

08-2201-CD

US Bank vs Michael D. Westover

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
PURSUANT TO A TRUST INDENTURE  
DATED AS OF APRIL 1, 1982)

Plaintiff,

vs.

MICHAEL D. WESTOVER

Defendants.

CIVIL DIVISION

NO. 08-2201-CD

**COMPLAINT IN MORTGAGE  
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of  
Plaintiff

Counsel of record for this  
party:

Louis P. Vitti, Esquire  
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

5  
**FILED** *Atty Pd. 95.00*  
*m 11:25 AM*  
NOV 17 2008 *acc Sheriff*  
*(LM)*  
William A. Shaw  
Prothonotary/Clerk of Courts

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR	)	
THE PENNSYLVANIA HOUSING FINANCE AGENCY,	)	
PURSUANT TO A TRUST INDENTURE DATED AS	)	NO:
OF APRIL 1, 1982)	)	
Plaintiff,	)	
vs.	)	
	)	
MICHAEL D. WESTOVER	)	
Defendant(s).	)	

**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 THE ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES AND 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 SHOULD NOT HAVE A LAWYER, OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

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

PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830

(814) 765-2641 - EXT. 20

## **COMPLAINT IN MORTGAGE FORECLOSURE**

AND NOW, comes the Plaintiff by its attorneys, Louis P. Vitti and Associates, P.C. and Louis P. Vitti, Esquire, and pursuant to the Pennsylvania Rules of Civil Procedure Numbers 1141 through 1150, for its Complaint in Mortgage Foreclosure, sets forth the following:

1. The Plaintiff is a national association duly authorized to conduct business within the laws of the Commonwealth of Pennsylvania, having a principal place of business located at 211 N. Front Street, Harrisburg, PA 17101.

2. The Defendant(s) is/are individuals with a last known mailing address of 2313 Byron Court, Indiana, PA 15701. The property address is **1226 Town Road, Mahaffey, PA 15757** and is the subject of this action.

3. On the 16th day of December, 2005, in consideration of a loan of Thirty One Thousand Forty and 00/100 (\$31,040.00) Dollars made by Jersey Shore State Bank, to Defendant(s), the said Defendant(s) executed and delivered to Jersey Shore State Bank, a "Note" secured by a Mortgage with the Defendant(s) as mortgagor(s) and Jersey Shore State Bank, as mortgagee, which mortgage was recorded on the 19th day of December, 2005, in the Office of the Recorder of Deeds of Clearfield County, at Instrument No. 200521791. The said mortgage is incorporated herein by reference thereto as though the same were set forth fully at length.

4. The premises secured by the mortgage are:

*SEE EXHIBIT "A" ATTACHED HERETO.*

5. On the 19th day of December, 2005, Jersey Shore State Bank, assigned to the

Plaintiff, Pennsylvania Housing Finance Agency, the said mortgage, that assignment being recorded in the Office of the Recorder of Deeds of Clearfield County on the 19th day of December, 2005, at Instrument No. 200521792. The said assignment is incorporated herein by reference.

6. Subsequently, Pennsylvania Housing Finance Agency, assigned to the Plaintiff, U.S. Bank National Association, (Trustee for the Pennsylvania Housing Finance Agency, pursuant to a Trust Indenture dated as of April 1, 1982), the said mortgage, that assignment to be recorded in the Office of the Recorder of Deeds of Clearfield County. The said assignment is incorporated herein by reference.

7. Said mortgage provides, inter alia:

"that when as soon as the principal debt secured shall become due and payable, or in case default shall be made in the payment of any installment of principal and interest, or any monthly payment, keeping and performance by the mortgagor of any of the terms, conditions or covenants of the mortgage or note, it shall be lawful for mortgagee to bring an Action of Mortgage Foreclosure, or other proceedings upon the mortgage, of principal debt, interest and all other recoverable sums, together with attorney's fees."

8. Since July 1, 2008, the mortgage has been in default by reason, inter alia, of the failure of the mortgagor(s) to make payments provided for in the said mortgage (including principal and interest) and, under the terms of the mortgage, the entire principal sum is due and payable.

9. In accordance with the appropriate Pennsylvania Acts of Assembly and the Pennsylvania Rules of Civil Procedure, the mortgagor(s) has been advised in writing of the mortgagees intention to foreclose. The appropriate time period has elapsed since the Notice of Intention to Foreclose has been served upon the mortgagor(s).

10. The amount due on said mortgage is itemized on the attached schedule.

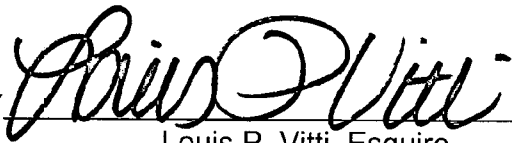
11. Pursuant to Pennsylvania Rule of Civil Procedure 1144, the Plaintiff releases from liability for the debt secured by the mortgage any mortgagor, personal representative, heir or devisee of the mortgagor who is not a real owner of the property as evidenced by the last recorded deed of record at the time of the filing of this Complaint.

WHEREFORE, pursuant to Pennsylvania Rule of Civil Procedure Number 1147(6), Plaintiff demands judgment for the amount due of Thirty Five Thousand Four and 64/100 Dollars (\$35,004.64) with interest and costs.

Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY

A handwritten signature in cursive script, appearing to read "Louis P. Vitti", written over a horizontal line.

Louis P. Vitti, Esquire  
Attorney for Plaintiff

WESTOVER

**SCHEDULE OF AMOUNTS DUE UNDER MORTGAGE**

Unpaid Principal Balance	29,842.38
Interest @ 4.7500% from 06/01/08 through 11/30/2008 (Plus \$3.8836 per day after 11/30/2008 )	706.81
Late charges through 11/13/2008 0 months @ 8.10 Accumulated beforehand (Plus \$8.10 on the 17th day of each month after 11/13/2008 )	32.40
Attorney's fee	1,492.12
Escrow deficit	<u>2,930.93</u>
(This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)	
<b>BALANCE DUE</b>	<b>35,004.64</b>

## **Legal Description - Exhibit 'A'**

ALL that certain piece or parcel of land situate in the Borough of New Washington, County of Clearfield and Commonwealth of Pennsylvania, bearing New Washington Boro Tax Map Index Number 15-D13-320-00002, being a house and lot.

Having thereon erected a dwelling house known as: 1226 Town Road, Mahaffey, Pennsylvania 15757, which includes a manufactured home, Serial Number 2N110306JA.

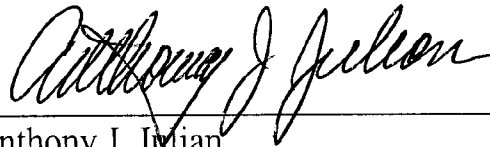
BEING the same premises as were conveyed unto Michael D. Westover, an adult individual, by deed of Vanderbilt Mortgage and Finance, Inc., dated November 8, 2005, and entered for record in the Recorder's Office of Clearfield County to Instrument Number 200521790.

