

08-2180-CD

Citimortgage Inc vs Kylee Ralston al

May 5, 2001 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*William A. Shaw*  
Deputy Prothonotary

5  
FILED Atty pd. 95.00  
m/d: 3481  
NOV 12 2008 2cc 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 189339

April 6, 2005 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*William A. Shaw*  
Deputy Prothonotary

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.  
1000 TECHNOLOGY DRIVE  
MAIL STATION  
O'FALLON, MO 63368-2240

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM

NO. 08-2180-CD  
CLEARFIELD COUNTY

v.  
KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

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.

Notice to Defend:  
Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

Lawyer Referral Service:  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

1. Plaintiff is

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY, 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:

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

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

3. On 10/01/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LIMITED LIABILITY COMPANY which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200416459. By Assignment of Mortgage recorded 10/04/2005 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200516604. 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	\$48,511.94
Interest	\$1,840.80
05/01/2008 through 11/11/2008	
(Per Diem \$9.44)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$68.80
10/01/2004 to 11/11/2008	
Mortgage Insurance Premium /	\$7.10
Private Mortgage Insurance	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$52,228.64
Escrow	
Credit	\$0.00
Deficit	\$45.38
Subtotal	<u>\$45.38</u>
<b>TOTAL</b>	\$52,274.02

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 \$52,274.02, together with interest from 11/11/2008 at the rate of \$9.44 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: Francis S. Hallinan 62695

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  
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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 or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.

**PREMISES: 494 NAULTON ROAD**

**PARCEL: 126-109-00-30**

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

DATE: 11/11/08

**FILED**

**NOV 12 2008**

William A. Shaw  
Prothonotary/Clerk of Courts

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

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

**COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**Plaintiff NO. 08-2180-CD**

**vs.**

**KYLEE RALSTON  
JOSEPH RALSTON**

**CLEARFIELD COUNTY**

**Defendant(s)**

**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  
Francis S. Hallinan, Esquire

Date: 11/20/08

*S*  
**FILED NOCC**  
m 12:35pm  
NOV 25 2008  
*LM*

William A. Shaw  
Prothonotary/Clerk of Courts

PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 52695  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

**COURT OF COMMON PLEAS**

**vs.**

**KYLEE RALSTON  
JOSEPH RALSTON**

**CIVIL DIVISION**

**Plaintiff NO. 08-2180-CD**

**CLEARFIELD COUNTY**

**Defendant(s)**

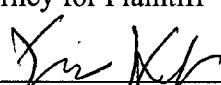
**CERTIFICATE OF SERVICE**

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

KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

Phelan Hallinan & Schmieg, LLP  
Attorney for Plaintiff

By:   
Francis S. Hallinan, Esquire

Date: 11/20/08

**VERIFICATION**

Eddie Crepo

hereby states that he/she is

Assist. VP. of CITIMORTGAGE INC., servicing agent for Plaintiff, CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, 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: Eddie Crepo

Title: Assist. VP.

DATE: 11/12/2008

Company: CITIMORTGAGE INC.

Loan: 5002422375

File #: 189339

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2180-CD

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE CO., INC.

vs

KYLEE RALSTON, JOSEPH RALSTON

SERVICE # 2 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/12/2008

HEARING:

PAGE: 104915

DEFENDANT: JOSEPH RALSTON

ADDRESS: 494 NAULTON ROAD

CURWENSVILLE, PA 16833-7213

ALTERNATE ADDRESS

**FILED**

*0 8:30 a.m. 6K*  
**DEC 16 2008**

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

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

12-5-08-1:37-PM 12-10-08-11:22-PM  
12-9-08-2:38-PM -N/H

**SHERIFF'S RETURN**

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

COMPLAINT IN MORTGAGE FORECLOSURE ON JOSEPH RALSTON, 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 JOSEPH RALSTON

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

NOW 12-15-08 AT 8:21 AM PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO JOSEPH RALSTON

REASON UNABLE TO LOCATE Left Notes, no Response

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James A. Hawkins  
Deputy Signature

James A. Hawkins  
Print Deputy Name

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

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

NOV 12 2008

Attest.

*William J. Cullen*  
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  
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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

189339

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.  
1000 TECHNOLOGY DRIVE  
MAIL STATION  
O'FALLON, MO 63368-2240

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM

NO. 08-2180-CD

CLEARFIELD COUNTY

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

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

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.**

Notice to Defendant:  
Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

Lawyer Referral Service:  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

1. Plaintiff is

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY, 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:

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

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

3. On 10/01/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LIMITED LIABILITY COMPANY which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200416459. By Assignment of Mortgage recorded 10/04/2005 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200516604. 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	\$48,511.94
Interest 05/01/2008 through 11/11/2008 (Per Diem \$9.44)	\$1,840.80
Attorney's Fees	\$1,250.00
Cumulative Late Charges 10/01/2004 to 11/11/2008	\$68.80
Mortgage Insurance Premium / Private Mortgage Insurance	\$7.10
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$52,228.64
Escrow	
Credit	\$0.00
Deficit	\$45.38
Subtotal	<u>\$45.38</u>
<b>TOTAL</b>	<b>\$52,274.02</b>

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 \$52,274.02, together with interest from 11/11/2008 at the rate of \$9.44 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: J. Hallinan 62695

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 that certain piece or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.

**PREMISES: 494 NAULTON ROAD**

**PARCEL: 126-109-00-30**

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

DATE: 11/11/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2180-CD

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE CO., INC.

vs

KYLEE RALSTON, JOSEPH RALSTON

SERVICE # 1 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/12/2008

HEARING:

PAGE: 104915

DEFENDANT: KYLEE RALSTON

ADDRESS: 494 NAULTON ROAD

CURWENSVILLE, PA 16833-7213

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

12-5-08-1:37-<sup>pm</sup>N/H 12-10-08-11:22<sup>am</sup>-N/H  
12-9-08-2:38<sup>pm</sup>-N/H

**SHERIFF'S RETURN**

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

COMPLAINT IN MORTGAGE FORECLOSURE ON KYLEE RALSTON, 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 KYLEE RALSTON

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

NOW 12-15-08 AT 8:21 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF **NOT FOUND** AS TO KYLEE RALSTON

REASON UNABLE TO LOCATE left Notes, No Response

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

James E. Davis  
Deputy Signature

James E. Davis  
Print Deputy Name

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

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

NOV 12 2008

Attest.

*William J. Clegg*  
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  
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VIVEK SRIVASTAVA, ESQ., Id. No. 202331  
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JAIME MCGUINNESS, ESQ., Id. No. 90134  
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(215) 563-7000 189339

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.  
1000 TECHNOLOGY DRIVE  
MAIL STATION  
C'FALLON, MO 63368-2240

COURT OF COMMON PLEAS  
CIVIL DIVISION  
TERM

NO. 08-2180-CD

CLEARFIELD COUNTY

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

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

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.**

Notice to Defend:  
Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

Lawyer Referral Service:  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

1. Plaintiff is

CTIMORTGAGE INC., S/B/M TO  
CTIFINANCIAL MORTGAGE COMPANY, 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:

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAUETON ROAD  
CURWENSVILLE, PA 16833-7213

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

3. On 10/01/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LIMITED LIABILITY COMPANY which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200416459. By Assignment of Mortgage recorded 10/04/2005 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200516604. 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	\$48,511.94
Interest	\$1,840.80
05/01/2008 through 11/11/2008	
(Per Diem \$9.44)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$68.80
10/01/2004 to 11/11/2008	
Mortgage Insurance Premium /	\$7.10
Private Mortgage Insurance	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$52,228.64
Escrow	
Credit	\$0.00
Deficit	\$45.38
Subtotal	<u>\$45.38</u>
<b>TOTAL</b>	<b>\$52,274.02</b>

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 \$52,274.02, together with interest from 11/11/2008 at the rate of \$9.44 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: J. Hallinan 6d695

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 that certain piece or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.

**PREMISES: 494 NAULTON ROAD**

**PARCEL: 126-109-00-30**

**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

DATE: 11/11/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104915  
NO. 08-2180-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE CO., INC.

vs.

DEFENDANT: KYLEE RALSTON, JOSEPH RALSTON

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	748135	20.00
SHERIFF HAWKINS	PHELAN	748135	40.06

5  
FILED  
03/30/09  
FEB 26 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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



Chester A. Hawkins  
Sheriff

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

FILED *PA*

APR 06 2009

~101451~  
William A. Shaw  
Prothonotary/Clerk of Courts

NO C/C

Attorney for Plaintiff

Citimortgage, Inc., S/B/M to : COURT OF COMMON PLEAS  
Citifinancia Mortgage Company, Inc. :  
vs. : CIVIL DIVISION  
Kylee Ralston : CLEARFIELD COUNTY  
Joseph Ralston :  
: NO. 08-2180-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, Kylee Ralston and Joseph Ralston, by posting a copy of the complaint to the mortgaged premises, as well as sending first class mail and certified mail to the mortgaged premises, 494 Naulton Road, Curwensville, PA 16833-7213, and in support thereof avers the following:

1. Attempts to serve Defendants, Kylee Ralston and Joseph Ralston, with the Complaint have been unsuccessful. The Sheriff of Clearfield County attempted to serve the Defendants at the mortgaged premises, 494 Naulton Road, Curwensville, PA 16833-7213. As indicated by the Sheriff's Return of Service attached hereto as Exhibit "A", there was no answer after 4 attempts and no response to the notes left by the Sheriff.

2. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendants. 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 Defendants as of April 3, 2009 to bring loan current.

4. Plaintiff submits that it has made a good faith effort to locate the Defendants 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 posting, first class mail and certified mail.

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

By: \_\_\_\_\_  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Date: April 3, 2009

Exhibit A

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2180-CD

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE CO., INC.

vs

KYLEE RALSTON, JOSEPH RALSTON

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 1 OF 2

SERVE BY: 12/12/2008

HEARING:

PAGE: 104915

**COPY**

DEFENDANT: KYLEE RALSTON

ADDRESS: 494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

12-5-08-1:37-<sup>pm</sup>N/H 12-10-08-11:22-<sup>pm</sup>N/H  
12-9-08-2:38-<sup>pm</sup>N/H

**SHERIFF'S RETURN**

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

COMPLAINT IN MORTGAGE FORECLOSURE ON KYLEE RALSTON, 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 KYLEE RALSTON

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

NOW 12-15-08 AT 8:21 AM / PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO KYLEE RALSTON

REASON UNABLE TO LOCATE left notes, no response

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2180-CD

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE CO. INC.

VS  
KYLEE RALSTON, JOSEPH RALSTON

## COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/12/2008 HEARING: PAGE: 104915

DEFENDANT: JOSEPH RALSTON  
ADDRESS: 494 NAULTON ROAD  
                  CURWENSVILLE, PA 16833-7213

**ALTERNATE ADDRESS**

**SERVE AND LEAVE WITH: DEFENDANT/AAR**

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS 12-5-08-137-N/H 12-10-08-1122-N/H

12-9-08 - 2:38pm - N/H

## SHERIFF'S RETURN

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

COMPLAINT IN MORTGAGE FORECLOSURE ON JOSEPH RALSTON, 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 JOSEPH RALSTON

AT (ADDRESS)

I MAKE RETURN OF NOT FOUND AS TO JOSEPH RALSTON.

I MAKE RETURN OF **NOT FOUND** AS TO JOSEPH RALSTON

**REASON UNABLE TO LOCATE**

SWORN TO BEFORE ME THIS

DAY OF 2008

So Answers: ~~CHESTER A. HAWKINS, SHERIFF~~

BY:

Deputy Signature

James F. Davis  
Print Deputy Name

Print Deputy Name

Exhibit B

**FULL SPECTRUM SERVICES, INC.**  
**AFFIDAVIT OF GOOD FAITH INVESTIGATION**

File Number: 189339  
Attorney Firm: **Phelan, Hallinan & Schmieg, LLP**  
Subject: Kylee Ralston & Kylee Ralston

Property Address: 494 Naulton Road, Curwensville, PA 16833

**I, Erendan 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

Kylee Ralston - xxx-xx-3470

Kylee Ralston - xxx-xx-not available

**B. EMPLOYMENT SEARCH**

Kylee Ralston & Kylee Ralston - A review of the credit reporting agencies provided no employment information.

**C. INQUIRY OF CREDITORS**

Our inquiry of creditors indicated that Kylee Ralston & Kylee Ralston reside(s) at: 494 Naulton Road, Curwensville, PA 16833.

**II. INQUIRY OF TELEPHONE COMPANY**

**A. DIRECTORY ASSISTANCE SEARCH**

Our office contacted directory assistance, which indicated that Kylee Ralston reside(s) at: 494 Naulton Road, Curwensville, PA 16833, however had no listing for Kylee Ralston. On 10-06-08 our office made a telephone call to the subject's phone number (814) 236-1387 and received the following information: disconnected.

B. On 10-10-08 our office contacted directory assistance, which had no phone number for Kylee Ralston.

**III. INQUIRY OF NEIGHBORS**

On 10-10-08 our office made a phone call in an attempt to contact N. L. Lee (814) 236-1458, 497 Naulton Road, Curwensville, PA 16833: disconnected.

On 10-10-08 our office made several phone calls in an attempt to contact Lucille E. Grubb (814) 236-1375, 506 Naulton Road, Curwensville, PA 16833: no answer.

On 10-10-08 our office made several phone calls in an attempt to contact B. Richards (814) 236-3132, 483 Naulton Road, Curwensville, PA 16833: answering machine.

**IV. ADDRESS INQUIRY**

**A. NATIONAL ADDRESS UPDATE**

On 10-10-08 we reviewed the National Address database and found the following information: Kylee Ralston & Kylee Ralston - 494 Naulton Road, Curwensville, PA 16833.

B. ADDITIONAL ACTIVE MAILING ADDRESSES

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

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Kylee Ralston & Kylee Ralston.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 10-10-08 Vital Records and all public databases have no death record on file for Kylee Ralston & Kylee Ralston.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Kylee Ralston & Kylee Ralston residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Kylee Ralston - 04-16-1983

Kylee Ralston - not available

B. A.K.A.

Kylee M. Ralston; Kylee M. Millinder

\* 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 statements 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.

Brendan Booth

AFFIANT - Brendan Booth  
Full Spectrum Services, Inc.

Sworn to and subscribed before me this 10<sup>th</sup> day of October, 2008.

  
CRAIG NASH  
ID # 2346706  
NOTARY PUBLIC OF NEW JERSEY  
Commission Expires 7/13/2011

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

IND

PHELAN HALLINAN & SCHMIEG, LLP  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard – Suite 1400  
PHILADELPHIA, PA 19103-1814  
(215) 563-7000  
Fax (215) 563-3352

**UNITED STATES POSTAL SERVICE**

October 8, 2008

**POSTMASTER**  
CURWENSVILLE, PA 16833

Request for Change of Address of Boxholder Information Needed for Service of Legal Process

Please furnish the new address or the name and street address (if a boxholder) for the following:

NAME: **RALSTON, KYLEE**  
ADDRESS: **494 NAULTON RD, CURWENSVILLE, PA 16833**  
**CURWENSVILLE, PA 16833**

NOTE: The name and last known address are required for change of address information. The name, if known, and post office box address are required for boxholder information.

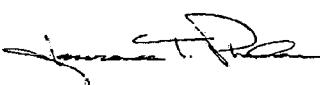
The following information is provided in accordance with 39 CFR 265.6(d)(4)(ii). There is no fee for providing boxholder information. The fee for providing change of address information is waived in accordance with 39 CFR 265.6(d)(1) and corresponding Administrative Support Manual 352.44a.

