

08-2445-CD

CMAC Mort. Vs Edward Knapp

5
FILED *icc sheriff*
m 11:30 AM
DEC 23 2008 *Atty pd \$5.00*
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

193963

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

Plaintiff

v.

EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

Defendant

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. *08-2445-CD*

CLEARFIELD COUNTY

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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

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

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

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

1. Plaintiff is

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

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

EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

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

3. On 07/13/2007 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INCORPORATED AS A NOMINEE FOR GMAC MORTGAGE, LLC DBA DITECH which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200712689. The PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 09/01/2008 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	\$34,034.17
Interest	\$1,157.76
08/01/2008 through 12/22/2008 (Per Diem \$8.04)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$52.05
07/13/2007 to 12/22/2008	
Property Inspections	\$22.50
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$37,266.48
Escrow	
Credit	(\$216.83)
Deficit	\$0.00
Subtotal	<u>(\$216.83)</u>
TOTAL	\$37,049.65

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 \$37,049.65, together with interest from 12/22/2008 at the rate of \$8.04 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: Jaime McGuinness 90134

Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Daniel G. Schmieg, Esquire
Michele M. Bradford, Esquire
Judith T. Romano, Esquire
Sheetal R. Shah-Jani, Esquire
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Jay B. Jones, Esquire
Peter J. Mulcahy, Esquire
Andrew L. Spivack, Esquire
Jaime McGuinness, Esquire
Chrisovalante P. Fliakos, Esquire

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Edward C. Knapp, a single person, dated the 14th day of September, 2006, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200617318.

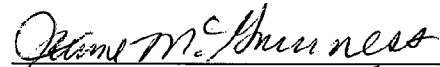
PROPERTY BEING; 430 WEST LONG AVENUE

PARCEL# 7.1-07-01981

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 90134

DATE: 12-22-08

FILED

DEC 23 2008

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

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

NO: 08-2445-CD

GMAC MORTGAGE, LLC

vs

EDWARD C. KNAPP

SERVICE # 1 OF 1

COMPLAINT IN MORTGAGE FORECLOSURE

SERVE BY: 01/22/2009

HEARING:

PAGE: 105092

DEFENDANT:

EDWARD C. KNAPP

ADDRESS:

430 WEST LONG AVENUE

DUBOIS, PA 15801-1708

ALTERNATE ADDRESS

SERVE AND LEAVE WITH: DEFENDANT/AAR

FILED

9/8:30 am

JAN 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

CIRCLE IF THIS HIGHLIGHTED ADDRESS IS:

VACANT

OCCUPIED

ATTEMPTS

1-2-09 - 1:30 pm - NO ANSWER

1-5-09 - 1:03 pm - Def does not live @ above address (JOY MINNS Lives there)

SHERIFF'S RETURN

NOW _____ AT _____ AM / PM SERVED THE WITHIN

COMPLAINT IN MORTGAGE FORECLOSURE ON EDWARD C. KNAPP, 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 EDWARD C. KNAPP

AT (ADDRESS) _____

NOW 1-16-09 AT 8:22 (AM) PM AFTER DILIGENT SEARCH IN MY BAILIWICK,

I MAKE RETURN OF NOT FOUND AS TO EDWARD C. KNAPP

REASON UNABLE TO LOCATE Defendant does not live at above address

SWORN TO BEFORE ME THIS

_____ DAY OF _____ 2008

So Answers: CHESTER A. HAWKINS, SHERIFF

BY: Jerome M. Verling
Deputy Signature

Jerome M. Verling
Print Deputy Name

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

DEC 23 2008

Attest.

William L. Brown
Prothonotary/
Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
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Chrisovalante P. Fliakos, Esq., Id. No. 94620
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000 193963

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

v.

NO. 08-2445-CD

CLEARFIELD COUNTY

EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

Defendant

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

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

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

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1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

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EDWARD C. KNAPP
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DU BOIS, PA 15801-1708

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WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$37,049.65, together with interest from 12/22/2008 at the rate of \$8.04 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: Jaime McGuinness 90134

Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
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Sheetal R. Shah-Jani, Esquire
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Jay B. Jones, Esquire
Peter J. Mulcahy, Esquire
Andrew L. Spivack, Esquire
Jaime McGuinness, Esquire
Chrisovalante P. Fliakos, Esquire

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 45.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 51 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Edward C. Krapp, a single person, dated the 14th day of September, 2006, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200617318.

PROPERTY BEING; 430 WEST LONG AVENUE

PARCEL# 7.1-07-01981

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.

Patricia M. Guinness
Attorney for Plaintiff 90134

DATE: 12-22-08

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

ATTORNEY FOR PLAINTIFF

FILED

FEB 02 2009

12:15
William A. Shaw
Prothonotary/Clerk of Courts

GMAC MORTGAGE, LLC

Plaintiff

vs.