Exhibit "A"



## VERIFICATION

Anthony J. Julian hereby states that he is the Director of Accounting and Loan Servicing of the Pennsylvania Housing Finance Agency, mortgage servicing agent for Plaintiff in this matter, that he is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



Anthony J. Julian  
Director of Accounting and Loan  
Servicing

Date: 11/10/08

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2201-CD

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE)  
vs  
MICHAEL D. WESTOVER

SERVICE # 1 OF 2

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 12/17/2008 HEARING: PAGE: 104957

DEFENDANT: MICHAEL D. WESTOVER  
ADDRESS: 1226 TOWN ROAD  
MAHAFFEY, PA 15757

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

**FILED**  
013:3564  
DEC 03 2008  
William A. Shaw  
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

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

COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL D. WESTOVER, 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 MICHAEL D. WESTOVER

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

NOW 12-3-08 AT 10:40 (AM) AFTER DILIGENT SEARCH IN MY BAILIWICK,

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

REASON UNABLE TO LOCATE House Empty

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

**SHERIFF'S OFFICE  
CLEARFIELD COUNTY  
CASE # 104957**

DEAR MICHAEL D. WESTOVER

Would you please contact the Sheriff's Office EXTENSION 1360 concerning legal papers we have for you

When you call, please give your name and the case # noted above (104957) and someone in the Office will be able to help you.

Thank you for your consideration in this matter.

SHERIFF CHESTER A. HAWKINS

OFFICE HOURS: 8:30 A.M. to 4:00 P.M.  
PHONE (814) 765-2641

COPY

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
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MICHAEL D. WESTOVER

Defendants.

CIVIL DIVISION

NO. 08-2201-CD

**COMPLAINT IN MORTGAGE  
FORECLOSURE**

Code - MORTGAGE FORECLOSURE

Filed on behalf of  
Plaintiff

Counsel of record for this  
party:

Louis P. Vitti, Esquire  
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

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

NOV 17 2008

Attest.

*William L. Shaw*  
Prothonotary/  
Clerk of Courts

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR	)	
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PURSUANT TO A TRUST INDENTURE DATED AS	)	NO:
OF APRIL 1, 1982)	)	
	)	
Plaintiff,	)	
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PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830

(814) 765-2641 - EXT. 20

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Respectfully submitted,

LOUIS P. VITTI & ASSOC., P.C.

BY

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Louis P. Vitti, Esquire  
Attorney for Plaintiff



WESTOVER

**SCHEDULE OF AMOUNTS DUE UNDER MORTGAGE**

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(This figure includes projected additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)

**BALANCE DUE** **35,004.64**

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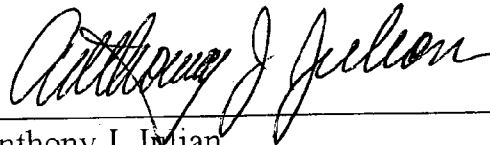
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Exhibit "A"

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Anthony J. Julian  
Director of Accounting and Loan  
Servicing

Date: 11/10/08

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

DOCKET # 104957  
NO: 08-2201-CD  
SERVICE # 2 OF 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION (TRUSTEE)

vs.

DEFENDANT: MICHAEL D. WESTOVER

**SHERIFF RETURN**

---

NOW, November 25, 2008, SHERIFF OF INDIANA COUNTY WAS DEPUTIZED BY CHESTER A. HAWKINS, SHERIFF OF CLEARFIELD COUNTY TO SERVE THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL D. WESTOVER.

NOW, December 03, 2008 AT 5:00 PM SERVED THE WITHIN COMPLAINT IN MORTGAGE FORECLOSURE ON MICHAEL D. WESTOVER, DEFENDANT. THE RETURN OF INDIANA COUNTY IS HERETO ATTACHED AND MADE PART OF THIS RETURN.

5  
**FILED**  
913146301  
FEB 26 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104957  
NO: 08-2201-CD  
SERVICES 2  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION (TRUSTEE)

vs.

DEFENDANT: MICHAEL D. WESTOVER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	VITTI	10285	20.00
SHERIFF HAWKINS	VITTI	10285	26.00
INDIANA CO.	VITTI	10286	40.00

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff

**825 Philadelphia Street  
Indiana PA 15701  
724-465-3930  
Fax: 724-465-3937**

Now, 12/3/08 at 5:00PM served the within COMPLAINT  
upon **MICHAEL D WESTOVER** by handing to ERICA, WIFE OF DEFENDANT  
A true and correct copy of the within document and making  
known to him/her the contents thereof.  
Address served: **2313 BYRON COURT INDIANA PA**

[illegible]

Now,            at            after diligent search and inquiry failed to find the within  
                 in my bailiwick at  
Reason unable to locate:

////////////////////////////////////

By: [Signature], Deputy

Sworn and subscribed to before  
me this 8 day of Dec 2008

COMMONWEALTH OF PENNSYLVANIA  
**NOTARIAL SEAL**  
 LORETTA J. LENTZ, NOTARY PUBLIC  
 INDIANA, INDIANA COUNTY  
 MY COMMISSION EXPIRES MAR. 15, 2010



CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641

FAX (814) 765-5915

ROBERT SNYDER

CHIEF DEPUTY

MARILYN HAMM

DEPT. CLERK

CYNTHIA AUGHENBAUGH

OFFICE MANAGER

KAREN BAUGHMAN

CLERK TYPIST

PETER F. SMITH

SOLICITOR

## DEPUTATION

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

PAGE 104957

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE)

vs.

MICHAEL D. WESTOVER

TERM & NO. 08-2201-CD

COMPLAINT IN MORTGAGE FORECLOSURE

**SERVE BY: 12/17/08**

**COURT DATE:**

**MAKE REFUND PAYABLE TO LOUIS P. VITTI & ASSOC. P.C.**

**SERVE:** MICHAEL D. WESTOVER

**ADDRESS:** 2313 BYRON COURT, INDIANA, PA 15701

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF INDIANA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, November 25, 2008.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

2008 NOV 26 A 10:30

INDIANA COUNTY SHERIFF

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104952  
NO: 08-2212-CD  
SERVICES 1  
COMPLAINT

PLAINTIFF: PORTFOLIO RECOVERY ASSOCIATES, LLC  
vs.  
DEFENDANT: DARA L. FELKER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	APOTHAKE	111628	10.00
SHERIFF HAWKINS	APOTHAKE	111628	90.00

5  
FILED  
07:34 PM  
FEB 20 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

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

So Answers,



Chester A. Hawkins  
Sheriff



FILED

FEB 26 2009

William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
PURSUANT TO A TRUST INDENTURE  
DATED AS OF APRIL 1, 1982),

Plaintiff,

vs.