1. Capacity of Requester (e.g., process server, attorney, party representing self) Attorney
2. Statute or regulation that empowers me to serve (not required when requester is an attorney or a party acting pro se-except a corporation acting pro se must cite statute) n/a
3. The names of all parties to the litigation: CITIMORTGAGE, INC. vs. RALSTON, KYLEE
4. The court in which the case has been or will be heard: Civil Division - CLEARFIELD County
5. The docket or other identifying number if one has been issued: NC
6. The capacity in which this individual is to be served: Defendant in a Mortgage Foreclosure Action

**WARNING**

THE SUBMISSION OF FALSE INFORMATION EITHER (1) TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION OR (2) TO AVOID PAYMENT OF THE FEE FOR CHANGE OF ADDRESS INFORMATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in connection with actual or prospective litigation.

  
Lawrence T. Phelan, ESQUIRE  
Attorney I.D. No. 32227

One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814

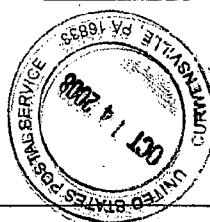
**FOR POST OFFICE USE ONLY**

No change of address order on file  
 Moved, left no forwarding address  
 No such address  
 Good as Addresses

NEW ADDRESS OR BOXHOLDER'S  
NAME AND STREET ADDRESS

\_\_\_\_\_

**POSTMARK**

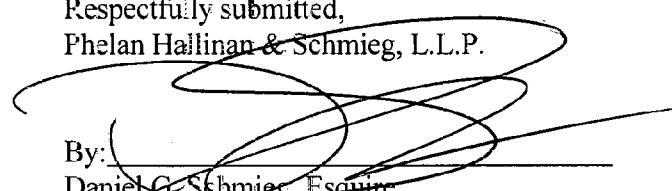


## VERIFICATION

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: April 3, 2009

Phelan Hallinan & Schmieg, L.L.P.  
By: Daniel G. Schmieg, Esquire No. 62205  
One Penn Center at Suburban Station  
1517 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Attorney for Plaintiff

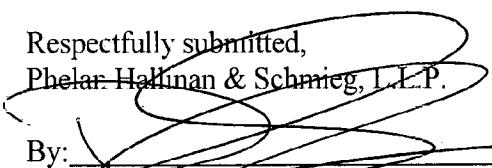
Citimortgage, Inc., S/B/M to : COURT OF COMMON PLEAS  
Citifinancial Mortgage  
Company, Inc. :  
vs. : CIVIL DIVISION  
Kylee Ralston : CLEARFIELD COUNTY  
Joseph Ralston :  
: NO. 08-2180-CD

**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.

Kylee Ralston and Joseph Ralston  
494 Naulton Road  
Curwensville, PA 16833-7213

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: April 3, 2009

FILED

APR 06 2009

4/11:50p

William A. Shaw

Prothonotary/Clerk of Courts

1 CERT w/ REINSTATE  
COMPLAINT TO  
ATTY

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

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY,  
INC.

Plaintiff

vs.

KYLEE RALSTON  
JOSEPH RALSTON

Defendants

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS  
CIVIL DIVISION  
CLEARFIELD COUNTY

No. 08-2180-CD

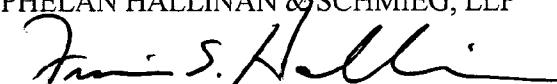
**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

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 25, 2009

/jmr, Svc Dept.  
File# 189339

William A. Shew  
Prothonotary/Clerk of Court

APR 06 2009

FILED

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

CITIMORTGAGE, INC., S/B/M to Citifinancial  
Mortgage Company, Inc., \*  
Plaintiff \*  
vs. \*  
KYLEE RALSTON, \*  
JOSEPH RALSTON, \*  
Defendants \*  
NO. 08-2180-CD

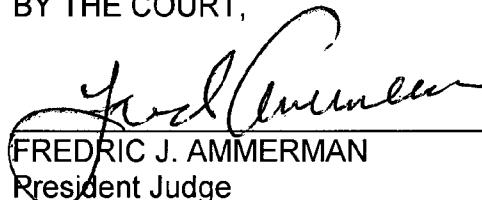
O R D E R

NOW, this 7<sup>th</sup> day of April, 2009, the Plaintiff is granted leave to serve the  
Complaint upon the Defendants **KYLEE RALSTON** and **JOSEPH RALSTON** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 494 Naulton Road, Curwensville, PA 16833;
3. By certified mail, return receipt requested to 494 Naulton Road,  
Curwensville, PA 16833; and
4. By posting the mortgaged premises known in this herein action as to  
494 Naulton Road, Curwensville, PA 16833.

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  
04/10/09  
APR 08 2009

William A. Shaw 600  
Prothonotary/Clerk of Courts  
4 CC Atty Schmieg

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. Eliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO : COURT OF COMMON PLEAS  
CITIFINANCIAL MORTGAGE COMPANY, :  
INC. : CIVIL DIVISION

Plaintiff : : CLEARFIELD COUNTY

vs.

KYLEE RALSTON : : No. 08-2180-CD  
JOSEPH RALSTON : :

Defendants : :

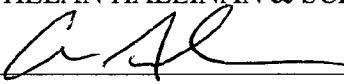
**PRAECIPE TO REINSTATE CIVIL ACTION/MORTGAGE FORECLOSURE**

5/11/2009  
MAY 05 2009  
William A. Shaw  
Prothonotary/Clerk of Courts  
FILED *Atty pd. 7.00*  
*2 Comp. reinstated to Sheriff*  
*1 Comp. reinstated to Atty*

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 94620  
Joshua I. Goldman, Esquire  
Attorneys for Plaintiff

Date: May 4, 2009

/jrm, Svc Dept.  
File# 189339

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2180-CD

CITIMORTGAGE, INC. s/b/m/ to Citifinancial Mortgage Company, Inc.

vs

KYLEE RALSTON and JOSEPH RALSTON

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER

SERVICE # 1 OF 2

SERVE BY: 06/04/2009

HEARING:

PAGE: 105629

DEFENDANT: KYLEE RALSTON

ADDRESS: 494 NAULTON ROAD  
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: POST ON PROPERTY

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT

S FILED  
06/3:18pm  
MAY 07 2009

William A. Shaw  
Prothonotary/Clerk of Courts

ATTEMPTS

**SHERIFF'S RETURN**

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

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER ON KYLEE RALSTON, 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 5-7-09 AT 10:15 AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER FOR KYLEE RALSTON

AT (ADDRESS) 494 Naulton Rd Curwenville, Pa. 16833

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

I MAKE RETURN OF **NOT FOUND** AS TO KYLEE RALSTON

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

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Neyling  
Deputy Signature

Jerome M. Neyling  
Print Deputy Name

\_\_\_\_\_  
DAY OF \_\_\_\_\_ 2009

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2180-CD

CITIMORTGAGE, INC. s/b/m/ to Citifinancial Mortgage Company, Inc.

vs SERVICE # 2 OF 2

KYLEE RALSTON and JOSEPH RALSTON

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER

SERVE BY: 06/04/2009

HEARING:

PAGE: 105629

DEFENDANT: JOSEPH RALSTON  
ADDRESS: 494 NAULTON ROAD  
CURWENSVILLE, PA 16833

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: POST ON PROPERTY

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

5/3/18 cm  
FILED  
MAY 07 2009  
W.A. Shaw  
Notary/Clerk of Courts

ATTEMPTS

**SHERIFF'S RETURN**

NOW, 5-7-09 AT 10:15 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER ON JOSEPH RALSTON, 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 5-7-09 AT 10:15 AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE & ORDER FOR JOSEPH RALSTON

AT (ADDRESS) 494 Naulton Rd. Curwensville, Pa. 16833

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

I MAKE RETURN OF **NOT FOUND** AS TO JOSEPH RALSTON

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

SWORN TO BEFORE ME THIS

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Jerome M. Neving  
Deputy Signature

Jerome M. Neving  
Print Deputy Name

DAY OF 2009

FILED NOCC  
M10073N  
JUN 29 2009  
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  
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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

Attorneys for Plaintiff

Citimortgage, Inc. : Court Of Common Pleas  
vs. : Civil Division  
Kylene Ralston : Clearfield County  
Joseph Ralston : No. 08-2180-CD

AFFIDAVIT OF SERVICE BY  
PUBLICATION IN ACCORDANCE WITH COURT ORDER

I hereby certify that service of the Civil Action Complaint in Mortgage Foreclosure was made in accordance with the Court Order dated April 7, 2009 as indicated below:

By publication as provided by Pa. R.C.P. Rule 430(b)(1) in Clearfield County Legal Journal of the Courts of Clearfield County on May 15, 2009 and The Progress on May 13, 2009. Proofs of the said publications are attached hereto.

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.

PHELAN HALLINAN & SCHMIEG, LLP

By:  201337

Lawrence T. Phelan, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
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Andrew L. Spivack, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtenay R. Dunn, Esquire  
Attorneys for Plaintiff

Date: June 26, 2009

Joseph Lee  
Service Dept.

SS :

PROOF OF PUBLICATION

before me, the subscriber, a Notary Public in and for said County and State, personally appeared Margaret E. Krebs, who being duly sworn according to law, deposes and says that she is the President of The Progressive Publishing Company, Inc., and Associate Publisher of The Progressive, a daily newspaper published at Clearfield, in the County of Clearfield and State of Pennsylvania, and established April 5, 1913, and that the annexed is a true copy of a notice or advertisement published in said publication in

And that the regular issues of News 12, Inc. place, and character of publication are true.

Notary Public  
Cleartfield, Pa.  
COMMOMWEALTH OF PENNSYLVANIA  
Notarial Seal

NOTICE OF ACTION  
IN MORTGAGE FOR CLOSURE  
IN THE COURT  
OF COMMON PLACES  
PENNSYLVANIA  
CIVIL ACTION LAW  
COMMON PLACES  
COURT OF  
CIVIL DIVISION  
CLEARFIELD COUNTY  
NO. 08-27-80-CD  
CITYMORTGAGE INC.  
S/B/M TO  
CITIFINANCIAL  
MORTGAGE COMPANY, INC.

Village

**HOUISING**

amplan 236-071

Since

Serv

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**and GL**  
**BECK BO**

TO BODY REPA

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DONAHUE SPHALT ALING

NOTICE OF ACTION IN  
MORTGAGE FORECLOSURE  
IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION—LAW  
NO. 08-2180-CD

Citimortgage, Inc. S/B/M to Citifinancial Mortgage Company, Inc. Vs. Kylee Ralston, Joseph Ralston

**NOTICE**  
TO KYLEE RALSTON and JOSEPH RALSTON:

You are hereby notified that on JUNE 1, 2008, Plaintiff, CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC, filed a Mortgage Foreclosure Complaint endorsed with a Notice to Defend, against you in the Court of Common Pleas of CLEARFIELD County Pennsylvania, docketed to No. 08-2180-CD. Wherein Plaintiff seeks to foreclose on the mortgage secured on your property located at 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213 whereupon your property would be sold by the Sheriff of CLEARFIELD County. You are hereby notified to plead to the above referenced Complaint on or before 20 days from the date of this publication or a Judgment will be entered against you.

**NOTICE**

If you wish to defend, you must enter a written appearance personally or by attorney and file your defenses or objections in writing with the court. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you without further notice for the relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS NOTICE 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.

CLEARFIELD COUNTY DAVID S. MEHOLICK,  
COURT ADMINISTRATOR CLEARFIELD  
COUNTY COURTHOUSE CLEARFIELD, PA  
16830 (814) 765-2641 x 5982  
PENNSYLVANIA LAWYER REFERRAL SERVICE  
PENNSYLVANIA BAR ASSOCIATION 100  
SOUTH STREET P.O. BOX 186 HARRISBURG,  
PA 17108 800-692-7375

liabilities are paid. Notice is given to all persons having claims to ~~such~~ such claims, and any persons indebted to Albert J. Beiga, notify the following without delay:

S&T Bank, Wealth Mgt Group, 614 Liberty Boulevard, PO Box 247, DuBois, PA 15801.  
William Campbell Reis, Esq., 1500 One PPG Place, Pittsburgh, PA 15222

---

#### NOTICE

NOTICE IS HEREBY GIVEN THAT Articles of Incorporation were filed with the Commonwealth of Pennsylvania, on or about April 23, 2009, for the purpose of establishing a Business-Stock Corporation, organized under the General Association Act of 1988, Act of December 21, 1988, P.L. 1444, No. 177, § 2301, et seq, as amended. The name of the Limited Liability Company is STOVE PARTS PLUS, INC..  
David R. Thompson Attorney at Law  
P.O. Box 587  
Philipsburg PA 16866

---

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL DIVISION  
No. 2007-1667-CD  
CHARLES M. VERRUGGIO, Plaintiff  
vs.  
TREASURE LAKE PROPERTY OWNERS AS-  
SOCIATION, INC. and  
MATTHEW S. BEGLEY,  
Defendants  
LEGAL NOTICE  
TO: CHARLES M. VERRUGGIO  
(Former address: 868 Treasure Lake, DuBois,  
PA 15801)  
You are hereby notified that the Defendants/  
Petitioners listed above filed a  
Petition to Strike and/or Open Judgment with  
attached Rule Returnable ("Petition")  
previously secured by the Plaintiff in this action.  
A hearing was originally scheduled to occur on

---

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 PER-  
SONS AT A REDUCED FEE OR NO FEE.  
LAWYER REFERRAL SERVICE  
Dave Meholic  
Court Administrator  
Clearfield County Courthouse  
230 East Market Street

## PROOF OF PUBLICATION

STATE OF PENNSYLVANIA : :

COUNTY OF CLEARFIELD : :

On this 15th day of May AD 2009, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of May 15, 2009, Vol. 21, No. 20. And that all of the allegations of this statement as to the time, place, and character of the publication are true.

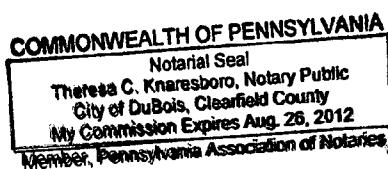


Gary A. Knaresboro, Esquire  
Editor

Sworn and subscribed to before me the day and year aforesaid.



Theresa C. Knaresboro  
Notary Public  
My Commission Expires



6/18

Phelan Hallinan & Schmieg, LLP  
By: 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  
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Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. 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  
215-563-7000

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

vs.

**KYLEE RALSTON  
JOSEPH RALSTON**

: **CLEARFIELD COUNTY**  
: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**  
: **No. 08-2180-CD**

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

TO THE PROTHONOTARY:

Kindly enter judgment in favor of the Plaintiff and against **KYLEE RALSTON, and  
JOSEPH RALSTON**, Defendant(s) 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	\$52,274.02
Interest - 11/12/2008 to 07/08/2009	<u>\$2,256.16</u>
<b>TOTAL</b>	<b>\$54,530.18</b>

Attorney for Plaintiff

FILED  
MFL:amj JUL 22 2009 20:00  
S William A. Shaw  
Prothonotary/Clerk of Courts  
IC on Notice  
to ref.  
61

I hereby certify that (1) the Defendants' last known address is 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213, and (2) that notice has been given in accordance with Rule 237.1, copy attached.



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  
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Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtenay R. Dunn, Esquire  
Andrew C. Bramblett, Esquire  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 7/22/09



PHS # 189339

PROTHONOTARY

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISION

Plaintiff

NO. 08-2180-CD

v.

