT because you have not made the monthly payments of \$300.98 for the months of February 15, 2004 through August 15, 2008.

The last assessed late charge on this account was \$15.05 at a late charge rate of 5% for each delinquent payment(s). As of today, late charges have accrued to the total amount of \$181.60. Other charges including BPO fees & Taxes paid by lender have accrued at the total amount of \$770.32. The total amount now required to cure this default, or in other words, get caught up in your payments, as of the date of this letter is \$17505.82.

**EXHIBIT A**

You may cure this default within THIRTY (30) DAYS of the date of this letter, by paying to us the above amount of \$17505.82, plus any additional monthly payments and late charges which may fall due during this period. To confirm if any additional amounts are due, you may contact us at (856) 669-5400 or (215) 568-9500. All payments must be made either by cash, cashier's check, certified check or money order, and made to

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NEW JERSEY 08003-3620

If you do not cure the default within THIRTY (30) DAYS, we intend to exercise the lender's right to accelerate the mortgage payments. This means that whatever is owing on the original amount borrowed will be considered due immediately and you may lose the chance to pay off the original mortgage in monthly installments.

If full payment of the amount of default is not made within THIRTY (30) DAYS, the lender also intends to instruct our firm to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed your mortgaged property will be sold by the Sheriff or other similar official to pay off the mortgage debt. If you cure the default before we begin legal proceedings against you, you will still have to pay the reasonable attorney's fees actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay the reasonable attorney's fees even if they are over \$50.00. Any attorney's fees will be added to whatever you owe the lender, which may also include our reasonable costs. If you cure the default within the THIRTY (30) DAY period you will not be required to pay attorney's fees.

The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's or other similar official foreclosure sale. You may do so by paying the total amount of the unpaid monthly payments plus any late or other charges then due, as well as the reasonable attorney's fees and costs connected with the foreclosure sale and perform any other requirements under the mortgage. It is estimated that the earliest date that such a Sheriff's or other similar official's sale could be held would be approximately six months from the date of this letter. A notice of the date of the Sheriff's or similar official sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment will be by calling us at the following number: (856) 669-5400 extension 5644. This payment must be cash, cashier's check, certified check or money order and made payable to us at the address stated above.

You should realize that a Sheriff's or other similar official sale will end your ownership of the mortgaged property and your right to remain in it. If you continue to live in the property after the Sheriff's or other similar official sale, a lawsuit could be started to evict you.

You shall have the right to assert in the foreclosure proceedings, the non-existence of a default or any other defense that you may have to acceleration or foreclosure.

You have additional rights to help protect your interest in the property. YOU HAVE THE RIGHT TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT. YOU MAY HAVE THE RIGHT TO SELL OR TRANSFER THE PROPERTY SUBJECT TO THE MORTGAGE TO A BUYER OR TRANSFEREE WHO WILL ASSUME THE MORTGAGE DEBT, PROVIDED THAT ALL THE OUTSTANDING PAYMENTS, CHARGES AND ATTORNEY'S FEES AND COSTS ARE PAID PRIOR TO OR AT THE SALE, AND THAT THE OTHER REQUIREMENTS UNDER THE MORTGAGE ARE SATISFIED. CONTACT US TO DETERMINE UNDER WHAT CIRCUMSTANCES THIS RIGHT MIGHT EXIST. YOU HAVE THE RIGHT TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

*If you cure the default, the mortgage will be restored to the same position as if no default had occurred. However, you are not entitled to this right to cure your default more than three times in any calendar year.*

UDREN LAW OFFICES, P.C.

BY: 

Attorneys for Plaintiff

MARK J. UDREN, ESQUIRE

STUART WINNEG, ESQUIRE

LORRAINE DOYLE, ESQUIRE

ALAN M. MINATO, ESQUIRE

CHANDRA M. ARKEMA, ESQUIRE

cc: First Class Mail

## NOTICE

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UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
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ALAN M. MINATO, ESQUIRE - ID #75860  
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WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
(856) 669-5400

APR 22 2008

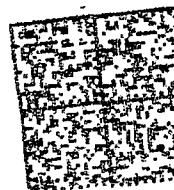
UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003



**SERIALIZED MAIL**

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ 4.2
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32
Postmark Here	

Send to: Michelle E. Phillips  
Street, Apt. No. 912 Cherry St  
City, State, Zip: Holmdel, NJ 07733-1665  
PS Form 3800, August 2005  
See Reverse for Instructions



Master

016H26519216  
\$ 05.320  
09/02/2008  
Mailed From 08003  
US POSTAGE

**Certified Mail Provides:**

- A mailing receipt for your mailpiece
- A unique identifier for the Postage Service for two years
- Certified Mail may be combined with First-Class Mail or Priority Mail
- Certified Mail is not available for any class of International Mail
- NO INSURANCE COVERAGE IS PROVIDED WITH CERTIFIED MAIL
- For an additional fee, a Return Receipt may be requested to provide proof of delivery to the recipient
- For an additional fee, a Return Receipt on your behalf recipient is required
- Free Endorsement Service, Please complete postage to attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the additional fee.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized Recipient.
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postage and affix label with postmark on the Certified Mail receipt.
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**SENDER: COMPLETE THIS SECTION**

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

1. Article addressed to:

92 Clark St  
Hot Springs  
Arkansas  
72601

Michelle Phillips

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No

If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number 7007 3020 0000 0779 5531  
(Transfer from stamp)

PS Form 3811, February 2004

Domestic Return Receipt

PS Form 3800, August 2006 (Reverse) PSN 7530-02-00-9047  
IMPRINT: Save this receipt and present it when mailing an inquiry.

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. PLEASE DO NOT FOLD LINE

**CERTIFIED MAIL**



8455 6770 0000 020E 2007  
8455 6770 0000 020E 2007

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

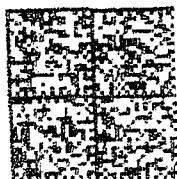
For delivery information visit our website at [www.usps.com](http://www.usps.com)

<b>OFFICIAL USE</b>	
Postage	\$ 4.2
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark  
Here

**Sent To**  
Robert F Phillips  
512 Clarast  
Haltzdale Rd 16651

PS Form 3800, August 2005  
See Reverse for Instructions



Hastier

016H26519216  
\$ 05.320  
09/02/2008  
Railed From 08003  
US POSTAGE



V E R I F I C A T I O N

The undersigned, hereby states that he/she is the attorney for the Plaintiff, a corporation unless designated otherwise; that he/she is authorized to take this Verification and does so because of the exigencies regarding this matter, and because Plaintiff must verify much of the information through agents, and because he/she has personal knowledge of some of the facts averred in the foregoing pleading; and that the statements made in the foregoing pleading are true and correct to the best of his/her knowledge, information and belief and the source of his information is public records and reports of Plaintiff's agents. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2046-CD

BROWN BARK II, L.P.

vs

ROBERT F. PHILLIPS & MICHELLE E. PHILLIPS

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 4

SERVE BY: 01/08/2009

HEARING:

PAGE: 105047

DEFENDANT: MICHELLE E. PHILLIPS  
ADDRESS: 912 CLARA STREET  
HOOTZDALE, PA 16651

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

S  
**FILED**  
013:34 AM  
DEC 18 2008

William A. Shaw  
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT  OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, \_\_\_\_\_ AT \_\_\_\_\_ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MICHELLE E. PHILLIPS, 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 MICHELLE E. PHILLIPS

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

NOW 12-18-08 AT 3:27 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO MICHELLE E. PHILLIPS

REASON UNABLE TO LOCATE Def. not living at above address

Occupied by others Answers: CHESTER A. HAWKINS, SHERIFF

SWORN TO BEFORE ME THIS

BY:

James C. Davis  
Deputy Signature

James E. Davis  
Print Deputy Name

DAY OF 2008

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
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WOODCREST CORPORATE CENTER  
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CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff  
v.

Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 2008-2046-C1

FILED  
OCT 2 2008  
/L

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Prothonotary/Clerk of Courts

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE

David S. Meholic

Court Administrator

Clearfield Count Courthouse

Clearfield, PA 16830

814-765-2641 x 5982

December 9, 2008 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

Deputy Prothonotary

08080332-1/MK

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentir una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se dafiene, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

**LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.**

David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982

## NOTICE

The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.

If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.

This law firm is deemed to be a debt collector and this Notice and the attached document is an attempt to collect a debt, and any information obtained will be used for that purpose.

UDREN LAW OFFICES, P.C.  
/s/ Mark J. Udren, Esquire  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, NJ 08003-3620  
(856) 669-5400

1. Plaintiff is the Corporation designated as such in the caption on a preceding page. If Plaintiff is an assignee then it is such by virtue of the following recorded assignments:

Assignor: The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank, N.A. successor by merger to Bank One National Association as Trustee, Residential Funding Company, LLC f/k/a Residential Funding Corporation, Attorney in fact

Assignee: Brown Bark II, L.P.

Recording Date: 12/3/07 Instrument No: 200719812

2. Defendant(s) is the individual designated as such on the caption on a preceding page, whose last known address is as set forth in the caption, and unless designated otherwise, is the real owner(s) and mortgagor(s) of the premises being foreclosed.

3. On or about the date appearing on the Mortgage hereinafter described, at the instance and request of Defendant(s), Plaintiff (or its predecessor, hereinafter called Plaintiff) loaned to the Defendant(s) the sum appearing on said Mortgage, which Mortgage was executed and delivered to Plaintiff as security for the indebtedness. Said Mortgage is incorporated herein by reference in accordance with Pa.R.C.P. 1019 (g).

The information regarding the Mortgage being foreclosed is as follows:

MORTGAGED PREMISES: 912 Clara Street

MUNICIPALITY/TOWNSHIP/BOROUGH: Borough of Houtzdale

COUNTY: Clearfield

DATE EXECUTED: 3/18/99

DATE RECORDED: 3/24/99 INSTRUMENT NO: 199904436

The legal description of the mortgaged premises is attached hereto and made part hereof.

4. Said Mortgage is in default because the required payments have not been made as set forth below, and by its terms, upon breach and failure to cure said breach after notice, all sums secured by said Mortgage, together with other charges authorized by

said Mortgage itemized below, shall be immediately due.

5. After demand, the Defendant(s) continues to fail or refuses to comply with the terms of the Mortgage as follows:

- (a) by failing or refusing to pay the installments of principal and interest when due in the amounts indicated below;
- (b) by failing or refusing to pay other charges, if any, indicated below.

6. The following amounts are due on the said Mortgage as of 9/15/08:

Principal of debt due	\$28,262.03
Unpaid Interest at 12.135% from 1/15/04 to 9/15/08 (the per diem interest accruing on this debt is \$9.40 and that sum should be added each day after 9/15/08)	15,718.92
Title Report	325.00
Court Costs (anticipated, excluding Sheriff's Sale costs)	280.00
Late Charges (monthly late charge of \$15.05 should be added in accordance with the terms of the note each month after 9/15/08)	181.60
BPO	100.00
Attorneys Fees (anticipated and actual to 5% of principal)	<u>1,413.10</u>
<b>TOTAL</b>	<b>\$46,280.65</b>

7. The attorney's fee set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the mortgage is reinstated prior to the sale, reasonable attorney's fees will be charged in accordance with the reduction provisions of Act 6, if applicable.

8. Notice of Intention to Foreclose under Act 6 of 1974 of

the Commonwealth of Pennsylvania has been sent to each Defendant, certified mail, in accordance with the requirements of that act, and copy(s) are attached hereto as Exhibit "A" and made part hereof.

WHEREFORE, the Plaintiff demands judgment, in rem, against the Defendant(s) herein in the sum of \$46,280.65 plus interest, costs and attorneys fees as more fully set forth in the Complaint, and for foreclosure and sale of the Mortgaged premises.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF GROUND SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY CLARA STREET AND RUNNING WEST ALONG CLARA STREET FIFTY (50') FEET TO A POST ON LINE OF LOT NO. 611; THENCE NORTH ALONG THE LINE OF SAID LOT NO. 611, ONE HUNDRED FIFTY (150') FEET TO A POST ON BEAR ALLEY; THENCE EAST ALONG THE LINE OF BEAR AVENUE, FIFTY (50') FEET TO A POST ON LINE ALLEY; AND THENCE SOUTH ALONG THE LINE OF SAID ALLEY, ONE HUNDRED FIFTY (150') FEET TO A POST ON CLARE STREET, THE PLACE OF BEGINNING, AND KNOWN AS LOT NO. 609 IN THE GENERAL PLAN OF THE BOROUGH OF HOUTZDALE. HAVING THEREON ERECTED A ONE STORY, FRAME DWELLING HOUSE, BUNGALOW TYPE, AND OTHER OUT BUILDINGS. BEING FURTHER IDENTIFIED BY CLEARFIELD COUNTY MAP ASSESSMENT NUMBER 10-M14-397-00013.

**UDREN LAW OFFICES, P.C.**  
**WOODCREST CORPORATE CENTER**  
**111 WOODCREST ROAD**  
**SUITE 200**  
**CHERRY HILL, NEW JERSEY 08003-3620**  
**856. 669. 5400**  
**FAX: 856. 669. 5399**

**MARK J. UDREN\***  
**STUART WINNEG\*\***  
**LORRAINE DOYLE\*\***  
**ALAN M. MINATO\*\*\***  
**CHANDRA M. ARKEMA\*\*\***  
\*ADMITTED NJ, PA, FL  
\*\*ADMITTED PA  
\*\*\*ADMITTED NJ, PA  
**TINA MARIE RICH**  
**OFFICE ADMINISTRATOR**

**Pennsylvania Office**  
**(215) 568-9500**

**FREDDIE MAC**  
**PENNSYLVANIA**  
**DESIGNATED COUNSEL**

September 2, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE #7007 3020 0000 0779 5548  
7007 3020 0000 0779 5531

Robert Phillips  
Michelle E. Phillips

912 Clara Street  
Houtzdale PA 16651

RE: Mortgage Loan dated March 18, 1999

Lender: Brown Bark II, L.P.

**NOTICE OF INTENTION TO FORECLOSE**

Dear Mortgagor:

The Mortgage serviced/held by Brown Bark II, L.P. (hereinafter we, us or ours) on your property located at 912 Clara Street Houtzdale, PA 16651 IS IN SERIOUS DEFAULT because you have not made the monthly payments of \$300.98 for the months of February 15, 2004 through August 15, 2008.

The last assessed late charge on this account was \$15.05 at a late charge rate of 5% for each delinquent payment(s). As of today, late charges have accrued to the total amount of \$181.60. Other charges including BPO fees & Taxes paid by lender have accrued at the total amount of \$770.32. The total amount now required to cure this default, or in other words, get caught up in your payments, as of the date of this letter is \$17505.82.

**EXHIBIT A**

You may cure this default within THIRTY (30) DAYS of the date of this letter, by paying to us the above amount of \$17505.82, plus any additional monthly payments and late charges which may fall due during this period. To confirm if any additional amounts are due, you may contact us at (856) 669-5400 or (215) 568-9500. All payments must be made either by cash, cashier's check, certified check or money order, and made to

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NEW JERSEY 08003-3620

If you do not cure the default within THIRTY (30) DAYS, we intend to exercise the lender's right to accelerate the mortgage payments. This means that whatever is owing on the original amount borrowed will be considered due immediately and you may lose the chance to pay off the original mortgage in monthly installments.