EDWARD C. KNAPP

Defendant(s)

: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 08-2445-CD
:
: CLEARFIELD COUNTY
:
:
:

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: 1/29/09

PHS #: 193963

VERIFICATION

Jeffrey Stephan
Limited Signing Officer

180

hereby states that he/she is

of GMAC MORTGAGE, LLC, servicing agent for Plaintiff,

GMAC MORTGAGE, LLC, 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

Jeffrey Stephan
Limited Signing Officer

Title:

DATE:

12/30/08

Company: GMAC MORTGAGE, LLC

Loan: 0656768420

File #: 193963

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

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC

Plaintiff

vs.

EDWARD C. KNAPP

Defendant(s)

: COURT OF COMMON PLEAS

: CIVIL DIVISION

: NO. 08-2445-CD

: CLEARFIELD COUNTY

CERTIFICATE OF SERVICE

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

EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

Phelan Hallinan & Schmieg, LLP
Attorney for Plaintiff

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

Date: 1/29/09

Prothonotary/Clerk of Courts
William A. Shaw

FEB 02 2009

FILED

AFFIDAVIT OF SERVICE

CCP

17520

PLAINTIFF:
GMAC MORTGAGE, LLC

CLEARFIELD COUNTY

OUR FILE #193963

DEFENDANT(S):
EDWARD C. KNAPP

TEAM/ ccp

SERVE: EDWARD C. KNAPP
ADDRESS: 11560 ANHINGA DRIVE
WELLINGTON FL 33414-5804

COURT NO. 08-2445-CD
TYPE OF ACTION
XX Mortgage Foreclosure
XX Civil Action

****PLEASE ATTEMPT SERVICE AT LEAST 3 TIMES****

SERVED

Served and made known to EDWARD C. KNAPP, Defendant, on the 9 day of February, 2009, at 4:55 o'clock, P.M., at 11560 ANHINGA DRIVE, WELLINGTON FL 33414-5804, in the manner described below:

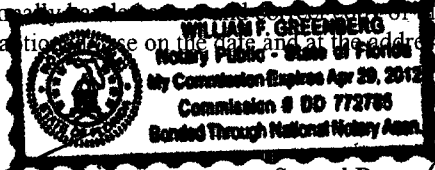
- ☒ Defendant personally served.
☐ Adult family member with whom Defendant(s) resides.
Name and relationship is: _____
☐ Adult in charge of Defendant's residence who refused to give name/relationship.
☐ Manager/Clerk of place of lodging in which Defendant(s) resides
☐ Agent or person in charge of Defendant's office or usual place of business.
_____ an officer of said Defendant(s)'s company
☐ Other: _____

FILED NO
MAR 19 2009
William A. Shaw
Notary Public/Clerk of Courts

Description: Age 70 Height 5'6" Weight 170 Race W Sex M Other _____

I, Christina Wilcott, a Private Process Server and competent adult, being duly sworn according to law, depose and state that I personally made service on the date and at the address indicated above.

Sworn to and subscribed
Before me this _____ day
Of February, 2009.
Notary: _____



Served By: Christina Wilcott CPS 1190

NOT SERVED

On the _____ day of _____, 2009, at _____: _____ o'clock, _____M., Defendant **NOT FOUND** because:

☐ Moved ☐ Does Not Reside ☐ Service Refused ☐ No Answer ☐ Vacant

Other: _____

1st Attempt: _____ 2nd Attempt: _____ 3rd Attempt: _____

Sworn to and subscribed
Before me this _____ day
Of _____, 2009.
Notary: _____

Not Served By: _____

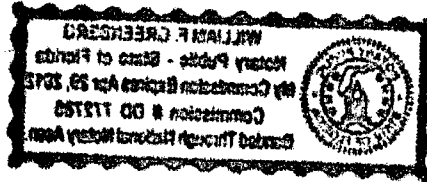
Attorney For Plaintiff

Daniel G. Schmieg, Esquire - I.D. #62205
1617 John F. Kennedy Blvd, Suite 1400
Philadelphia, PA 19103-1814
(215) 563-7000

FILED

MAR 19 2009

William A. Shaw
Prothonotary/Clerk of Courts



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 105092
NO: 08-2445-CD
SERVICES 1
COMPLAINT IN MORTGAGE FORECLOSURE

PLAINTIFF: GMAC MORTGAGE, LLC
vs.
DEFENDANT: EDWARD C. KNAPP

SHERIFF RETURN

RETURN COSTS

Description	Paid By	CHECK #	AMOUNT
SURCHARGE	PHELAN	760775	10.00
SHERIFF HAWKINS	PHELAN	760775	55.80

