08-2387-CD
Metlife Home Loans vs Melissa Hoover

FILED

DEC 12 2008

William A. Shaw
Prothonotary/Clerk of Courts

1 cert to SHFL

PHELAN HALLINAN & SCHMIEG, LLP
LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
MICHELE M. BRADFORD, ESQ., Id. No. 69849
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JENINE R. DAVEY, ESQ., Id. No. 87077
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JAY B. JONES, ESQ., Id. No. 86657
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ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000 192697

ATTORNEY FOR PLAINTIFF

METLIFE HOME LOANS A DIVISION OF METLIFE BANK NA
4000 HORIZON WAY
IRVING, TX 75063

Plaintiff

v.

MELISSA R. HOOVER
1101 WALTON STREET
PHILIPSBURG, PA 16866-2747

Defendant

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2008-2387-CD

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

File #: 192697

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

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

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

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

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

File #: 192697

1. Plaintiff is

METLIFE HOME LOANS A DIVISION OF METLIFE BANK NA
4000 HORIZON WAY
IRVING, TX 75063

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

MELISSA R. HOOVER
1101 WALTON STREET
PHILIPSBURG, PA 16866-2747

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

3. On 11/07/2002 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to FIRST HORIZON HOME LOAN CORPORATION which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200218303. By Assignment of Mortgage recorded 09/26/2008 the mortgage was assigned to PLAINTIFF which Assignment is recorded in Assignment of Mortgage Instrument No. 200815628. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.

4. The premises subject to said mortgage is described as attached.

5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/01/2008 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage:

Principal Balance	$78,060.13
Interest	$2,353.72
07/01/2008 through 12/10/2008	
(Per Diem $14.44)	
Attorney's Fees	$1,300.00
Cumulative Late Charges	$103.08
11/13/2002 to 12/10/2008	
Mortgage Insurance Premium /	$15.00
Private Mortgage Insurance	
Cost of Suit and Title Search	$750.00
Subtotal	$82,581.93
Escrow	
Credit	$0.00
Deficit	$93.65
Subtotal	$93.65
TOTAL	$82,675.58

7. If the mortgage is reinstated prior to a Sheriff's Sale, the attorney's fee set forth above may be less than the amount demanded based on work actually performed. The attorney's fees requested are in conformity with the mortgage and Pennsylvania law. Plaintiff reserves its right to collect attorney's fees up to 5% of the remaining principal balance in the event the property is sold to a third party purchaser at Sheriff's Sale, or if the complexity of the action requires additional fees in excess of the amount demanded in the Action.

8. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.

9. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of $82,675.58, together with interest from 12/10/2008 at the rate of $14.44 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: _____

LAWRENCE T. PHELAN, ESQUIRE
FRANCIS S. HALLINAN, ESQUIRE
DANIEL G. SCHMIEG, ESQUIRE
MICHELE M. BRADFORD, ESQUIRE
JUDITH T. ROMANO, ESQUIRE
SHEETAL R. SHAH-JANI, ESQUIRE
JENINE R. DAVEY, ESQUIRE
LAUREN R. TABAS, ESQUIRE
VIVEK SRIVASTAVA, ESQUIRE
X JAY B. JONES, ESQUIRE 86657
PETER MULCAHY, ESQUIRE
ANDREW SPIVACK, ESQUIRE
JAIME MCGUINNESS, ESQUIRE
CHRISTOVALANTE P. FLIAKOS, ESQUIRE
Attorneys for Plaintiff

File #: 192697

LEGAL DESCRIPTION

ALL that certain piece or parcel of land situate in the Borough of Chester Hill, (Philipsburg), Clearfield County, PA, bounded and described as follows:

BEGINNING at a point which is the Southeastern corner of the lot herein conveyed and which lies upon the Western side of Hill Street; thence along the Western line of Hill Street 150.50 feet in a Northerly direction to a point at the intersection of Hill Street and Walton Street; thence along the Southern line of Walton Street 68; feet in a Westerly direction to a point; thence along line of Lot No. 6, now or formerly of Fields in a Southerly direction 150 feet to an alley; thence along the Northern line of said alley in an Easterly direction 76.90 feet to place of beginning. Being known and numbered as Lot No. F, in the Plan of Lots known as Stiner Terrace in Chester Hill Borough.

BEING the same premises conveyed to Hollis J. Knepp and Mary Phoebe Knepp by deed dated May 28, 1985 and recorded in Clearfield County Record Volume 1016, page 01.

PROPERTY BEING: 1101 WALTON STREET

PARCEL# P12-333-00034

VERIFICATION

I hereby state that I am the attorney for the Plaintiff in this matter, that Plaintiff is outside the jurisdiction of the Court and/or the verification could not be obtained within the time allowed for the filing of the pleading, that I am authorized to make this verification pursuant to Pa.R.C.P. 1024 (c), and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of my knowledge, information and belief.