MICHAEL D. WESTOVER,

Defendant.

CIVIL DIVISION

NO. 08-2201-CD

**PRAECIPE FOR DEFAULT  
JUDGMENT, CERTIFICATION OF  
MAILING AND AFFIDAVIT OF NON-  
MILITARY SERVICE**

Code MORTGAGE FORECLOSURE

Filed on behalf of  
Plaintiff

Counsel of record for this  
party:

Louis P. Vitti, Esquire  
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

**FILED**

APR 13 2009

William A. Shaw  
Prothonotary/Clerk of Courts

*Any pd 20.00*  
*Notice to Def.*

*(610)*

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

VS

MICHAEL D. WESTOVER,

Defendant.

NO: 08-2201-CD

**PRAECIPE FOR DEFAULT JUDGMENT**  
**AND ASSESSMENT OF DAMAGES**

TO: PROTHONOTARY OF CLEARFIELD

Enter judgment in Default of an Answer in the amount of **\$35,509.50**, in favor of the U.S. Bank, et al, Plaintiff in the above-captioned action, against the Defendants, **Michael D. Westover** and assess Plaintiff's damages as follows and/or as calculated in the Complaint:

Unpaid Principal Balance	<b>\$29,842.38</b>
Interest from <b>06/01/08-04/09/09</b> (Plus <b>6.00%</b> per day after <b>04/09/09</b> )	<b>1,211.67</b>
Late charges (Plus <b>\$8.10</b> per month from <b>11/13/08-Sale Date</b> )	<b>32.40</b>
Attorney's fee	<b>1,492.12</b>
Escrow Deficit (Plus any additional charges that may be incurred by the Plaintiff and transmitted to the sheriff as charges on the writ prior to the date of the sheriff's sale)	<b><u>2,930.93</u></b>

**Total Amount Due** **\$35,509.50**

The real estate, which is the subject matter of the Complaint, is situate in Boro of New Washington, Cty of Clearfield & Cmwlth of PA. HET a dwg house k/a 1226 Town Road, Mahaffey, PA 15757. Parcel No. 15-D13-320-00002.

  
Louis P. Vitti, Esquire  
Attorney for the Plaintiff

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

:  
:  
:  
: NO: 08-2201-CD  
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:  
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**CERTIFICATION OF MAILING**

I, Louis P. Vitti, do hereby certify that a Notice of Intention to Take Judgment was mailed to the Defendant(s), in the above-captioned case on March 24, 2009, giving ten (10) day notice that judgment would be entered should no action be taken.

LOUIS P. VITTI & ASSOCIATES, P.C.

BY:

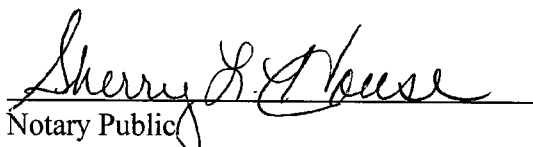
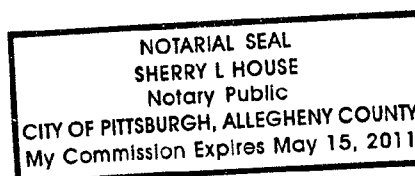


Louis P. Vitti, Esquire  
Attorney for Plaintiff

SWORN to and subscribed

before me this 9th day

of April, 2009.

  
Notary Public

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY, PURSUANT TO A TRUST INDENTURE DATED  
AS OF APRIL 1, 1982),

Plaintiff,

vs.

MICHAEL D. WESTOVER,

Defendant.

NO. 08-2201-CD

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## IMPORTANT NOTICE

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TO: Michael D. Westover  
2313 Byron Court  
Indiana, PA 15701

Date of Notice: **March 24, 2009**

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 (10) 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 NOTICE TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE FOLLOWING OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP:

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

PROTHONOTARY  
CLEARFIELD COUNTY COURTHOUSE  
CLEARFIELD, PA 16830  
(814) 765-2641 EXT. 20

LOUIS P. VITTI & ASSOCIATES, P.C.

BY:

  
Louis P. Vitti, Esquire  
Attorney for Plaintiff  
916 Fifth Avenue  
Pittsburgh, PA 15219

**\*\* THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN 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 ENFORCEMENT OF A LIEN AGAINST PROPERTY.\*\***

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

COMMONWEALTH OF PENNSYLVANIA, SS:

COUNTY OF ALLEGHENY

BEFORE me, the undersigned authority, personally appeared Louis P. Vitti, Esquire, who, being duly sworn according to law, deposes and says that he is advised and believes that DEFENDANT(S) is/are not presently in the active military service of the United States of America and not members of the Army of the United States, United States Navy, the Marine Corps, or the Coast Guard, and not officers of the Public Health Service detailed by proper authority for duty with the Army or Navy; nor engaged in any active military service or duty with any military or naval units covered by the Soldiers and Sailors Civil Relief Act of 1940 and designated therein as military service, and to the best of this affiant's knowledge is/are not enlisted in military service covered by said act, and that the averments herein set forth, insofar as they are within his knowledge, are correct, and true; and insofar as they are based on information received from others, are true and correct as he verily believes.

This Affidavit is made under the provisions of the Soldiers and Sailors Civil Relief Act of 1940.

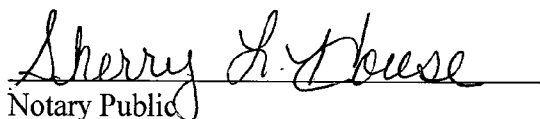
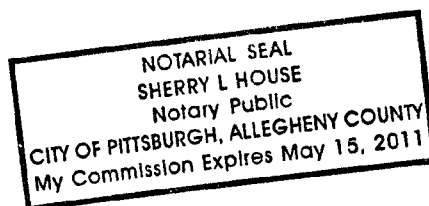


Louis P. Vitti, Esquire

SWORN to and subscribed

before me this 9th day

of April, 2009.

  
Notary Public

COPY

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

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: NO: 08-2201-CD  
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**NOTICE OF ORDER, DECREE OR JUDGMENT**

TO: DEFENDANT(S)

You are hereby notified that a judgment was entered in the above-captioned proceeding  
on the 13<sup>th</sup> day of April 2009.

Judgment is as follows: **\$35,509.50.**

  
Deputy

**\*\* THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN 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 ENFORCEMENT OF A LIEN AGAINST PROPERTY.\*\***

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
PURSUANT TO A TRUST INDENTURE  
DATED AS OF APRIL 1, 1982),

CIVIL DIVISION

NO. 08-2201-CD

**PRAECIPE FOR WRIT OF  
EXECUTION AND AFFIDAVIT OF  
LAST KNOWN ADDRESS**

Plaintiff,

Code MORTGAGE FORECLOSURE

vs.

Filed on behalf of  
Plaintiff

MICHAEL D. WESTOVER,

Counsel of record for this  
party:

Defendant.

