

[REDACTED]

[REDACTED]

5
FILED
m 1:20 p.m. GK NO CC
NOV 05 2008 1000PL SHFF
William A. Shaw
Prothonotary/Clerk of Courts ATTY PAID 95.00

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 189342

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC.
1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 2008-2113-CD

v.

CLEARFIELD COUNTY

JAMES NETTERBLADE
628 KNOX RUN ROAD
LANSE, PA 16849

Defendant

Aug 5, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw
Deputy Prothonotary

June 8, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw
Deputy Prothonotary

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

File #: 189342

March 26, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw GK
Deputy Prothonotary

Feb 10, 2009 Document
Reinstated/Reissued to Sheriff/Attorney
for service.
William A. Shaw GK
Deputy Prothonotary

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
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

1. Plaintiff is

CITIMORTGAGE, INC.
1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

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

JAMES NETTERBLADE
628 KNOX RUN ROAD
LANSE, PA 16849

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

3. On 02/23/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INCORPORATED AS A NOMINEE FOR AIG FEDERAL SAVINGS BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200603553. 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 06/01/2008 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	\$119,736.17
Interest	\$4,631.99
05/01/2008 through 11/03/2008 (Per Diem \$24.77)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$171.80
03/01/2006 to 11/03/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$126,339.96
Escrow	
Credit	\$0.00
Deficit	\$1,690.15
Subtotal	<u>\$1,690.15</u>
TOTAL	\$128,030.11

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$128,030.11, together with interest from 11/03/2008 at the rate of \$24.77 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: _____

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

MICHELE M. BRADFORD, ESQUIRE I.D. 69849

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 that certain piece of land situate in the Township of Cooper, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake corner on the Southern right-of-way line of State Highway Route No. 17066 and said stake corner being on the line of Harvey C. Wolf, Jr.; thence along the line of Harvey C. Wolf, Jr. S 5 degrees 15 minutes W a distance of 210.00 feet to an iron pipe corner; thence by same S 84 degrees 55 minutes E a distance of 50.00 feet to a stake corner on line of other lands of Edward Lucas, grantor herein, of which this is a part; thence along line of other lands of Edward Lucas S 5 degrees 15 minutes W a distance of 148.25 feet to an iron pipe corner; thence by same N 86 degrees 55 minutes W a distance of 150.04 feet to an iron pipe corner; thence still by same N 5 degrees 15 minutes E a distance of 300.00 feet to a stake corner on the aforementioned Southern right-of-way line of State Highway Route No. 17066; thence along the Southern right-of-way line of State Highway Route No. 17066 S 86 degrees 55 minutes E a distance of 100.00 feet to a stake corner, the place of beginning. Containing 1.00 acres, more or less.

BEING the same premises conveyed unto James Netterblade and Sandra Netterblade by deed of Edward R. Lucas and Irene Lucas, his wife, dated April 15th, 1976 and recorded April 19, 1976 in Clearfield County Record Book 717 at page 442.

BEING TAX PARCEL No.110-S09-000-00348.

PREMISES: 628 KNOX RUN ROAD

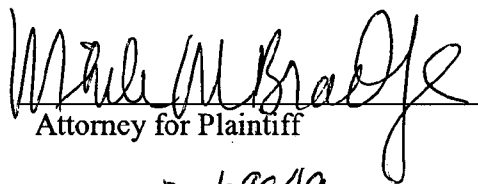
UNDER AND SUBJECT to all existing easements, covenants, conditions, restrictions and rights-of-way as shown in prior deeds of record.