CLEARFIELD COUNTY

KYLEE RALSTON  
JOSEPH RALSTON

Defendant(s)

TO: KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

**FILE COPY**

**DATE OF NOTICE: June 25, 2009**

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

**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.

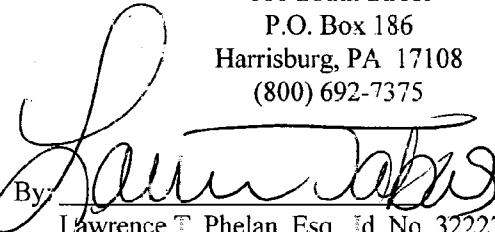
YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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.

Office of the Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 15853  
(814) 765-2641 x5988

Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

By   
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  
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Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
Phelan Hallinan & Schmieg, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY, INC.

COURT OF COMMON PLEAS  
CIVIL DIVISON

Plaintiff

NO. 08-2180-CD

v.

CLEARFIELD COUNTY

KYLEE RALSTON  
JOSEPH RALSTON

Defendant(s)

TO: JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

**FILE COPY**

**DATE OF NOTICE: June 25, 2009**

THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS CORRESPONDENCE IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN ATTEMPT TO COLLECT A DEBT, BUT ONLY AS ENFORCEMENT OF LIEN AGAINST PROPERTY.

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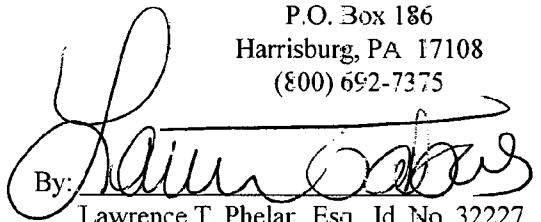
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Office of the Prothonotary  
Clearfield County Courthouse  
230 East Market Street  
Clearfield, PA 15853  
(814) 765-2641 x5988

Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

By: 

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Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
Phelan Hallinan & Schmieg, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103

Phelan Hallinan & Schmieg, LLP

By: Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 52695  
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. 292331  
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  
Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

1617 JFK Boulevard, Suite 1400

One Penn Center Plaza

Philadelphia, PA 19103

215-563-7000

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

: **CLEARFIELD COUNTY**  
: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**  
: **No. 08-2180-CD**

vs.

**KYLEE RALSTON  
JOSEPH RALSTON**

**VERIFICATION OF NON-MILITARY SERVICE**

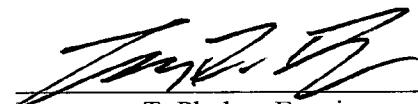
The undersigned attorney hereby verifies that he/she is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he/she has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant KYLEE RALSTON is over 18 years of age and resides at 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213.

(c) that defendant JOSEPH RALSTON is over 18 years of age and resides at 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213.

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



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  
Andrew C. Bramblett, Esquire  
Attorney for Plaintiff

(Rule of Civil Procedure No. 236) – Revised

**COPY**

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

**vs.**

**KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
No. 08-2180-CD**

Notice is given that a Judgment in the above captioned matter has been entered  
against you on July 22, 2009

By: Willie L. Hall DEPUTY

If you have any questions concerning this matter please contact:

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  
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Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldman, Esquire  
Courtenay R. Dunn, Esquire  
Andrew C. Bramblett, Esquire  
Attorney or Party Filing  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

**\*\* THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION  
OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A  
DISCHARGE IN BANKRUPTCY, THIS IS NOT AND SHOULD NOT BE CONSTRUED TO BE AN  
ATTEMPT TO COLLECT A DEBT, BUT ONLY ENFORCEMENT OF A LIEN AGAINST PROPERTY.\*\***

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. Rcmano, 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. Flakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

Citimortgage Inc., S/B/M to Citifinancial  
Mortgage Company, Inc.

Plaintiff

vs.

Kylee Ralston  
Joseph Ralston

Defendants

FILED  
MAY 13 2009  
JUL 22 2009  
No CC  
William A. Shaw  
Prothonotary/Clerk of Courts  
*LS*

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: Clearfield COUNTY

: NO. 08-2180-CD

**AFFIDAVIT OF SERVICE OF COMPLAINT  
BY MAIL PURSUANT TO COURT ORDER**

I hereby certify that a true and correct copy of the Civil Action Complaint in Mortgage Foreclosure in the above captioned matter was sent by regular and certified mail, return receipt requested, to the following persons **Kylee Ralston and Joseph Ralston at 494 Naulton Road, Curwensville, PA 16833, on May 28, 2009**, in accordance with the Order of Court dated **April 7, 2009**. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Date: July 17, 2009

PHELAN HALLINAN & SCHMIEG, LLP

By: 

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. 51791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Crisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105629  
NO: 08-2180-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE & ORDER

PLAINTIFF: CITIMORTGAGE, INC. s/b/m/ to Citifinancial Mortgage Company, Inc.  
vs.

DEFENDANT: KYLEE RALSTON and JOSEPH RALSTON

**SHERIFF RETURN**

**RETURN COSTS**

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	802204	20.00
SHERIFF HAWKINS	PHELAN	802204	21.60

7/FILED  
08:55AM  
AUG - 6 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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

*Chester A. Hawkins*

Chester A. Hawkins  
Sheriff

FILED

AUG - 6 2009

William A. Shaw  
Prothonotary/Clerk of Courts

**PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)**  
**Pa.R.C.P. 3180-3183**

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.

vs.

KYLEE RALSTON

JOSEPH RALSTON

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

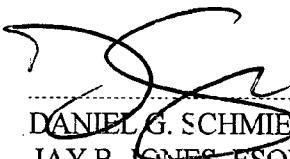
No. 08-2180-CD.

**PRAECIPE FOR WRIT OF EXECUTION**  
(Mortgage Foreclosure)

To the FRCTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	\$54,530.13
Prothonotary costs	149.00
Interest from 7/9/09 to Sale	\$ _____
Per diem \$8.96	
Add'l Costs	\$3,644.75
Writ Total	\$

  
DANIEL G. SCHMIEG, ESQUIRE  
JAY B. JONES, ESQUIRE  
ANDREW L. SPIVACK, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
Attorney for Plaintiff

Note: Please attach description of Property.

189339

FILED  
m/n/2009  
AUG 11 2009  
Atty pd.  
20.00

60  
William A. Shaw  
Prothonotary/Clerk of Courts  
1CC & 6 warrants  
w/prop. desc.  
to Sheriff

No. 08-2180-CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC,

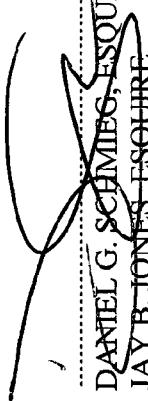
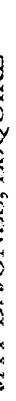
vs.

KYLEE RALSTON  
JOSEPH RALSTON

---

PRAECEIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

Filed:

  
DANIEL G. SCHMITZ, ESQUIRE  
  
JAY B. JONES, ESQUIRE  
  
ANDREW L. SPIVACK, ESQUIRE  
  
JENNIFER R. DAVEY, ESQUIRE  
Attorney for Plaintiff

Address: KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

William A. Shatz  
Prothonotary/Clerk of Courts

Aug 11 2009

FILED

## PHÉLAN HALLINAN & SCHMIEG

By: DANIEL G. SCHMIEG

**Identification No. 62205**

JAY B. JONES

Identification No. 86657

ANDREW L. SPIVACK

Identification No. 84439

JENINE R. DAVEY

GENE BROWNE  
Identification No. 87077

**Suite 1400**

## One Penn Center at Suburban Station

Ort Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard

1017 JOHN F. KENNEDY BOULEVARD  
Philadelphia, PA 19103-1814

Philadelphia, PA  
(215) 563-7000

(215) 565-7000

**ATTORNEY FOR PLAINTIFF**

**CITIMORTGAGE INC., S/B/M TO**

## **CITIFINANCIAL MORTGAGE COMPANY,**

INC.,

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**Plaintiff,**

V.

## KYLEE RALSTON

## JOSEPH RALSTON

**Defendant(s).**

## CERTIFICATION

The undersigned attorney, hereby states that he is 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 Mortgage
- ( ) non-owner occupied
- ( ) vacant
- (X) Act 91 procedures have been fulfilled

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

~~DANIEL G. SCHMEG, ESQUIRE  
JAY B. JONES, ESQUIRE  
ANDREW L. SPIVACK, ESQUIRE  
JENINE R. DAVEY, ESQUIRE~~  
Attorney for Plaintiff

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY,  
INC,**

**CLEARFIELD COUNTY  
COURT OF COMMON PLEAS**

**Plaintiff,**

**v.**

**KYLEE RALSTON  
JOSEPH RALSTON**

**CIVIL DIVISION**

**NO. 08-2180-CD**

**Defendant(s).**

**AFFIDAVIT PURSUANT TO RULE 3129.1**

**CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.,**  
Plaintiff in the above action, by its attorney, the undersigned attorney, sets forth as of the date the Praeclipe for  
the Writ of Execution was filed, the following information concerning the real property located at **494  
NAULTON ROAD, CURWENSVILLE, PA 16833-7213.**

1. Name and address of Owner(s) or reputed Owner(s):

<b>NAME</b>	<b>ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
<b>KYLEE RALSTON</b>	<b>494 NAULTON ROAD CURWENSVILLE, PA 16833-7213</b>
<b>JOSEPH RALSTON</b>	<b>494 NAULTON ROAD CURWENSVILLE, PA 16833-7213</b>

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

<b>NAME</b>	<b>ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
<b>Same as Above</b>	

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:

<b>NAME</b>	<b>ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
<b>None</b>	

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

<b>NAME</b>	<b>ADDRESS (If address cannot be reasonably ascertained, please so indicate.)</b>
<b>CNB BANK</b>	<b>1 SOUTH SECOND STREET CLEARFIELD, PA 16830-0042</b>

5. Name and address of every other person who has any record lien on the property:  
NAME ADDRESS (If address cannot be reasonably ascertained, please so indicate.)  
**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 (If address cannot be reasonably ascertained, please so indicate.)  
**None**

7. Name and address of every other person whom the Plaintiff has knowledge who has any interest in the property which may be affected by the Sale:  
NAME ADDRESS (If address cannot be reasonably ascertained, please so indicate.)  
  
**TENANT/OCCUPANT**  
**494 NAULTON ROAD**  
**CURWENSVILLE, PA 16833-7213**  
  
**DOMESTIC RELATIONS**  
**CLEARFIELD COUNTY**  
**CLEARFIELD COUNTY COURTHOUSE**  
**230 EAST MARKET STREET**  
**CLEARFIELD, PA 16830**  
  
**COMMONWEALTH OF**  
**PENNSYLVANIA**  
**DEPARTMENT OF WELFARE**  
**PO BOX 2675**  
**HARRISBURG, PA 17105**  
  
**Commonwealth of Pennsylvania**  
**Bureau of Individual Tax**  
**Inheritance Tax Division**  
**6<sup>th</sup> Floor, Strawberry Sq., Dept 28061**  
**Harrisburg, PA 17128**  
  
**Internal Revenue Service**  
**Federated Investors Tower**  
**13<sup>TH</sup> Floor, Suite 1300**  
**1001 Liberty Avenue**  
**Pittsburgh, PA 15222**  
  
**Department of Public Welfare**  
**TPL Casualty Unit**  
**Estate Recovery Program**  
**P.O. Box 8486**  
**Willow Oak Building**  
**Harrisburg, PA 17105**

I verify that the statements made in this Affidavit are true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

AUGUST 6,2009  
Date

DANIEL G. SCHMIEG, ESQUIRE  
JAY B. JONES, ESQUIRE  
ANDREW L. SPIVACK, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
Attorney for Plaintiff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)  
Pa.R.C.P. 3180-3183 and Rule 3257

COPY

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.

vs.

KYLEE RALSTON  
JOSEPH RALSTON

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213  
(See Legal Description attached)

Amount Due	
Interest from 7/9/09 to Sale	\$54,530.18
Per diem \$8.96	149.00
Add'l Costs	\$ _____
Writ Total	\$3,644.75

Dated 8/11/09  
(SEAL)

*Willie L. Shar*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

No. 08-2180-CD

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.,  
vs.

KYLEE RALSTON  
JOSEPH RALSTON

WRIT OF EXECUTION (Mortgage Foreclosure)	
Real Debt	\$54,530.18
Int. from 7/9/09 To Date of Sale (\$8.96 per diem)	
Costs	_____
Prothy Pd.	<u>140.00</u>
Sheriff	_____

DANIEL G. SCHMITZ, ESQUIRE  
JAY B. JONES, ESQUIRE  
ANDREW L. SPIVACK, ESQUIRE  
JENTINE R. DAVEY, ESQUIRE  
Attorney for Plaintiff

Address: KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

**LEGAL DESCRIPTION**

**ALL that certain piece or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:**

**BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.**

**TITLE TO SAID PREMISES IS VESTED IN Joseph Ralston and Kylee Ralston, h/w, by Deed from Clinton D. Goss and Beth A. Goss, h/w, dated 10/01/2004, recorded 10/07/2004 in Instrument Number 200416458.**

Premises being: 494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

Tax Parcel No. 126-109-00-30

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21020  
NO: 08-2180-CD

PLAINTIFF: CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.  
VS.  
DEFENDANT: KYLEE RALSTON AND JOSEPH RALSTON

Execution REAL ESTATE

**SHERIFF RETURN**

DATE RECEIVED WRIT: 8/11/2009

LEVY TAKEN 9/1/2009 @ 3:02 PM

POSTED 9/1/2009 @ 3:01 PM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 2/8/2010

DATE DEED FILED NOT SOLD

FILED  
08/5/09  
FEB 08 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

**DETAILS**

@ SERVED KAYLEE RALSTON

DEPUTIES UNABLE TO SERVE KAYLEE RALSTON, DEFENDANT, AT 494 NALTON ROAD, CURWENSVILLE, CLEARFIELD, PENNSYLVANIA  
THE HOUSE WAS EMPTY.

9/18/2009 @ 9:59 AM SERVED JOSEPH RALSTON

SERVED JOSEPH RALSTON, DEFENDANT, AT CLEARFIELD COUNTY JAIL, 115 21ST STREET, CLEARFIELD, CLEARFIELD COUNTY,  
PENNSYLVANIA BY HANDING TO JOSEPH RALSTON

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.

9/21/2009 @ 9:50 AM SERVED KYLEE RALSTON AND JOSEPH RALSTON

POSTED 494 NALTON ROAD, CURWENSVILLE, PA PER COURT ORDER.

@ SERVED

NOW, OCTOBER 13, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR  
NOVEMBER 13, 2009 DUE TO BANKRUPTCY FILING.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21020  
NO. 08-2180-CD

PLAINTIFF: CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.

VS.

DEFENDANT: KYLEE RALSTON AND JOSEPH RALSTON

Execution REAL ESTATE

**SHERIFF RETURN**

---

SHERIFF HAWKINS \$193.56

SURCHARGE \$40.00 PAID BY ATTORNEY

So Answers,

*Chester A. Hawkins*  
by *Centrea Bitter-Depherd*  
Chester A. Hawkins  
Sheriff

WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)  
Pa.R.C.P. 3180-3183 and Rule 3257

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.

vs.

