

08-2305-CD

Citimortgage vs Samuel Yarger al

# GOLDBECK McCAFFERTY & MCKEEVER

BY: MICHAEL T. MCKEEVER

ATTORNEY I.D. #56129

SUITE 5000 – MELLON INDEPENDENCE CENTER  
701 MARKET STREET  
PHILADELPHIA, PA 19106  
(866) 413-2311  
WWW.GOLDBECKLAW.COM

FEB. 24, 2008 Document  
Reinstated/Reissued to Sheriff/Attorney  
for service.

*[Signature]*  
Deputy Prothonotary

CITIMORTGAGE, INC.  
1000 Technology Drive  
MS 730  
O'Fallon, MO 63368-2240

*Plaintiff*

vs.

SAMUEL P. YARGER  
LESLIE R. YARGER  
**Mortgagors and Record Owners**  
RR 2 Box 178  
Allport, PA 16821

*Defendants*

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY  
CIVIL ACTION - LAW

ACTION OF MORTGAGE FORECLOSURE

Term  
No. 2008-2305-CD

**CIVIL ACTION: 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 the 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 claim 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 OR CANNOT AFFORD ONE, 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.

## PENNSYLVANIA BAR ASSOCIATION

P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

FILED pd \$95.00 Atty  
m 11:50 am 4CC Shff  
DEC 02 2008

KEYSTONE LEGAL SERVICES  
211 1/2 E. Locust Street  
Clearfield, PA 16830  
814-765-9646

William A. Shaw  
Prothonotary/Clerk of Courts

## A V I S O

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

RECUERDE: SI USTED NO REPONDE A ESTA DEMANDA, SE PUEDE PROSEGUIR CON EL PROCESO SIN SU PARTICIPACION. ENTONCES, LA COUTE PUEDE, SIN NOTIFICARIO, DECIDIR A FAVOR DEL DEMANDANTE Y REQUERIR QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. POR RAZON DE ESA DECISION, ES POSSIBLE QUE USTED PUEDA PERDER DINERO, PROPIEDAD U OTROS DERECHOS IMPORTANTES.

USTED DEBE LLEVAR ÉSTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELÉFONO LA OFICINA FIJADA AQUÍ ABAJO. ESTA OFICINA PUEDE PROVEERÉ CON INFORMACIÓN DE CÓMO CONSEUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ÉSTA OFICINA PUEDE PROVEERÉ INFORMACION ACERCA AGENCIAS QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

PENNSYLVANIA BAR ASSOCIATION

P.O. Box 186  
Harrisburg, PA 17108  
800-692-7375

KEYSTONE LEGAL SERVICES

211 1/2 E. Locust Street  
Clearfield, PA 16830  
814-765-9646

**THIS FIRM IS A DEBT COLLECTOR AND WE ARE ATTEMPTING TO COLLECT  
A DEBT OWED TO OUR CLIENT. ANY INFORMATION OBTAINED FROM YOU  
WILL BE USED FOR THE PURPOSE OF COLLECTING THE DEBT.**

Resources available for Homeowners in Foreclosure

**ACT NOW!**

Even though your lender (and our client) has filed an Action of Mortgage Foreclosure against you, you still may be able to **SAVE YOUR HOME FROM FORECLOSURE**.

- 1). Call an attorney. For referrals to a qualified attorney call either of the following numbers: 800-692-7375 or 814-765-9646.
- 2). Call the Consumer Credit Counseling Agency at 1-800-989-2227 for free counseling.
- 3). Visit HUD'S website [www.hud.gov](http://www.hud.gov) for Help for Homeowners Facing the Loss of Their Homes.
- 4). Pennsylvania Housing Finance Agency also offers other loan programs that may assist homeowners in default. Please See the PHFA website <http://www.phfa.org/consumers/homeowners/real.aspx>.
- 5). Call the Plaintiff (your lender) at and ask to speak to someone about Loss Mitigation or Home Retention options.
- 6). Foreclosure Resource Center: <http://www.philadelphiahfed.org/foreclosure/>
- 7). Call or contact our office to request the amount to bring the account current, or payoff the mortgage or request a Loan Workout / Home Retention Package. Call our toll free number at 1-866-413-2311 or via email at [homeretention@goldbecklaw.com](mailto:homeretention@goldbecklaw.com). Call Seth at 215-825-6329 or fax 215-825-6429. The figure and/or package you requested will be mailed to the address that you request or faxed if you leave a message with that information. The attorney in charge of our firm's Homeowner Retention Department is David Fein who can be reached at 215-825-6318 or Fax: 215-825-6418. Please reference our Attorney File Number of 73855FC.