Louis P. Vitti, Esquire  
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

**FILED**

APR 13 2009

William A. Shaw  
Prothonotary/Clerk of Courts

Any pd. 20.00  
ICC & 6 writs  
to Sheriff

(50)



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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

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: NO: 08-2201-CD  
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**PRAECIPE FOR WRIT OF  
EXECUTION IN MORTGAGE FORECLOSURE**

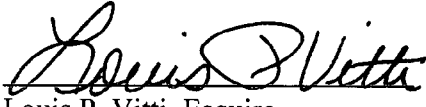
TO: PROTHONOTARY OF CLEARFIELD COUNTY

Issue a Writ of Execution in favor of the Plaintiff and against the Defendant(s) in the  
above-captioned matter as follows:

Amount Due	\$35,509.50	
	135.00	Prothonotary costs
Interest 04/10/09-Sale Date	_____	.
Total	\$ _____	_____

The real estate, which is the subject matter of the Praecipe for Writ of Execution is situate  
in:

Boro of New Washington, Cty of Clearfield & Cmwlth of PA. HET a dwg house k/a 1226 Town Road,  
Mahaffey, PA 15757. Parcel No. 15-D13-320-00002.

  
Louis P. Vitti, Esquire  
Attorney for Plaintiff

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

VS


MICHAEL D. WESTOVER,

Defendant.

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: NO: 08-2201-CD  
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**AFFIDAVIT**

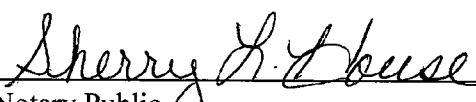
I, Louis P. Vitti, do hereby swear that, to the best of my knowledge, information and belief,  
the Defendant(s), is/are the owners of the real property on which the Plaintiff seeks to execute . That the  
Defendants' last known address is 2313 Byron Court, Indiana, PA 15701.

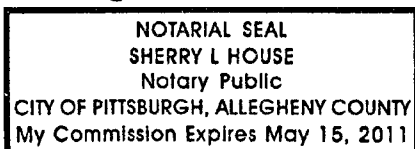
  
Louis P. Vitti, Esquire

SWORN TO and subscribed

before me this 9th day of

April, 2009.

  
Notary Public



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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

:  
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: NO: 08-2201-CD  
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**AFFIDAVIT PURSUANT TO RULE 3129.1**

U.S. Bank, et al, Plaintiff in the above action, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 1226 Town Road, Mahaffey, PA 15757.

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

Name:

Address (Please indicate if this  
cannot be reasonably ascertained)

Michael D. Westover

2313 Byron Court  
Indiana, PA 15701

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

Name:

Address (Please indicate if this  
cannot be reasonably ascertained)

Same as No. 1 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 (Please indicate if this  
cannot be reasonably ascertained)

NONE

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

Name	Address (Please indicate if this cannot be reasonably ascertained)
Pennsylvania Housing Finance Agency	211 North Front Street Harrisburg, PA 17105

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

Name	Address (Please indicate if this cannot be reasonably ascertained)
None	

6. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

Name	Address (Please indicate if this cannot be reasonably ascertained)
Erica Westover	2313 Byron Court Indiana, PA 15701

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 (Please indicate if this cannot be reasonably ascertained)
Tax Collector of New Washington Borough c/o Angel Chilcote	1323 Washington Road Mahaffey, PA 15757
Borough of New Washington c/o Randy Chilcote	1323 Washington Road Mahaffey, PA 15757
Commonwealth of PA -DPW	P.O. Box 8016 Harrisburg, PA 17105
Clerk of Courts Criminal/Civil Division	P.O. Box 549 Clearfield, PA 16830
Tax Claim Bureau of Clearfield County	230 East Market Street Clearfield, PA 16830

Court of Common Pleas of  
Clearfield County  
Domestic Relations Division

P.O. Box 549  
Clearfield, PA 16830

PA Dept. of Sheriff Sales  
Bureau of Compliance


Dept. #281230  
Harrisburg, PA 17128-1230

Tenant/Occupant

1226 Town Road  
Mahaffey, PA 15757

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. Section 4904 relating to unsworn falsification to authorities.

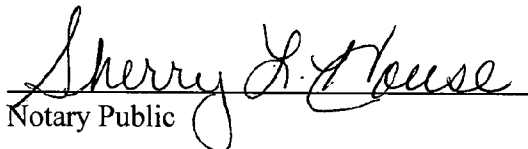
April 9, 2009  
Date

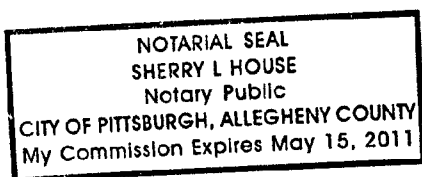
  
Louis P. Vitti, Esquire  
Attorney for Plaintiff

SWORN TO and subscribed

before me this 9th day

of April, 2009.

  
Notary Public



**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION - LAW**

COPY

U.S. Bank National Association,  
(Trustee for the Pennsylvania Housing Finance Agency)

Vs.

NO.: 2008-02201-CD

Michael D. Westover

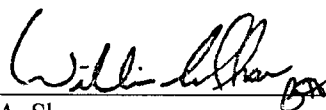
**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

- (1) See Attached Descriptions

AMOUNT DUE/PRINCIPAL: \$35,509.50  
INTEREST FROM 04/10/09-Sale Date:  
ATTY'S COMM: \$  
DATE: 4/13/2009

PROTH. COSTS PAID: \$135.00  
SHERIFF: \$  
OTHER COSTS: \$



William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this \_\_\_\_\_ day  
of \_\_\_\_\_ A.D. \_\_\_\_\_  
At \_\_\_\_\_ A.M./P.M.

Requesting Party: Louis P. Vitti, Esq.  
916 Fifth Avenue  
Pittsburgh, PA 15219  
(412) 281-1725

\_\_\_\_\_  
Sheriff

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

:  
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: NO: 08-2201-CD  
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SHORT DESCRIPTION

Boro of New Washington, Cty of Clearfield & Cmwltth of PA. HET a dwg house k/a 1226 Town Road,  
Mahaffey, PA 15757. Parcel No. 15-D13-320-00002.

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

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: NO: 08-2201-CD  
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LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Borough of New Washington, County of Clearfield and Commonwealth of Pennsylvania, being New Washington Boro Tax Map Number 15-D13-320-00002, being a house and lot.

HAVING thereon erected a dwelling house known as: 1226 Town Road, Mahaffey, Pennsylvania 15757, which includes a manufactured home, Serial Number 2N110306JA.

TAX MAP NO. 15-d13-320-00002.

BEING the same premises which Vanderbilt Mortgage and Finance, Inc., by Deed dated 11/08/2005 and recorded 12/19/2005 in the Recorder's Office of Clearfield County, Pennsylvania, Instrument No. 200521790, granted and conveyed unto Michael D. Westover, as sole owner.