KYLEE RALSTON  
JOSEPH RALSTON

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213  
(See Legal Description attached)

Amount Due	
Interest from 7/9/09 to Sale	\$54,530.18
Per diem \$8.96	149.00
Add'l Costs	\$ _____
Writ Total	\$3,644.75

*Willie L. Shar*  
-----  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 8/11/09  
(SEAL)

189339

Received this writ this 11th day  
of August A.D. 2009  
At 3:00 A.M. (P.M.)

*Chesler A. Hawkins*  
Sheriff by *Cynthia Butler-Clyburn-Law*

No. 08-2180-CD.....

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.,  
vs.  
KYLEE RALSTON  
JOSEPH RALSTON

WRIT OF EXECUTION (Mortgage Foreclosure)	
Real Debt	\$54,530.18
Int. from 7/9/09 To Date of Sale (\$8.96 per diem)	
Costs	
Prothy Pd.	<u>149.00</u>
Sheriff	

*DANIEL G. SCHNEIDER, ESQUIRE*  
JAY B. JONES, ESQUIRE  
ANDREW L. SPIVACK, ESQUIRE  
JENINE R. DAVEY, ESQUIRE  
Attorney for Plaintiff

Address: KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

**LEGAL DESCRIPTION**

ALL that certain piece or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Joseph Ralston and Kylee Ralston, h/w, by Deed from Clinton D. Goss and Beth A. Goss, h/w, dated 10/01/2004, recorded 10/07/2004 in Instrument Number 200416458.

Premises being: 494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

Tax Parcel No. 126-109-00-30

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME KAYLEE RALSTON NO. 08-2180-CD

NOW, February 07, 2010, 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 November 13, 2009, I exposed the within described real estate of Kylee Ralston And Joseph Ralston to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	6.60
LEVY	15.00
MILEAGE	6.60
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	1.76
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	
ADD'L POSTING	
ADD'L MILEAGE	8.60
ADD'L LEVY	
BID/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	10.00
CONTINUED SALES	
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$193.56</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$0.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	54,530.18
INTEREST @ 8.9600	1,137.92
FROM 07/09/2009 TO 11/13/2009	
ATTORNEY FEES	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	3,644.75
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$59,352.85</b>

**COSTS:**

ADVERTISING	0.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	193.56
LEGAL JOURNAL COSTS	0.00
PROTHONOTARY	149.00
MORTGAGE SEARCH	
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$342.56</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

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

CITIMORTGAGE, INC., S/B/M to Citifinancial  
Mortgage Company, Inc.,  
Plaintiff  
vs.  
KYLEE RALSTON,  
JOSEPH RALSTON,  
Defendants

*COPY*

NO. 08-2180-CD

ORDER

NOW, this 7<sup>th</sup> day of April, 2009, the Plaintiff is granted leave to serve the  
Complaint upon the Defendants **KYLEE RALSTON and JOSEPH RALSTON** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 494 Naulton Road, Curwensville, PA 16833;
3. By certified mail, return receipt requested to 494 Naulton Road,  
Curwensville, PA 16833; and
4. By posting the mortgaged premises known in this herein action as to  
494 Naulton Road, Curwensville, PA 16833.

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,

/S/ Fredric J Ammerman

---

FREDRIC J. AMMERMAN  
President Judge

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

APR 08 2009

Attest.

*W. Ammerman*  
Prothonotary/  
 Clerk of Court

**Phelan Hallinan & Schmieg, L.L.P.**  
**One Penn Center at Suburban Station**  
**1617 John F. Kennedy Boulevard**  
**Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**  
**Fax: (215) 563-7009**

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

October 13, 2009

Office of the Sheriff  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY,  
INC. v.  
KYLEE RALSTON and JOSEPH RALSTON  
494 NAULTON ROAD CURWENSVILLE, PA 16833-7213  
Court No. 08-2180-CD

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is  
scheduled for November 13, 2009 due to the following: Bankruptcy.

Defendants filed a Chapter 07, Bankruptcy Number 09-71193, on October 1,  
2009.

You are hereby directed to immediate discontinue the advertising of the sale and  
processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as  
possible. In addition, please forward a copy of the cost sheet pertaining to this sale  
to our office via facsimile to 215-567-0072 or regular mail at your earliest  
convenience.

Thank you for your cooperation in this matter.

Very Truly Yours,  
CHRISTINE SCHOFFLER for  
Phelan Hallinan & Schmieg, LLP

PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.

vs.

KYLEE RALSTON  
JOSEPH RALSTON

COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 08-2180-CD  
CLEARFIELD COUNTY

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due	
Interest from 07/09/2009 to Sale	\$54,530.18
Per diem \$8.96	149.00
Add'l Costs	\$3,644.75
Writ Total	\$ _____

  
Attorney for Plaintiff

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
- Andrew C. Bramblett, Esq., Id. No. 208375

Note: Please attach description of Property.

PHS # 189339

FILED *Atty pd. 60*  
MAY 13 2010 *\$20.00*  
MAY 13 2010 *ICC & Lewirts*  
William A. Shaw *w/ prop. desc.*  
Prothonotary/Clerk of Courts *to Sheriff*

IN THE COURT OF COMMON PLEAS OF  
CLEARFIELD COUNTY, PENNSYLVANIA  
CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE  
COMPANY, INC.

**FILED**

**MAY 13 2010**

vs.

KYLEE RALSTON  
JOSEPH RALSTON

**PRAECEIPE FOR WRIT OF EXECUTION**  
(Mortgage Foreclosure)

Filed:



Attorney for Plaintiff

**Phelan Hallinan & Schmies, LLP**

- Lawrence T. Phelan, Esq., Id. No. 322227
- Francis S. Hallinan, Esq., Id. No. 62695
- Daniel G. Schmies, 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. 933337
- 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. Filiakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtney R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramlett, Esq., Id. No. 208375

Address where papers may be served:

KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

William A. Shaw  
Prothonotary/Clerk of Courts

<b>CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.</b>	:	<b>COURT OF COMMON PLEAS</b>
Plaintiff	:	<b>CIVIL DIVISION</b>
 v.	:	 <b>NO. 08-2180-CD</b>
 <b>KYLEE RALSTON</b>	:	 <b>CLEARFIELD COUNTY</b>
<b>JOSEPH RALSTON</b>		
Defendant(s)		

**AFFIDAVIT PURSUANT TO RULE 3129.1**

**CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.**, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praeclipe for the Writ of Execution was filed, the following information concerning the real property located at **494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213**.

1. Name and address of Owner(s) or reputed Owner(s):

Name	Address (if address cannot be reasonably ascertained, please so indicate)
------	---

<b>KYLEE RALSTON</b>	<b>494 NAULTON ROAD</b>
	<b>CURWENSVILLE, PA 16833-7213</b>

<b>JOSEPH RALSTON</b>	<b>494 NAULTON ROAD</b>
	<b>CURWENSVILLE, PA 16833-7213</b>

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

Name	Address (if address cannot be reasonably ascertained, please so indicate)
------	---

**SAME AS ABOVE**

3. Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:

Name	Address (if address cannot be reasonably ascertained, please indicate)
------	--

<b>FIA card Services, N.A.</b>	<b>520 Fellowship Road C 306</b>
<b>c/o Apothaker &amp; Associates, P.C.</b>	<b>Mount Laurel, NJ 08054</b>

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
------	--

<b>CNB BANK</b>	<b>1 SOUTH SECOND STREET</b>
	<b>CLEARFIELD, PA 16830-0042</b>

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

Name	Address (if address cannot be reasonably ascertained, please indicate)
------	--

**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 (if address cannot be reasonably ascertained, please indicate)
------	--

**None.**

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 (if address cannot be reasonably ascertained, please indicate)

**TENANT/OCCUPANT**

**494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213**

**DOMESTIC RELATIONS  
CLEARFIELD COUNTY**

**CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830**

**Commonwealth of Pennsylvania  
Department of Welfare**

**P.O. Box 2675  
Harrisburg, PA 17105**

**United States Internal Revenue  
Special Procedures Branch  
Federated Investors Tower**

**13th Floor, Suite 1300  
1001 Liberty Avenue  
Pittsburgh, PA 15222**

**U.S. Department of Justice  
Michael C. Colville, Esquire,  
United States Attorney**

**Western District of PA  
633 U.S. Post Office & Courthouse  
Pittsburgh, PA 15219**

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.A. § 4904 relating to unsworn falsification to authorities.

May 10, 2010

By: 

Attorney for Plaintiff

**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
- Andrew C. Bramblett, Esq., Id. No. 208375

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

Attorneys for Plaintiff

**CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.**

Plaintiff

v.

**KYLEE RALSTON  
JOSEPH RALSTON**

Defendant(s)

: **COURT OF COMMON PLEAS**  
: **CIVIL DIVISION**  
: **NO. 08-2180-CD**  
: **CLEARFIELD COUNTY**

**CERTIFICATION**

The undersigned attorney hereby states that he/she is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because:

- the mortgage is an FHA Mortgage
- the premises is non-owner occupied
- the premises is vacant
- Act 91 procedures have been fulfilled

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

By:   
Attorney for Plaintiff

**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
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- Jenine R. Davey, Esq., Id. No. 87077
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- Jay B. Jones, Esq., Id. No. 86657
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- 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
- Andrew C. Bramblett, Esq., Id. No. 208375

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)  
Pa.R.C.P. 3180-3183 and Rule 3257

COPY

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE  
COMPANY, INC.

vs.

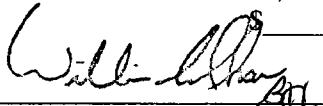
KYLEE RALSTON  
JOSEPH RALSTON  
Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213  
(See Legal Description attached)

Amount Due	
Interest from 07/09/2009 to Sale	\$54,530.18
Per diem \$8.96	169.00
Add'l Costs	
Writ Total	\$3,644.75

  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 5/13/10  
(SEAL)

PHS # 189339

IN THE COURT OF COMMON PLEAS OF  
CLERAFIELD COUNTY, PENNSYLVANIA

vs.  
CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.

KYLEE RALSTON  
JOSEPH RALSTON

WRIT OF EXECUTION  
(Mortgage Foreclosure)

	Costs
Real Debt	\$54,530.18
Int. from To Date of Sale (\$8.96 per diem)	
Costs	<u>10.00</u>
Protho Pd.	
Sheriff	

Filed 

Attorney for Plaintiff

**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
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- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:

KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

### LEGAL DESCRIPTION

ALL that certain piece or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Joseph Ralston and Kylee Ralston, h/w, by Deed from Clinton D. Goss and Beth A. Goss, h/w, dated 10/01/2004, recorded 10/07/2004 in Instrument Number: 200416458.

Premises being: 494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

Tax Parcel No. 1260I0900000030

FILED No cc

19:57 am  
JUN 28 2010 (60)

William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
By: 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. Ecmano, 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  
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Joshua I. 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  
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO	:	Court of Common Pleas
CITIFINANCIAL MORTGAGE COMPANY, INC.	:	
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
KYLEE RALSTON	:	No. 08-2180-CD
JOSEPH RALSTON	:	
Defendants	:	

PLAINTIFF'S MOTION TO REASSESS DAMAGES

Plaintiff, by its Attorneys, Phelan Hallinan & Schmieg, LLP, moves the Court to direct the Prothonotary to amend the judgment in this matter, and in support thereof avers the following:

1. Plaintiff commenced this foreclosure action by filing a Complaint on November 12, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on July 22, 2009 in the amount of \$54,530.18. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

3. Pursuant to Pennsylvania Rule of Civil Procedure 1037(b)(1), a default judgment containing a dollar amount must be entered for the amount claimed in the complaint and any item which can be calculated from the complaint, i.e. bringing the interest current. However, new items cannot be added at the time of entry of the judgment.

4. A Sheriff's Sale of the mortgaged property at 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213 (hereinafter the "Property") was postponed or stayed for the following reason:

a.) The Defendants filed a Chapter 07 Bankruptcy at Docket Number 09-71193 on October 1, 2009. The Bankruptcy was discharged by order of court dated February 23, 2010. A true and correct copy of the Bankruptcy Court Order is attached hereto, made part hereof, and marked as Exhibit "C".

5. The Property is listed for Sheriff's Sale on August 6, 2010.

6. Additional sums have been incurred or expended on Defendants' behalf since the Complaint was filed and Defendants have been given credit for any payments that have been made since the judgment. The amount of damages should now read as follows:

Principal Balance	\$48,511.94
Interest Through August 6, 2010	\$7,796.99
Per Diem \$9.43	
Late Charges	\$447.20
Legal fees	\$2,175.00
Cost of Suit and Title	\$2,966.34
Sheriff's Sale Costs	\$233.56
Property Inspections/ Property Preservation	\$426.50
Appraisal/Brokers Price Opinion	\$538.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	\$0.00
Non Sufficient Funds Charge	
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,750.61
<b>TOTAL</b>	<b>\$64,846.14</b>

7. The judgment formerly entered is insufficient to satisfy the amounts due on the Mortgage.

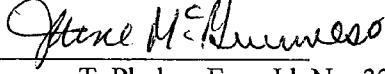
8. Under the terms of the Mortgage and Pennsylvania law, Plaintiff is entitled to inclusion of the figures set forth above in the amount of judgment against the Defendants.

9. Plaintiff's foreclosure judgment is in rem only and does not include personal liability, as addressed in Plaintiff's attached brief.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

Phelan Hallinan & Schmieg, LLP

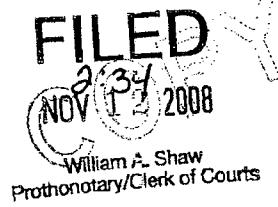
DATE: 6-25-10

By: 

- 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
- Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

# **Exhibit "A"**



PHELAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHELAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62595  
DANIEL G. SCHMIEG, ESQ., Id. No. 62205  
MICHELE M. BRADFORD, ESQ., Id. No. 59349  
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 189339

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL  
MORTGAGE COMPANY, INC.  
1000 TECHNOLOGY DRIVE  
MAIL STATION  
O'FALLON, MO 63368-2240

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 08-2180-CD

CLEARFIELD COUNTY

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

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

Defendants

CIVIL ACTION - LAW  
COMPLAINT IN MORTGAGE FORECLOSURE

**ATTORNEY FILE COPY  
PLEASE RETURN**

**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.**

Notice to Defend:  
Daniel J. Nelson  
Court Administrator  
Clearfield County Courthouse  
Clearfield, PA 16830  
(814) 765-2641

Lawyer Referral Service:  
Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
100 South Street  
P.O. Box 186  
Harrisburg, PA 17108  
(800) 692-7375

1. Plaintiff is

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY, 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:

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

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

3. On 10/01/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to ARGENT MORTGAGE COMPANY, LIMITED LIABILITY COMPANY which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200416459. By Assignment of Mortgage recorded 10/04/2005 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200516604. 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.

5. The following amounts are due on the mortgage:

Principal Balance	\$48,511.94
Interest	\$1,840.80
05/01/2008 through 11/11/2008	
(Per Diem \$9.44)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$68.80
10/01/2004 to 11/11/2008	
Mortgage Insurance Premium /	\$7.10
Private Mortgage Insurance	
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$52,228.64
Escrow	
Credit	\$0.00
Deficit	\$45.38
Subtotal	<u>\$45.38</u>
<b>TOTAL</b>	<b>\$52,274.02</b>

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 \$52,274.02, together with interest from 11/11/2008 at the rate of \$9.44 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: J. Hallinan 62695

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 that certain piece or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.

**PREMISES: 494 NAULTON ROAD**

**PARCEL: 126-109-00-30**

**VERIFICATION**

Ass't. V.P.