Para informacion en espanol puede comunicarse con Loretta al 215-825-6344.

**This Action of Mortgage Foreclosure will continue unless you take action to stop it.**

## COMPLAINT IN MORTGAGE FORECLOSURE

1. Plaintiff is CITIMORTGAGE, INC., 1000 Technology Drive, MS 730 O'Fallon, MO 63368-2240.
2. The names and addresses of the Defendants are SAMUEL P. YARGER, RR2 Box 178, Allport, PA 16821 and LESLIE R. YARGER, RR2 box 178, Allport, PA 16821, who are the mortgagors and record owners of the mortgaged premises hereinafter described.
3. On October 26, 2006 mortgagors made, executed and delivered a mortgage upon the Property hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC ACTING SOLELY AS A NOMINEE FOR FIRST NLC SERVICES, LLC, which mortgage is recorded in the Office of the Recorder of Deeds of Clearfield County as Instrument 3 200619083. The mortgage has been assigned to: CITIMORTGAGE, INC. by assignment of Mortgage. The Mortgage and assignment(s) are matters of public record and are incorporated by this reference in accordance with Pennsylvania Rule of Civil Procedure 1019(g); which Rule relieves the Plaintiff from its obligation to attach documents to pleadings if those documents are matters of public record.
4. The Property subject to the Mortgage is more fully described in the legal description set forth as Exhibit "A" ("Property").
5. The mortgage is in default because the monthly payments of principal and interest are due and unpaid for June 01, 2008 and each month thereafter and by the terms of the Mortgage, upon default in such payments for a period of one month or more, the entire principal balance and all interest due and other charges are due and collectible.
6. The following amounts are due to Plaintiff on the Mortgage:

Principal Balance .....	\$173,788.44
Interest from 05/01/2008 through 11/30/2008 at 8.3500%.....	\$10,831.30
Per Diem interest rate at \$39.75	
Reasonable Attorney's Fee at 5% of Principal Balance	
as more fully explained in the next numbered paragraph .....	\$8,689.42
Late Charges from 06/01/2008 to 11/30/2008 .....	\$629.80
Monthly late charge amount at \$62.98	
Costs of suit and Title Search .....	\$900.00
Unpaid Previous Late Charges.....	\$251.92
FC Charges.....	\$8.00
Servicing Fees.....	<u>\$63.50</u>
	<u><u>\$195,162.38</u></u>

7. If the Mortgage is reinstated prior to a Sheriff's Sale, the Attorney's Fees 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 is entitled to collect Attorney's fees of 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 Defendants in this Action but reserves its right to bring a separate Action to establish that right, if such right exists. If Defendants have received a discharge of their personal liability in a Bankruptcy proceeding, this Action of Mortgage Foreclosure is, in no way, an attempt to re-establish the personal liability that was discharged in Bankruptcy, but only to foreclose the Mortgage and sell the Property pursuant to Pennsylvania law.

9. Notice of Intention to Foreclose and a Notice of Homeowners' Emergency Mortgage Assistance has been sent to Defendants by certified and regular mail, as required by Act 160 of 1998 of the Commonwealth of Pennsylvania, on the date(s) set forth in the true and correct copy of such notice(s) attached hereto as Exhibit "B". The Defendants have not had the required face-to-face meeting within the required time and Plaintiff has no knowledge of any such meeting being requested by the Defendants through the Plaintiff, the Pennsylvania Housing Finance Agency, or any appropriate Consumer Credit Counseling Agency.

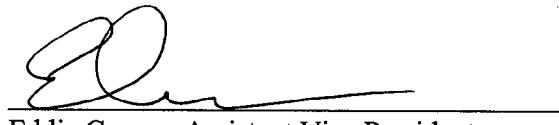
WHEREFORE, Plaintiff demands a de terris judgment in mortgage foreclosure in the sum of \$192,711.62, together with interest at the rate of \$39.75, per day and other expenses, costs and charges incurred by the Plaintiff which are properly chargeable in accordance with the terms of the Mortgage and Pennsylvania law until the Mortgage is paid in full, and for the foreclosure of the Mortgage and Sheriff's Sale of the Property.