VERIFICATION

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

Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

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


Attorney for Plaintiff
I.D. 69849

DATE: 11/3/09

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2113-CD

CITIMORTGAGE, INC
VS
JAMES NETTERBLADE

SERVICE # 1 OF 1

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/05/2008 HEARING: PAGE: 104883

DEFENDANT: JAMES NETTERBLADE
ADDRESS: 628 KNOX RUN ROAD
LANSE, PA 16849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

House Empty

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON JAMES NETTERBLADE, 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 JAMES NETTERBLADE

AT (ADDRESS) _____

NOW 12-16-08 AT 8¹⁵ (AM) PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO JAMES NETTERBLADE

REASON UNABLE TO LOCATE NOT FOUND HOUSE EMPTY

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hunter

Deputy Signature

S. Hunter

Print Deputy Name

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

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

NOV 05 2008

Attest.

William L. 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 189342

CITIMORTGAGE, INC.
1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

Plaintiff

v.

JAMES NETTERBLADE
628 KNOX RUN ROAD
LANSE, PA 16849

Defendant

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-2113-CD

CLEARFIELD COUNTY

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

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
2nd and Market Streets
Clearfield, PA 16830
814-765-2641 x 5982

1. Plaintiff is

CITIMORTGAGE, INC.
1000 TECHNOLOGY DRIVE
MAIL STATION
O'FALLON, MO 63368-2240

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

JAMES NETTERBLADE
628 KNOX RUN ROAD
LANSE, PA 16849

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

3. On 02/23/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INCORPORATED AS A NOMINEE FOR AIG FEDERAL SAVINGS BANK which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200603553. 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 06/01/2008 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	\$119,736.17
Interest	\$4,631.99
05/01/2008 through 11/03/2008 (Per Diem \$24.77)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$171.80
03/01/2006 to 11/03/2008	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$126,339.96
Escrow	
Credit	\$0.00
Deficit	\$1,690.15
Subtotal	<u>\$1,690.15</u>
TOTAL	\$128,030.11

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.
8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

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

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$128,030.11, together with interest from 11/03/2008 at the rate of \$24.77 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: _____

LAWRENCE T. PHELAN, ESQUIRE

FRANCIS S. HALLINAN, ESQUIRE

DANIEL G. SCHMIEG, ESQUIRE

✓ MICHELE M. BRADFORD, ESQUIRE I.D. 69849

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 that certain piece of land situate in the Township of Cooper, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a stake corner on the Southern right-of-way line of State Highway Route No. 17066 and said stake corner being on the line of Harvey C. Wolf, Jr.; thence along the line of Harvey C. Wolf, Jr. S 5 degrees 15 minutes W a distance of 210.00 feet to an iron pipe corner; thence by same S 84 degrees 55 minutes E a distance of 50.00 feet to a stake corner on line of other lands of Edward Lucas, grantor herein, of which this is a part; thence along line of other lands of Edward Lucas S 5 degrees 15 minutes W a distance of 148.25 feet to an iron pipe corner; thence by same N 86 degrees 55 minutes W a distance of 150.04 feet to an iron pipe corner; thence still by same N 5 degrees 15 minutes E a distance of 300.00 feet to a stake corner on the aforementioned Southern right-of-way line of State Highway Route No. 17066; thence along the Southern right-of-way line of State Highway Route No. 17066 S 86 degrees 55 minutes E a distance of 100.00 feet to a stake corner, the place of beginning. Containing 1.00 acres, more or less.

BEING the same premises conveyed unto James Netterblade and Sandra Netterblade by deed of Edward R. Lucas and Irene Lucas, his wife, dated April 15th, 1976 and recorded April 19, 1976 in Clearfield County Record Book 717 at page 442.

BEING TAX PARCEL No.110-S09-000-00348.

PREMISES: 628 KNOX RUN ROAD

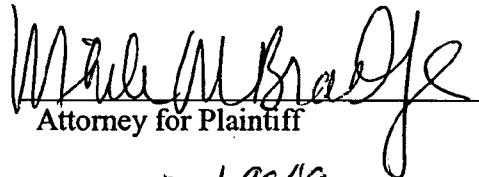
UNDER AND SUBJECT to all existing easements, covenants, conditions, restrictions and rights-of-way as shown in prior deeds of record.

VERIFICATION

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

Furthermore, counsel intends to substitute a verification from Plaintiff upon receipt.