Eddie Crespo

hereby states that he/she is

Eddie Crespo of CITIMORTGAGE INC., servicing agent for Plaintiff, CITIMORTGAGE INC.,  
S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, 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.

DATE: 11/12/2008

  
Name: Eddie Crespo

Title: Ass't. V.P.

Company: CITIMORTGAGE INC.

Loan: 5002422375

File #: 189339

# **Exhibit “B”**

Phelan Hallinan & Schmieg, LLP  
By: 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. 51791  
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  
Andrew C. Bramblett, Esq., Id. No. 208375

1617 JFK Boulevard, Suite 1400

One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

Attorney for Plaintiff

FILED  
JUL 22 2009  
COURT OF COMMON PLEAS

William A. Shaw  
Prothonotary/Clerk of Courts



CITIMORTGAGE INC., S/B/M TO : CLEARFIELD COUNTY  
CITIFINANCIAL MORTGAGE :  
COMPANY, INC. : COURT OF COMMON PLEAS  
vs. :  
: CIVIL DIVISION  
  
KYLEE RALSTON :  
JOSEPH RALSTON :  
No. 08-2180-CD

**PRAECLPICE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**  
TO THE PROTHONOTARY:

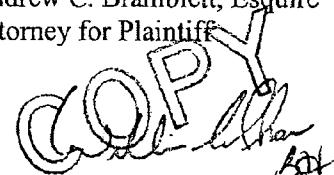
Kindly enter judgment in favor of the Plaintiff and against KYLEE RALSTON, and  
JOSEPH RALSTON, Defendant(s) for failure to file an Answer to Plaintiff's Complaint within  
20 days from service thereof and for foreclosure and sale of the mortgaged premises, and assess  
Plaintiff's damages as follows:

As set forth in Complaint	\$52,274.02
Interest - 11/12/2008 to 07/08/2009	<u>\$2,256.16</u>
 TOTAL	 \$54,530.18

I hereby certify that (1) the Defendants' last known address is 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213, and (2) that notice has been given in accordance with Rule 237.1, copy attached.



Lawrence T. Phelar, Esquire  
Francis S. Hallinan, Esquire  
Daniel G. Schmieg, Esquire  
Michele M. Bradford, Esquire  
Judith T. Romano, Esquire  
Sheetal R. Shah-Jari, 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  
Andrew C. Bramblett, Esquire  
Attorney for Plaintiff



DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 7/22/09

PHS # 189339

PROTHONOTARY

# **Exhibit "C"**

189339

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Kylee M. Ralston**  
Debtor(s)

Bankruptcy Case No.: 09-71193-BM

Chapter: 7

**FINAL DECREE**

The estate of the above named debtor has been fully administered.

**IT IS ORDERED THAT:**

James R. Walsh, Trustee is discharged as trustee of the estate of the above named Debtor(s) and the bond is cancelled; the Chapter 7 case of the above named Debtor(s) is closed.

Dated: February 23, 2010

Bernard Markovitz  
United States Bankruptcy Judge

**VERIFICATION**

I hereby state that I am the attorney for Plaintiff in this action, that I am authorized to make this verification, and that the statements made in the foregoing Motion to Reassess Damages are true and correct to the best of my knowledge, information and belief. The undersigned understands that this statement herein is made subject to the sworn penalties of 18 Pa.C.S. §4904 relating to the unsworn falsification of authorities.

DATE: 6-25-10

By:

*Jaime McGuinness*

- 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
- Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

FILED *ICCA#4*

19:57am  
JUN 28 2010

William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
By: 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  
Andrew C. Bramblett, Esq., Id. No. 208375  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO : Court of Common Pleas  
CITIFINANCIAL MORTGAGE COMPANY, INC. :  
Plaintiff : Civil Division

v.

KYLEE RALSTON : CLEARFIELD County  
JOSEPH RALSTON : No. 03-2180-CD

Defendants

CERTIFICATION OF SERVICE

I hereby certify that true and correct copies of Plaintiff's Motion to Reassess Damages, and Brief in Support thereof were sent to the following individuals on the date indicated below.

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

KYLEE RALSTON  
5084 ALLPORT CUTOFF  
MORRISDALE, PA 16858-7213

DATE: 6-25-10

Phelan Hallinan & Schmieg, LLP

By: June M. McGuinness

- 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
- Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY  
PENNSYLVANIA

CITIMORTGAGE INC., S/B/M TO : Court of Common Pleas  
CITIFINANCIAL MORTGAGE COMPANY, INC. :  
Plaintiff : Civil Division

v.

KYLEE RALSTON : No. 08-2180-CD  
JOSEPH RALSTON :

Defendants

RULE

AND NOW, this 29<sup>th</sup> day of June 2010, a Rule is entered upon the Defendants to show cause why an Order should not be entered granting Plaintiff's Motion to Reassess Damages.

Rule Returnable on the 16<sup>th</sup> day of August 2010, at 9:00 AM in the Clearfield County Courthouse, Clearfield, Pennsylvania.

BY THE COURT  
*Judie J. Zimmerman*

189339

FILED  
S 0154801  
JUN 30 2010  
cc Atty McGuinness  
William A. Shaw  
Prothonotary/Clerk of Courts

189339

**FILED**

JUN 30 2010

William A. Straw  
Prothonotary/Clerk of Courts

DATE: 6/30/10

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

FILED  
JUL 14 2010  
S 1011A:5530X CC  
William A. Shaw  
Prothonotary/Clerk of Court  
(60)

Phelan Hallinan & Schmieg, LLP  
By: 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  
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Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. 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  
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO	:	Court of Common Pleas
CITIFINANCIAL MORTGAGE COMPANY, INC.	:	
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
KYLEE RALSTON	:	No. 08-2180-CD
JOSEPH RALSTON	:	
Defendants		

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the Court's June 29, 2010 Rule directing the Defendants to show cause as to why Plaintiff's Motion to Reassess Damages should not be granted was served upon the following individuals on the date indicated below.

KYLEE RALSTON  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

KYLEE RALSTON  
5084 ALLPORT CUTOFF  
MORRISDALE, PA 16858-7213

DATE: 7-13-10

Phelan Hallinan & Schmieg, LLP

By: Jane McGuinness

- 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
- Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

IN THE COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY, PENNSYLVANIA

CITIMORTGAGE INC., S/B/M TO : CLEARFIELD COUNTY  
CITIFINANCIAL MORTGAGE COMPANY, INC. : COURT OF COMMON PLEAS  
Plaintiff, :  
v. : CIVIL DIVISION  
: No. 08-2180-CD  
KYLEE RALSTON :  
JOSEPH RALSTON :  
Defendant(s) :  
FILED No. cc.  
m/10:44 am  
JUL 27 2010

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA )  
PHILADELPHIA COUNTY ) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

*Jill*

- 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
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- 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
- Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

Date: 7/8/10

IMPORTANT NOTICE: This property is sold at the direction of the plaintiff. It may not be sold in the absence of a representative of the plaintiff at the Sheriff's Sale. The sale must be postponed or stayed in the event that a representative of the plaintiff is not present at the sale.

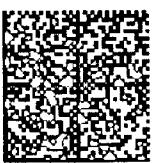
Name and  
Address  
Of Sender

Phelan Hallinan & Schmiege, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103

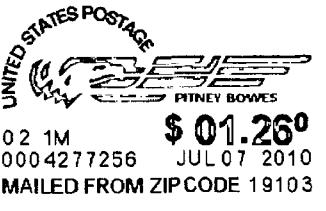
CQS 8/6/2010 SALE

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	*****	KYLEE RALSTON C/O KIMBERLY M. KUBISTA, ESQUIRE PO BOX 1 CLEARFIELD, PA 16830		
2	*****			
3	*****			
4	*****			
5	*****			
6	*****			
7	*****			
8	*****			
9	*****			
10	*****			
11	*****			
12	*****			
13	*****			
14	*****			
15	*****	RE: KYLEE RALSTON (CLEARFIELD) PHS# 189339		

Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail for the reconstruction of nonnegotiable documents under Express Mail document re- quest. The maximum indemnity payable is \$25,000 for registered mail, sent with optional R200, S913 and S921 for limitations of coverage.
--	---	---	--



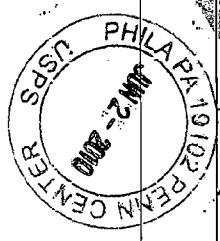
bic  
0:00



Name and  
Address  
of Sender

PHELAN HALLINAN & SCHMIEG, LLP  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103-1814

Line	Article Number	Name of Addressee, Street, and Post Office Address
1	*****	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE P.O. BOX 2675 HARRISBURG, PA 17105
2	*****	BERKS COUNTY DEPT. OF DOMESTIC RELATIONS 633 COURT STREET, 6TH FLOOR READING, PA 19601
3		
4		
5		
6		
7		
8		
9		
		<b>RE: BERKS COUNTY AUGUST 6, 2010 SALE TEAM 3/JKM</b>
Total Number of Pieces Listed by Sender	Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)



Name and  
Address  
Of Sender



Phelan Hallinan & Schmiege, LLP  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103

JOT/JSC

SALE

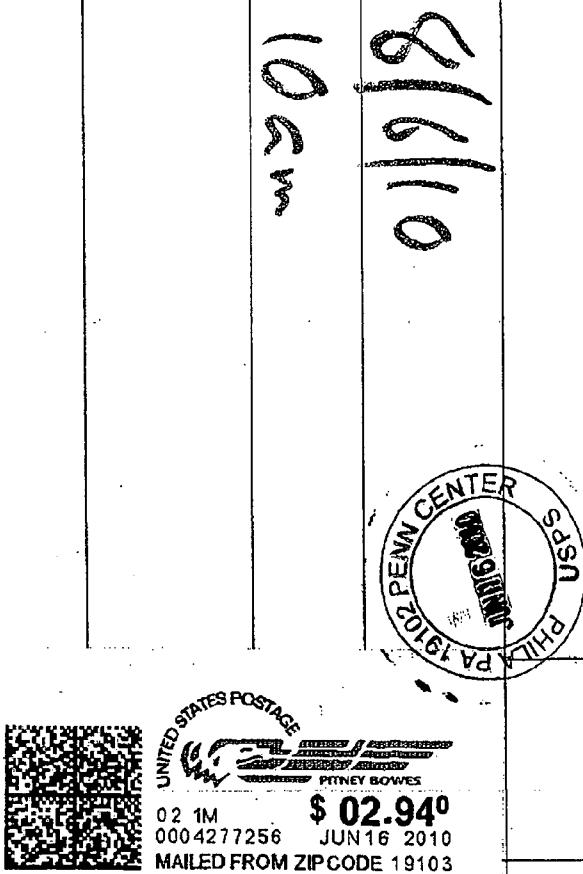
Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	*****	TENANT/OCCUPANT 494 NAULTON ROAD CURWENSVILLE, PA 16833-7213		
2	*****	DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830	8/16/10	
3	*****	Commonwealth of Pennsylvania Department of Welfare P.O. Box 2675 Harrisburg, PA 17105	10 am	
4	*****	United States Internal Revenue Special Procedures Branch Federated Investors Tower 13th Floor, Suite 1300 1001 Liberty Avenue Pittsburgh, PA 15222		
5	*****	U.S. Department of Justice Michael C. Colville, Esquire, United States Attorney Western District of PA 633 U.S. Post Office & Courthouse Pittsburgh, PA 15219		
6		CNB BANK 1 SOUTH SECOND STREET CLEARFIELD, PA 16830-0042		
7		FIA Card Services, N.A. & Apotheker & Associates, P.C. 520 Fellowship Road C 306 Mount Laurel, NJ 08054		
8				
9				
10				
11				
12				
13				
14				
15		RE: KYLEE RALSTON (CLEARFIELD) TEAM 3 PHS# 189339		

Total Number of  
Pieces Listed by Sender

Total Number of Pieces  
Received at Post Office

Postmaster, Per (Name of  
Receiving Employee)

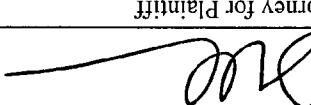
The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable  
for the reconstruction of non-negotiable documents under Express Mail document reconstruction insurance is \$50,000 per  
piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500.  
The maximum indemnity payable is \$25,000 for registered mail sent with optional insurance. See Domestic Mail Manual  
R800 S913 and S921 for limitations of coverage.



1.	Name and address of Owner(s) or reputed Owner(s):	None
2.	Name and address of Defendant(s) in the judgment:	KYLEE RALSTON 494 NARULTON ROAD CURWENSVILLE, PA 16833-7213 Address (if address cannot be reasonably ascertained, please so indicate)
3.	Name and last known address of every judgment creditor whose judgment is a record lien on the real property to be sold:	SAME AS ABOVE JOSEPH RALSTON 494 NARULTON ROAD CURWENSVILLE, PA 16833-7213 Address (if address cannot be reasonably ascertained, please so indicate)
4.	Name and address of last recorded holder of every mortgage of record:	PTA card Services, N.A. 520 Fellowship Road C 306 Mount Laurel, NJ 08054 c/o Apotheker & Associates, P.C. Address (if address cannot be reasonably ascertained, please indicate)
5.	Name and address of every other person who has any record interest in the property and whose interest may be affected by the sale:	CNB BANK 1 SOUTH SECOND STREET CLEARFIELD, PA 16830-0042 Address (if address cannot be reasonably ascertained, please indicate)
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, if address cannot be reasonably ascertained, please indicate):	None

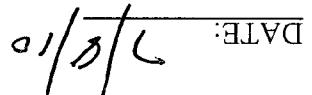
AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1

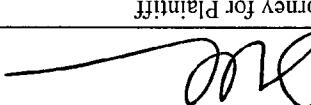
7. Name and address of every other person of whom the plaintiff has knowledge who has any interest in the property which may be affected by the sale:

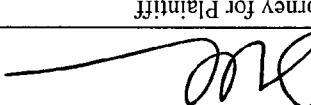
494 NAILTON ROAD  
CURWENSVILLE, PA 16833-7213  
DOMESTIC RELATIONS  
CLEARFIELD COUNTY COURTHOUSE  
230 EAST MARKET STREET  
CLEARFIELD, PA 16830  
P.O. Box 2675  
Harrisburg, PA 17105  
13th Floor, Suite 1300  
1001 Liberty Avenue  
Pittsburgh, PA 15222  
Western District of PA  
633 U.S. Post Office & Courthouse  
Francis S. Hallinan, Esq., Id. No. 62695  
Lawrence T. Phelan, Esq., Id. No. 32227  
Phelan Hallinan & Schmiege, LLP  
Attoorneys for Plaintiff  
By 

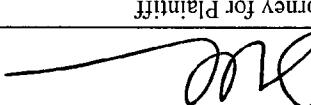
Andrew C. Bramblett, Esq., Id. No. 208375  
 Courtney R. Dunn, Esq., Id. No. 205779  
 Joshua L. Goldman, Esq., Id. No. 205047  
 Chrysosvalante P. Filakos, Esq., Id. No. 94620  
 Jamie McGuinness, Esq., Id. No. 90134  
 Andrew L. Spivack, Esq., Id. No. 84439  
 Peter J. Mulcahy, Esq., Id. No. 61791  
 Jay B. Jones, Esq., Id. No. 86657  
 Vivek Srivastava, Esq., Id. No. 202331  
 Lauren R. Tabas, Esq., Id. No. 93337  
 Jennifer R. Davey, Esq., Id. No. 87077  
 Sheetal R. Shah-Jani, Esq., Id. No. 81760  
 Judith T. Bradford, Esq., Id. No. 58745  
 Michele M. Bradford, Esq., Id. No. 69849  
 Daniel G. Schmiege, Esq., Id. No. 62205  
 ~~Francis S. Hallinan, Esq., Id. No. 62695~~  
 Lawrence T. Phelan, Esq., Id. No. 32227  
 Phelan Hallinan & Schmiege, LLP

