

08-2153-CD

Wells Fargo al vs Scott Spaid

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FILED 

NOV 10 2008

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William A. Shaw

Prothonotary/Clerk of Courts

1 cent to Atty  
+ Sh. fee

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

**CIVIL ACTION – LAW**

WELLS FARGO BANK, NA  
AS TRUSTEE

CIVIL Division

PLAINTIFF

Case Number: 2008-2153-C

VS

Type of Pleading

SCOTT SPAID  
DEFENDANT

Complaint in  
Mortgage Foreclosure

Code and Classification:

CERTIFICATE OF LOCATION

Filed on Behalf Of:  
Plaintiff

806 MARKET STREET  
MIFFINVILLE, PA 18631

Counsel of Record:

MIFFLIN TOWNSHIP

Daniel J. Mancini, Esquire  
Attorney at Law  
201 A Fairview Drive  
Monaca, PA 15061  
(724) 728-4233

PARCEL No:  
23-05F-007

By: DANIEL J. MANCINI, ESQ.  
PA I.D. No. 39353

original

Daniel Mancini & Associates  
Daniel J. Mancini, Esq.,  
PA Bar ID: 39353  
201 A Fairview Drive  
Monaca, PA 15061  
(724) 728-4233  
mancinilawfirm@attorneydanielmancini.com

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

**WELLS FARGO BANK, NA  
AS TRUSTEE**

**CIVIL Division**

**Case Number:**

**PLAINTIFF  
VS**

**MORTGAGE FORECLOSURE**

**SCOTT SPAID  
DEFENDANT**

**CIVIL ACTION – LAW  
COMPLAINT IN MORTGAGE FORECLOSURE  
NOTICE**

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**WELLS FARGO BANK, NA**  
**AS TRUSTEE**

**CIVIL Division**

**Case Number:**

**PLAINTIFF**

**VS**

**MORTGAGE FORECLOSURE**

**SCOTT SPAID**  
**DEFENDANT**

**AVISO**

LE HAN DEMANDADO A USTED EN LA CORTE. SI DESEA DEFENDERSE CONTRA LAS QUEJAS PERESENTADAS, ES ABSOLUTAMENTE NECESSARIO QUE USTED RESPONDA DENTRO DE 20 DIAS DESPUES DE SER SERVIDO CON ESTA DEMANDA Y AVISO. PARA DEFENDERSE ES NECESSARIO QUE USTED, O SU ABOGADO, REGISTRE CON LA CORTE EN FORMA ESCRITA, EL PUNTO DE VISTA DE USTED Y CUALQUIER OBJECCION ONTRA LAS QUEJAS EN ESTA DEMANDA.

RECUERDE: SI USTED NO REPONDE A ESTA DEMANDA, SE PUEDE PROSEGUIR CON EL PROCESO SIN SU ARTICIPACION. ENTONCES, LA CORTE PUEDE, SIN NOTIFICARIO, DECIDIR A FAVOR DEL DEMANDANTE Y EQUERIR QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. POR RAZON DE ESA JECISION, ES POSSIBLE QUE USTED PUEDA PERDER DINERO, PROPIEDAD U OTROS DERECHOS IMPORTANTES. LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATEAMENTE.

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

**WELLS FARGO BANK, NA  
AS TRUSTEE**

**CIVIL Division**

**Case Number:**

**PLAINTIFF  
VS**

**MORTGAGE FORECLOSURE**

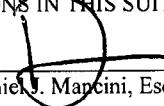
**SCOTT SPAID  
DEFENDANT**

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PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 ET SEQ. (1977), DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S) DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE DEFENDANT(S) WITH WRITTEN VERIFICATION THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. LIKEWISE, IF REQUESTED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S) THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM ABOVE.

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Daniel J. Mancini, Esq.

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

WELLS FARGO BANK, NA  
AS TRUSTEE

CIVIL Division

PLAINTIFF  
VS

Case Number:

MORTGAGE FORECLOSURE

SCOTT SPAID  
DEFENDANT

**COMPLAINT IN MORTGAGE FORECLOSURE**

1. Plaintiff is: WELLS FARGO BANK, NA AS TRUSTEE, whose address is c/o Mancini & Associates, 201 A Fairview Drive, Monaca, PA 15061.

2. Defendant is SCOTT SPAID, whose last known address is 806 MARKET STREET, MIFFINVILLE, PA 18631. SCOTT SPAID is the mortgagor and the recorded owner of the mortgaged property hereinafter described.