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


Attorney for Plaintiff
I.D. 69849

DATE: 11/3/08

U^A

FILED

11:16 P.M. CLK

FEB 10 2009 No. 08-2113-CD

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Citimortgage Inc.	:	Court Of Common Pleas
	:	
	:	Civil Division
vs.	:	
	:	Clearfield County
James Netterblade	:	No. 08-2113-CD

MOTION FOR SERVICE PURSUANT TO
SPECIAL ORDER OF COURT

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, L.L.P., moves this Honorable Court for an Order directing service of the Complaint upon the above-captioned Defendant, James Netterblade, by first class mail and certified mail to the last known address and the mortgaged premises, 628 Knox Run Road, Lanse, PA 16849, and in support thereof avers the following:

1. Attempts to serve Defendant, James Netterblade, with the Complaint have been unsuccessful. The Sheriff of Clearfield County attempted to serve the Defendant at the mortgaged premises, 628 Knox Run Road, Lanse, PA 16849. As indicated by the Sheriff's Return of Service attached hereto as Exhibit "A", no service was made on the Defendant as the house is empty.


2. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results is attached hereto as Exhibit "B".

3. Plaintiff has reviewed its internal records and has not been contacted by the Defendant as of February 5, 2009 to bring loan current.

4. Plaintiff submits that it has made a good faith effort to locate the Defendant but has been unable to do so.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by first class mail and certified mail.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: February 5, 2009

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Citimortgage Inc.

Vs.

James Netterblade

Attorney for Plaintiff

Court Of Common Pleas
Civil Division
Clearfield County
No. 08-2113-CD

MEMORANDUM OF LAW

Pa. R.C.P. 430(a) specifically provides:

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

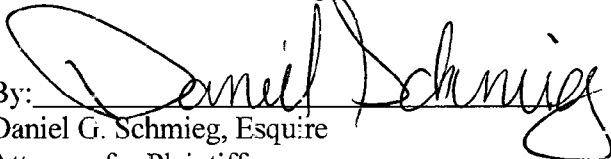
Note: A Sheriff's return of "Not Found" or the fact that a Defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa. Super. 362, 357 A.2d 580 (1976). "Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address." Adoption of Walker, 468 Pa. 165, 360 A.2d 602 (1976).

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

As indicated by the attached Sheriff's Return of Service, attached hereto and marked as Exhibit "A", the Sheriff has been unable to serve the Complaint. A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked Exhibit "B".

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order pursuant to Pa.R.C.P. 430 directing service of the Complaint by first class mail and certified mail.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: February 5, 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2113-CD

CITIMORTGAGE, INC
vs
JAMES NETTERBLADE

SERVICE # 1 OF 1

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/05/2008 HEARING: PAGE: 104883

DEFENDANT: JAMES NETTERBLADE
ADDRESS: 628 KNOX RUN ROAD
LANSE, PA 16849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

House Empty

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON JAMES NETTERBLADE, 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 JAMES NETTERBLADE

AT (ADDRESS) _____

NOW 12-16-08 AT 8¹⁵ (AM) PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO JAMES NETTERBLADE

REASON UNABLE TO LOCATE NOT FOUND HOUSE EMPTY

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Deputy S. Hunter
Deputy Signature

S. Hunter
Print Deputy Name

FILED
C 8:30 A.M. G/K
DEC 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

FULL SPECTRUM SERVICES, INC.
AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: 189342
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**
Subject: James Netterblade & Sandra Netterblade (Deceased)

Current Address: 628 Knox Run Road, Lanse, PA 16849
Property Address: 628 Knox Run Road, Lanse, PA 16849
Mailing Address: 628 Knox Run Road, Lanse, PA 16849

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

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct
James Netterblade - xxx-xx-8137
Sandra Netterblade - xxx-xx-6434

B. EMPLOYMENT SEARCH

James Netterblade & Sandra Netterblade - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that James Netterblade reside(s) at: P.O. Box 76, Lanse, PA 16849 & Sandra Netterblade reside(s) at: 628 Knox Run Road, Lanse, PA 16849.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which had no listing for James Netterblade & Sandra Netterblade.