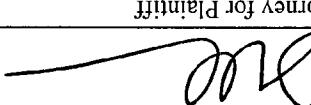
I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

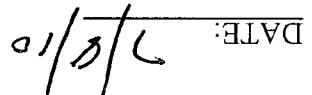
DATE: 

DOMESTIC RELATIONS  
CLEARFIELD COUNTY  
CLEARFIELD, PA 16830  
P.O. Box 2675  
Harrisburg, PA 17105  
13th Floor, Suite 1300  
1001 Liberty Avenue  
Pittsburgh, PA 15222  
Western District of PA  
633 U.S. Post Office & Courthouse  
Francis S. Hallinan, Esq., Id. No. 62695  
Lawrence T. Phelan, Esq., Id. No. 32227  
Phelan Hallinan & Schmiege, LLP  
Attoorneys for Plaintiff  
By 

Commonwealth of Pennsylvania  
Department of Welfare  
United States Internal Revenue  
Special Procedures Branch  
Federal Investors Tower  
U.S. Department of Justice  
United States Attorney  
Michael C. Colville, Esquire  
United States Attorney  
By 

KYLE RALSTON  
PO BOX 1  
CLEARFIELD, PA 16830  
C/O KIMBERLY M. KUBISTA, ESQUIRE  
KYLE RALSTON  
PO BOX 1  
CLEARFIELD, PA 16830  
Pittsburgh, PA 15219  
633 U.S. Post Office & Courthouse  
Western District of PA  
Pittsburgh, PA 15222  
1001 Liberty Avenue  
13th Floor, Suite 1300  
Harrisburg, PA 17105  
P.O. Box 2675  
1001 Liberty Avenue  
Pittsburgh, PA 15222  
Western District of PA  
633 U.S. Post Office & Courthouse  
Francis S. Hallinan, Esq., Id. No. 62695  
Lawrence T. Phelan, Esq., Id. No. 32227  
Phelan Hallinan & Schmiege, LLP  
Attoorneys for Plaintiff  
By 

Commonwealth of Pennsylvania  
Department of Welfare  
United States Internal Revenue  
Special Procedures Branch  
Federal Investors Tower  
U.S. Department of Justice  
United States Attorney  
Michael C. Colville, Esquire  
United States Attorney  
By 

DATE: 

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

FILED 2cc  
09/18/2010 Aug 16 2010  
S. AUG 16 2010 Arg  
William A. Shaw  
Prothonotary/Clerk of Courts  
(60)

CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE COMPANY, INC.

Plaintiff

v.

KYLEE RALSTON  
JOSEPH RALSTON

Defendants

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

: No. 08-2180-CD

ORDER

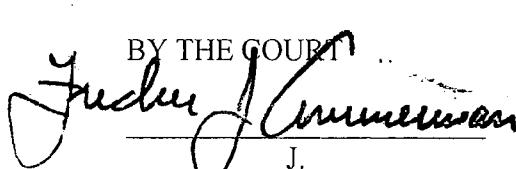
AND NOW, this 16<sup>th</sup> day of August, 2010 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	\$48,511.94
Interest Through August 6, 2010	\$7,796.99
Per Diem \$9.43	
Late Charges	\$447.20
Legal fees	\$2,175.00
Cost of Suit and Title	\$2,966.34
Sheriff's Sale Costs	\$233.56
Property Inspections/ Property Preservation	\$426.50
Appraisal/Brokers Price Opinion	\$538.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	\$0.00
Non Sufficient Funds Charge	(\$0.00)
Suspense/Misc. Credits	
Escrow Deficit	<u>\$1,750.61</u>
 <b>TOTAL</b>	 <b>\$64,846.14</b>

Plus interest from August 6, 2010 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

  
J. Klemmer

ORIGINAL

**FILED**

**AUG 16 2010**

**William A. Straw  
Prothonotary/Clerk of Courts**

**DATE: 8/16/10**

You are responsible for serving all appropriate parties.

The Prothonotary's office has provided service to the following parties:

Plaintiff(s)  Plaintiff(s) Attorney  Other

Defendant(s)  Defendant(s) Attorney

Special Instructions:

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. Flakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblet, Esq., Id. No. 208375  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

S FILED *(2)*

SEP 17 2010

*9/11/15*  
William A. Shaw  
Prothonotary/Clerk of Courts

*no C/L*

CITIMORTGAGE, INC., S/B/M TO	:	<b>CLEARFIELD COUNTY</b>
CITIFINANCIAL MORTGAGE COMPANY, INC.	:	<b>COURT OF COMMON PLEAS</b>
<b>Plaintiff,</b>	:	<b>CIVIL DIVISION</b>
v.	:	<b>NO. 08-2180-CD</b>
KYLEE RALSTON	:	
<b>JOSEPH RALSTON</b>	:	
<b>Defendants</b>		

**VERIFICATION OF SERVICE OF NOTICE OF SHERIFF'S SALE  
PURSUANT TO P.R.C.P., 404(2)/403**

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **KYLEE RALSTON & JOSEPH RALSTON** on **8/2/2010** in accordance with the Order of Court dated **4/7/2009**. The property was posted on **8/27/2010**. Publication was advertised in **COURIER-EXPRESS/TRI COUNTY SUNDAY** on **8/6/2010** & in the **LEGAL JOURNAL** on **8/13/2010**.

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

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  
Andrew L. Spivack, Esq., Id. No. 84439  
Peter J. Mulcahy, Esquire  
Jaime McGuinness, Esquire  
Chrisovalante P. Fliakos, Esquire  
Joshua I. Goldmaier, Esquire  
Courtenay R. Dunn, Esq., Id No. 206779  
Andrew C. Bramblett, Esq., Id No. 208375  
Attorneys for Plaintiff

Dated: September 14, 2010

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

CITIMORTGAGE, INC., S/B/M to Citifinancial  
Mortgage Company, Inc.,  
Plaintiff

vs.  
KYLEE RALSTON,  
JOSEPH RALSTON,  
Defendants

NO. 08-2180-CD

## ORDER

NOW, this 7<sup>th</sup> day of April, 2009, the Plaintiff is granted leave to serve the Complaint upon the Defendants **KYLEE RALSTON** and **JOSEPH RALSTON** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield County Legal Journal;
2. By first class mail to 494 Naulton Road, Curwensville, PA 16833;
3. By certified mail, return receipt requested to 494 Naulton Road, Curwensville, PA 16833; and
4. By posting the mortgaged premises known in this herein action as to 494 Naulton Road, Curwensville, PA 16833.

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.

/S/ Fredric J Ammerman

---

**FREDRIC J. AMMERMAN**  
President Judge

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

APR 08 2009

Attest,

William L. Brown  
Prothonotary/  
Chancery Clerk

PROOF OF PUBLICATION OF NOTICE APPEARING IN THE  
COURIER EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT  
PUBLISHED BY McLEAN PUBLISHING COMPANY,  
DUBOIS PENNSYLVANIA

Under act 587, Approved May 16, 1929, P.L. 1784

STATE OF PENNSYLVANIA  
COUNTY OF CLEARFIELD

SS:

Linda Smith, Advertising Director or Dory Ferra, Classified Advertising Supervisor of the Courier-Express/Tri-County Sunday/Jeffersonian Democrat of the County and State aforesaid, being duly sworn, deposes and says that the Courier Express, a daily newspaper, the Tri-County Sunday, a weekly newspaper and Jeffersonian Democrat, a weekly newspaper published by McLean Publishing Company at 500 Jeffers Street, City of DuBois, County and State aforesaid, which was established in the year 1879, since which date said, the daily publication and the weekly publications, has been regularly issued in said County, and that a copy of the printed notice of publication is attached hereto exactly as the same was printed and published in the regular editions of the paper on the following dates, viz: the

6th day of August A.D., 2010

Affidavit further deposes that he is an officer duly authorized by the Courier-Express, a daily newspaper, Tri-County Sunday, a weekly newspaper, and/or Jeffersonian Democrat, a weekly newspaper to verify the foregoing statement under oath and also declared that affiant is not interested in the subject matter of the aforesaid notice of publication, and that all allegations in the foregoing statement as to time, place and character of publication are true.

McLEAN PUBLISHING COMPANY Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By Linda Smith

Sworn and subscribed to before me this 12th day of AUG., 2010

Robin M. Duttry  
NOTARY PUBLIC

**THIS IS  
NOT A  
BILL**

Statement of Advertising Cost  
McLEAN PUBLISHING COMPANY  
Publisher of  
COURIER-EXPRESS/TRI-COUNTY SUNDAY/  
JEFFERSONIAN DEMOCRAT  
DuBois, PA

NOTARIAL SEAL  
ROBIN M. DUTTRY, NOTARY PUBLIC  
CITY OF DUBOIS, CLEARFIELD COUNTY  
MY COMMISSION EXPIRES APRIL 16, 2014

TO

Full Spectrum Services

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$147.60</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$155.10</u>

Publisher's Receipt for Advertising Costs

The Courier-Express, a daily newspaper, Tri-County Sunday, a weekly newspaper, and/or Jeffersonian Democrat, a weekly newspaper, hereby acknowledges receipt of the aforesaid advertising and publication costs, and certifies that the same have been fully paid.

Office: Jeffers Street and Beaver Drive, DuBois, PA 15801

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By  

I hereby certify that the foregoing is the original Proof of Publication and receipt for the Advertising costs in the subject matter of said notice.

ATTORNEY FOR

NOTICE OF SHERIFF'S SALE  
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW  
NO. 08-2180-CD

**PROOF OF PUBLICATION**

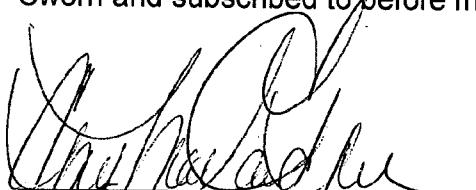
**STATE OF PENNSYLVANIA**

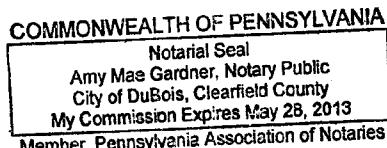
**COUNTY OF CLEARFIELD**

On this 13th day of August AD 2010, before me, the subscriber,  
in and for said County and State, personally appeared Gary A. K Plaintiff  
Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed  
is a true copy of the notice or advertisement published in said publication in the regular  
issues of Week of August 13, 2010, Vol. 22, No.33. And that all of the allegations of this  
statement as to the time, place, and character of the publication are true.

  
\_\_\_\_\_  
Gary A. Knaresboro, Esquire  
Editor

Sworn and subscribed to before me the day and year aforesaid.

  
\_\_\_\_\_  
Notary Public  
My Commission Expires



James Forsman  
Full Spectrum Services, Inc.  
400 Fellowship Road  
Suite 220  
Mount Laurel, NJ 08054

**AFFIDAVIT OF SERVICE****PLAINTIFF**

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE  
COMPANY, INC.

CLEARFIELD COUNTY

PHS # 189339

**DEFENDANT**

KYLEE RALSTON  
JOSEPH RALSTON

SERVICE TEAM/ kxc  
COURT NO.: 08-2180-CD

**SERVE JOSEPH RALSTON AT:**

494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

**TYPE OF ACTION**  
XX Notice of Sheriff's Sale  
**SALE DATE:** 11/05/2010

**\*\*PLEASE POST PROPERTY PER COURT ORDER\*\***

**SERVED**

Served and made known to JOSEPH RALSTON, Defendant on the 27 day of August, 20 10, at 6:38, o'clock P. M., at 494 Naulton Road, in the manner described below:

Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
 Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant's residence who refused to give name or relationship.  
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
 Agent or person in charge of Defendant's office or usual place of business.  
 an officer of said Defendant's company.  
 Other: Posted on Door.

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, LeRoy R Beckwith, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed

before me this 29 day  
of August, 20 11

Notary: LeRoy R Beckwith By:

**COMMONWEALTH OF PENNSYLVANIA****Notarial Seal**

James R. Small, Notary Public  
Patton Township, Centre County  
My Commission Expires September 6, 2011

**NOT SERVED**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock P. M., Defendant NOT FOUND because:

Vacant       Bad Address       Moved       Does Not Reside (Not Vacant)  
 No Answer on \_\_\_\_\_ at \_\_\_\_\_; \_\_\_\_\_ at \_\_\_\_\_  
 Service Refused

Other:

Sworn to and subscribed  
before me this 29 day  
of August, 20 11. By:

Notary:

**ATTORNEY FOR PLAINTIFF**

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. 65849  
 Judith T. Romano, Esq., Id. No. 58745  
 Sheetal R. Shah-Jani, Esq. Id. No. 81760  
 Jemine 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. Malachy, Esq., Id. No. 61791  
 Andrew L. Spivack, Esq., Id. No. 84439  
 Jaime McGuinness, Esq., Id. No. 90134  
 Christopher P. Flanck, Esq., Id. No. 94620  
 Joshua L. Goldman, Esq., Id. No. 205047  
 Courtenay R. Dunn, Esq., Id. No. 206779  
 Andrew C. Bramblett, Esq., Id. No. 208375  
 One Penn Center at Suburban Station  
 1617 John F. Kennedy Blvd., Suite 1400  
 Philadelphia, PA 19103-1814  
 (215) 563-7000

**AFFIDAVIT OF SERVICE**

**PLAINTIFF**

**CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

**CLEARFIELD COUNTY**

**PHS # 189339**

**DEFENDANT**

**KYLEE RALSTON  
JOSEPH RALSTON**

**SERVICE TEAM/ kxc**

**COURT NO.: 08-2180-CD**

**SERVE KYLEE RALSTON AT:**

**494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213**

**TYPE OF ACTION**

**XX Notice of Sheriff's Sale**

**SALE DATE: 11/05/2010**

**\*\*PLEASE POST PROPERTY PER COURT ORDER\*\***

**SERVED**

Served and made known to KYLEE RALSTON Defendant on the 27 day of August, 20 10, at 6:30, o'clock P. M., at 494 Naulton Road, in the manner described below:

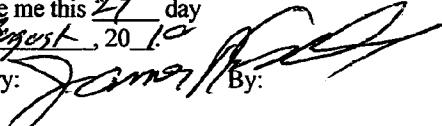
Defendant personally served.  
 Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.  
 Adult in charge of Defendant's residence who refused to give name or relationship.  
 Manager/Clerk of place of lodging in which Defendant(s) reside(s).  
 Agent or person in charge of Defendant's office or usual place of business.  
an officer of said Defendant's company.

Other: Posted on Door

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

I, LeRoy R. Beckwith, a competent adult, being duly sworn according to law, depose and state that I personally handed a true and correct copy of the Notice of Sheriff's Sale in the manner as set forth herein, issued in the captioned case on the date and at the address indicated above.

Sworn to and subscribed  
before me this 29 day  
of August, 20 10.