If full payment of the amount of default is not made within THIRTY (30) DAYS, the lender also intends to instruct our firm to start a lawsuit to foreclose your mortgaged property. If the mortgage is foreclosed your mortgaged property will be sold by the Sheriff or other similar official to pay off the mortgage debt. If you cure the default before we begin legal proceedings against you, you will still have to pay the reasonable attorney's fees actually incurred, up to \$50.00. However, if legal proceedings are started against you, you will have to pay the reasonable attorney's fees even if they are over \$50.00. Any attorney's fees will be added to whatever you owe the lender, which may also include our reasonable costs. If you cure the default within the THIRTY (30) DAY period you will not be required to pay attorney's fees.

The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's or other similar official foreclosure sale. You may do so by paying the total amount of the unpaid monthly payments plus any late or other charges then due, as well as the reasonable attorney's fees and costs connected with the foreclosure sale and perform any other requirements under the mortgage. It is estimated that the earliest date that such a Sheriff's or other similar official's sale could be held would be approximately six months from the date of this letter. A notice of the date of the Sheriff's or similar official sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment will be by calling us at the following number: (856) 669-5400 extension 5644. This payment must be cash, cashier's check, certified check or money order and made payable to us at the address stated above.

You should realize that a Sheriff's or other similar official sale will end your ownership of the mortgaged property and your right to remain in it. If you continue to live in the property after the Sheriff's or other similar official sale, a lawsuit could be started to evict you.

You shall have the right to assert in the foreclosure proceedings, the non-existence of a default or any other defense that you may have to acceleration or foreclosure.

You have additional rights to help protect your interest in the property. YOU HAVE THE RIGHT TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT, OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT. YOU MAY HAVE THE RIGHT TO SELL OR TRANSFER THE PROPERTY SUBJECT TO THE MORTGAGE TO A BUYER OR TRANSFeree WHO WILL ASSUME THE MORTGAGE DEBT, PROVIDED THAT ALL THE OUTSTANDING PAYMENTS, CHARGES AND ATTORNEY'S FEES AND COSTS ARE PAID PRIOR TO OR AT THE SALE, AND THAT THE OTHER REQUIREMENTS UNDER THE MORTGAGE ARE SATISFIED. CONTACT US TO DETERMINE UNDER WHAT CIRCUMSTANCES THIS RIGHT MIGHT EXIST. YOU HAVE THE RIGHT TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.

*If you cure the default, the mortgage will be restored to the same position as if no default had occurred. However, you are not entitled to this right to cure your default more than three times in any calendar year.*

UDREN LAW OFFICES, P.C.

BY: \_\_\_\_\_

Attorneys for Plaintiff

MARK J. UDREN, ESQUIRE

STUART WINNEG, ESQUIRE

LORRAINE DOYLE, ESQUIRE

ALAN M. MINATO, ESQUIRE

CHANDRA M. ARKEMA, ESQUIRE

cc: First Class Mail

**NOTICE**

**The amount of your debt is as stated in the attached document. The name of the creditor to whom the debt is owed is as named in the attached document. Unless you notify us within 30 days after receipt of this Notice and the attached document that the validity of the stated debt, or any portion of it, is disputed, we will assume that the debt is valid. If you do notify us in writing of a dispute within the 30 day period, we will obtain verification of the debt or a copy of a judgment against you, and mail it to you. If you do not dispute the debt, it is not an admission of liability on your part. Also, upon your written request within the 30 day period, we will provide you with the name and address of the original creditor if different from the current creditor.**

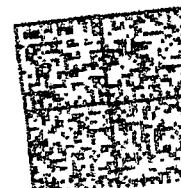
**If you notify us in writing within the 30 day period as stated above, we will cease collection of your debt, or any disputed portion of it, until we obtain the information that is required and mail it to you. Once we have mailed to you the required information, we will then continue the collection of your debt.**

**This law firm is deemed to be a debt collector and this Notice and the attached document is an attempt to collect a debt, and any information obtained will be used for that purpose.**

**UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
(856) 669-5400**

NYTLC.332-11201

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003



Master

016426519216  
09/02/2008  
\$05.32  
Mailed From 08003  
US POSTAGE

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 4.20
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.32

Postmark Here

Sent to: Michelle E. Phillips  
112 Plaza St  
Holtzdale, NY 16657  
Street, Apt. No.  
or PO Box No.  
City, State ZIP+4

PS-Form 3800, August 2006  
See Reverse for Instructions.

SENDER: COMPLETE THIS SECTION

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

COMPLETE THIS SECTION ON DELIVERY

COMPLETE THIS SECTION ON DELIVERY		
<b>A. Signature</b>		<input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
<b>B. Received by (Printed Name)</b>		<b>C. Date of Delivery</b>
<b>D. Is delivery address different from item 1?</b>		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If YES, enter delivery address below:		
<b>4. Restricted Delivery? (Extra Fee)</b>		
<input type="checkbox"/> Yes		
<b>3. Service Type</b>		
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail		<input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Return Receipt for Merchandise <input checked="" type="checkbox"/> C.O.D.

2. Article Number 7007 3020 0000 0779  
(Transfer from st. ....)

UDREN LAW OFFICES, P.C.  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD  
CHERRY HILL, NJ 08003.

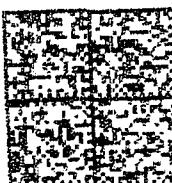
STICKER AT TOP OF ENVELOPE TO THE RIGHT

THE RETURN ADDRESS  
**CERTIFIED MAIL™**



7807 3020 0000 0779 5548  
3017 3020 0000 0779 5548

U.S. Postal Service <sup>TM</sup>	
CERTIFIED MAIL <sup>TM</sup> RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
<b>OFFICIAL USE</b>	
Postage	\$ <u>112</u>
Certified Fee	<u>2.70</u>
Return Receipt Fee (Endorsement Required)	<u>2.20</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	<u>\$532</u>
Postmark Here	
Send To: <u>Robert F Phillips</u> Street, Apt. No. <u>712 Clara St</u> or PO Box No. <u></u> City, State, ZIP: <u>Hallendale Fl 33051</u>	



Hasker

016H26519216  
\$05.320  
09/02/2008  
Mailed From 08003  
US POSTAGE



V E R I F I C A T I O N

The undersigned, hereby states that he/she is the attorney for the Plaintiff, a corporation unless designated otherwise; that he/she is authorized to take this Verification and does so because of the exigencies regarding this matter, and because Plaintiff must verify much of the information through agents, and because he/she has personal knowledge of some of the facts averred in the foregoing pleading; and that the statements made in the foregoing pleading are true and correct to the best of his/her knowledge, information and belief and the source of his information is public records and reports of Plaintiff's agents. The undersigned understands that this statement herein is made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

UDREN LAW OFFICES, P.C.

BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
LOUIS A. SIMONI, ESQUIRE

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

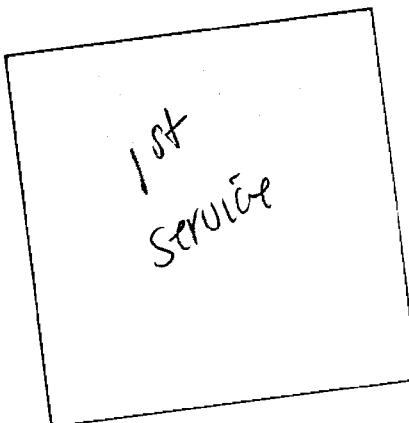
DOCKET # 104848  
NO: 08-2046-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BROWN BARK II, L.P.  
vs.  
DEFENDANT: ROBERT F. PHILLIPS and MICHELLE E. PHILLIPS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	UDREN	121794	20.00
SHERIFF HAWKINS	UDREN	121794	80.00



S  
FILED  
03:45pm  
FEB 11 2009

William A. Shaw  
Prothonotary/Clerk of Courts  


Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
[pleadings@udren.com](mailto:pleadings@udren.com)

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

v.  
Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

PRAECIPE TO SUBSTITUTE VERIFICATION

TO THE PROTHONOTARY:

Kindly substitute the attached Verification for the  
Verification attached to the Complaint in Mortgage Foreclosure with  
regard to the captioned matter.

