



*11/2/08* **FILED** Atty pd. 95.00  
NOV 04 2008 *WCC Sheriff*  
William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 69849  
JUDITH T. ROMANO, ESQ., Id. No. 58745  
SHEETAL SHAH-JANI, ESQ., Id. No. 81760  
JENINE R. DAVEY, ESQ., Id. No. 87077  
LAUREN R. TABAS, ESQ., Id. No. 93337  
VIVEK SRIVASTAVA, ESQ., Id. No. 202331  
JAY B. JONES, ESQ., Id. No. 86657  
PETER MULCAHY, ESQ., Id. No. 61791  
ANDREW SPIVACK, ESQ., Id. No. 84439  
JAIME MCGUINNESS, ESQ., Id. No. 90134  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 187740

ATTORNEY FOR PLAINTIFF

COUNTRYWIDE HOME LOANS, INC.  
7105 CORPORATE DRIVE  
PLANO, TX 75024

Plaintiff  
v.

MICHAEL D. SWOPE  
WENDY SWOPE  
2092 POINTE AVENUE  
TROUTVILLE, PA 15866

Defendants

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

**NOTICE**

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

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

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

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

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

1. Plaintiff is

COUNTRYWIDE HOME LOANS, INC.  
7105 CORPORATE DRIVE  
PLANO, TX 75024

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

MICHAEL D. SWOPE  
WENDY SWOPE  
2092 POINTE AVENUE  
TROUTVILLE, PA 15866

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

3. On 10/30/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS A NOMINEE FOR FIRST RESIDENTIAL MORTGAGE NETWORK, D/B/A SUREPOINT LENDING which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200618936. The PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.

4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$104,180.17
Interest	\$5,341.44
04/01/2008 through 10/31/2008	
(Per Diem \$24.96)	
Attorney's Fees	\$1,325.00
Cumulative Late Charges	\$204.75
10/30/2006 to 10/31/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$111,601.36
Escrow	
Credit	\$0.00
Deficit	\$64.60
Subtotal	<u>\$64.60</u>
<b>TOTAL</b>	\$111,665.96

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

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

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$111,665.96, together with interest from 10/31/2008 at the rate of \$24.96 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

202331

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

Attorneys for Plaintiff

## LEGAL DESCRIPTION

ALL THOSE CERTAIN pieces, parcels or lots of land situate, lying and being in the Borough of Troutville, Clearfield County, Pennsylvania, being bounded and described as follows, to wit:

### PARCEL NO. 1

BEGINNING at a one (1) inch iron pipe set by this survey at the Southeastern most corner of the land hereby described, said iron pipe being North two (2) degrees thirteen (13) minutes East, three hundred seventy-four and fifty one-hundredths (374.50) feet from the southwest corner of the land of Harvey and Eleanor Frantz and said iron pipe also being North eighty-nine (89) degrees thirty (30) minutes west, two hundred thirty-one and no hundredths (231.00) feet from the northeast corner of land of Harvey and Eleanor Frantz and running; THENCE North eighty-nine (89) degrees thirty (30) minutes West, two hundred seventy-one and six one hundredths (271.03) feet along the land of Nancy J. Shaffer to a one (1) inch iron pipe set by this survey at the southwestern most corner of the land hereby described; THENCE North two (2) degrees thirteen (13) minutes East, three hundred sixteen and ninety-four one-hundredths (316.94) feet along the lands of Nancy J. Shaffer to a point in the centerline of Legislative Route 17009 at the northwestern most corner of the land hereby described; THENCE South seventy-five (75) degrees zero (00) minutes East, three hundred sixty-six and forty-two one-hundredths (366.42) feet along the centerline of Legislative Route 17009 to a point at the northeastern most corner of the land hereby described; THENCE South twenty-three (23) degrees zero (00) minutes West, two hundred forty-three and fifty-nine one-hundredths (243.59) feet along the land of Nancy J.

Shaffer to a one (1) inch iron pipe set by this survey at the southeastern most corner of the land hereby described and the point of beginning.

ALL bearings are based on a magnetic bearing taken May 3, 1985, and have been rotated to deed bearings formed in deed recorded in Deed Book 520, Page 43.

THIS description was written May 16, 1985 from data secured from a survey made May 9, 1985.