By: Michael T. McKee  
**GOLDBECK McCAFFERTY & McKEEVER**  
BY: MICHAEL T. MCKEEVER, ESQUIRE  
ATTORNEY FOR PLAINTIFF

**VERIFICATION**

I, Eddie Crespo, as the representative of the Plaintiff corporation within named do hereby verify that I am authorized to and do make this verification on behalf of the Plaintiff corporation and the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements therein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

Date: 11-26-2008



Eddie Crespo, Assistant Vice President

#73855FC SAMUEL P. YARGER and LESLIE R. YARGER  
RR 2 Box 178 Allport, PA 16821

# *Exhibit A*

**United General Title Insurance Company**

**Commitment Number: SCO06-00587**

**SCHEDULE C**  
**PROPERTY DESCRIPTION**

The land referred to in this Commitment is described as follows:

**"EXHIBIT A"**

All that certain parcel of land and improvements therein situate in the Township of Morris, County of Clearfield, and Commonwealth of Pennsylvania, and designated as Parcel No. 124-Q09-000-00030 and more fully described in a Deed dated August 30, 2000 and recorded September 19, 2000 in Clearfield County in Deed Instrument Number 200013854, granted and conveyed unto Samuel P. Yarger and Leslie R. Yarger, husband and wife.

**EXCEPTING AND RESERVING** unto the grantor herein a Life Estate for and during the term of her natural life

ALTA Commitment  
Schedule C

(SCO06-00587.PFD/SCC06-00587/19)

# *Exhibit B*



7107 8381 6540 0732 4257

08/26/08

13758 000119

SAMUEL P YARGER  
LESLIE R YARGER  
RR 2 BOX 178  
ALLPORT PA 16821

RE: CitiMortgage Loan #: 0770832834

ACT 91 NOTICE

# TAKE ACTION TO SAVE YOUR HOME FROM FORECLOSURE

This is an official notice that the mortgage on your home is in default, and the lender intends to foreclose. Specific information about the nature of the default is provided in the attached pages.

The HOMEOWNER'S MORTGAGE ASSISTANCE PROGRAM (HEMAP) may be able to help to save your home. This Notice explains how the program works.

To see if HEMAP can help, you must MEET WITH A CONSUMER CREDIT COUNSELING AGENCY WITHIN 30 DAYS OF THE DATE OF THIS NOTICE. Take this Notice with you when you meet with the Counseling Agency.

The name, address and phone number of Consumer Credit Counseling Agencies serving your County are listed at the end of this Notice. If you have any questions, you may call the Pennsylvania Housing Finance Agency toll free at 1-800-342-2397. (Persons with impaired hearing can call (717)780-1869).

This Notice contains important legal information. If you have any questions, representatives at the Consumer Credit Counseling Agency may be able to help explain it. You may also want to contact an attorney in your area. The local bar association may be able to help you find a lawyer.

LA NOTIFICACION EN ADJUNTO ES DE SUMA IMPORTANCIA, PUES AFECTA SU DERECHO A CONTINUAR VIVIENDO EN SU CASA. SI NO COMPRENDE EL CONTENIDO DE ESTA NOTIFICACION OBTENGA UNA TRADUCCION INMEDIATAMENTE LLAMANDO ESTA AGENCIA (PENNSYLVANIA HOUSING FINANCE AGENCY) SIN CARGOS AL NUMERO MENCIONADO ARRIBA. PUEDES SER ELEGIBLE PARA UN PRESTAMO POR EL PROGRAMA LLAMADO "HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM" EL CUAL PUEDE SALVAR SU CASA DE LA PERDIDA DEL DERECHO A REDIMIR SU HIPOTECA.



Page Two  
08/26/08  
0770832834

HOMEOWNER'S NAME(S):

Samuel P Yarger  
Leslie R Yarger

PROPERTY ADDRESS:

RR 2 Box 178

Allport, PA 16821

LOAN ACCT. NO.:

0770832834

ORIGINAL LENDER:

First NLC Financial

CURRENT LENDER/SERVICER: CitiMortgage, Inc. is providing this notice  
as lender or servicing agent for the lender.