DATED: February 19, 2009

UDREN LAW OFFICES, P.C.  
BY: Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

FILED  
m110430  
FEB 23 2009  
S  
William A. S. -  
Prothonotary/Clerk of Courts  
NO CC  
(6K)

V E R I F I C A T I O N

The undersigned, an Authorized Signatory which is the Plaintiff in the foregoing Complaint or an Authorized Signatory of the Corporation which is the servicing agent of Plaintiff, and being authorized to make this verification on behalf of the Plaintiff, hereby verifies that the facts set forth in the foregoing Complaint are taken from records maintained by persons supervised by the undersigned who maintain the business records of the mortgage held by Plaintiff in the ordinary course of business and that those facts are true and correct to the best of the knowledge, information and belief of the undersigned.

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

Date October 30, 2008

*James M. Henderson*  
\_\_\_\_\_  
Name: *James M. Henderson*  
Title: *Authorized Signatory*  
Company: *743408*

Robert F. Phillips  
Michelle E. Phillips  
Loan #71411300  
MJU #08080332-1

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
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CHERRY HILL, NJ 08003-3620  
856-669-5400  
[pleadings@udren.com](mailto:pleadings@udren.com)

ATTORNEY FOR PLAINTIFF

FILED *Atty pd.*  
*11:07 AM 2009*  
FEB 23 2009 Notice to Defs.

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff

v.

Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

COURT OF COMMON PLEAS Prothonotary/Clerk of Courts  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

NO. 2008-2046-CD

William A. Shaw Statement to  
Atty  
G/O

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

TO THE PROTHONOTARY:

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

As set forth in Complaint	\$46,280.65
Interest Per Complaint	1,475.80
From 9/16/08 to 2/19/09	
Late charges per Complaint	<u>75.25</u>
From 9/16/08 to 2/19/09	
TOTAL	<u>\$47,831.70</u>

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

UDREN LAW OFFICES, P.C.

BY *Chandra Arkema*

Attorneys for Plaintiff

MARK J. UDREN, ESQUIRE

STUART WINNEG, ESQUIRE

LORRAINE DOYLE, ESQUIRE

ALAN M. MINATO, ESQUIRE

CHANDRA M. ARKEMA, ESQUIRE

DAMAGES ARE HEREBY ASSESSED AS INDICATED

DATE: 2/23/09

*William A. Shaw*  
PRO PROTHY

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
LOUIS A. SIMONI, ESQUIRE - ID #200869  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
[pleadings@udren.com](mailto:pleadings@udren.com)

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

NO. 2008-2046-CJ

FILED  
OCT 24 2008

William A. Shaw  
Prothonotary/Clerk of Courts

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYERS REFERRAL SERVICE  
David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982

08080332-1 NY  
COPY

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
LOUIS A. SIMONI, ESQUIRE - ID #200869  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003  
856-669-5400  
[pleadings@udren.com](mailto:pleadings@udren.com)

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

TO: Robert F. Phillips  
5887 Glen Hope Blvd  
Glen Hope, PA 16645

Date of Notice: January 6, 2009

**IMPORTANT NOTICE**

YOU ARE IN DEFAULT BECAUSE YOU HAVE FAILED TO ENTER A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILE IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. UNLESS YOU ACT WITHIN TEN 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 PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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David S. Meholic  
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814-765-2641 x 5982

**NOTIFICACION IMPORTANTE**

USTED SE ENCUENTRA EN ESTADO DE REBELDIA POR NO HABER TOMADO LA ACCION REQUERIDA DE SU PARTE EN ESTE CASO. AL NO TOMAR LA ACCION DEBIDA DENTRO DE UN TERMINO DE DIEZ (10) DIAS DE ESTA NOTIFICACION, EL TRIBUNAL PODRA, SIN NECESIDAD DE COMPARARECER USTED EN CORTE O ESCUCHAR PRUEBA ALGUNA, DICTAR SENTENCIA EN SU CONTRA. USTED PUEDE PERDER BIENES Y OTROS DERECHOS, IMPORTANTES. DEBE LLEVAR ESTA NOTIFICACION A UN ABOGADO IMMEDIATAMENTE SI USTED NO TIENE ABOGADO, O SI NO TIENE DINERO SUFFICIENTE PARA TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA, CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASSISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL  
LAWYER REFERRAL SERVICE  
David S. Meholic  
Court Administrator  
Clearfield Count Courthouse  
Clearfield, PA 16830  
814-765-2641 x 5982

NOTICE: PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, THIS LAW FIRM IS DEEMED TO BE A DEBT COLLECTOR AND THIS IS AN ATTEMPT TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

  
\_\_\_\_\_  
Mark J. Udren, Esquire  
Stuart Winneg, Esquire  
Lorraine Doyle, Esquire  
Alan M. Minato, Esquire  
Chandra M. Arkema, Esquire  
Louis A. Simoni, Esquire  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, New Jersey 08003-3620

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
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CHERRY HILL, NJ 08003  
856-669-5400  
[pleadings@udren.com](mailto:pleadings@udren.com)

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

TO: Michelle E. Phillips  
5887 Glen Hope Blvd  
Glen Hope, PA 16645

Date of Notice: January 6, 2009

**IMPORTANT NOTICE**

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Stuart Winneg, Esquire  
Lorraine Doyle, Esquire  
Alan M. Minato, Esquire  
Chandra M. Arkema, Esquire  
Louis A. Simoni, Esquire  
Woodcrest Corporate Center  
111 Woodcrest Road, Suite 200  
Cherry Hill, New Jersey 08003-3620

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
LOUIS A. SIMONI, ESQUIRE - ID #200869  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-482-6900

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County  
MORTGAGE FORECLOSURE

v.  
Robert F. Phillips  
Michelle E. Phillips  
912 Clara Street  
Houtzdale, PA 16651  
Defendant(s)

NO. 2008-2046-CD

AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF :  
COUNTY OF : SS

THE UNDERSIGNED being duly sworn, deposes and says that the averments herein are based upon investigations made and records maintained by us either as Plaintiff or as servicing agent of the Plaintiff herein and that the above Defendant(s) are not in the Military or Naval Service of the United States of America or its Allies as defined in the Soldiers and Sailors Civil Relief Act of 1940, as amended, and that the age and last known residence and employment of each Defendant are as follows:

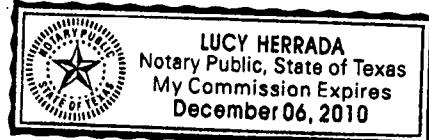
Defendant: Robert F. Phillips  
Age: Over 18  
Residence: As captioned above  
Employment: Unknown

Defendant: Michelle E. Phillips  
Age: Over 18  
Residence: As captioned above  
Employment: Unknown

Sworn to and subscribed  
before me this 30 day  
of October, 2008.

Lucy Herrada  
Notary Public

*[Signature]*  
Name: James M. DeBesar  
Title: AUTHORIZED SIGNATORY  
Company: 10/30/2008



UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

TO: Robert F. Phillips  
5887 Glen Hope Blvd.  
Glen Hope, PA 16645

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

*Prothonotary - 2/23/09*

- Judgment by Default  
 Money Judgment  
 Judgment in Replevin  
 Judgment for Possession  
 Judgment on Award of Arbitration  
 Judgment on Verdict  
 Judgment on Court Findings

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-669-5400.

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
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CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

TO: Michelle E. Phillips  
5887 Glen Hope Blvd.  
Glen Hope, PA 16645

NOTICE

Pursuant to Rule 236 of the Supreme Court of Pennsylvania, you are hereby notified that a Judgment has been entered against you in the above proceeding as indicated below.

*Prothonotary [Signature]* 2/3/09

- Judgment by Default
- Money Judgment
- Judgment in Replevin
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- Judgment on Verdict
- Judgment on Court Findings

IF YOU HAVE ANY QUESTIONS CONCERNING THIS NOTICE PLEASE CALL:

ATTORNEY Mark J. Udren, Esquire

At this telephone number: 856-669-5400.