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
PURSUANT TO A TRUST INDENTURE  
DATED AS OF APRIL 1, 1982),

CIVIL DIVISION

NO. 08-2201-CD

**AFFIDAVIT OF SERVICE**

Plaintiff,

vs.

MICHAEL D. WESTOVER,

Defendant

Filed on behalf of  
Plaintiff

Counsel of record for this  
party:

Louis P. Vitti, Esquire  
PA I.D. #3810  
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

FILED *no*  
*110/1201*  
MAY 11 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

VS

MICHAEL D. WESTOVER,

Defendant.

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: NO: 08-2201-CD  
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**AFFIDAVIT OF SERVICE**

I, Louis P. Vitti, do hereby certify that a Notice of Sale was mailed and served upon the  
all lien holders by Certificate of Mailing for service in the above-captioned case on April 20,  
2009, advising them of the Sheriff's sale of the property at 1226 Town Road, Mahaffey, PA  
15757, on *June 5, 2009*.

LOUIS P. VITTI & ASSOCIATES, P.C.

BY *Louis P. Vitti*  
Louis P. Vitti

SWORN to and subscribed

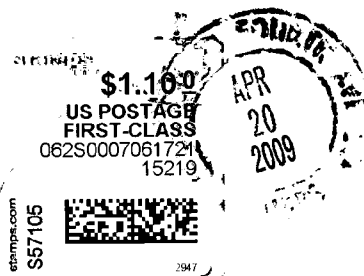
before me this 8th day

of May, 2009.

*Sherry L. House*  
Notary Public  
NOTARIAL SEAL  
SHERRY L HOUSE  
Notary Public  
CITY OF PITTSBURGH, ALLEGHENY COUNTY  
My Commission Expires May 15, 2011

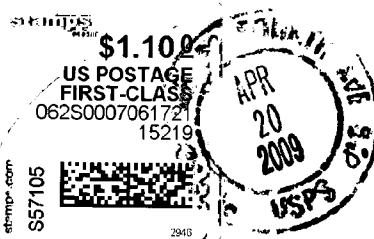
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<b><u>Louis P. Vitti &amp; Associates, P.C.</u></b>	
<b><u>916 Fifth Avenue, Pittsburgh, PA 15219</u></b>	
One piece of ordinary mail addressed to:	
PA Dept. of Sheriff Sales Bureau of Compliance Dept. #281230 Harrisburg, PA 17128-1230	

PS Form 3817, January 2001



U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<b><u>Louis P. Vitti &amp; Associates, P.C.</u></b>	
<b><u>916 Fifth Avenue, Pittsburgh, PA 15219</u></b>	
One piece of ordinary mail addressed to:	
Tenant/Occupant 1226 Town Road Mahaffey, PA 15757	

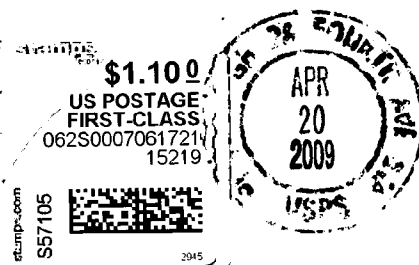
PS Form 3817, January 2001



slh.westover.6.5.09

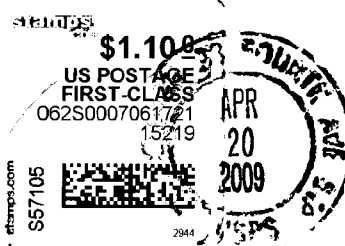
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Commonwealth of PA -DPW P.O. Box 8016 Harrisburg, PA 17105	

PS Form 3817, January 2001



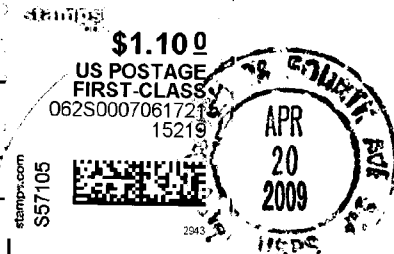
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Clerk of Courts Criminal/Civil Division P.O. Box 549 Clearfield, PA 16830	

PS Form 3817, January 2001



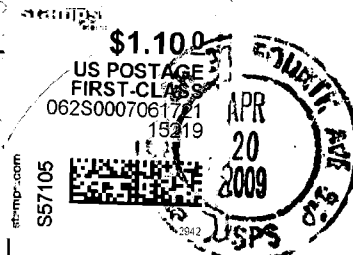
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Tax Claim Bureau of Clearfield County 230 East Market Street Clearfield, PA 16830	

PS Form 3817, January 2001



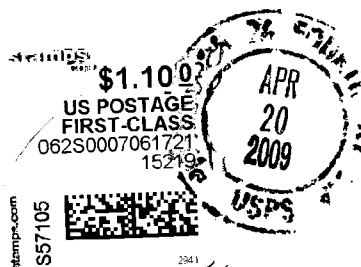
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
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Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Court of Common Pleas of Clearfield County Domestic Relations Division P.O. Box 549 Clearfield, PA 16830	

PS Form 3817, January 2001



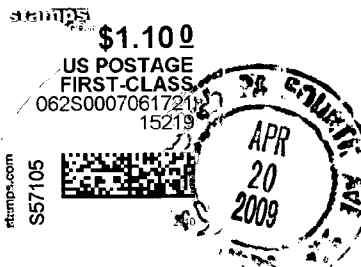
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Pennsylvania Housing Finance Agency 211 North Front Street Harrisburg, PA 17105	

PS Form 3817, January 2001



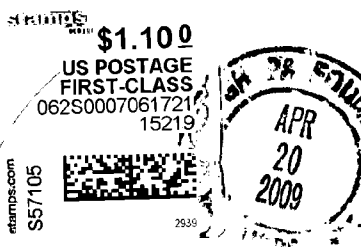
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Erica Westover 2313 Byron Court Indiana, PA 15701	

PS Form 3817, January 2001



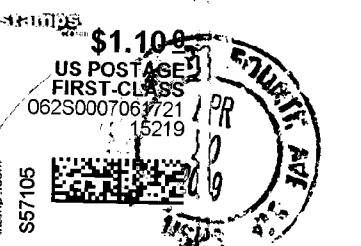
U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Tax Collector of New Washington Borough c/o Angel Chilcote 1323 Washington Road Mahaffey, PA 15757	

PS Form 3817, January 2001



U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Louis P. Vitti &amp; Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
Borough of New Washington c/o Randy Chilcote 1323 Washington Road Mahaffey, PA 15757	

PS Form 3817, January 2001



FILED

MAY 11 2009

William A. Shaw  
Prothonotary/Clerk of Courts

FILED

MAY 26 2009

William A. Shaw  
Prothonotary/Clerk of Courts

no 41 @

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
PURSUANT TO A TRUST INDENTURE  
DATED AS OF APRIL 1, 1982),

CIVIL DIVISION

NO. 08-2201-CD

**AMENDED AFFIDAVIT PURSUANT  
TO RULE 3129.1**

Plaintiff,

Code MORTGAGE FORECLOSURE

vs.