3. On or about, 12/23/04, SCOTT SPAID borrowed \$81,000.00, and in the enforcement of said debt executed and delivered a mortgage upon the premises hereinafter described to the lender ARGENT MORTGAGE COMPANY, LLC, this mortgage is recorded in the Office of the Recorder of Deeds of CLEARFIELD County at Instrument number 2004-14581. This mortgage is incorporated herein by reference in accordance with Pa. R.C.P. 1019 (g). Your plaintiff, WELLS FARGO BANK, NA AS TRUSTEE is now the current owner of said mortgage, and the assignment evidencing this ownership will be sent for recording at a later date.

4. The land subject to the Mortgage is 806 MARKET STREET, MIFFINVILLE, PA 18631, and is more particularly described in Exhibit "A", which is attached hereof and part of this Complaint.

5. The Mortgage is in default because monthly payments of principal and interest upon said mortgage due MAY 1, 2008, and each month thereafter are due and unpaid, and by the terms of said Mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

Unpaid Principal Balance	\$	79,332.61
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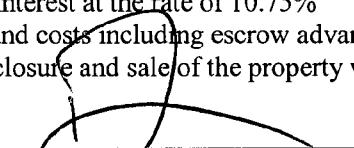
Delinquent Balance, including Interest at \$23.37 per diem From 4/1/08 to (based on contract rate of 10.75%)	\$	5,143.49
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Rec. Corp. Adv.	\$	000.00
Escrow Advance	\$	000.00
Accrued Late Charges	\$	788.27
Bad Check Fees	\$	00.00
Attorney's Fee	\$	<u>3,966.63</u>
Total	\$	89,231.00

\*\* Together with interest at the per diem rate noted above after MAY 1, 2008, and other charges and costs to date of Sheriff's Sale. The Attorney's Fees 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, or that are actually incurred by Plaintiff.

6. No judgment has been entered upon said Mortgage in any jurisdiction.
7. The combined notice specified by the Pennsylvania Homeowner's Emergency Mortgage Assistance Program, Act 91 or 1983 and Notice of Intention to Foreclose under Act 6 of 1974 has been sent to each defendant on JULY 7, 2008, via certified and regular mail, in accordance with the requirements of those acts.
8. Defendant is not a member of the Armed Forces of the United States of America, nor engaged in any way which would bring them within the Soldiers and Sailors Relief Act of 1940, as amended.
9. The Defendant has either failed to meet the time limitations as set forth under the Combined Act 6/91 Notice or have been determined by the Pennsylvania Housing Finance Agency not to qualify for Mortgage Assistance.

**WHEREFORE**, Plaintiff demands judgment in mortgage foreclosure 'IN REM' for the aforementioned total amount due together with interest at the rate of 10.75% (\$23.37 per diem), together with other charges and costs including escrow advances incidental thereto to the date of Sheriff's Sale and for foreclosure and sale of the property within described.

  
 Daniel J. Mancini, Esq.  
 Attorney Bar: PA 39353

**EXHIBIT A**

All that certain piece and parcel of land situate in Mifflin Township, Columbia County, Pennsylvania, bounded and described as follows:

Beginning at a railroad spike, for a corner, the aforesaid corner being on the westerly right of way line of Market Street, Legislative Route No. 19023, and also being located on the bearing of south 18 degrees 30 minutes west and a distance of 445.00 feet from the centerline of Seventh Street; thence running along the westerly right of way line of Market Street (Legislative Rote No. 19023) south 18 degrees 30 minutes east 95.00 feet to a steel pin corner, said corner being a corner of other lands of Margaret Spaid; thence running along land of Margaret Spaid south 71 degrees 30 minutes west 110.00 feet to a steel pin corner on line of land of Margaret Spaid and also being a corner of other land of Leila Barnes; thenc running along other land of Leila Barnes north 18 degrees 30 minutes west 95.00 feet to a steel pin, corner of land of Robert Garringer, and being on line of land of Leila Barnes, thence running along land of Robert Garringer north 71 degrees 30 minutes east 110.00 feet tot he place of beginning.

Daniel Mancini & Associates  
Daniel J. Mancini, Esq.,  
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**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY PENNSYLVANIA**

**WELLS FARGO BANK, NA**  
**AS TRUSTEE**

**CIVIL Division**

**Case Number:**

**PLAINTIFF**  
**VS**  
**MORTGAGE FORECLOSURE**

**SCOTT SPAID**  
**DEFENDANT**

**VERIFICATION**

Daniel J. Mancini, Esq., hereby states that he is the attorney for Plaintiff in this matter, that He 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 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. Further, counsel submits that Plaintiff is outside the court's jurisdiction and verification cannot be obtained with the time allowed for filing the pleading. It is counsel's intention to substitute a verification from Plaintiff.