HOMEOWNER'S EMERGENCY MORTGAGE ASSISTANCE PROGRAM

YOU MAY BE ELIGIBLE FOR FINANCIAL ASSISTANCE WHICH CAN SAVE YOUR HOME  
FROM FORECLOSURE AND HELP YOU MAKE FUTURE MORTGAGE PAYMENTS.

IF YOU COMPLY WITH THE PROVISIONS OF THE HOMEOWNER'S EMERGENCY  
MORTGAGE ASSISTANCE ACT OF 1983 (THE "ACT"), YOU MAY BE ELIGIBLE FOR  
EMERGENCY MORTGAGE ASSISTANCE:

\* IF YOUR DEFAULT HAS BEEN CAUSED BY CIRCUMSTANCES BEYOND YOUR  
CONTROL,

\* IF YOU HAVE A REASONABLE PROSPECT OF BEING ABLE TO PAY YOUR  
MORTGAGE PAYMENTS, AND

\* IF YOU MEET OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED BY THE  
PENNSYLVANIA HOUSING FINANCE AGENCY.

TEMPORARY STAY OF FORECLOSURE—Under the Act, you are entitled to a  
temporary stay of foreclosure on your mortgage for thirty (30) days  
from the date of this Notice. During that time you must arrange and  
attend a "face-to-face" meeting with one of the consumer credit  
counseling agencies listed at the end of this Notice. THIS MEETING  
MUST OCCUR WITHIN THE NEXT (30) DAYS. IF YOU DO NOT APPLY FOR  
EMERGENCY MORTGAGE ASSISTANCE, YOU MUST BRING YOUR MORTGAGE UP TO  
DATE. THE PART OF THIS NOTICE CALLED "HOW TO CURE YOUR MORTGAGE  
DEFAULT", EXPLAINS HOW TO BRING YOUR MORTGAGE UP TO DATE.



Page Three  
08/26/08  
0770832834

**CONSUMER CREDIT COUNSELING AGENCIES**-If you meet with one of the consumer credit counseling agencies listed at the end of this notice, the lender may NOT take action against you for thirty (30) days after the date of this meeting. The names, addresses and telephone numbers of designated consumer credit counseling agencies for the county in which the property is located are set forth at the end of this Notice. It is only necessary to schedule one face-to-face meeting. Advise your lender immediately of your intentions.

**APPLICATION FOR MORTGAGE ASSISTANCE**-Your mortgage is in default for the reasons set forth later in this Notice (see following pages for specific information about the nature of your default). If you have tried and are unable to resolve this problem with the lender, you have the right to apply for financial assistance from the Homeowner's Emergency Mortgage Assistance Program. To do so, you must fill out, sign and file a completed Homeowner's Emergency Assistance Program Application with one of the designated consumer credit counseling agencies listed at the end of this Notice. Only consumer credit counseling agencies have applications for the program and they will assist you in submitting a complete application to the Pennsylvania Housing Finance Agency. Your application MUST be filed or postmarked within thirty (30) days of your face-to-face meeting.

**YOU MUST FILE YOUR APPLICATION PROMPTLY. IF YOU FAIL TO DO SO OR IF YOU DO NOT FOLLOW THE OTHER TIME PERIODS SET FORTH IN THIS LETTER, FORECLOSURE MAY PROCEED AGAINST YOUR HOME IMMEDIATELY AND YOUR APPLICATION FOR MORTGAGE ASSISTANCE WILL BE DENIED.**

**AGENCY ACTION**-Available funds for emergency mortgage assistance are very limited. They will be disbursed by the Agency under the eligibility criteria established by the Act. The Pennsylvania Housing Finance Agency has sixty (60) days to make a decision after it receives your application. During that time, no foreclosure proceeding will be pursued against you if you have met the time requirements set forth above. You will be notified directly by the Pennsylvania Housing Finance Agency of its decision on your application.