Filed on behalf of  
Plaintiff

MICHAEL D. WESTOVER,

Counsel of record for this  
party:

Defendant.

Louis P. Vitti, Esquire  
Supreme Court #01072

Louis P. Vitti & Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

:  
:  
:  
: NO: 08-2201-CD  
:  
:  
:  
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:

**AMENDED AFFIDAVIT PURSUANT TO RULE 3129.1**

U.S. Bank, et al, Plaintiff in the above action, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 1226 Town Road, Mahaffey, PA 15757.

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

Name:

Address (Please indicate if this  
cannot be reasonably ascertained)

Michael D. Westover

2313 Byron Court  
Indiana, PA 15701

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

Name:

Address (Please indicate if this  
cannot be reasonably ascertained)

Same as No. 1 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 (Please indicate if this  
cannot be reasonably ascertained)

GE Money Bank

4125 Windward Plaza Drive  
Alpharetta, GA 30005



GE Money Bank  
c/o Frederic I. Weinberg

1001 East Hector Street, Suite 220  
Conshohocken, PA 19428

American General Consumer Discount Company

22 Hoover Avenue, Suite 160  
Dubois, PA 15801

American General Consumer Discount Company  
c/o Matthew T. Budash

836 Philadelphia Street  
Indiana, PA 15701

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

Name

Address (Please indicate if this  
cannot be reasonably ascertained)

Pennsylvania Housing Finance Agency

211 North Front Street  
Harrisburg, PA 17105

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

Name

Address (Please indicate if this  
cannot be reasonably ascertained)

None

6. Name and address of every other person who has any record interest in or record lien on the property and whose interest may be affected by the sale:

Name

Address (Please indicate if this  
cannot be reasonably ascertained)

Erica Westover

2313 Byron Court  
Indiana, PA 15701

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 (Please indicate if this  
cannot be reasonably ascertained)

Tax Collector of New Washington Borough  
c/o Angel Chilcote

1323 Washington Road  
Mahaffey, PA 15757

Borough of New Washington  
c/o Randy Chilcote

1323 Washington Road  
Mahaffey, PA 15757

Commonwealth of PA -DPW

P.O. Box 8016  
Harrisburg, PA 17105

Clerk of Courts  
Criminal/Civil Division

P.O. Box 549  
Clearfield, PA 16830

Tax Claim Bureau of Clearfield County

230 East Market Street  
Clearfield, PA 16830

Court of Common Pleas of  
Clearfield County  
Domestic Relations Division

P.O. Box 549  
Clearfield, PA 16830

PA Dept. of Sheriff Sales  
Bureau of Compliance

Dept. #281230  
Harrisburg, PA 17128-1230

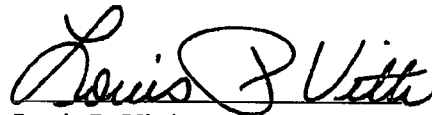
Tenant/Occupant

1226 Town Road  
Mahaffey, PA 15757

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. Section 4904 relating to unsworn falsification to authorities.

May 22, 2009

Date




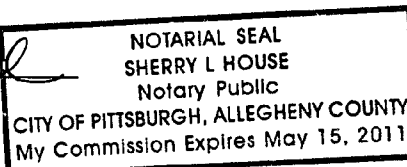
Louis P. Vitti, Esquire  
Attorney for Plaintiff

SWORN TO and subscribed

before me this 22nd day

of May, 2009.

  
Notary Public



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20957  
NO: 08-2201-CD

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO A TRUST INDENTURE DATED AS OF APRIL 1, 1982)

vs.

DEFENDANT: MICHAEL D. WESTOVER

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 4/13/2009

LEVY TAKEN 4/22/2009 @ 10:04 AM

POSTED 4/22/2009 @ 10:04 AM

SALE HELD 7/10/2009

SOLD TO U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO A TRUST INDENTURE DATED AS OF APRIL 1, 1982)

SOLD FOR AMOUNT \$1,000.00 PLUS COSTS

WRIT RETURNED 7/28/2009

DATE DEED FILED 7/28/2009

PROPERTY ADDRESS 1226 TOWN ROAD MAHAFFEY , PA 15757

SERVICES

@ SERVED MICHAEL D. WESTOVER

NOW, APRIL 27, 2009 DEPUTIZED INDIANA COUNTY TO SERVE MICHAEL D. WESTOVER.

4/30/2009 @ 4:45 PM SERVED MICHAEL D. WESTOVER

INDIANA COUNTY SHERIFF'S OFFICE SERVED MICHAEL D. WESTOVER, DEFENDANT, AT 2313 BYRON COURT, INDIANA, PENNSYLVANIA BY HANDING TO ERIKA WESTOVER, WIFE OF DEFENDANT,

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.

@ SERVED

NOW, MAY 28, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO CONTINUE THE SHERIFF SALE SCHEDULED FOR JUNE 5, 2009 TO JULY 10, 2009.

**FILED**  
JUL 29 2009  
William A. Shaw  
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20957  
NO: 08-2201-CD

PLAINTIFF: U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE  
AGENCY, PURSUANT TO A TRUST INDENTURE DATED AS OF APRIL 1, 1982)

VS.

DEFENDANT: MICHAEL D. WESTOVER

Execution REAL ESTATE

SHERIFF RETURN

SHERIFF HAWKINS \$267.44


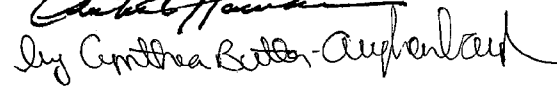
SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

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

\_\_\_\_\_

So Answers,

  
  
Chester A. Hawkins  
Sheriff

**WRIT OF EXECUTION and/or ATTACHMENT  
COMMONWEALTH OF PENNSYLVANIA, COUNTY OF CLEARFIELD  
CIVIL ACTION - LAW**

U.S. Bank National Association,  
(Trustee for the Pennsylvania Housing Finance Agency)

Vs.

NO.: 2008-02201-CD

Michael D. Westover

**TO THE SHERIFF OF CLEARFIELD COUNTY:**

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

- (1) See Attached Descriptions

AMOUNT DUE/PRINCIPAL: \$35,509.50  
INTEREST FROM 04/10/09-Sale Date:  
ATTY'S COMM: \$  
DATE: 4/13/2009

PROTH. COSTS PAID: \$135.00  
SHERIFF: \$  
OTHER COSTS: \$



William A. Shaw  
Prothonotary/Clerk Civil Division

Received this writ this 13<sup>th</sup> day  
of April A.D. 2009  
At 3:00 A.M. (P.M.)