Notary: James R. Small By: 

**COMMONWEALTH OF PENNSYLVANIA**

Notarial Seal  
James R. Small, Notary Public  
Patton Township, Centre County  
My Commission Expires September 6, 2011

**NOT SERVED**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock P. M., Defendant NOT FOUND because:

Vacant       Bad Address       Moved       Does Not Reside (Not Vacant)  
 No Answer on \_\_\_\_\_ at \_\_\_\_\_; \_\_\_\_\_ at \_\_\_\_\_  
 Service Refused

Other:

Sworn to and subscribed  
before me this 29 day  
of August, 20 10. By:

Notary:

**ATTORNEY FOR PLAINTIFF**

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  
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Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
One Penn Center at Suburban Station  
1617 John F. Kennedy Blvd., Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

Name and  
Address  
of Sender

→

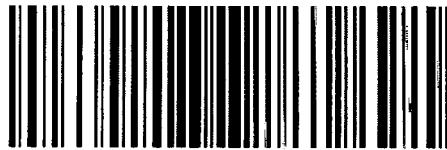
PHELAN HALLINAN & SCHMIEG  
One Penn Center at Suburban, Suite 1400  
Philadelphia, PA 19103



Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	*****	KYLEE RALSTON 494 NAULTON ROAD CURWENSVILLE, PA 16833-7213		
2	****	JOSEPH RALSTON 494 NAULTON ROAD CURWENSVILLE, PA 16833-7213		
3	*****			
4	*****			
5				
6	****			
7	****			
8	****			
9	*****			
10	****			
11	*****			
12	*****			
13	*****			
14				
15		RE: KYLEE RALSTON PHS#189339		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	



SPL



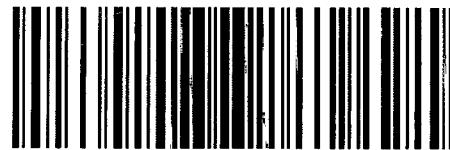
7178 2417 6099 0063 3265

3 / SPL  
KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)



7178 2417 6039 0063 3265

3 / SPL  
KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

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## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0063 3272

Class: First-Class Mail®

Service(s): Return Receipt Electronic

Status: Delivered

Your item was delivered at 12:34 pm on August 09, 2010 in PHILADELPHIA, PA 19103.

#### Detailed Results:

- Delivered, August 09, 2010, 12:34 pm, PHILADELPHIA, PA 19103
- Moved, Left no Address, August 04, 2010, 8:23 am, CURWENSVILLE, PA
- Undeliverable as Addressed, August 04, 2010, 8:14 am, CURWENSVILLE, PA 16833
- Arrival at Unit, August 04, 2010, 7:29 am, CURWENSVILLE, PA 16833
- Acceptance, August 02, 2010, 5:12 pm, PHILADELPHIA, PA 19102
- Electronic Shipping Info Received, August 02, 2010

### Notification Options

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Get current event information or updates for your item sent to you or others by email.

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#### Return Receipt (Electronic)

Verify who signed for your item by email.

[Go >](#)[Track & Confirm](#)

Enter Label/Receipt Number.

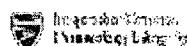
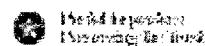
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## Track & Confirm

### Search Results

Label/Receipt Number: 7178 2417 6099 0063 3265

Class: **First-Class Mail®**

Service(s): **Return Receipt Electronic**

Status: **Delivered**

Your item was delivered at 12:34 pm on August 09, 2010 in  
PHILADELPHIA, PA 19103.

Detailed Results:

- Delivered, August 09, 2010, 12:34 pm, PHILADELPHIA, PA 19103
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- Electronic Shipping Info Received, August 02, 2010

### Notification Options

#### Track & Confirm by email

Get current event information or updates for your item sent to you or others by email. [Go >](#)

#### Return Receipt (Electronic)

Verify who signed for your item by email. [Go >](#)

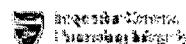
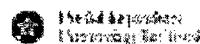
**Track & Confirm**

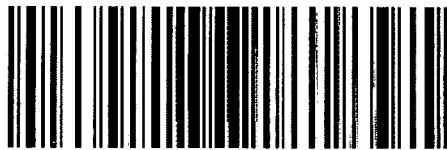
Enter Label/Receipt Number.

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No FEAR Act EEO Data      FOIA





7178 2417 6099 0063 3272

3 / SPL  
JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

**FILED**  
SEP 17 2010  
William A. Shaw  
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP  
By: Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
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Andrew C. Bramblett, Esq., Id. No. 208375  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

CITIMORTGAGE INC., S/B/M TO	:	Court of Common Pleas
CITIFINANCIAL MORTGAGE COMPANY, INC.	:	
Plaintiff	:	Civil Division
v.	:	CLEARFIELD County
KYLEE RALSTON	:	No. 08-2180-CD
JOSEPH RALSTON	:	
Defendants		

**MEMORANDUM OF LAW IN SUPPORT OF**  
**PLAINTIFF'S MOTION TO REASSESS DAMAGES**

## **I. BACKGROUND OF CASE**

KYLEE RALSTON and JOSEPH RALSTON executed a Promissory Note agreeing to pay principal, interest, late charges, real estate taxes, hazard insurance premiums, and mortgage insurance premiums as these sums became due. Plaintiff's Note was secured by a Mortgage on the Property located at 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213. The Mortgage indicates that in the event of a default in the mortgage, Plaintiff may advance any necessary sums, including taxes, insurance, and other items, in order to protect the security of the Mortgage.

In the instant case, Defendants defaulted under the Mortgage by failing to tender numerous, promised monthly mortgage payments. Accordingly, after it was clear that the default would not be cured, Plaintiff commenced the instant mortgage foreclosure action. Judgment was subsequently entered by the Court, and the Property is currently scheduled for Sheriff's Sale.

Because of the period of time between the initiation of the mortgage foreclosure action, the entry of judgment and the Sheriff's Sale date, damages as previously assessed are outdated and need to be adjusted to include current interest, real estate taxes, insurance premiums, costs of collection, and other expenses which Plaintiff has been obligated to pay under the Mortgage in order to protect its interests. It is also appropriate to give Defendants credit for monthly payments tendered through bankruptcy, if any.

## **II. LEGAL ARGUMENT TO AMEND PLAINTIFF'S IN REM JUDGMENT**

It is settled law in Pennsylvania that the Court may exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. 20 P.L.E., Judgments § 191. Stephenson v. Butts, 187 Pa.Super. 55, 59, 142 A.2d 319, 321 (1958). Chase

Home Mortgage Corporation of the Southwest v. Good, 537 A.2d 22, 24 (Pa.Super 1983). The Pennsylvania Superior Court has repeatedly cited the right of a foreclosing creditor to amend its judgment prior to the Sheriff's sale. Nationsbanc Mortgage Corp. v. Grillo, 827 A.2d 489 (Pa.Super. 2003). Morgan Guaranty Trust Co. of N.Y. v. Mowl, 705 A.2d 923 (Pa. Super. 1998). Union National Bank of Pittsburgh v. Ciongoli, 497 Pa.Super. 171, 595 A.2d 179 (1991).

The Supreme Court of Pennsylvania recognized in Landau v. Western Pa. Nat. Bank, 445 Pa. 117, 282 A.2d 335 (1971), that the debt owed on a Mortgage is subject to change and, in fact, can be expected to change from day to day because the bank must advance sums in order to protect its collateral. Because a Mortgage lien is not extinguished until the debt is paid, Plaintiff must protect its collateral up until the date of sale. Beckman v. Altoona Trust Co., 332 Pa. 545, 2 A.2d 826 (1939). Because a judgment in mortgage foreclosure is strictly in rem, it is critical that the judgment reflect those amounts expended by the Plaintiff in protecting the property. Meco Reality Company v. Burns, 414 Pa. 495, 200 A.2d 335 (1971). Plaintiff submits that if it goes to sale without the requested amended judgment, and if there is competitive bidding for the Property, Plaintiff will suffer a significant loss in that it would not be able to recoup monies it advanced to protect its interests. Conversely, amending the in rem judgment will not be detrimental to Defendants as it imputes no personal liability.

In B.C.Y. v. Bukovich, the Pennsylvania Superior Court reiterated its long standing rule that a Court has the inherent power to correct a judgment to conform to the facts of a case. 257 Pa. Super. 157, 390 A.2d 276 (1978). In the within case, the amount of the original judgment does not adequately reflect the additional sums due on the Mortgage due to Defendants' failure to tender payments during the foreclosure proceeding and the advances made by the mortgage company. The Mortgage plainly requires the mortgagors to tender to the mortgagee monthly payments of principal

and interest until the Promissory Note accompanying the Mortgage is paid in full. The mortgagors are also required to remit to the mortgagee sufficient sums to pay monthly mortgage insurance premiums, fire insurance premiums, taxes and other assessments relating to the Property. The mortgagors have breached the terms of the Mortgage, and Plaintiff has been forced to incur significant unjust financial losses on this loan

### **III. THE FORECLOSURE JUDGMENT IS IN REM ONLY**

The within case is a mortgage foreclosure action, the sole purpose of which is to take the mortgaged property to Sheriff's Sale. Pennsylvania law makes clear that an action in mortgage foreclosure is strictly in rem and does not include any personal liability. Newtown Village Partnership v. Kimmel, 424 Pa. Super 53, 55, 621 A.2d 1036, 1037 (1993). Signal Consumer Discount Company v. Babuscio, 257 Pa. Super 101, 109, 390 A.2d 266, 270 (1978). Pennsylvania Rule of Civil Procedure 1141(a).

However, Pennsylvania law requires that the foreclosure action demand judgment for the amount due. Pa.R.C.P. 1147(6). The purpose of the dollar amount in the in rem judgment is for bidding at the Sheriff's Sale. In the event that a third party real estate speculator were to bid on the mortgaged property at the Sheriff's Sale and become the successful purchaser, Plaintiff would receive the amount of the in rem judgment from the Sheriff.

### **IV. INTEREST**

The Mortgage clearly requires that the Defendants' shall promptly pay when due the principal and interest due on the outstanding debt. In addition, the Note specifies the rate of interest to be charged until the debt is paid in full or otherwise satisfied. Specifically, interest from 30 days prior to the date of default through the date of the impending Sheriff's sale has been requested.

**V. TAXES AND INSURANCE**

If Plaintiff had not advanced monies for taxes and insurance throughout the foreclosure proceeding, Plaintiff would have risked loss of its collateral. If the Property were sold at a tax sale, Plaintiff's interest very well may be divested, and Plaintiff would sustain a complete loss on the outstanding balance due on the loan. If the Property were damaged in a fire, Plaintiff would not be able to obtain insurance proceeds to restore the Property if it did not pay the insurance premiums.

Most importantly, the Mortgage specifically provides that the mortgagee may advance the monies for taxes and insurance and charge these payments against the escrow account. Plaintiff is simply seeking to have the Court enforce the terms of the Mortgage.

**VI. ATTORNEY'S FEES**

The amount of attorney's fees requested in the Motion to Reassess Damages is in accordance with the loan documents and Pennsylvania law. Pennsylvania Courts have long and repeatedly concluded that a request of five percent of the outstanding principal balance is reasonable and enforceable as an attorney's fee. Robinson v. Loomis, 51 Pa. 78 (1865); First Federal Savings and Loan Association v. Street Road Shopping Center, 68 D&C 2d 751, 755 (1974).

In Federal Land Bank of Baltimore v. Fetner, the Superior Court held that an attorney's fee of ten percent of the original mortgage amount is not unconscionable. 410 A.2d 344 (Pa. Super. 1979). Recently, the Superior Court cited Fetner in confirming that an attorney's fee of ten percent included in the judgment in mortgage foreclosure action was reasonable. Citicorp v. Morrisville Hampton Realty, 662 A.2d 1120 (Pa. Super. 1995). Importantly, Plaintiff recognizes this Honorable Court's equitable authority to set attorney's fees and costs as it deems reasonable.

## **VII. COST OF SUIT AND TITLE**

Pursuant to the terms of the mortgage, Plaintiff is entitled to recover all expenses incurred in the foreclosure action. The amount claimed for the costs of suit and title are the expenses Plaintiff paid to date as a result of the mortgage default.

The title report is necessary to determine the record owners of the property, as Pa.R.C.P. 1144 requires all record owners to be named as Defendants in the foreclosure action. It is also necessary to determine whether there are any prior liens to be cleared, so that the Sheriff's sale purchaser acquires clear title to the property. It is necessary to determine if there are IRS liens on the property, whether the Defendants are divorced (which could affect service of the complaint), and numerous other legal issues. The title bringdown is necessary to identify any new liens on the property or new owners between the time of filing and complaint and the writ date.

The Freedom of Information Act inquiries and the investigation into Defendants' whereabouts are necessary to effectively attempt personal service of the complaint and notice of sale on the Defendant. The notice of sale and Rule 3129 notice are required by Pa.R.C.P. 3129.1 and 3129.2 to notify all lienholders, owners, and interested persons of the Sheriff's sale date, as their interests will be divested by the Sheriff's sale.

Accordingly, the modest sums Plaintiff has incurred for the costs of suit and title were necessary pursuant to Pennsylvania law. The amounts were reasonable and actually incurred. The mortgage and Pennsylvania law permit Plaintiff to recover these sums through its foreclosure action. As the foreclosure action is in rem only, Plaintiff recovers its judgment from the sale of the property, not out of the Defendant's pockets. Plaintiff should recover the costs of suit and title in their entirety, which will not cause harm to the Defendants.

### **VIII. CONCLUSION**

Therefore, Plaintiff respectfully submits that if the enforcement of its rights is delayed by legal proceedings, and such delays require the mortgagee to expend additional sums provided for by the Mortgage, then the expenses necessarily become part of the mortgagee's lien and should be included in the judgment.

Plaintiff respectfully requests that this Honorable Court grant its Motion to Reassess Damages. Plaintiff submits that it has acted in good faith in maintaining the Property in accordance with the Mortgage, and has relied on terms of the Mortgage with the understanding that it would recover the monies it expended to protect its collateral.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court amend the judgment as requested.

DATE: 6-25-10

Phelan Hallinan & Schmieg, LLP

By: Jaime McGuinness

- 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
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- Lauren R. Tabas, Esq., Id. No. 93337
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- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

FILED NOV 19 2011  
ATTORNEY FOR PLAINTIFF NOV 19 2011

William A. Sher  
Prothonotary/Clerk of Courts  
(CR)

PHELAN HALLINAN & SCHMIEG  
Phelan Hallinan & Schmieg, LLP  
Lawrence T. Phelan, Esq., Id. No. 32227  
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Allison F. Wells, Esq., Id. No. 309519  
1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

Plaintiff

vs.

**KYLEE RALSTON**

and

**JOSEPH RALSTON**

Defendant(s)

: CLEARFIELD COUNTY  
: COURT OF COMMON PLEAS  
: CIVIL DIVISION  
: NO. 08-2180-CD

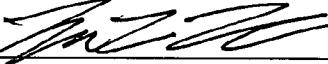
**PRAECIPE TO MARK JUDGMENT TO USE PLAINTIFF, NUNC PRO TUNC**  
**ENTRY OF APPEARANCE**

TO THE PROTHONOTARY:

Please mark the judgment in the above-captioned matter to the use of SELENE FINANCE, LP, located 4201 SOUTHWEST FREEWAY, HOUSTON, TX 77027.

PHELAN HALLINAN & SCHMIEG, LLP

Date: May 10

By: 

Phelan Hallinan & Schmieg, LLP  
Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
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Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375  
Allison F. Wells, Esq., Id. No. 309519

Attorneys for Plaintiff

ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of **SELENE FINANCE, LP**, use plaintiff.