PARCEL NO. 2

Beginning at an iron pin at the southwestern most corner of the land hereby described and the common corner of the land now owned by Henry B. Lefler and Harvey A. Frantz; THENCE North twenty three (23) degrees zero (00) minutes East two hundred forty-three and fifty-nine one-hundredths (243.59) feet along land of Henry B. Lefler to a point in State Route Number 4001; THENCE South seventy one (71) degrees, erroneously referred to as (7) degrees in prior deeds, twelve (12) minutes East ninety-six and forty-seven one-hundredths (96.47) feet and South forty-six (46) degrees eighteen (18) minutes East sixty-six and sixty-seven one-hundredths (66.67) feet along State Route Number 4001 to a point in the same; THENCE South one (1) degree twenty - eight (28) minutes West one hundred forty-five and no hundredths (145.00) feet to a point in the shoulder of State Route Number 4001; THENCE South eighty-nine (89) degrees twenty-eight (28) minutes West two hundred thirty-one and no hundredths (231.00) feet along land of Harvey A. Frantz to an iron pin and the point of beginning.

Containing 0.859 of an acre

The above description was prepared by Louis J. Seriar, general surveyor, in accordance with survey performed by him on January 19, 1990.

BEING FURTHER IDENTIFIED AS CLEARFIELD COUNTY TAX MAP NO. 18-A61-1  
AND 18-A6-32 AS SHOWN ON THE ASSESSMENT MAP IN THE RECORDS OF  
CLEARFIELD COUNTY, PENNSYLVANIA.

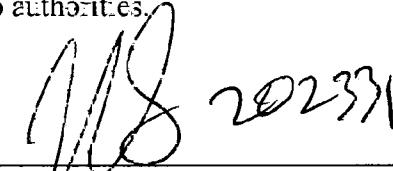
PARCEL NO. 18-A61-1

**PROPERTY BEING: 2092 POINTE AVENUE**

**VERIFICATION**

I hereby state that I am the attorney for the Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the Court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that I am authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of my knowledge, information and belief.

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

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

DATE: 10/31/08

PHELAN HALLINAN & SCHMIEG, LLP  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

**COUNTRYWIDE HOME LOANS, INC.**

Plaintiff

vs.

**MICHAEL D. SWOPE  
WENDY SWOPE**

Defendant(s)

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 08-2104-CD

: CLEARFIELD COUNTY S

:

:

:

NOV 20 2008

M/12:30/08  
William A. Shaw  
Prothonotary/Clerk of Courts  
No 9C

**PRAECIPE TO SUBSTITUTE VERIFICATION**  
**TO CIVIL ACTION COMPLAINT**  
**IN MORTGAGE FORECLOSURE**

TO THE PROTHONOTARY:

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

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By   
Francis S. Hallinan, Esquire

Date: 11/18/08

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

ATTORNEY FOR PLAINTIFF

<b>COUNTRYWIDE HOME LOANS, INC.</b>	<b>:</b>	<b>COURT OF COMMON PLEAS</b>
	<b>:</b>	
<b>Plaintiff</b>	<b>:</b>	<b>CIVIL DIVISION</b>
	<b>:</b>	
<b>vs.</b>	<b>:</b>	<b>NO. 08-2104-CD</b>
	<b>:</b>	
<b>MICHAEL D. SWOPE</b>	<b>:</b>	<b>CLEARFIELD COUNTY</b>
<b>WENDY SWOPE</b>	<b>:</b>	
	<b>:</b>	
<b>Defendant(s)</b>	<b>:</b>	
	<b>:</b>	

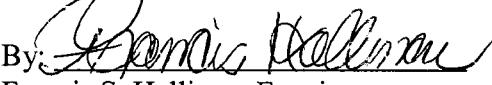
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Plaintiff's Praecept to attach Verification of Complaint was sent via first class mail to the following on the date listed below:

MICHAEL D. SWOPE  
2092 POINTE AVENUE  
TROUTVILLE, PA 15866-5021

WENDY SWOPE  
2092 POINTE AVENUE  
TROUTVILLE, PA 15866-5021

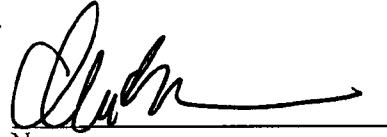
Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By:   
Francis S. Hallinan, Esquire

Date: 11/18/08

**VERIFICATION**

MICALL BACHMAN hereby states that he/she is  
VICE PRESIDENT of COUNTRYWIDE HOME LOANS, INC., servicing agent  
for Plaintiff COUNTRYWIDE HOME LOANS, INC., in this matter, that he/she is authorized to  
take this Verification, and that the statements made in the foregoing Civil Action in Mortgage  
Foreclosure are true and correct to the best of his/her knowledge, information and belief. The  
undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec.  
4904 relating to unsworn falsification to authorities.