B. On 10-10-08 our office made a telephone call to the phone number (814) 345-5119 and received the following information: spoke with James Netterblade who confirmed that he reside(s) at: 628 Knox Run Road, Lanse, PA 16849.

III. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 10-10-08 we reviewed the National Address database and found the following information: James Netterblade & Sandra Netterblade - P.O. Box 76, Lanse, PA 16849.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

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

IV. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on James Netterblade & Sandra Netterblade.

V. OTHER INQUIRIES

A. DEATH RECORDS

As of 10-10-08 Vital Records and all public databases have a death record on file for Sandra Netterblade & have no death record on file for James Netterblade.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for James Netterblade & Sandra Netterblade residing at: last registered address.

VI. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

James Netterblade - 12-01-1943
Sandra Netterblade - 03-12-1945

B. DATE OF DEATH

Sandra Netterblade - 04-28-2008

C. A.K.A.

James Axel Netterblade Jr.
Sandra J. Netterblade

*** Our accessible databases have been checked and cross-referenced for the above named individual(s).**

*** Please be advised our database information indicates the subject resides at the current address.**

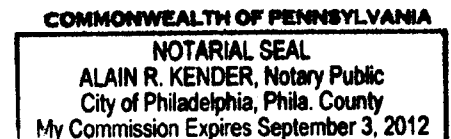
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa C.S. Sec. 4904 relating to unsworn falsification to authorities.


AFFIANT - Larry Moorehead
Full Spectrum Services, Inc.

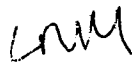


Sworn to and subscribed before me this 10th day of October, 2008.



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

IND

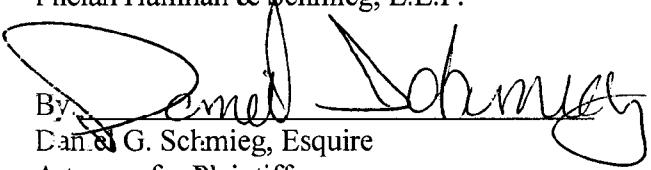


VERIFICATION

Daniel G. Schmieg, Esquire, hereby states that he is the Attorney for the Plaintiff in this action, that he is authorized to make this Affidavit, and that the statements made in the foregoing MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT are true and correct to the best of his knowledge, information and belief.

The undersigned understands that the statements made are subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: February 5, 2009

Phelan Hallinan & Schmieg, L.L.P.
By: Daniel G. Schmieg, Esquire No. 62205
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

Attorney for Plaintiff

Citimortgage Inc.	:	Court Of Common Pleas
	:	
	:	Civil Division
Vs.	:	
	:	Clearfield County
James Netterblade	:	
	:	No. 08-2113-CD

CERTIFICATION OF SERVICE

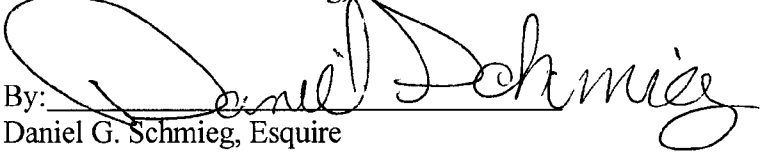
I, Daniel G. Schmieg, Esquire, hereby certify that a copy of the foregoing Motion for Service Pursuant to Special Order of Court, Memorandum of Law, Proposed Order and attached exhibits have been sent to the individual as indicated below by first class mail, postage prepaid, on the date listed below.

James Netterblade at:
628 Knox Run Road
Lanse, PA 16849

P.O. Box 76
Lanse, PA 16849

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

Respectfully submitted,
Phelan Hallinan & Schmieg, L.L.P.

By: 
Daniel G. Schmieg, Esquire
Attorney for Plaintiff

Date: February 5, 2009

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC.
Plaintiff

vs.