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

Brown Bark II, L.P.  
Plaintiff(s)

No.: 2008-02046-CD

Real Debt: \$47,831.70

Atty's Comm: \$

Vs.

Costs: \$

Int. From: \$

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

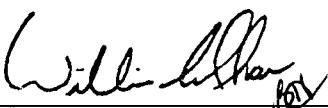
Entry: \$20.00

Instrument: Default Judgment

Date of Entry: February 23, 2009

Expires: February 23, 2014

Certified from the record this 23rd day of February, 2009.

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

\*\*\*\*\*

SIGN BELOW FOR SATISFACTION

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

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

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
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CHERRY HILL, NJ 08003-3620  
856-669-5400  
[pleadings@udren.com](mailto:pleadings@udren.com)

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

PRAECIPE FOR WRIT OF EXECUTION

TO THE PROTHONOTARY:

Please issue Writ of Execution in the above matter:

Amount due	\$47,831.70
Prothonotary costs	142.00
Interest From 2/20/09	
to Date of Sale	
Ongoing Per Diem of \$9.40	
to actual date of sale including if sale is	
held at a later date	
(Costs to be added)	\$ _____

UDREN, LAW OFFICES, P.C.  
BY Chandra Arkema  
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

FILED Atty pd. 20.00  
MILLER  
FEB 23 2009 ICC Calowants  
Wlprop. Desc. to Staff  
William A. Shaw  
Prothonotary/Clerk of Courts  
©

UDREN LAW OFFICES, P.C.

ATTORNEY FOR PLAINTIFF

MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
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WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

Brown Bark II, L.P.  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

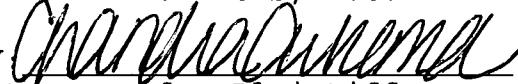
C E R T I F I C A T E

I hereby state that as the attorney for the Plaintiff in the above-captioned matter and that the premises are not subject to the provisions of Act 91 because it is:

- (   )      An FHA insured mortgage  
(   )      Non-owner occupied  
(   )      Vacant  
( X )      Act 91 procedures have been fulfilled.  
(   )      Over 24 months delinquent.

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

UDREN LAW OFFICES, P.C.

BY   
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
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111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff  
v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

MORTGAGE FORECLOSURE  
NO. 2008-2046-CD

**AFFIDAVIT PURSUANT TO RULE 3129.1**

Brown Bark II, L.P. , Plaintiff in the above action, by its attorney, Mark J. Udren, ESQ., sets forth as of the date the Praeclipe for the Writ of Execution was filed the following information concerning the real property located at: 912 Clara Street, Houtzdale, PA 16651

Robert F. Phillips 5887 Glen Hope Blvd.  
Glen Hope, PA 16645

Michelle E. Phillips 5887 Glen Hope Blvd.  
Glen Hope, PA 16645

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

SAME AS #1 ABOVE

None

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

Name \_\_\_\_\_ Address \_\_\_\_\_

Brown Bark II, L.P. 4100 Greenbriar, Suite 180  
Stafford, TX 77477

PHEA

211 North Front St.  
Harrisburg, PA 17101

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

Name \_\_\_\_\_ Address \_\_\_\_\_

None

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

Name \_\_\_\_\_ Address \_\_\_\_\_

Real Estate Tax Dept. 1 North Second St., Suite 116  
Clearfield, PA 16830

Domestic Relations Section 1 North Second St., Suite 116  
Clearfield, PA 16830

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 \_\_\_\_\_

Tenants/Occupants 912 Clara Street  
Houtzdale, PA 16651

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. sec. 4904 relating to unsworn falsification to authorities.

DATED: February 19, 2009

UDREN LAW OFFICES, P.C.

BY *Chandrasekera*

Attnorneys for Plaintiff

MARK J. UDREN, ESQUIRE

STUART WINNEG, ESQUIRE

LORRAINE DOYLE, ESQUIRE

ALAN M. MINATO, ESQUIRE

CHANDRA M. ARKEMA, ESQUIRE

UDREN LAW OFFICES, P.C.  
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ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff

v.

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

NO. 2008-2046-CD

WRIT OF EXECUTION

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:

912 Clara Street  
Houtzdale, PA 16651  
SEE LEGAL DESCRIPTION ATTACHED

Amount due \$47,831.70

Interest From 2/20/09

to Date of Sale \_\_\_\_\_

Ongoing Per Diem of \$9.40

to actual date of sale including if sale is held at a later date

(Costs to be added) \$ 142.00

Prothonotary costs 142.00  
Prothonotary

By \_\_\_\_\_

Clerk

*William L. Harkay*

Date 2/23/09

COURT OF COMMON PLEAS  
NO. 2008-2046-CD

Brown Bark II, L.P.  
vs.  
Robert F. Phillips  
Michelle E. Phillips

## WRIT OF EXECUTION

REAL DEBT \$ 47,831.70  
INTEREST \$ \_\_\_\_\_  
from 2/20/09  
to Date of Sale \_\_\_\_\_  
*Ongoing Per Diem of \$9.40  
to actual date of sale including if sale is  
held at a later date*  
  
COSTS PAID:  
PROTHY \$ 142.00  
SHERIFF \$ \_\_\_\_\_  
STATUTORY \$ \_\_\_\_\_  
  
COSTS DUE PROTHY. \$

**PREMISES TO BE SOLD:**

912 Clara Street  
Houtzdale, PA 16651

UDREN LAW OFFICES, P.C.

MARK J. UDREN, ESQ.

## STUART WINNEG. ESQ.

LORRAINE DOYLE, ESQUIRE

ALAN M. MINATO, ESQUIRE

CHANDRA M. ARKEMA, ESQUIRE

## WOODCREST CORPORATE CENTER

111 WOODCREST ROAD, SUITE 200

CHEBRY HILL, NJ 08003-3620

(856) 669-5400

pleadings@udren.com

## Planning from the Top

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF GROUND SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY CLARA STREET AND RUNNING WEST ALONG CLARA STREET FIFTY (50') FEET TO A POST ON LINE OF LOT NO. 611; THENCE NORTH ALONG THE LINE OF SAID LOT NO. 611, ONE HUNDRED FIFTY (150') FEET TO A POST ON BEAR ALLEY; THENCE EAST ALONG THE LINE OF BEAR AVENUE, FIFTY (50') FEET TO A POST ON LINE ALLEY; AND THENCE SOUTH ALONG THE LINE OF SAID ALLEY, ONE HUNDRED FIFTY (150') FEET TO A POST ON CLARE STREET, THE PLACE OF BEGINNING, AND KNOWN AS LOT NO. 609 IN THE GENERAL PLAN OF THE BOROUGH OF HOUTZDALE. HAVING THEREON ERECTED A ONE STORY, FRAME DWELLING HOUSE, BUNGALOW TYPE, AND OTHER OUT BUILDINGS. BEING FURTHER IDENTIFIED BY CLEARFIELD COUNTY MAP ASSESSMENT NUMBER 10-M14-397-00013.

BEING KNOWN AS: 912 Clara Street, Houtzdale, PA 16651

PROPERTY ID NO.: 10-M14-397-13

TITLE TO SAID PREMISES IS VESTED IN ROBERT F. PHILLIPS AND MICHELLE E. PHILLIPS, HIS WIFE, AS TENANTS BY THE ENTIRETIES BY DEED FROM JOSEPH TUORINSKY AND MARY TUORINSKY, HIS WIFE DATED 9/30/1997 RECORDED 9/30/1997 IN DEED BOOK 1876 PAGE 143.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105047  
NO: 08-2046-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: BROWN BARK II, L.P.

vs.

DEFENDANT: ROBERT F. PHILLIPS & MICHELLE E. PHILLIPS

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	UDREN	124235	40.00
SHERIFF HAWKINS	UDREN	124235	60.00

S...  
0/3:35pm  
MAR 25 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
**856-669-5400**

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 2008-2046-CD

v.  
Robert F. Phillips  
Michelle E. Phillips  
5887 Glen Hope Blvd.  
Glen Hope, PA 16645  
Defendant(s)

**PRAECIPE TO FILE PROOF OF SERVICE**

TO THE PROTHONOTARY:

Kindly file the attached Proofs of Service with regard to  
the captioned matter.