Requesting Party: Louis P. Vitti, Esq.  
916 Fifth Avenue  
Pittsburgh, PA 15219  
(412) 281-1725

C. Foster G. Haverstick  
Sheriff Joy Cynthia Butler-Cupherland

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

:  
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: NO: 08-2201-CD  
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SHORT DESCRIPTION

Boro of New Washington, Cty of Clearfield & Cmwltb of PA. HET a dwg house k/a 1226 Town Road,  
Mahaffey, PA 15757. Parcel No. 15-D13-320-00002.

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

Plaintiff,

vs

MICHAEL D. WESTOVER,

Defendant.

:  
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:  
: NO: 08-2201-CD  
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LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Borough of New Washington, County of Clearfield and Commonwealth of Pennsylvania, being New Washington Boro Tax Map Number 15-D13-320-00002, being a house and lot.

HAVING thereon erected a dwelling house known as: 1226 Town Road, Mahaffey, Pennsylvania 15757, which includes a manufactured home, Serial Number 2N110306JA.

TAX MAP NO. 15-d13-320-00002.

BEING the same premises which Vanderbilt Mortgage and Finance, Inc., by Deed dated 11/08/2005 and recorded 12/19/2005 in the Recorder's Office of Clearfield County, Pennsylvania, Instrument No. 200521790, granted and conveyed unto Michael D. Westover, as sole owner.

**REAL ESTATE SALE  
SCHEDULE OF DISTRIBUTION**

NAME MICHAEL D. WESTOVER

NO. 08-2201-CD

NOW, July 28, 2009, 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 July 10, 2009, I exposed the within described real estate of Michael D. Westover to public venue or outcry at which time and place I sold the same to U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO A TRUST INDENTURE DATED AS OF APRIL 1, 1982) he/she being the highest bidder, for the sum of \$1,000.00 plus costs and made the following appropriations, viz:

**SHERIFF COSTS:**

RDR SERVICE	15.00
MILEAGE	24.20
LEVY	15.00
MILEAGE	24.20
POSTING	15.00
CSDS	10.00
COMMISSION	20.00
POSTAGE	5.04
HANDBILLS	15.00
DISTRIBUTION	25.00
ADVERTISING	15.00
ADD'L SERVICE DEED	30.00
ADD'L POSTING	
ADD'L MILEAGE	
ADD'L LEVY	
BID AMOUNT	1,000.00
RETURNS/DEPUTIZE	9.00
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	20.00
MISCELLANEOUS	
<b>TOTAL SHERIFF COSTS</b>	<b>\$267.44</b>

**DEED COSTS:**

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	28.50
TRANSFER TAX 2%	0.00
<b>TOTAL DEED COSTS</b>	<b>\$28.50</b>

**PLAINTIFF COSTS, DEBT AND INTEREST:**

DEBT-AMOUNT DUE	35,509.50
INTEREST @ %	0.00
FROM TO 07/10/2009	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
<b>TOTAL DEBT AND INTEREST</b>	<b>\$35,529.50</b>

**COSTS:**

ADVERTISING	247.00
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	28.50
SHERIFF COSTS	267.44
LEGAL JOURNAL COSTS	270.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
<b>TOTAL COSTS</b>	<b>\$1,092.94</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





CHESTER A. HAWKINS  
SHERIFF

# Sheriff's Office Clearfield County

COURTHOUSE  
1 NORTH SECOND STREET, SUITE 116  
CLEARFIELD, PENNSYLVANIA 16830

OFFICE (814) 765-2641  
FAX (814) 765-5915  
ROBERT SNYDER  
CHIEF DEPUTY  
MARILYN HAMM  
DEPT. CLERK  
CYNTHIA AUGHENBAUGH  
OFFICE MANAGER  
KAREN BAUGHMAN  
CLERK TYPIST  
PETER F. SMITH  
SOLICITOR

## DEPUTATION

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

PAGE 20957

TERM & NO. 08-2201-CD

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO TRUST INDENTURE DATED AS OF APRIL 1, 1982)

VS.

MICHAEL D. WESTOVER

DOCUMENTS TO BE SERVED:  
NOTICE OF SALE  
WRIT OF EXECUTION  
COPY OF LEVY

**SERVE BY: MAY 4, 2009**

**MAKE REFUND PAYABLE TO LOUIS P. VITTI & ASSOC.  
RETURN TO BE SENT TO THIS OFFICE**

**SERVE:** MICHAEL D. WESTOVER

**ADDRESS:** 2313 BYRON COURT  
INDIANA, PA 15701

INDIANA COUNTY SHERIFF  
2009 APR 29 A 9:50

Know all men by these presents, that I, CHESTER A. HAWKINS, HIGH SHERIFF OF CLEARFIELD COUNTY, State of Pennsylvania, do hereby deputize the SHERIFF OF INDIANA COUNTY, Pennsylvania to execute this writ. This Deputation being made at the request and risk of the Plaintiff this day, Monday, April 27, 2009.

RESPECTFULLY,

CHESTER A. HAWKINS,  
SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA

# INDIANA COUNTY SHERIFF

825 Philadelphia Street  
Indiana PA 15701  
724-465-3930  
Fax: 724-465-3937

## AFFIDAVIT OF SERVICE

Case Number: CD08 2201

### FOUND:

Now, 4/30/09 at 4:45PM served the within NOTICE  
upon **MICHAEL D WESTOVER** by handing to ERIKA WESTOVER, WIFE OF  
DEFENDANT

A true and correct copy of the within document and making  
known to him/her the contents thereof.

Address served: **2313 BYRON COURT INDIANA PA**

//

### NOT FOUND:

Now, at after diligent search and inquiry failed to find the within  
in my bailiwick at  
Reason unable to locate:

//

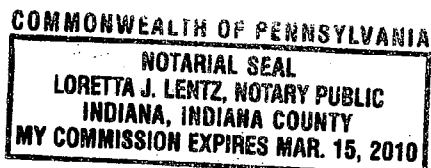
So Answers: ROBERT E. FYOCK, SHERIFF

By: Robert Snyder Deputy

ROBERT SNYDER , Deputy

Sworn and subscribed to before  
me this 30 day of APRIL 2009

Loretta J. Lentz



# Vitti and Vitti and Associates, P.C.

COUNSELLORS AT LAW  
916 FIFTH AVENUE  
PITTSBURGH, PENNSYLVANIA 15219

PHONE: (412) 281-1725

FAX: (412) 281-3810

LOUIS P. VITTI  
LOIS M. VITTI \*  
RODNEY PERMIGIANI

\* Admitted in PA, NY & NJ



DAVID F. ALPERN - *Of Counsel*  
Phone: (412) 471-1960 & 1961 / Fax: (412) 232-3666  
E-Mail: AlpernDFA@city-net.com

Today is Thursday

May 28, 2009

Sheriff of Clearfield County  
Clearfield County Courthouse  
(814) 765-5915  
Attn: REAL ESTATE DEPT.