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: CLEARFIELD COUNTY

JAMES NETTERBLADE

Defendants

:
: No. 2008-2113-CD
:
:
:

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

Francis S. Hallinan, Esquire
Lawrence T. Phelan, Esquire
Daniel G. Schmieg, Esquire
Attorneys for Plaintiff

Date: February 9, 2009

/Inm, Svc Dept.
File# 189342

FILED

M 2:07 PM - SK
FEB 10 2009

ICC Atty
ICOMPL. REINSTATED

§ William A. Shaw
Prothonotary/Clerk of Courts

TO Atty
(GR)

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

CITIMORTGAGE, INC.,
Plaintiff
vs.
JAMES NETTERBLADE,
Defendant

*
*
*
*
*

NO. 08-2113-CD

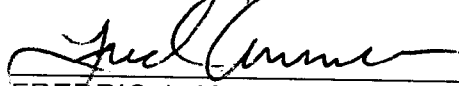
ORDER

NOW, this 11th day of February, 2009, the Plaintiff is granted leave to serve the Complaint upon the Defendant **JAMES NETTERBLADE** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to PO Box 76, Lanse, PA 16849 and 628 Knox Run Road, Lanse, PA 16849;
3. By certified mail, return receipt requested to PO Box 76, Lanse, PA 16849 and 628 Knox Run Road, Lanse, PA 16849; and
4. By posting the mortgaged premises known in this herein action as to 628 Know Run Road, Lanse, PA 16849.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED
01/4:00 PM
FEB 11 2009

3cc
Atty Schmieg

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104883
NO: 08-2113-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC
vs.
DEFENDANT: JAMES NETTERBLADE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	745444	10.00
SHERIFF HAWKINS	PHELAN	745444	37.40

9
01/31/45 LM
FEB 11 2009
William A. Shaw
Prothonotary Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE, INC.
Plaintiff

vs.

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: CLEARFIELD COUNTY

JAMES NETTERBLADE

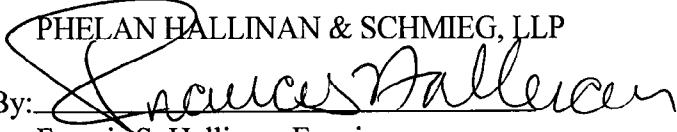
Defendants

:
: No. 2008-2113-CD
:
:
:

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP
By: 
Francis S. Hallinan, Esquire
Lawrence T. Phelan, Esquire
Daniel G. Schmieg, Esquire
Attorneys for Plaintiff

Date: March 18, 2009

/Inm, Svc Dept.
File# 189342

FILED Attg pd. 7.00
MAR 26 2009 11:05 AM
William A. Shaw
Prothonotary/Clerk of Courts
Comp. Reinstated to Attg
1 Comp. Reinstated to Sheriff
(61)

③

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

CITIMORTGAGE, INC.,
Plaintiff

vs.

JAMES NETTERBLADE,
Defendant

*
*
*
*
*

No. 08-2113-CD

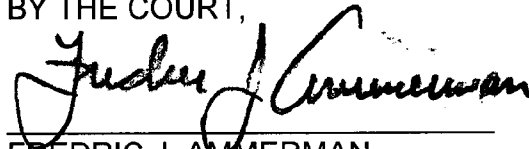
AMENDED ORDER

NOW, this 27th day of March, 2009, it is the ORDER of this Court that Item 4 of this Court's Order of February 11, 2009 shall be and is hereby AMENDED to read as follows:

4. By posting the mortgaged premises known in this herein action as to
628 Knox Run Road, Lanse, PA 16849.

All other provisions contained in the Order of February 11, 2009 remain unchanged.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