Name:

DATE: NOV 5 2008

Title: **MICALL BACHMAN, VICE PRESIDENT**

Company: COUNTRYWIDE HOME LOANS,  
INC.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2104-CD

COUNTRYWIDE HOME LOANS, INC.

vs

MICHAEL D. SWOPE, WENDY SWOPE

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 2

SERVE BY: 12/04/2008

HEARING:

PAGE: 104875

DEFENDANT: WENDY SWOPE  
ADDRESS: 2092 POINTE AVENUE  
TROUTVILLE, PA 15866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

*S*  
**FILED**

*0/8.31/cn*  
DEC 15 2008

*W.M. Hawkins*  
W.M. HAWKINS  
Prothonotary/Clerk of Courts

ATTEMPTS

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 12-2-2008 AT 9:35 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON WENDY SWOPE, DEFENDANT

BY HANDING TO WENDY SWOPE Defendant

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

ADDRESS SERVED 2092 Pointe Ave Troutville, Pa. 15866

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

COMPLAINT IN MORTGAGE FORECLOSURE FOR WENDY SWOPE

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

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

I MAKE RETURN OF **NOT FOUND** AS TO WENDY SWOPE

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Jerome M. Hawkins*  
Deputy Signature

*Jerome M. Hawkins*  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2104-CD

COUNTRYWIDE HOME LOANS, INC.

vs  
MICHAEL D. SWOPE, WENDY SWOPE

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/04/2008 HEARING: PAGE: 104875

DEFENDANT: MICHAEL D. SWOPE  
ADDRESS: 2092 POINTE AVENUE  
TROUTVILLE, PA 15866

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

*S*  
**FILED**  
*0/8:31cm*

DEC 15 2008

*JA*  
William A. Shaw  
Prothonotary, Clerk of Courts  
**OCCUPIED**

**SHERIFF'S RETURN**

NOW, 12-2-2008 AT 9:35 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL D. SWOPE, DEFENDANT

BY HANDING TO WENDY SWOPE / wife

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

ADDRESS SERVED 2092 Pointe Avenue Troutville Pa. 15866

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

COMPLAINT IN MORTGAGE FORECLOSURE FOR MICHAEL D. SWOPE

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

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

I MAKE RETURN OF **NOT FOUND** AS TO MICHAEL D. SWOPE

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Jerome M. Nervius  
Deputy Signature

Jerome M. Nervius  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104875  
NO. 08-2104-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: COUNTRYWIDE HOME LOANS, INC.  
vs.  
DEFENDANT: MICHAEL D. SWOPE, WENDY SWOPE

**SHERIFF RETURN**

---

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	745031	20.00
SHERIFF HAWKINS	PHELAN	745031	47.40

S  
013:45 LN  
FEB 17 2009  
William A. Shaw  
Prothonotary Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

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

**Attorney For Plaintiff**

<b>COUNTRYWIDE HOME LOANS, INC.</b>	:	<b>Court of Common Pleas</b>
<b>Plaintiff</b>	:	
 <b>vs</b>	:	<b>Civil Division</b>
	:	
<b>MICHAEL D. SWOPE</b>	:	<b>CLEARFIELD County</b>
<b>WENDY SWOPE</b>	:	
<b>Defendant</b>	:	<b>No. 08-2104-CD</b>
	:	

**PRAECIPE**

TO THE PROTHONOTARY:

Please withdraw the complaint and mark the action Discontinued and Ended without prejudice.

Please mark the above referenced case Settled, Discontinued and Ended.

Please Vacate the judgment entered and mark the action Discontinued and Ended without prejudice.

Please mark the in rem judgment Satisfied and the action Discontinued and Ended.

Date: 3-20-12

PHELAN HALLINAN & SCHMIEG, LLP  
  
By: William E. Miller, Esq., Id. No.308951  
Attorney for Plaintiff

PHS # 187740

5/ FILED 1CC A/H  
MAY 3:30 PM Miller  
MAR 21 2012

William A. Shaw  
Prothonotary/Clerk of Courts  


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

**Attorney For Plaintiff**

**COUNTRYWIDE HOME LOANS, INC.**

**Plaintiff**

**Court of Common Pleas**

**vs**

**Civil Division**

**MICHAEL D. SWOPE**  
**WENDY SWOPE**  
**Defendant**

**CLEARFIELD County**  
**No. 08-2104-CD**

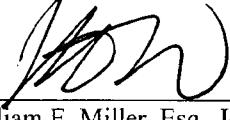
**CERTIFICATION OF SERVICE**

I hereby certify true and correct copies of the foregoing Plaintiff's Praecipe was served by regular mail to the person(s) on the date listed below:

MICHAEL D. SWOPE  
WENDY SWOPE  
2092 POINTE AVENUE  
TROUTVILLE, PA 15866-5021

Date: 3-20-12

By:

  
William E. Miller, Esq., Id. No.308951  
Attorney for Plaintiff

PHS # 187740