

08-2199-CD
Deutsche Bank vs William Cesa et al

FILED *Anty pd.*
3/11/16 201 *95.00*
NOV 17 2016 2C Sheriff
William A. Stark
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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JENINE R. DAVEY, ESQ., Id. No. 87077
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ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 190786

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST COMPANY, COURT OF COMMON PLEAS
AS TRUSTEE FOR SOUNDVIEW HOME LOAN
TRUST 2006-WF2 CIVIL DIVISION
3476 STATEVIEW BOULEVARD TERM
FORT MILL, SC 29715

Plaintiff
v.

WILLIAM F. CESA
KIM A. CESA
SECTION 12, LOT 111 TREASURE LAKE
A/K/A 12 LOT 111 TREASURE LAKE
A/K/A 313 LONG JOHN SILVER ROAD
DU BOIS, PA 15801-9028

NO. 08-2194-C

CLEARFIELD COUNTY

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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR SOUNDVIEW
HOME LOAN TRUST 2006-WF2
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

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

WILLIAM F. CESA
KIM A. CESA
SECTION 12, LOT 111 TREASURE LAKE
A/K/A 12 LOT 111 TREASURE LAKE
A/K/A 313 LONG JOHN SILVER ROAD
DU BOIS, PA 15801-9028

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

3. On 09/21/2006 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to WELLS FARGO BANK, N.A. which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200616133. The PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 05/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	\$114,655.97
Interest 04/01/2008 through 11/11/2008 (Per Diem \$23.17)	\$5,213.25
Attorney's Fees	\$1,250.00
Cumulative Late Charges 09/21/2006 to 11/11/2008	\$0.00
Cost of Suit and Title Search	<u>\$550.00</u>
Subtotal	\$121,669.22
Escrow	
Credit	(\$273.15)
Deficit	\$0.00
Subtotal	<u>(\$273.15)</u>
TOTAL	\$121,396.07

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 \$121,396.07, together with interest from 11/11/2008 at the rate of \$23.17 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE 62695
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 tract of land designated as Section 12 'Bonaire' Lot 111 in Treasure Lake Subdivision in Sandy Township, Clearfield County, Pennsylvania recorded in the Recorder of Deeds Office in Misc. Docket Map File No. 24.

EXCEPTING AND RESERVING therefrom and subject to:

1. All easements, rights of way, reservations, restrictions and limitations shown or contained in prior instruments of record and in the aforesaid recorded plan.
2. The Declaration of Restrictions, Treasure Lake, Inc. recorded in Misc. Book Vol. 146, page 476; all of said restrictions being covenants which run with the land.
3. All minerals and mining rights of every kind and nature.
4. A lien for all unpaid charges or assessments as may be made by Treasure Lake, Inc. or Treasure Lake Property Owners Association, Inc.; which lien shall run with the land and be an encumbrance against it.

BEING the same premises conveyed to Sean R. Newcamp and Sheila M. Newcamp, husband and wife, by deed of Joseph L. Fullington and Vera Fullington, dated August 24th, 1995 and recorded in the Clearfield County Recorder of Deeds Office in Volume 1705, page 24.

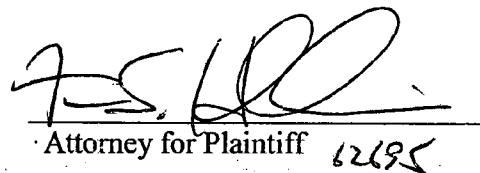
BEING PARCEL NO. 128-C02-12-111-21

PREMISES: SECTION 12, LOT 111 TREASURE LAKE, A/K/A 12 LOT 111 TREASURE LAKE, A/K/A 313 LONG JOHN SILVER ROAD

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 62695

DATE: 11/12/08

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

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS TRUSTEE
FOR SOUNDVIEW HOME LOAN
TRUST 2006-WF2

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-2199-CD
: CLEARFIELD COUNTY

Plaintiff

vs.

WILLIAM F. CESA
KIM A. CESA

:

Defendant(s)

PRAECLYPE 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: 11/24/08

s
FILED NOCC
NOV 26 2008
WILLIAM A. SNAW
Prothonotary/Clerk of Courts

PHS #: 190786

VERIFICATION

Natasha Clark hereby states that he/she is
Vice President of Loan Documentation
of WELLS FARGO BANK N.A., servicing agent for Plaintiff, DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-
WF2, 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: Natasha Clark

DATE: 11-13-08

Title: Vice President of Loan Documentation

Company: WELLS FARGO BANK N.A.

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

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL
TRUST COMPANY, AS TRUSTEE
FOR SOUNDVIEW HOME LOAN
TRUST 2006-WF2

Plaintiff

vs.