9/11 404m
MAR 27 2009

3CC Atty Schmies

ICC Judge Ammerman's
Office for SHR

S

William A. Shaw
Prothonotary/Clerk of Courts

②

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2113-CD

CITIMORTGAGE, INC.
vs
JAMES NETTERBLADE

SERVICE # 1 OF 1

COMPLAINT IN MORTGAGE FORECLOSURE & AMENDED ORDER

SERVE BY: 04/25/2009 HEARING: PAGE: 105470

DEFENDANT: JAMES NETTERBLADE
ADDRESS: 628 KNOX RUN ROAD
LANSE, PA 16849

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: POST ON PROPERTY

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

OCCUPIED William A. Shaw
Prothonotary/Clerk of Courts

ATTEMPTS

SHERIFF'S RETURN

NOW, _____ AT _____ AM / PM **SERVED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & AMENDED ORDER ON JAMES NETTERBLADE, 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 3-30-09 AT 9:13 (AM) PM **POSTED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & AMENDED ORDER FOR JAMES NETTERBLADE

AT (ADDRESS) 628 Knox Run rd Lanse Pa

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

I MAKE RETURN OF **NOT FOUND** AS TO JAMES NETTERBLADE

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2009

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

[Signature]
Deputy Signature

S. Hunter
Print Deputy Name

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

CITIMORTGAGE, INC.
Plaintiff

vs.

JAMES NETTERBLADE
Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: CLEARFIELD COUNTY

:
: No. 2008-2113-CD
:
:
:

5 FILED Any pd.
m/jl:cd/sjl 7.00
JUN 08 2009 No cc

William A. Shaw
Prothonotary/Clerk of Courts
1 Compl. Reinstated
to Atty (60)

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

Lawrence T. Phelan, Esquire

Francis S. Hallinan, Esquire

Daniel G. Schmieg, Esquire

Michele M. Bradford, Esquire

Judith T. Romano, Esquire

Sheetal R. Shah-Jani, Esquire

Jenine R. Davey, Esquire

Lauren R. Tabas, Esquire

Vivek Srivastava, Esquire

Jay B. Jones, Esquire

Peter J. Mulcahy, Esquire

Andrew L. Spivack, Esquire

Jaime McGuinness, Esquire

Chrisovalante P. Fliakos, Esquire

Joshua I. Goldman, Esquire

Courtenay R. Dunn, Esquire

Attorneys for Plaintiff

Date: June 3, 2009

/lnm, Svc Dept.

File# 189342

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105470

NO: 08-2113-CD

SERVICES 1

COMPLAINT IN MORTGAGE FORECLOSURE & AMENDED ORDER

PLAINTIFF: CITIMORTGAGE, INC.

vs.

DEFENDANT: JAMES NETTERBLADE

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	787772	10.00
SHERIFF HAWKINS	PHELAN	787772	31.00

FILED

9/10:39 am
JUL 22 2009

William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

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. Romaro, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 31760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tatas, Esq., Id. No. 93337
Vivak Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94622
Joshua L. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-565-7000

CITIMORTGAGE, INC.
Plaintiff

vs.

JAMES NETTERBLADE
Defendants

ATTORNEY FOR PLAINTIFF

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: CLEARFIELD COUNTY

:
: No. 2008-2113-CD
:
:
:

5
FILED
M 10 5 30
AUG 05 2009
William A. Shaw
Prothonotary/Clerk of Courts
Atty Ad. 7.00
No CC
1 Compl.
Reinstated
to Atty

PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly reinstate the Civil Action in Mortgage Foreclosure with reference to the above captioned matter.

PHELAN HALLINAN & SCHMIEG LLP

By: 

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 F. Tabas, Esquire
Vivek Srivastava, Esquire
Jay B. Jones, Esquire
Peter J. Mulcahy, Esquire
Andrew L. Spivack, Esquire
Jaime McGuinness, Esquire
Chrisovalante P. Fliakos, Esquire
Joshua I. Goldman, Esquire
Courtenay R. Dunn, Esquire
Andrew C. Bramblett, Esquire
Attorneys for Plaintiff

Date: July 24, 2009

Ann, Svc Dept.
File# 189342