Dated 7 November 2008

  
\_\_\_\_\_  
Daniel J. Mancini, Esq.  
Attorney Bar: Pa 39353

**In The Court of Common Pleas of Clearfield County, Pennsylvania**

Service # 1 of 1 Services

Sheriff Docket # **104926**

WELLS FARGO BANK, NA AS TRUSTEE

Case # 08-2153-CD

vs.

SCOTT SPAID

TYPE OF SERVICE COMPLAINT IN MORTGAGE FORECLOSURE

**SHERIFF RETURNS**

NOW November 24, 2008 RETURNED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE "NOT SERVED" AS TO SCOTT SPAID, DEFENDANT. ATTORNEY FILED IN WRONG COUNTY

SERVED BY: COLUMBIA /

**Return Costs**

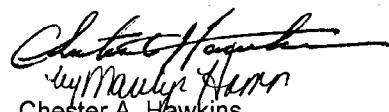
PURPOSE	VENDOR	CHECK #	AMOUNT
	NO COSTS		

5  
**FILED**  
01:35 AM  
NOV 26 2008  
WM  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before me This

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

So Answers,

  
Chester A. Hawkins  
Sheriff

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

NOV 10 2008

Attest.

*William A. Brown*  
Prothonotary/  
Clerk of Courts

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

**CIVIL ACTION – LAW**

WELLS FARGO BANK, NA  
AS TRUSTEE

CIVIL Division

PLAINTIFF

Case Number: 2008-2153-C

VS

Type of Pleading

SCOTT SPAID  
DEFENDANT

Complaint in  
Mortgage Foreclosure

Code and Classification:

CERTIFICATE OF LOCATION

Filed on Behalf Of:  
Plaintiff

806 MARKET STREET  
MIFFINVILLE, PA 18631

Counsel of Record:

MIFFLIN TOWNSHIP

Daniel J. Mancini, Esquire  
Attorney at Law  
201 A Fairview Drive  
Monaca, PA 15061  
(724) 728-4233

PARCEL No:  
23-05F-007

By: DANIEL J. MANCINI, ESQ.  
PA I.D. No. 39353

*Def*

Daniel Mancini & Associates  
Daniel J. Mancini, Esq.,  
PA Bar ID: 39353  
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**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY PENNSYLVANIA**

WELLS FARGO BANK, NA  
AS TRUSTEE

CIVIL Division

PLAINTIFF

Case Number:

VS

MORTGAGE FORECLOSURE

SCOTT SPAID  
DEFENDANT

**CIVIL ACTION – LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**  
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**WELLS FARGO BANK, NA**  
**AS TRUSTEE**

**CIVIL Division**

**PLAINTIFF**

**VS**

**Case Number:**

**MORTGAGE FORECLOSURE**

**SCOTT SPAID**  
**DEFENDANT**

**AVISO**

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**WELLS FARGO BANK, NA**  
**AS TRUSTEE**

**CIVIL Division**

**PLAINTIFF**

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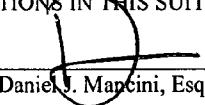
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**IN THE COURT OF COMMON PLEAS, CLEARFIELD COUNTY PENNSYLVANIA**

**WELLS FARGO BANK, NA**  
**AS TRUSTEE**

**CIVIL Division**

**Case Number:**

**PLAINTIFF**

**VS**

**MORTGAGE FORECLOSURE**

**SCOTT SPAID**  
**DEFENDANT**

**COMPLAINT IN MORTGAGE FORECLOSURE**

1. Plaintiff is: **WELLS FARGO BANK, NA AS TRUSTEE**, whose address is c/o Mancini & Associates, 201 A Fairview Drive, Monaca, PA 15061.

2. Defendant is **SCOTT SPAID**, whose last known address is 806 MARKET STREET, MIFFINVILLE, PA 18631. SCOTT SPAID is the mortgagor and the recorded owner of the mortgaged property hereinafter described.

3. On or about, 12/23/04, SCOTT SPAID borrowed \$81,000.00, and in the enforcement of said debt executed and delivered a mortgage upon the premises hereinafter described to the lender ARGENT MORTGAGE COMPANY, LLC, this mortgage is recorded in the Office of the Recorder of Deeds of CLEARFIELD County at Instrument number 2004-14581. This mortgage is incorporated herein by reference in accordance with Pa. R.C.P. 1019 (g). Your plaintiff, WELLS FARGO BANK, NA AS TRUSTEE is now the current owner of said mortgage, and the assignment evidencing this ownership will be sent for recording at a later date.