Date: May 6, 2009

UDREN LAW OFFICES, P.C.

BY:

Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

*FILED*  
MAY 12 2009  
NO. C.C.  
MAY 12 2009  
FILED

William A. Shaw  
Prothonotary/Clerk of Courts

Brown Bark II, LP, et. al., Plaintiff(s)  
vs.  
Robert F. Phillips, et. al., Defendant(s)

Service of Process by  
APS International, Ltd.  
1-800-328-7171



APS International Plaza  
7800 Glenroy Rd.  
Minneapolis, MN 55439-3122

APS File #: 096483-0001

## AFFIDAVIT OF SERVICE -- Individual

UDREN LAW OFFICES  
Ms Jessica Donahue  
111 Woodcrest Rd, Ste 200  
Cherry Hill, NJ 08003-3620

Service of Process on:

--Robert F. Phillips  
Court Case No. 2008-2046-CD

State of: PA ss.  
County of: BLAIR

Name of Server: D. M. ELLIS, undersigned, being duly sworn, deposes and says

that at the time of service, s/he was of legal age and was not a party to this action:

Date/Time of Service: that on the 5<sup>th</sup> day of MAY, 2009, at 8:05 o'clock A M

Place of Service: at 5887 Glen Hope Blvd, in Glen Hope, PA 16645

Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:

Robert F. Phillips

By personally delivering them into the hands of the person to be served.

By delivering them into the hands of MICHELLE / WIFE, a person of suitable age, who verified, or who upon questioning stated, that he/she resides with

Robert F. Phillips  
at the place of service, and whose relationship to the person is: \_\_\_\_\_

Description of Person Receiving Documents: The person receiving documents is described as follows:  
Sex F; Skin Color Cauc.; Hair Color BLONDE; Facial Hair N/A

Approx. Age 35; Approx. Height 5'2"; Approx. Weight 150 LBS

To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury that the foregoing is true and correct.

D. M. Ellis

Signature of Server

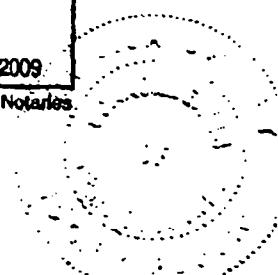
APS International, Ltd..

Subscribed and sworn to before me this  
5<sup>th</sup> day of May, 2009

Monica Crilly  
Notary Public (Commission Expires)

### COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Monica Crilly, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Aug. 27, 2009  
Member, Pennsylvania Association of Notaries



Brown, Dank M., L.P., et al., Plaintiff(s)  
vs.  
Robert F. Phillips, et al., Defendant(s)

Service of Process by  
**APS International, Ltd.**  
**1-800-328-7171**



APS International Plaza  
7800 Glenroy Rd.  
Minneapolis, MN 55439-3122

APS File #: 096483.0001

## AFFIDAVIT OF SERVICE -- Individual

**UDREN LAW OFFICES**  
Ms. Jessica Donahue  
111 Woodcrest Rd, Ste 200  
Cherry Hill, NJ 08003-3620

Service of Process on:

—Michelle E. Phillips  
Court Case No. 2008-2046-CD

State of: PA ss.

County of: BLAIR

Name of Server: D.M. ELLIS, undersigned, being duly sworn, deposes and says  
that at the time of service, s/he was of legal age and was not a party to this action:

Date/Time of Service: that on the 5th day of MAY, 2009, at 8:05 o'clock A.M.

Place of Service: at 5887 Glen Hope Blvd, in Glen Hope, PA 16645

Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:  
Michelle E. Phillips

By personally delivering them into the hands of the person to be served.

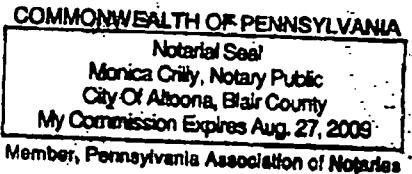
By delivering them into the hands of \_\_\_\_\_, a person  
of suitable age, who verified, or who upon questioning stated, that he/she resides with  
Michelle E. Phillips  
at the place of service, and whose relationship to the person is: \_\_\_\_\_

Description of Person  
Receiving Documents: The person receiving documents is described as follows:  
Sex F; Skin Color Cauc.; Hair Color BLONDE; Facial Hair N/A  
Approx. Age 35; Approx. Height 5'2"; Approx. Weight 150 LBS

To the best of my knowledge and belief, said person was not engaged in the US Military at  
the time of service.

Signature of Server: Undersigned declares under penalty of perjury  
that the foregoing is true and correct. 5th day of May, 2009  
D.M. Ellis Monica Crilly  
Signature of Server Notary Public (Commission Expires)

APS International, Ltd.



UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff

v.

Robert F. Phillips  
Michelle E. Phillips  
5887 Glen Hope Blvd.  
Glen Hope, PA 16645  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 2008-2046-CD

S FILED No CC.  
MAY 12 05 AM  
MAY 14 2009

William A. Shaw  
Prothonotary/Clerk of Courts

**AFFIDAVIT OF SERVICE PURSUANT TO Pa.R.C.P.RULE 3129.1**

Plaintiff, by its/his/her Attorney hereby verifies that:

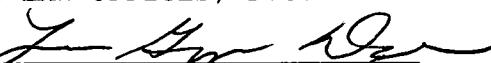
1. A copy of the Notice of Sheriff's Sale, a true and correct copy of which is attached hereto as Exhibit "A", was sent to every recorded lienholder and every other interested party known as of the date of the filing of the Praecept for the Writ of Execution, on the date(s) appearing on the attached Certificates of Mailing.
2. A Notice of Sheriff's Sale was sent to Defendant(s) by regular mail and certified mail on the date appearing on the attached Return Receipt, which was signed for by Defendant(s) on the date specified on the said Return Receipt. Copies of the said Notice and Return Receipt are attached hereto as Exhibit "B".
3. If a Return Receipt is not attached hereto, then service was by personal service on the date specified on the attached Return of Service, attached hereto as Exhibit "B".
4. If service was by Order of Court, then proof of compliance with said Order is attached hereto as Exhibit "B".

All Notices were served within the time limits set forth by Pa Rule C.P. 3129.

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

Dated: May 8, 2009

UDREN LAW OFFICES, P.C.

BY:   
Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff

v.  
Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 2008-2046-CD

**TO: ALL PARTIES IN INTEREST AND CLAIMANTS**

**NOTICE OF SHERIFF'S SALE  
OF REAL PROPERTY**

**OWNER(S): Robert F. Phillips  
Michelle E. Phillips**

**PROPERTY: 912 Clara Street  
Houtzdale, PA 16651**

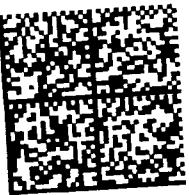
**Improvements: RESIDENTIAL DWELLING**

The above captioned property is scheduled to be sold at the **Clearfield** County Sheriff's Sale on **June 5, 2009**, at 10:00 A.M., at the Clearfield County Courthouse, 1 North Second Street, Suite 116, Clearfield, PA. Our records indicate that you may hold a mortgage or judgment on the property which will be extinguished by the sale. You may wish to attend the sale to protect your interests.

A Schedule of Distribution will be filed by the Sheriff on a date specified by the Sheriff not later than 30 days after sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within 10 days after the filing of the schedule.