**NOTE: IF YOU ARE CURRENTLY PROTECTED BY THE FILING OF A PETITION IN BANKRUPTCY, THE FOLLOWING PART OF THIS NOTICE IS FOR INFORMATION PURPOSES ONLY AND SHOULD NOT BE CONSIDERED AS AN ATTEMPT TO COLLECT THE DEBT. (If you have filed bankruptcy you can still apply for Emergency Mortgage Assistance.)**



Page Four  
08/26/08  
0770832834

HOW TO CURE YOUR MORTGAGE DEFAULT(Bring it up to date).  
NATURE OF THE DEFAULT-The MORTGAGE debt held by the above lender on your  
property located at: RR 2 Box 178,, Allport, PA  
16821 IS SERIOUSLY IN DEFAULT because YOU  
HAVE NOT MADE MONTHLY MORTGAGE PAYMENTS for the following months and the  
following amounts are now past due:

06/01/08 thru 08/01/08	3 @ \$1,259.74/month	
Previous late charge(s)	3 @ \$62.98/late charge/month	\$3,968.16
		\$251.92-
Delinquency Expenses(s)		\$0.00
TOTAL AMOUNT PAST DUE:		\$4,220.08

HOW TO CURE THE DEFAULT-You may cure the default within THIRTY (30) DAYS of the date of this notice BY PAYING THE TOTAL AMOUNT PAST DUE TO THE LENDER, WHICH IS \$4,220.08, PLUS ANY MORTGAGE PAYMENTS, LATE CHARGES AND DELINQUENCY EXPENSES WHICH BECOME DUE DURING THE THIRTY (30) DAY PERIOD. Payments must be made either by cashier's check, certified check or money order made payable and sent to:

CitiMortgage, Inc.  
P.O. Box 689196  
Des Moines, IA 50368-9196

IF YOU DO NOT CURE THE DEFAULT-If you do not cure the default within THIRTY (30) DAYS of the date of this Notice, the lender intends to exercise its rights to accelerate the mortgage debt. This means that the entire outstanding balance of this debt will be considered due immediately and you may lose the chance to pay the mortgage in monthly installments. If full payment of the total amount past due is not made within THIRTY (30) DAYS, the lender also intends to instruct its attorneys to start legal action to foreclose upon your mortgaged property.

IF THE MORTGAGE IS FORECLOSED UPON-The mortgaged property will be sold by the Sheriff to pay off the mortgage debt. If the lender refers your case to its attorneys, but you cure the delinquency before the lender begins legal proceedings against you, you will still be required to pay the reasonable attorney's fees that were actually incurred, up to \$50.00. However, if legal proceedings are started



Page Five  
08/26/08  
0770832834

against you, you will have to pay all reasonable attorney's fees actually incurred by the lender even if they exceed \$50.00. Any attorney's fees will be added to the amount you owe the lender, which may also include other reasonable costs. If you cure the default within the THIRTY (30) DAY period, you will not be required to pay attorney's fees.

OTHER LENDER REMEDIES-The lender may also sue you personally for the unpaid principal balance and all other sums due under the mortgage.

RIGHT TO CURE THE DEFAULT PRIOR TO SHERIFF'S SALE-If you have not cured the default within the THIRTY (30) DAY period and foreclosure proceedings have begun, you still have the right to cure the default and prevent the sale at any time up to one hour before the Sheriff's Sale. You may do so by paying the total amount then past due, plus any late or other charges then due, reasonable attorney's fees and costs connected with the foreclosure sale and any other costs connected with the Sheriff's Sale as specified in writing by the lender and by performing any other requirements under the mortgage. Curing your default in the manner set forth in this notice will restore your mortgage to the same position as if you had never defaulted.

EARLIEST POSSIBLE SHERIFF'S SALE DATE-It is estimated that the earliest date that such a Sheriff's Sale of the mortgaged property could be held would be approximately six (6) months from the date of this Notice. A notice of the actual date of the Sheriff's Sale will be sent to you before the sale. Of course, the amount needed to cure the default will increase the longer you wait. You may find out at any time exactly what the required payment or action will be by contacting the lender.

HOW TO CONTACT THE LENDER:

Name of Lender: CitiMortgage, Inc.  
Address: 1000 Technology Drive  
O'Fallon, MO 63368-2240  
Phone Number: 1-800-723-7906\*  
Fax Number: 1-636-261-7716

\* Calls are randomly monitored and recorded to ensure quality service.



Page Six  
08/26/08  
0770832834

**EFFECT OF SHERIFF'S SALE**-You should realize that a Sheriff's Sale will end your ownership of the mortgaged property and your right to occupy it. If you continue to live in the property after the Sheriff's Sale, a lawsuit to remove you and your furnishings and other belongings could be started by the lender at any time.