RE: Westover, Michael  
Case No. 08-2201-CD

To whom it may concern:

Kindly continue the above captioned Sheriff's sale which was scheduled for

June 5, 2009 to July 10, 2009

Thank you for your cooperation with this matter.

Very Truly Yours,

*Louis P. Vitti*

Louis P. Vitti

LPV/slh

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
PURSUANT TO A TRUST INDENTURE  
DATED AS OF APRIL 1, 1982),

CIVIL DIVISION

No. 08-2201-CD

**CERTIFICATION**

Filed on behalf of  
Plaintiff

Plaintiff,

vs.

Counsel of record for this  
party:

MICHAEL D. WESTOVER,

Louis P. Vitti, Esquire  
PA I.D. #01072

Defendant.

Vitti and Vitti and Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

FILED

01:08:00  
MAY 18 2010

William A. Shaw  
Prothonotary/Clerk of Courts

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT TO  
A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

:  
:  
: NO: 08-2201 CD  
:  
:  
:  
:  
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:  
:

Plaintiff,

vs

MICHAEL D. WESTOVER,


Defendant.

CERTIFICATION

I, Louis P. Vitti, do hereby certify that the attached Affidavit of Service is a true and  
correct copy of the original Affidavit of Service notifying additional lienholders of the Sheriff  
Sale which occurred on July 10, 2009 regarding the above captioned case.

VITTI AND VITTI AND ASSOCIATES, P.C.


BY

  
Louis P. Vitti, Esquire  
Attorney for Plaintiff

SWORN to and subscribed

before me this 18th day

of May, 2010.

  
Notary Public

NOTARIAL SEAL  
SHERRY L. HOUSE  
Notary Public  
CITY OF PITTSBURGH, ALLEGHENY COUNTY  
My Commission Expires May 15, 2011

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION  
(TRUSTEE FOR THE PENNSYLVANIA  
HOUSING FINANCE AGENCY,  
PURSUANT TO A TRUST INDENTURE  
DATED AS OF APRIL 1, 1982),

CIVIL DIVISION

NO. 08-2201-CD

**AFFIDAVIT OF SERVICE**

Plaintiff,

Filed on behalf of  
Plaintiff

vs.

Counsel of record for this  
party:

MICHAEL D. WESTOVER,

Louis P. Vitti, Esquire  
PA I.D. #3810  
Supreme Court #01072

Defendant.

Louis P. Vitti and Assoc., P.C.  
916 Fifth Avenue  
Pittsburgh, PA 15219

(412) 281-1725

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

U.S. BANK NATIONAL ASSOCIATION (TRUSTEE FOR THE  
PENNSYLVANIA HOUSING FINANCE AGENCY, PURSUANT  
TO A TRUST INDENTURE DATED AS OF APRIL 1, 1982),

:  
:  
: NO: 08-2208-CD  
:  
:  
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:  
:  
:  
:

Plaintiff,

VS

MICHAEL D. WESTOVER,,

Defendant.

**AFFIDAVIT OF SERVICE**

I, Louis P. Vitti, do hereby certify that a Notice of Sale was mailed and served upon the  
all lien holders by Certificate of Mailing for service in the above-captioned case on May 20,  
2009, advising them of the Sheriff's sale of the property at 1226 Town Road, Mahaffey, PA  
15757, on June 5, 2009 (continued to July 10, 2009).

VITTI AND VITTI AND ASSOCIATES, P.C.

BY

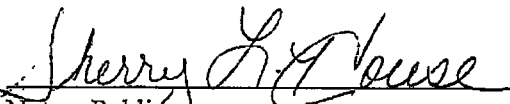


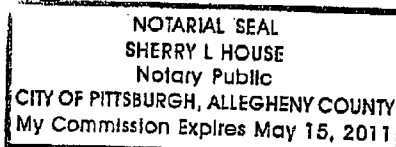
Louis P. Vitti

SWORN to and subscribed

before me this 25th day

of May, 2009.

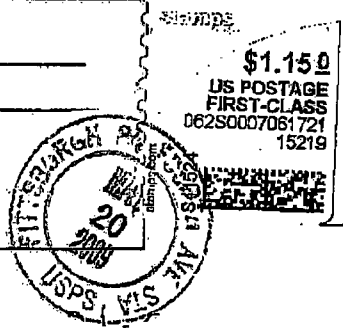
  
Notary Public



U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Vitti and Vitti and Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
GE Money Bank 4125 Windward Plaza Drive Alpharetta, GA 30005	

PS Form 3817, January 2001

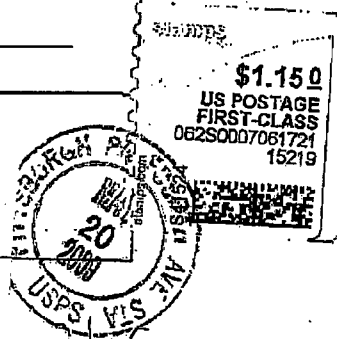
Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.



U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Vitti and Vitti and Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
GE Money Bank c/o Frederic I. Weinberg 1001 East Hector Street, Suite 220 Conshohocken, PA 19428	

PS Form 3817, January 2001

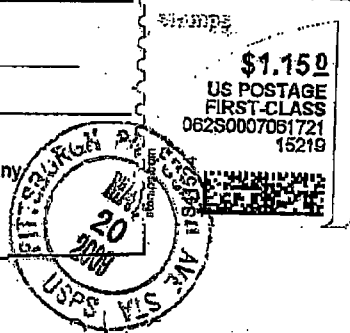
Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.



U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Vitti and Vitti and Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
American General Consumer Discount Company 22 Hoover Avenue, Suite 160 Dubois, PA 15801	

PS Form 3817, January 2001

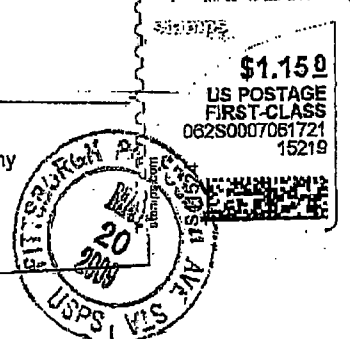
Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.



U.S. POSTAL SERVICE	<b>CERTIFICATE OF MAILING</b>
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE-POSTMASTER	
Received From:	
<u>Vitti and Vitti and Associates, P.C.</u>	
<u>916 Fifth Avenue, Pittsburgh, PA 15219</u>	
One piece of ordinary mail addressed to:	
American General Consumer Discount Company c/o Matthew T. Budash 836 Philadelphia Street Indiana, PA 15701	

PS Form 3817, January 2001

Affix fee here in stamps or meter postage and post mark. Inquire of Postmaster for current fee.





FILED

MAY 18 2010

William A. Shaw  
Prothonotary/Clerk of Courts