WILLIAM F. CESA
KIM A. CESA

: COURT OF COMMON PLEAS
: CIVIL DIVISION
: NO. 08-2199-CD
: CLEARFIELD COUNTY

Defendant(s)

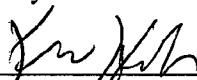
CERTIFICATE OF SERVICE

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:

WILLIAM F. CESA
1176 TREASURE LAKE
DU BOIS, PA 15801-9028

KIM A. CESA
1176 TREASURE LAKE
DU BOIS, PA 15801-9028

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: 
Francis S. Hallinan, Esquire

Date: 11/24/08

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
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR SOUNDVIEW HOME LOAN TRUST 2006-WF2	:	Court of Common Pleas
Plaintiff	:	Civil Division
vs	:	CLEARFIELD County
WILLIAM F. CESA	:	No. 08-2199-CD
KIM A. CESA	:	PHS# 190786
Defendant		FILED M/10/50LM DEC 15 2008 William A. Shaw Prothonotary/Clerk of Courts <i>cc + 1 cert of disc issued to atty Hallinan</i>

PRAECIPE

TO THE PROTHONOTARY:

Please mark the above referenced case Discontinued and Ended without prejudice.

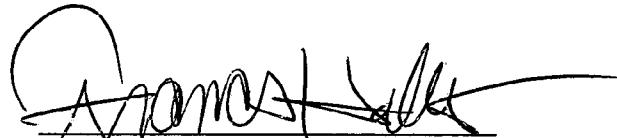
Please mark the above referenced case Settled, Discontinued and Ended.

Please mark Judgments satisfied and the Action settled, discontinued and ended.

Please Vacate the judgment entered and mark the action discontinued and ended without prejudice.

Please withdraw the complaint and mark the action discontinued and ended without prejudice.

Date: December 11, 2008



Francis S. Hallinan
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

CIVIL DIVISION

CCW

**Deutsche Bank National Trust Company
Soundview Home Loan Trust**

vs.
**William F. Cesa
Kim A. Cesa**

No. 2008-02199-CD

CERTIFICATE OF DISCONTINUATION

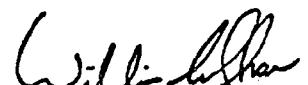
Commonwealth of PA
County of Clearfield

I, William A. Shaw, Prothonotary of the Court of Common Pleas in and for the County and Commonwealth aforesaid do hereby certify that the above case was on December 15, 2008, marked:

Discontinued and ended without prejudice

Record costs in the sum of \$95.00 have been paid in full by Francis S. Hallinan Esq.

IN WITNESS WHEREOF, I have hereunto affixed my hand and seal of this Court at Clearfield, Clearfield County, Pennsylvania this 15th day of December A.D. 2008.



LM

William A. Shaw, Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2199-CD

DEUTSCHE BANK NATIONAL TRUST COMPANY, TRUSTEE

vs

WILLIAM F. CESA, KIM A. CESA

SERVICE # 2 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/17/2008

HEARING:

PAGE: 104950

389-9329

DEFENDANT: KIM A. CESA

ADDRESS: SECT 12, LOT 111 TL, AKA 12 LOT 111 TL

AKA 313 LONG JOHN SILVER RD, DUBOIS, PA 15801-902

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS To Maria A (R) on Hastings (R) on Long John, 4th on (R)

FILED

08:30a.m. GK

DEC 16 2008

William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12-02-08 AT 2:10 AM/PM **SERVED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON KIM A. CESA, DEFENDANT

BY HANDING TO KIM CESA, Defendant

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

ADDRESS SERVED Sec 12 Lot 111 Treasure Mine, Dubois, PA 15801

NOW _____ AT _____ AM / PM **POSTED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR KIM A. CESA

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO KIM A. CESA

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

_____DAY OF 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

Mark A. Condre
Deputy Signature

Mark A. Condre
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
NO: 08-2199-CD

DEUTSCHE BANK NATIONAL TRUST COMPANY, TRUSTEE

vs

WILLIAM F. CESA, KIM A. CESA

SERVICE # 1 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/17/2008

HEARING:

PAGE: 104950

DEFENDANT: WILLIAM F. CESA

ADDRESS: SECT 12, LOT 111 TL, AKA 12 LOT 111 TL

AKA 313 LONG JOHN SILVER RD, DUBOIS, PA 15801-9028

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

S
FILED
O 8:30 a.m. OK
DEC 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

SHERIFF'S RETURN

NOW, 12-08-08 AT 2:10 AM PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON WILLIAM F. CESA, DEFENDANT

BY HANDING TO KIM CESA 1 DEFENDANT'S WIFE

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

ADDRESS SERVED Sec 12 Lot 111 Treasure Lake, Dubois, PA 15801

NOW _____ AT _____ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR WILLIAM F. CESA

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO WILLIAM F. CESA

REASON UNABLE TO LOCATE _____

SWORN TO BEFORE ME THIS

DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS / SHERIFF

BY:

Michelle Cesa
Deputy Signature

Mark A. Conrist

Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104950
NO: 08-2199-CD
SERVICES 2
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: DEUTSCHE BANK NATIONAL TRUST COMPANY, TRUSTEE
VS.
DEFENDANT: WILLIAM F. CESA, KIM A. CESA

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	748136	20.00
SHERIFF HAWKINS	PHELAN	748136	46.23

FILED
03-45cm
MAR 24 2009

William A. Shaw
Prothonotary Clerk of Courts

Sworn to Before Me This

So Answers,

Day of 2008



Chester A. Hawkins
Sheriff