**ASSUMPTION OF MORTGAGE**-Please refer to your original loan documents to determine whether or not you may sell or transfer your home to a buyer or transferee who will assume the mortgage debt, provided that all the outstanding payments, charges and attorney's fees and costs are paid prior to or at the sale and that the other requirements of the mortgage are satisfied. You may also call the 1-800 Number above to find out whether your loan is assumable.

YOU MAY ALSO HAVE THE RIGHT:

- \* TO SELL THE PROPERTY TO OBTAIN MONEY TO PAY OFF THE MORTGAGE DEBT OR TO BORROW MONEY FROM ANOTHER LENDING INSTITUTION TO PAY OFF THIS DEBT.
- \* TO HAVE THIS DEFAULT CURED BY ANY THIRD PARTY ACTING ON YOUR BEHALF.
- \* TO HAVE THE MORTGAGE RESTORED TO THE SAME POSITION AS IF NO DEFAULT HAD OCCURRED, IF YOU CURE THE DEFAULT. (HOWEVER, YOU DO NOT HAVE THIS RIGHT TO CURE YOUR DEFAULT MORE THAN THREE TIMES IN ANY CALENDAR YEAR.)
- \* TO ASSERT THE NONEXISTENCE OF A DEFAULT IN ANY FORECLOSURE PROCEEDING OR ANY OTHER LAWSUIT INSTITUTED UNDER THE MORTGAGE DOCUMENTS.
- \* TO ASSERT ANY OTHER DEFENSE YOU BELIEVE YOU MAY HAVE TO SUCH ACTION BY THE LENDER.
- \* TO SEEK PROTECTION UNDER THE FEDERAL BANKRUPTCY LAW.

Under IRS regulation, we must report any foreclosure to the IRS on form 1099-A. The foreclosure may result in income tax consequences to you. Consult the IRS or your tax advisor for further information.

Enclosure: Consumer Credit Counseling Agencies, including those for your county.

This is an attempt to collect a debt, and any information obtained will be used for that purpose.

In the event you are subject to an Automatic Stay issued by a United States Bankruptcy Court or the referenced debt has been discharged in Bankruptcy, this communication is not intended to be an attempt to collect a debt.

080826D0005349

671-3024-1007F

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2305-CD

CITIMORTGAGE, INC.

vs

SAMUEL P. YARGER, LESLIE R. YARGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/01/2009 ASAP

HEARING:

PAGE: 104998

DEFENDANT: SAMUEL P. YARGER

ADDRESS: [RR2, BOX 178 /  
ALLPORT, PA 16821]

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

*S*  
**FILED**

*0/3:40pm  
DEC 10 2008*

William A. Shaw  
Prothonotary/Clerk of Courts  
*WAS*  
**OCCUPIED**

ATTEMPTS

\_\_\_\_\_

**SHERIFF'S RETURN**

NOW, 12-10-08 AT 10:18 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON SAMUEL P. YARGER, DEFENDANT

BY HANDING TO Pauline Keston, *mother in law*

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

ADDRESS SERVED 1744 Old Turnpike rd Allport Pa

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR SAMUEL P. YARGER

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

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

I MAKE RETURN OF **NOT FOUND** AS TO SAMUEL P. YARGER

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

*Deputy S. Hunter*  
Deputy Signature

*S. Hunter*

Print Deputy Name



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2305-CD

CITIMORTGAGE, INC.

VS

SAMUEL P. YARGER, LESLIE R. YARGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/01/2009 ASAP

HEARING:

PAGE: 104998

DEFENDANT: SAMUEL P. YARGER  
ADDRESS: 1744 OLD TURNPIKE ROAD  
ALLPORT, PA 16821

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

FILED  
6/3/2008  
DEC 10 2008  
W.M.