PHELAN HALLINAN & SCHMIEG, LLP

Date: 11/18/10

By: 

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

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Courtenay R. Dunn, Esq., Id. No. 206779

Andrew C. Bramblett, Esq., Id. No. 208375

Allison F. Wells, Esq., Id. No. 309519

Attorneys for Plaintiff

**Phelan Hallinan & Schmieg, LLP**

By: Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
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Allison F. Wells, Esq., Id. No. 309519

5 7/14/2011 NO  
FILED NO  
NOV 19 2010  
William A. Shaw  
Prothonotary/Clerk of Courts  
(6)

1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

ATTORNEY FOR PLAINTIFF

**CITIMORTGAGE INC., S/B/M TO  
CITIFINANCIAL MORTGAGE  
COMPANY, INC.**

: COURT OF COMMON PLEAS  
: CLEARFIELD COUNTY  
: No. 08-2180-CD

Plaintiff

:

Vs.

:

KYLEE RALSTON  
JOSEPH RALSTON

:

Defendant(s)

:

**PRAEICE FOR VOLUNTARY SUBSTITUTION OF PARTY PLAINTIFF, NUNC PRO TUNC  
PURSUANT TO Pa.R.C.P., 2352**

**TO THE PROTHONOTARY:**

Kindly substitute **SELENE FINANCE, LP**, Nunc Pro Tunc, as successor Plaintiff for the originally named Plaintiff.

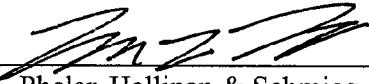
The material facts on which the right of succession and substitution are based as follows:

**SELENE FINANCE, LP** is the current holder of the mortgage by virtue of that certain Assignment of Mortgage, which Assignment was recorded **08/24/2010** in Mortgage Instrument No. **201011785** of the Recorder of Deeds Office in and for CLEARFIELD County.

Kindly amend the information on the docket accordingly.

Date: 11/18/10

PHELAN HALLINAN & SCHMIEG, LLP

By: 

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 Sivastava, 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

Andrew C. Bramblett, Esq., Id. No. 208375

Allison F. Wells, Esq., Id. No. 309519

Attorneys for Plaintiff

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21177  
NO: 08-2180-CD

PLAINTIFF: CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.  
vs.  
DEFENDANT: KYLEE RALSTON AND JOSEPH RALSTON

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 5/13/2010

LEVY TAKEN 6/1/2010 @ 3:22 PM

POSTED 6/1/2010 @ 3:22 PM

SALE HELD 11/5/2010

SOLD TO SELENE RMOF REO ACQUISITION LLC

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 11/23/2010

DATE DEED FILED 11/23/2010

PROPERTY ADDRESS 494 NAULTON ROAD CURWENSVILLE , PA 16833

S FILED  
01/21/2011  
NOV 23 2010  
LAWRENCE A. SHAW  
Prothonotary/Clerk of Courts

SERVICES

6/7/2010 @ SERVED KYLEE RALSTON

SERVED KYLEE RALSTON, DEFENDANT BY REG & CERT MAIL PER COURT ORDER TO 494 NAULTON ROAD, CURWENSVILLE, PA CERT #70083230000335908386. REG & CERT MAIL RETD UNCLAIMED 6/7/10.

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

6/7/2010 @ SERVED JOSEPH RALSTON

SERVED JOSPEH RALSTON, DEFENDANT, BY REG & CERT MAIL PER COURT ORDER TO 494 NAULTON ROAD, CURWENSVILLE, PA CERT#70083230000335908379. REG & CERT MAIL RETD UNCLAIMED 6/7/10.

A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT OF EXECUTION, NOTICE OF SALE AND COPY OF THE LEVY.

@ SERVED

NOW, AUGUST 2, 2010 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR AUGUST 6, 2010 TO NOVEMBER 5, 2010 DUE TO SERVICE OF NOS.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21177  
NO: 08-2180-CD

PLAINTIFF: CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.

vs.

DEFENDANT: KYLEE RALSTON AND JOSEPH RALSTON

Execution REAL ESTATE

**SHERIFF RETURN**

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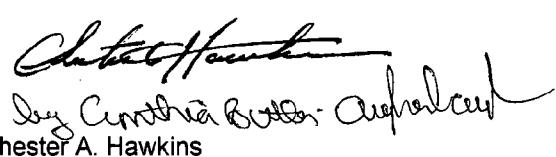
SHERIFF HAWKINS \$211.60

SURCHARGE \$40.00 PAID BY ATTORNEY

Sworn to Before Me This

\_\_\_\_ Day of \_\_\_\_\_ 2010

So Answers,

  
by *Cynthia Butler, Deputy*  
Chester A. Hawkins  
Sheriff

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

Pa.R.C.P. 3180-3183 and Rule 3257

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE  
COMPANY, INC.

vs.

KYLEE RALSTON  
JOSEPH RALSTON  
Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 494 NAULTON ROAD, CURWENSVILLE, PA 16833-7213

(See Legal Description attached)

Amount Due

Interest from 07/09/2009 to Sale

Per diem \$8.96

Add'l Costs

Writ Total

\$54,530.18

Prothonotary costs \$ 169.00

\$ \_\_\_\_\_

\$3,644.75

\$ \_\_\_\_\_

*Will H. Allen*  
OFFICE OF THE PROTHONOTARY OF CLEARFIELD  
COUNTY, PENNSYLVANIA

Dated 5/13/10  
(SEAL)

PHS # 189339

Received this writ this 13<sup>th</sup> day  
May A.D. 2010  
At 3:00 A.M./P.M.

Chas. A. Henklein  
Sheriff Cynthia Butler Aufderhaar

IN THE COURT OF COMMON PLEAS OF  
CLERAFIELD COUNTY, PENNSYLVANIA

CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY, INC.

vs.

KYLEE RALSTON  
JOSEPH RALSTON

WRIT OF EXECUTION  
(Mortgage Foreclosure)

	Costs
Real Debt	\$54,530.18
Int. from To Date of Sale (\$8.96 per diem)	<u>164.00</u>
Costs	
Proth. Pd.	
Sheriff	

Filed

*[Handwritten signature]*

Attorney for Plaintiff  
Phelan Hallinan & Schmieg, LLP  
□ Lawrence T. Phelan, Esq., Id. No. 322227  
□ 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  
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□ 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. Muicahy, Esq., Id. No. 61791  
□ Andrew L. Spivack, Esq., Id. No. 84439  
□ Jaime McGuinness, Esq., Id. No. 90134  
□ Chrisovalante P. Filakos, Esq., Id. No. 94620  
□ Joshua I. Goldman, Esq., Id. No. 205047  
□ Courtenay R. Dunn, Esq., Id. No. 206779  
□ Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:

KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

**LEGAL DESCRIPTION**

ALL that certain piece or lot of ground situate in Pike Township, Clearfield County, Pennsylvania, bounded and described as follows:

BEGINNING at a post on Naulton Road leading from Curwensville to Hartshorn and corner of Brown Street in the Village of Naulton; thence along said road North 7 1/2 degrees East 60 feet to a post and land now or formerly of Harvey Cook; thence by the said Harvey Cook land South 82 1/2 degrees East 104 feet to a post on land conveyed on March 1, 1982 by Wava Bennett et ux., and James Raymond Jones, et ux., to Charles S. Hyson and Eather Hyson, his wife; thence along the said Hyson land South 7 1/2 degrees West 50 feet to a post on Brown Street; thence along Brown Street North 82 1/2 degrees West 104 feet to the place of beginning.

**TITLE TO SAID PREMISES IS VESTED IN** Joseph Ralston and Kylee Ralston, h/w, by Deed from Clinton D. Goss and Beth A. Goss, h/w, dated 10/01/2004, recorded 10/07/2004 in Instrument Number 200416458.

Premises being: 494 NAULTON ROAD  
CURWENSVILLE, PA 16833-7213

Tax Parcel No. 1260I0900000030

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME KYLEE RALSTON NO. 08-2180-CD

NOW, November 23, 2010, 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 November 05, 2010, I exposed the within described real estate of Kylee Ralston And Joseph Ralston to public venue or outcry at which time and place I sold the same to SELENE RMOF REO ACQUISITION LLC he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR	15.00
SERVICE	15.00
MILEAGE	
LEVY	15.00
MILEAGE	6.00
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	19.24
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE	15.00
DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$241.24</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	54.00
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$54.00</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	54,530.18
INTEREST @ 8.9600 %	4,336.64
FROM 07/09/2009 TO 11/05/2010	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	3,644.75
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	40.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$62,551.57</b>

**COSTS:**

ADVERTISING	249.25
TAXES - COLLECTOR	18.50
TAXES - TAX CLAIM	
ASSESSMENT FEE	10.00
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	54.00
SHERIFF COSTS	241.24
LEGAL JOURNAL COSTS	162.00
PROTHONOTARY	169.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	338.15
<b>TOTAL COSTS</b>	<b>\$1,387.14</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

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

CITIMORTGAGE, INC., S/B/M to Citifinancial  
Mortgage Company, Inc.,  
Plaintiff

vs.  
KYLEE RALSTON,  
JOSEPH RALSTON,

Defendants

\*  
\*  
\*  
\* NO. 08-2180-CD  
\*  
\*  
\*

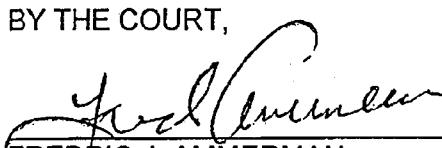
O R D E R

NOW, this 7<sup>th</sup> day of April, 2009, the Plaintiff is granted leave to serve the  
Complaint upon the Defendants **KYLEE RALSTON** and **JOSEPH RALSTON** by:

1. Publication one time in The Progress (Clearfield) and the Clearfield  
County Legal Journal;
2. By first class mail to 494 Naulton Road, Curwensville, PA 16833;
3. By certified mail, return receipt requested to 494 Naulton Road,  
Curwensville, PA 16833; and
4. By posting the mortgaged premises known in this herein action as to  
494 Naulton Road, Curwensville, PA 16833.

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,

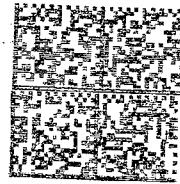
  
FREDRIC J. AMMERMAN  
President Judge

FILED

04/10/09  
APR 08 2009

William A. Shaw  
Prothonotary/Clerk of Courts  
4 CC Atty Schmieg

**CHESTER A. HAWKINS**  
**SHERIFF**  
**COURTHOUSE**  
**1 NORTH SECOND STREET - SUITE 116**  
**CLEARFIELD, PENNSYLVANIA 16830**



016H16505405

**\$00.610**

06/02/2010

Mailed From 16830  
**US POSTAGE**

*Rec  
6-2-10*

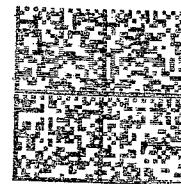
KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833

165 NFE 1 CO8C 00 06/04/10  
RETURN TO SENDER  
RALSTON, KYLEE M  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER  
BC: 16830247201 \*2832-00416-02-42

16830247201

|||||

**CHESTER A. HAWKINS**  
**SHERIFF**  
**COURTHOUSE**  
**1 NORTH SECOND STREET - SUITE 116**  
**CLEARFIELD, PENNSYLVANIA 16830**



016H16505405

**\$00.610**

06/02/2010

Mailed From 16830  
**US POSTAGE**

*Rec  
6-7-10*

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE

165 NFE 1 CO8I 00 06/02/10  
RETURN TO SENDER  
RALSTON, JOSEPH C  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER  
BC: 16830247201 \*2832-00524-02-42

16830247201

|||||



CHESTER A. HAWKINS

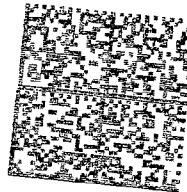
SHERIFF

COURTHOUSE

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830



7008 3230 0003 3590 8386



Hastler

016H16505405

\$05.710

06/02/2010

Mailed From 16830  
US POSTAGE

Rec  
6/10

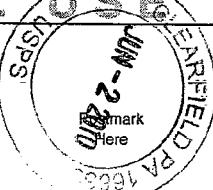
KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833

165 NFE 1 CO8C 00 06/04/10  
RETURN TO SENDER  
RALSTON, KYLEE M  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER  
BC: 16830247201 \*0596-00732-04-26

**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	\$	 <b>PA 16830</b> <b>6/10</b>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.71	

7008 3230 0003 3590 8386

Sent To

Street, Apt. No.; KYLEE RALSTON  
or PO Box No. 494 NAULTON ROAD  
City, State, ZIP+4 CURWENSVILLE, PA 16833

PS Form 3800, August 2006

See Reverse for Instructions

CHESTER A. HAWKINS  
SHERIFF

COURTHOUSE

1 NORTH SECOND STREET - SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

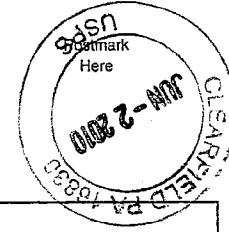
7008 3230 0003 3590 8379

168302472

**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	\$	 <b>PA 16830</b> <b>6/10</b>
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.71	

7008 3230 0003 3590 8379

Sent To

Street, Apt. No.; JOSEPH RALSTON  
or PO Box No. 494 NAULTON ROAD  
City, State, ZIP+4 CURWENSVILLE, PA 16833

PS Form 3800, August 2006

See Reverse for Instructions

016H16505405

\$05.710

06/02/2010

Mailed From 16830  
US POSTAGE

Rec  
6/10

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833

165 NFE 1 CO8C 00 06/04/10  
RETURN TO SENDER  
RALSTON, JOSEPH C  
MOVED LEFT NO ADDRESS  
UNABLE TO FORWARD  
RETURN TO SENDER  
BC: 16830247201 \*0596-00736-04-26

168302472

**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:**

KYLEE RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833

**2. Article Number***(Transfer from service label)*

PS Form 3811, February 2004

7008 3230 0003 3590 8386

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X** Agent Addressee**B. Received by (Printed Name)****C. Date of Delivery**

**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No

**3. Service Type**

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)** Yes**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:**

JOSEPH RALSTON  
494 NAULTON ROAD  
CURWENSVILLE, PA 16833

**2. Article Number***(Transfer from service label)*

PS Form 3811, February 2004

7008 3230 0003 3590 8379

Domestic Return Receipt

102595-02-M-1540

**COMPLETE THIS SECTION ON DELIVERY****A. Signature****X** Agent Addressee**B. Received by (Printed Name)****C. Date of Delivery**

**D. Is delivery address different from item 1?**  Yes  
If YES, enter delivery address below:  No

**3. Service Type**

- Certified Mail  Express Mail
- Registered  Return Receipt for Merchandise
- Insured Mail  C.O.D.

**4. Restricted Delivery? (Extra Fee)** Yes

**Phelan Hallinan & Schmieg, L.L.P.  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000  
Fax: (215) 563-7009**

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

August 2, 2010

Office of the Sheriff  
Clearfield County Courthouse  
1 North Second Street  
Clearfield, PA 16830

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **CITIMORTGAGE INC., S/B/M TO CITIFINANCIAL MORTGAGE COMPANY,  
INC. v.  
KYLEE RALSTON and JOSEPH RALSTON  
494 NAULTON ROAD CURWENSVILLE, PA 16833-7213  
Court No. 08-2180-CD**

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is  
scheduled for August 6, 2010 due to the following: Service of NOS.

The Property is to be relisted for the November 5, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

Very Truly Yours,  
PATRICK WIRT for  
Phelan Hallinan & Schmieg, LLP