**EXHIBIT A**

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender if COD	R.R. Fee	S.D. Fee	S.H. Fee	Rst. Del. Fee	Remarks	Check appropriate block for Registered Mail: Merchandise Int'l Recorded Del. With Postal Insurance Without postal insurance	Affix stamp here if issued as certificate of mailing or for additional copies of this bill.	Postmark and Date of Receipt
														<input type="checkbox"/> Registered	<input type="checkbox"/> Insured	<input type="checkbox"/> Return Receipt for Merchandise
1		COMMONWEALTH OF PA, DEPT. OF REVENUE, BUREAU OF COMPLIANCE PO Box 281230, Department of Revenue Harrisburg, PA 17128-1230														
2		TENANTS/OCCUPANTS 912 Clara Street Houtzdale, PA 16651														
3		Brown Bark II, L.P. 4100 Greenbriar, Suite 180 Stafford, TX 77477														
4		PHFA 211 North Front St. Harrisburg, PA 17101														
5		Real Estate Tax Dept. 1 North Second St., Suite 116 Clearfield, PA 16830														
6		Domestic Relations Section 1 North Second St., Suite 116 Clearfield, PA 16830														
7																
8																
9																
10																
11																
12																
13																
14																
15																
Total number of Pieces	Total Number of Pieces	Postmaster Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500.00 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, \$100 with optional postal insurance. See Domestic Mail Manual 9900, Section 5, and Section 13 for limitations of coverage on insured and COD mail. See International Mail Manual for coverage on international mail. Special handling charges apply only to third and fourth class parcels.													
6	<i>(Signature)</i>	<i>C. Phillips</i>														



016H26519216  
\$03.80  
05/04/2009  
Mailed From 08003  
US POSTAGE

EXHIBIT A

PS Form 3877, February 1994

Form Must be Completed by Typewriter, Ink or Ball Point Pen

Robert F. Phillips  
Michelle E. Phillips; #08080332-1 (Clearfield)

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
4100 Greenbriar  
Suite 180  
Stafford, TX 77477  
Plaintiff

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

NO. 2008-2046-CD

v.

Robert F. Phillips  
Michelle E. Phillips  
5887 Glen Hope Blvd.  
Glen Hope, PA 16645  
Defendant(s)

PRAECIPE TO FILE PROOF OF SERVICE

TO THE PROTHONOTARY:

Kindly file the attached Proofs of Service with regard to  
the captioned matter.

Date: May 6, 2009

UDREN LAW OFFICES, P.C.

BY:

Attorneys for Plaintiff  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE

EXHIBIT B

Brown Bark II, LLP, et al., Plaintiff(s)  
vs.  
Robert F. Phillips, et al., Defendant(s)



Service of Process by  
APS International, Ltd.

1-800-328-7171

APS International Plaza  
7800 Glenroy Rd.  
Minneapolis, MN 55439-3122

APS File # 096483-0001

## AFFIDAVIT OF SERVICE -- Individual

UDREN LAW OFFICES  
Ms Jessica Donahue  
111 Woodcrest Rd, Ste 200  
Cherry Hill, NJ 08003-3620

Service of Process on:

--Robert F. Phillips  
Court Case No. 2008-2046-CD

State of: PA ss.  
County of: BLAIR

Name of Server: D.M. ELLIS, undersigned, being duly sworn, deposes and says

that at the time of service, s/he was of legal age and was not a party to this action:

Date/Time of Service: that on the 5<sup>th</sup> day of MAY, 2009, at 8:05 o'clock A.M.

Place of Service: at 5887 Glen Hope Blvd, in Glen Hope, PA 16645

Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:  
Robert F. Phillips

Person Served, and Method of Service:  By personally delivering them into the hands of the person to be served.  
 By delivering them into the hands of MICHELLE / WIFE, a person of suitable age, who verified, or who upon questioning stated, that he/she resides with Robert F. Phillips at the place of service, and whose relationship to the person is: \_\_\_\_\_

Description of Person Receiving Documents: The person receiving documents is described as follows:  
Sex F; Skin Color Cauc.; Hair Color BLONDE; Facial Hair N/A  
Approx. Age 35; Approx. Height 5'2"; Approx. Weight 150 LBS  
 To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury  
that the foregoing is true and correct.

D.M. Ellis  
Signature of Server

APS International, Ltd.

Subscribed and sworn to before me this  
5<sup>th</sup> day of May, 2009

Monica Crilly  
Notary Public (Commission Expires)

### COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Monica Crilly, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Aug. 27, 2009

Member, Pennsylvania Association of Notaries



EXHIBIT B

Brown Bark H, L.P. et. al., Plaintiff(s)  
vs.  
Robert F. Phillips, et. al., Defendant(s)

Service of Process by  
APS International, Ltd.  
1-800-328-7171



APS International Plaza  
7800 Glenroy Rd.  
Minneapolis, MN 55439-3122

APS File #: 096483-0001

## AFFIDAVIT OF SERVICE -- Individual

UDREN LAW OFFICES  
Ms Jessica Donahue  
111 Woodcrest Rd, Ste 200  
Cherry Hill, NJ 08003-3620

Service of Process on:

-Michelle E. Phillips  
Court Case No. 2008-2046-CD

State of: PA ss.

County of: BLAIR

Name of Server: D.M. ELLIS, undersigned, being duly sworn, deposes and says

that at the time of service, s/he was of legal age and was not a party to this action:

Date/Time of Service: that on the 54<sup>th</sup> day of MAY, 2009, at 8:05 o'clock A.M.

Place of Service: at 5887 Glen Hope Blvd, in Glen Hope, PA 16645

Documents Served: the undersigned served the documents described as:  
Notice of Sheriff's Sale of Real Property

Service of Process on: A true and correct copy of the aforesaid document(s) was served on:

Michelle E. Phillips

Person Served, and Method of Service:  By personally delivering them into the hands of the person to be served.  
 By delivering them into the hands of \_\_\_\_\_, a person of suitable age, who verified, or who upon questioning stated, that he/she resides with Michelle E. Phillips  
at the place of service, and whose relationship to the person is: \_\_\_\_\_

Description of Person Receiving Documents: The person receiving documents is described as follows:  
Sex F; Skin Color Cauc; Hair Color BLONDE; Facial Hair N/A  
Approx. Age 35; Approx. Height 5'2"; Approx. Weight 150 LBS

To the best of my knowledge and belief, said person was not engaged in the US Military at the time of service.

Signature of Server: Undersigned declares under penalty of perjury  
that the foregoing is true and correct.

D.M. Ellis

Signature of Server

Subscribed and sworn to before me this  
5<sup>th</sup> day of May, 2009

Monica Crilly

Notary Public

(Commission Expires)

APS International, Ltd.

### COMMONWEALTH OF PENNSYLVANIA

Notarial Seal  
Monica Crilly, Notary Public  
City Of Altoona, Blair County  
My Commission Expires Aug. 27, 2009  
Member, Pennsylvania Association of Notaries

EXHIBIT B

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20935  
NO: 08-2046-CD

PLAINTIFF: BROWN BARK II, L.P.  
VS.  
DEFENDANT: ROBERT F. PHILLIPS AND MICHELLE E. PHILLIPS

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 2/23/2009

LEVY TAKEN 3/5/2009 @ 1:53 PM  
POSTED 3/5/2009 @ 1:53 PM  
SALE HELD 6/5/2009  
SOLD TO BROWN BARK II, L.P.  
SOLD FOR AMOUNT \$1.00 PLUS COSTS  
WRIT RETURNED 6/30/2009  
DATE DEED FILED 6/30/2009

PROPERTY ADDRESS 912 CLARA STREET HOUTZDALE, PA 16651

S FILED  
03/5/2009  
JUN 30 2009  
W.M.  
William A. Shaw  
Prothonotary/Clerk of Courts

SERVICES

3/5/2009 @ 2:20 PM SERVED ROBERT F. PHILLIPS

SERVED ROBERT F. PHILLIPS, DEFENDANT, AT HIS RESIDENCE 5887 GLEN HOPE BLVD., GLEN HOPE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROBERT PHILLIPS

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

3/5/2009 @ 2:20 PM SERVED MICHELLE E. PHILLIPS

SERVED MICHELLE E. PHILLIPS, DEFENDANT, AT HER RESIDENCE 5887 GLEN HOPE BLVD., GLEN HOPE, CLEARFIELD COUNTY, PENNSYLVANIA BY HANDING TO ROBERT PHILLIPS, HUSBAND/CO-DEFENDANT

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

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

DOCKET # 20935  
NO: 08-2046-CD

PLAINTIFF: BROWN BARK II, L.P.

vs.