William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

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COMPLAINT IN MORTGAGE FORECLOSURE ON SAMUEL P. YARGER, DEFENDANT

BY HANDING TO Pauline Kerton, mother in law

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

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NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR SAMUEL P. YARGER

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

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

I MAKE RETURN OF **NOT FOUND** AS TO SAMUEL P. YARGER

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

SWORN TO BEFORE ME THIS

\_\_\_\_ DAY OF 2008

So Answers: CHESTER A. HAWKINS SHERIFF

BY:

Chester A. Hawkins  
Deputy Signature

S. Hunter  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2305-CD

CITIMORTGAGE, INC.

vs

SAMUEL P. YARGER, LESLIE R. YARGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/01/2009 ASAP HEARING: PAGE: 104998

DEFENDANT: LESLIE R. YARGER  
ADDRESS: 1744 OLD TURNPIKE ROAD  
ALLPORT, PA 16821

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS: VACANT

ATTEMPTS

5  
**FILED**

*6/3/40 fm  
DEC 10 2008*

  
William A. Shaw  
Prothonotary/Clerk of Courts  
OCCUPIED

**SHERIFF'S RETURN**

NOW, 12-10-08 AT 10:18 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON LESLIE R. YARGER, DEFENDANT

BY HANDING TO Pauline Petton, mother

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

ADDRESS SERVED 1744 Old turnpike rd Allport Pa 16821

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR LESLIE R. YARGER

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

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

I MAKE RETURN OF **NOT FOUND** AS TO LESLIE R. YARGER

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

  
Deputy Signature

S. Hunter  
Print Deputy Name

GOLDBECK McCAFFERTY &

McKEEVER

BY: MICHAEL T. MCKEEVER

ATTORNEY I.D. #56129

SUITE 5000 – MELLON INDEPENDENCE CENTER

701 MARKET STREET

PHILADELPHIA, PA 19106-1532

(215) 627-1322

ATTORNEY FOR PLAINTIFF

---

CITIMORTGAGE, INC.

1000 Technology Drive

MS 730

O'Fallon, MO 63368-2240

Plaintiff

vs.

SAMUEL P. YARGER

LESLIE R. YARGER

RR 2 Box 178

Allport, PA 16821

Defendant(s)

IN THE COURT OF COMMON PLEAS  
OF Clearfield COUNTY

CIVIL ACTION - LAW

ACTION OF MORTGAGE  
FORECLOSURE

Term  
No. 2008-2305-CD

**FILED** <sup>120</sup>

FEB 24 2009

AM 112:20/4

William A. Shaw  
Prothonotary/Clerk of Courts

1. Case to  
to App v/  
REINSTATE COMPLAINT

4. REINSTATE COMPLAINT  
TO STAV

PRAECIPE TO REINSTATE COMPLAINT

Kindly reinstate the Complaint in the above captioned matter.

By:

Michael T. McKeever

GOLDBECK McCAFFERTY & McKEEVER  
MICHAEL T. MCKEEVER, ESQUIRE  
ATTORNEY FOR PLAINTIFF



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2305-CD

CITIMORTGAGE INC.

vs

SAMUEL P. YARGER & LESLIE R. YARGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 2 OF 4

SERVE BY: 03/26/2009

HEARING:

PAGE: 105329

DEFENDANT: LESLIE R. YARGER

ADDRESS: 1744 OLD TURNPIKE ROAD  
ALLPORT, PA 16821

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:  VACANT  OCCUPIED

ATTEMPTS

FILED

MAR 03 2009  
03:40 4/5  
William A. Shaw  
Prothonotary/Clerk of Courts

**SHERIFF'S RETURN**

NOW, THIS 3rd day of March 2009 AT 2:25 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON LESLIE R. YARGER, DEFENDANT

BY HANDING TO Leslie Yarger, Def

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

ADDRESS SERVED 1744 OLD TURNPIKE Road

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR LESLIE R. YARGER

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

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

I MAKE RETURN OF **NOT FOUND** AS TO LESLIE R. YARGER

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

George F. Dehaven  
Deputy Signature  
George F. Dehaven  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2305-CD

CITIMORTGAGE INC.

vs

SAMUEL P. YARGER & LESLIE R. YARGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 3 OF 4

S FILED

MAR 03 2009

013:4014

William A. Shaw  
Prothonotary/Clerk of Courts

SERVE BY: 03/26/2009

HEARING:

PAGE: 105329

DEFENDANT: SAMUEL P. YARGER  
ADDRESS: RR#2 BOX 178  
ALLPORT, PA 16821

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:       

VACANT

OCCUPIED

ATTEMPTS

SHERIFF'S RETURN

NOW, This 3rd Day of March 09 AT 2:25 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON SAMUEL P. YARGER, DEFENDANT

BY HANDING TO Leslie Yarger, Wife

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

ADDRESS SERVED 17441 OLD TURNPIKE Rd.