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

Attorney for Plaintiff
I.D. 86657

DATE: 12/10/08

File #: 192697

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2387-CD

METLIFE HOME LOANS A DIVISION OF METLIFE BANK NA

vs

MELISSA R. HOOVER

SERVICE # 1 OF 1

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/11/2009 HEARING: PAGE: 105053

DEFENDANT: MELISSA R. HOOVER

ADDRESS: 1101 WALTON STREET
PHILIPSBURG, PA 16866-2747

ALTERNATE ADDRESS

FILED
DEC 16 2008
William A. Shaw
Prothonotary/Clerk of Courts

SERVE AND LEAVE WITH: DEFENDANT/AAR

CIRCLE IF THIS HIGHLIGHTED ADDESS IS: VACANT OCCUPIED

ATTEMPTS _____ _____ _____

_____ _____ _____

SHERIFF'S RETURN

NOW, this 16th day of Dec 2008 AT 2:05 AM / PM **SERVED** THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON MELISSA R. HOOVER, DEFENDANT

BY HANDING TO MELISSA R. HOOVER, Def.

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

ADDRESS SERVED 1101 Walton St Philipsburg, PA

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

COMPLAINT IN MORTGAGE FORECLOSURE FOR MELISSA R. HOOVER

AT (ADDRESS) _____

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

I MAKE RETURN OF **NOT FOUND** AS TO MELISSA R. HOOVER

REASON UNABLE TO LOCATE _____

So Answers: CHESTER A. HAWKINS, SHERIFF

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

BY: George F. DeHaven
Deputy Signature

George F. DeHaven
Print Deputy Name

_____

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105053
NO: 08-2387-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: METLIFE HOME LOANS A DIVISION OF METLIFE BANK NA
vs.
DEFENDANT: MELISSA R. HOOVER

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	756715	10.00
SHERIFF HAWKINS	PHELAN	756715	36.72

FILED
013:35cm
MAR 25 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2008

_____

So Answers,

Chester A. Hawkins
Sheriff

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

ATTORNEY FOR PLAINTIFF

METLIFE HOME LOANS A DIVISION OF METLIFE BANK NA	:	**COURT OF COMMON PLEAS**
	:	**CIVIL DIVISION**
Plaintiff	:	**NO. 2008-2387-CD**
vs.	:	**CLEARFIELD COUNTY**
MELISSA R. HOOVER	:	
Defendant(s)	:	

PRAECIPE TO SUBSTITUTE VERIFICATION TO CIVIL ACTION COMPLAINT IN MORTGAGE FORECLOSURE

TO THE PROTHONOTARY:

Kindly substitute the attached verification for the verification originally filed with the complaint in the instant matter.

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

By: Francis S. Hallinan
Francis S. Hallinan, Esquire

Date: 3/31/09

FILED 10 cc
APR 02 2009
William A. Shaw
Prothonotary/Clerk of Courts

PHS #: **192697**

VERIFICATION

Michael Fisher hereby states that he/she is Vice President of METLIFE HOME LOANS, servicing agent for Plaintiff, METLIFE HOME LOANS,A DIVISION OF METLIFE BANK, NA, in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Name: Michael Fisher

Title: Vice President

Company: METLIFE HOME LOANS

DATE: _____

Loan: 0040111940

File #: 192697

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

Attorney For Plaintiff

METLIFE HOME LOANS A DIVISION OF METLIFE BANK NA **Plaintiff** **vs** **MELISSA R. HOOVER** **Defendant**	: : : : : : : :	**Court of Common Pleas** **Civil Division** **CLEARFIELD County** **No. 2008-2387-CD**

PRAECIPE

TO THE PROTHONOTARY:

☒ Please withdraw the complaint and mark the action Discontinued and Ended without prejudice.

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

☐ Please Vacate the judgment entered and mark the action Discontinued and Ended without prejudice.

☐ Please mark the in rem judgment Satisfied and the action Discontinued and Ended.

Date: 1/12/12

PHELAN HALLINAN & SCHMIEG, LLP

By: _____
Melissa J. Cantwell, Esq., Id. No.308912
Attorney for Plaintiff

PHS # 192697

FILED NO CC
m/12:48 pm
JAN 13 2012
5 6K
William A. Shaw
Prothonotary/Clerk of Courts

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

Attorney For Plaintiff

METLIFE HOME LOANS A DIVISION OF METLIFE BANK NA
Plaintiff

vs

MELISSA R. HOOVER
Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 2008-2387-CD

CERTIFICATION OF SERVICE

I hereby certify true and correct copies of the foregoing Plaintiff's Praecipe was served by regular mail to the person(s) on the date listed below:

MELISSA R. HOOVER
1101 WALTON STREET
PHILIPSBURG, PA 16866-2747

Date: 1/10/12

By: _____
Melissa J. Cantwell, Esq., Id. No.308912
Attorney for Plaintiff

PHS # 192697