DEFENDANT: ROBERT F. PHILLIPS AND MICHELLE E. PHILLIPS

## Execution      REAL ESTATE

## **SHERIFF RETURN**

SHERIFF HAWKINS \$246.14

**SURCHARGE \$40.00 PAID BY ATTORNEY**

Sworn to Before Me This

### So Answers,

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

✓ Chester A. Hawkins  
Sheriff

## Sheriff

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE - ID #04302  
STUART WINNEG, ESQUIRE - ID #45362  
LORRAINE DOYLE, ESQUIRE - ID #34576  
ALAN M. MINATO, ESQUIRE - ID #75860  
CHANDRA M. ARKEMA, ESQUIRE - ID #203437  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
856-669-5400  
pleadings@udren.com

ATTORNEY FOR PLAINTIFF

Brown Bark II, L.P.  
Plaintiff

v.

COURT OF COMMON PLEAS  
CIVIL DIVISION  
Clearfield County

MORTGAGE FORECLOSURE

Robert F. Phillips  
Michelle E. Phillips  
Defendant(s)

NO. 2008-2046-CD

**WRIT OF EXECUTION**

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:

912 Clara Street  
Houtzdale, PA 16651  
SEE LEGAL DESCRIPTION ATTACHED

Amount due \$47,831.70

Interest From 2/20/09  
to Date of Sale \_\_\_\_\_  
Ongoing Per Diem of \$9.40  
to actual date of sale including if sale is  
held at a later date

(Costs to be added) \$ \_\_\_\_\_  
Prothonotary costs 142.00  
Prothonotary

By \_\_\_\_\_

Clerk

Date 2/23/09

Received this writ this 23rd day  
of February A.D. 2009  
at 3:00 A.M./P.M.

Chester A. Hawley  
Sheriff by Cynthia Butler-Cayhula

COURT OF COMMON PLEAS  
NO. 2008-2046-CD

Brown Bark II, L.P.  
vs.  
Robert F. Phillips  
Michelle E. Phillips

=====WRIT OF EXECUTION=====

REAL DEBT \$ 47,831.70

INTEREST \$ \_\_\_\_\_  
from 2/20/09  
to Date of Sale \_\_\_\_\_  
*Ongoing Per Diem of \$9.40*  
*to actual date of sale including if sale is*  
*held at a later date*

COSTS PAID:  
PROTHY \$ 142.00

SHERIFF \$ \_\_\_\_\_

STATUTORY \$ \_\_\_\_\_

COSTS DUE PROTHY. \$ \_\_\_\_\_

PREMISES TO BE SOLD:  
912 Clara Street  
Houtzdale, PA 16651

Chandra Arkema

UDREN LAW OFFICES, P.C.  
MARK J. UDREN, ESQUIRE  
STUART WINNEG, ESQUIRE  
LORRAINE DOYLE, ESQUIRE  
ALAN M. MINATO, ESQUIRE  
CHANDRA M. ARKEMA, ESQUIRE  
WOODCREST CORPORATE CENTER  
111 WOODCREST ROAD, SUITE 200  
CHERRY HILL, NJ 08003-3620  
(856) 669-5400  
pleadings@udren.com

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF GROUND SITUATE IN THE BOROUGH OF HOUTZDALE, CLEARFIELD COUNTY, PENNSYLVANIA, BOUNDED AND DESCRIBED AS FOLLOWS:

BOUNDED ON THE SOUTH BY CLARA STREET AND RUNNING WEST ALONG CLARA STREET FIFTY (50') FEET TO A POST ON LINE OF LOT NO. 611; THENCE NORTH ALONG THE LINE OF SAID LOT NO. 611, ONE HUNDRED FIFTY (150') FEET TO A POST ON BEAR ALLEY; THENCE EAST ALONG THE LINE OF BEAR AVENUE, FIFTY (50') FEET TO A POST ON LINE ALLEY; AND THENCE SOUTH ALONG THE LINE OF SAID ALLEY, ONE HUNDRED FIFTY (150') FEET TO A POST ON CLARE STREET, THE PLACE OF BEGINNING, AND KNOWN AS LOT NO. 609 IN THE GENERAL PLAN OF THE BOROUGH OF HOUTZDALE. HAVING THEREON ERECTED A ONE STORY, FRAME DWELLING HOUSE, BUNGALOW TYPE, AND OTHER OUT BUILDINGS. BEING FURTHER IDENTIFIED BY CLEARFIELD COUNTY MAP ASSESSMENT NUMBER 10-M14-397-00013.

BEING KNOWN AS: 912 Clara Street, Houtzdale, PA 16651

PROPERTY ID NO.: 10-M14-397-13

TITLE TO SAID PREMISES IS VESTED IN ROBERT F. PHILLIPS AND MICHELLE E. PHILLIPS, HIS WIFE, AS TENANTS BY THE ENTIRETIES BY DEED FROM JOSEPH TUORINSKY AND MARY TUORINSKY, HIS WIFE DATED 9/30/1997 RECORDED 9/30/1997 IN DEED BOOK 1876 PAGE 143.

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME ROBERT F. PHILLIPS NO. 08-2046-CD

NOW, June 30, 2009, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on June 05, 2009, I exposed the within described real estate of Robert F. Phillips And Michelle E. Phillips to public venue or outcry at which time and place I sold the same to BROWN BARK II, L.P. 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 SERVICE	15.00	DEBT-AMOUNT DUE	47,831.70
MILEAGE	15.00	INTEREST @ 9.4000 %	987.00
LEVY	25.30	FROM 02/20/2009 TO 06/05/2009	
MILEAGE POSTING	19.80	PROTH SATISFACTION	
CSDS	15.00	LATE CHARGES AND FEES	
COMMISSION	10.00	COST OF SUIT-TO BE ADDED	
POSTAGE	0.00	FORECLOSURE FEES	
HANDBILLS	5.04	ATTORNEY COMMISSION	
DISTRIBUTION	15.00	REFUND OF ADVANCE	
ADVERTISING	25.00	REFUND OF SURCHARGE	40.00
ADD'L SERVICE	15.00	SATISFACTION FEE	
DEED	15.00	ESCROW DEFICIENCY	
ADD'L POSTING	30.00	PROPERTY INSPECTIONS	
ADD'L MILEAGE		INTEREST	
ADD'L LEVY		MISCELLANEOUS	
BID AMOUNT	1.00	<b>TOTAL DEBT AND INTEREST</b>	<b>\$48,858.70</b>
RETURNS/DEPUTIZE			
COPIES	15.00	<b>COSTS:</b>	
	5.00	ADVERTISING	397.00
BILLING/PHONE/FAX	5.00	TAXES - COLLECTOR	158.88
CONTINUED SALES		TAXES - TAX CLAIM	1,292.00
MISCELLANEOUS		DUE	
<b>TOTAL SHERIFF COSTS</b>	<b>\$246.14</b>	LIEN SEARCH	100.00
<b>DEED COSTS:</b>		ACKNOWLEDGEMENT	5.00
ACKNOWLEDGEMENT	5.00	DEED COSTS	28.50
REGISTER & RECORDER	28.50	SHERIFF COSTS	246.14
TRANSFER TAX 2%	0.00	LEGAL JOURNAL COSTS	270.00
<b>TOTAL DEED COSTS</b>	<b>\$28.50</b>	PROTHONOTARY	142.00
		MORTGAGE SEARCH	40.00
		MUNICIPAL LIEN	
		<b>TOTAL COSTS</b>	<b>\$2,679.52</b>

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

CHESTER A. HAWKINS, Sheriff