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR SAMUEL P. YARGER

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

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

I MAKE RETURN OF **NOT FOUND** AS TO SAMUEL P. YARGER

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

SWORN TO BEFORE ME THIS

\_\_\_\_\_DAY OF                    2009

So Answers: CHESTER A. HAWKINS SHERIFF

BY: George F. Dehaven

Deputy Signature

GEORGE F. DEHAVEN  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA  
NO: 08-2305-CD

CITIMORTGAGE INC.

vs

SAMUEL P. YARGER & LESLIE R. YARGER

COMPLAINT IN MORTGAGE FORECLOSURE

SERVICE # 4 OF 4

S FILED

MAR 03 2009

6/3/401 u

William A. Shaw  
Prothonotary/Clerk of Courts

SERVE BY: 03/26/2009

HEARING:

PAGE: 105329

DEFENDANT: LESLIE R. YARGER  
ADDRESS: RR#2 BOX 178  
ALLPORT, PA 16821

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

**SHERIFF'S RETURN**

NOW, This 3rd day of March 2009 AT 10:25 AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON LESLIE R. YARGER, DEFENDANT

BY HANDING TO Leslie Yarger, Def

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

ADDRESS SERVED 1744 OLD TURNPIKE Rd

NOW \_\_\_\_\_ AT \_\_\_\_\_ AM / PM POSTED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE FOR LESLIE R. YARGER

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

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

I MAKE RETURN OF NOT FOUND AS TO LESLIE R. YARGER

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

SWORN TO BEFORE ME THIS

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

So Answers: CHESTER A. HAWKINS, SHERIFF

BY:

George F. Dadden  
Deputy Signature

George F. Dadden  
Print Deputy Name

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 104998  
NO. 08-2305-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE, INC.

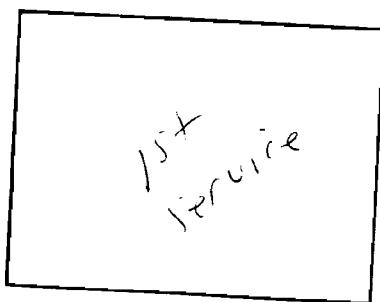
vs.

DEFENDANT: SAMUEL P. YARGER, LESLIE R. YARGER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GOLDBECK	361381	40.00
SHERIFF HAWKINS	GOLDBECK	361381	54.72



5-FILED  
0/24/2008  
MAX 24 2008  
WAS

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

So Answers,

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

Chester A. Hawkins  
Sheriff

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

DOCKET # 105329  
NO: 08-2305-CD  
SERVICES 4  
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: CITIMORTGAGE INC.  
VS.  
DEFENDANT: SAMUEL P. YARGER & LESLIE R. YARGER

## SHERIFF RETURN

## RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	GOLDBECK	371787	40.00
SHERIFF HAWKINS	GOLDBECK	371787	44.60

S  
**FILED**  
01245cm  
MAR 24 2009  
William A. Shaw  
*LS*

William A. Shaw  
Prothonotary/Clerk of Courts

Sworn to Before Me This

### So Answers,

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

Charles H. Farnham

Chester A. Hawkins  
Sheriff

**GOLDBECK McCAFFERTY & McKEEVER**  
**ATTORNEY FOR PLAINTIFF**  
BY: Michael T. McKeever  
Attorney I.D. #56129  
Suite 5000 – Mellon Independence Center  
701 Market Street  
Philadelphia, PA 19106-1532  
215-825-6321

CITIMORTGAGE, INC.  
1000 Technology Drive  
MS 730  
O'Fallon, MO 63368-2240

Plaintiff

vs.

SAMUEL P. YARGER  
LESLIE R. YARGER  
RR 2 Box 178  
Allport, PA 16821

Defendants

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY

No. 2008-2305-CD

**PRAECIPE TO DISCONTINUE AND END**

TO THE PROTHONOTARY:

Kindly mark the above case Discontinued and Ended upon payment of your costs only.

  
Michael T. McKeever, Esquire  
Attorney for Plaintiff

FILED NOCC  
m/130pm  
JUN 30 2009  
*cm*

William A. Shaw  
Prothonotary/Clerk of Courts