4. The land subject to the Mortgage is 806 MARKET STREET, MIFFINVILLE, PA 18631, and is more particularly described in Exhibit "A", which is attached hereof and part of this Complaint.

5. The Mortgage is in default because monthly payments of principal and interest upon said mortgage due MAY 1, 2008, and each month thereafter are due and unpaid, and by the terms of said Mortgage, upon default in such payments for a period of one month, the entire principal balance and all interest due thereon are collectible forthwith.

Unpaid Principal Balance	\$	79,332.61
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Delinquent Balance, including Interest at \$23.37 per diem From 4/1/08 to (based on contract rate of 10.75%)	\$	5,143.49
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Rec. Corp. Adv.	\$	000.00
Escrow Advance	\$	000.00
Accrued Late Charges	\$	788.27
Bad Check Fees	\$	00.00
Attorney's Fee	\$	<u>3,966.63</u>
 Total	\$	89,231.00

\*\* Together with interest at the per diem rate noted above after MAY 1, 2008, and other charges and costs to date of Sheriff's Sale. The Attorney's Fees 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, or that are actually incurred by Plaintiff.

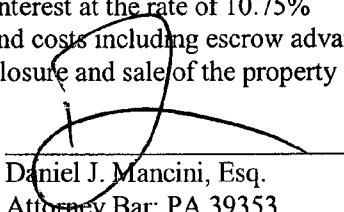
6. No judgment has been entered upon said Mortgage in any jurisdiction.

7. The combined notice specified by the Pennsylvania Homeowner's Emergency Mortgage Assistance Program, Act 91 or 1983 and Notice of Intention to Foreclose under Act 6 of 1974 has been sent to each defendant on JULY 7, 2008, via certified and regular mail, in accordance with the requirements of those acts.

8. Defendant is not a member of the Armed Forces of the United States of America, nor engaged in any way which would bring them within the Soldiers and Sailors Relief Act of 1940, as amended.

9. The Defendant has either failed to meet the time limitations as set forth under the Combined Act 6/91 Notice or have been determined by the Pennsylvania Housing Finance Agency not to qualify for Mortgage Assistance.

**WHEREFORE**, Plaintiff demands judgment in mortgage foreclosure 'IN REM' for the aforementioned total amount due together with interest at the rate of 10.75% (\$23.37 per diem), together with other charges and costs including escrow advances incidental thereto to the date of Sheriff's Sale and for foreclosure and sale of the property within described.

  
 Daniel J. Mancini, Esq.  
 Attorney Bar: PA 39353

**EXHIBIT A**

All that certain piece and parcel of land situate in Mifflin Township, Columbia County, Pennsylvania, bounded and described as follows:

Beginning at a railroad spike, for a corner, the aforesaid corner being on the westerly right of way line of Market Street, Legislative Route No. 19023, and also being located on the bearing of south 18 degrees 30 minutes west and a distance of 445.00 feet from the centerline of Seventh Street; thence running along the westerly right of way line of Market Street (Legislative Rote No. 19023) south 18 degrees 30 minutes east 95.00 feet to a steel pin corner, said corner being a corner of other lands of Margaret Spaid; thence running along land of Margaret Spaid south 71 degrees 30 minutes west 110.00 feet to a steel pin corner on line of land of Margaret Spaid and also being a corner of other land of Leila Barnes; thence running along other land of Leila Barnes north 18 degrees 30 minutes west 95.00 feet to a steel pin, corner of land of Robert Garringer, and being on line of land of Leila Barnes, thence running along land of Robert Garringer north 71 degrees 30 minutes east 110.00 feet to the place of beginning.

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

**WELLS FARGO BANK, NA**  
**AS TRUSTEE**

**CIVIL Division**

**PLAINTIFF**

**Case Number:**

**VS**

**MORTGAGE FORECLOSURE**

**SCOTT SPAID**  
**DEFENDANT**

**VERIFICATION**

Daniel J. Mancini, Esq., hereby states that he is the attorney for Plaintiff in this matter, that He 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 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. Further, counsel submits that Plaintiff is outside the court's jurisdiction and verification cannot be obtained with the time allowed for filing the pleading. It is counsel's intention to substitute a verification from Plaintiff.

Dated 7 November 2008

  
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Daniel J. Mancini, Esq.  
Attorney Bar: Pa 39353