5
FILED
07:36 PM
MAR 26 2009
William A. Shaw
Prothonotary/Clerk of Courts

Sworn to Before Me This

_____ Day of _____ 2009

So Answers,



Chester A. Hawkins
Sheriff

FILED

MAR 26 2009

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

FILED *ICC Notice to Def.*
Will. A. Shaw
APR 02 2009 *Aug pd. 20.00*
William A. Shaw
Prothonotary/Clerk of Courts

Attorney for Plaintiff

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

: **CLEARFIELD COUNTY**
:
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **No. 08-2445-CD**


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

TO THE PROTHONOTARY:

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

As set forth in Complaint	\$37,049.65
Interest - 12/23/2008 to 04/01/2009	<u>\$804.00</u>
TOTAL	\$37,853.65

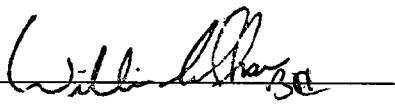
I hereby certify that (1) the addresses of the Defendant(s) are as shown above, and (2) that notice has been given in accordance with Rule 237.1, copy attached.


Daniel G. Schmieg, Esquire
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/21/09

PHS # 193963


PRO PROTHY

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorney for Plaintiff

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

: **CLEARFIELD COUNTY**
:
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **No. 08-2445-CD**
:

VERIFICATION OF NON-MILITARY SERVICE

Daniel G. Schmieg, Esquire, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

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

(b) that defendant EDWARD C. KNAPP is over 18 years of age and resides at 11550 ANHINGA DRIVE, WELLINGTON, FL 33414-5804.

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



Daniel G. Schmieg, Esquire
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP
By: LAWRENCE T. PHELAN, ESQ., Id. No. 32227
FRANCIS S. HALLINAN, ESQ., Id. No. 62695
DANIEL G. SCHMIEG, ESQ., Id. No. 62205
ONE PENN CENTER PLAZA, SUITE 1400
PHILADELPHIA, PA 19103
(215) 563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC

COURT OF COMMON PLEAS
CIVIL DIVISION

Plaintiff

v.

NO. 08-2445-CD

EDWARD C. KNAPP

CLEARFIELD COUNTY

Defendant

TO: EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

DATE OF NOTICE: March 6, 2009

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

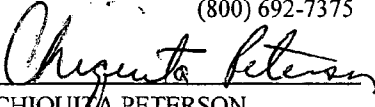
IMPORTANT NOTICE

You are in default because you have failed to enter a written appearance personally or by attorney and file in writing with the court your defenses or objections to the claims set forth against you. Unless you act within ten (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 a lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the following office to find out where you can get legal help:

Office of the Prothonotary
Clearfield County Courthouse
230 East Market Street
Clearfield, PA 15553
(814) 765-2641 x5988

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

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


CHIQUITA PETERSON
Legal Assistant

FILED

APR 02 2009

William A. Shaw
Prothonotary/Clerk of Courts

(Rule of Civil Procedure No. 236) – Revised

COPY

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

: CLEARFIELD COUNTY
:
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: No. 08-2445-CD
:
:

Notice is given that a Judgment in the above captioned matter has been entered
against you on April 2, 2009.

By: Willi L. Hays DEPUTY

If you have any questions concerning this matter please contact:

Daniel G. Schmieg
Daniel G. Schmieg, Esquire
Attorney or Party Filing
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

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

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

GMAC.MORTGAGE,LLC

vs.

EDWARD.C.KNAPP

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No. 08-2445-CD

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

FILED ^(F)

APR 09 2009
m/2:10/w
William A. Shaw
Prothonotary/Clerk of Courts

5 1 CNT w/
6 wmts to
STFF.

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due

\$37,854.65

Interest from 4/2/09 to Sale

\$ _____

Per diem \$6.31

Add'l Costs

\$2,683.50

Writ Total

Prothonotary costs \$
\$135.-

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Note: Please attach description of Property.

193963

No. 08-2445-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

PRAECIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Edward C. Knapp, a single person, dated the 14th day of September, 2006, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200617318.

TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated 06/04/2007, recorded 06/07/2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE
DUBOIS, PA 15801-1708

Tax Parcel No. 7.1-07-01981

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

GMAC.MORTGAGE, LLC

vs.

EDWARD.C..KNAPP

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.

No. 08-2445-CD

No.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 430 WEST LONG AVENUE, DUBOIS, PA 15801-1708
(See Legal Description attached)

Amount Due

\$37,854.65

Interest from 4/2/09 to Sale

\$

Per diem \$6.31

Add'l Costs

Writ Total

Prothonotary costs

\$2,683.50

~~\$135. - \$135. -~~

\$

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 4-9-09
(SEAL)

No. 08-2445-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$37,854.65

Int. from 4/2/09
To Date of Sale (\$6.31 per diem)

Costs

Prothy Pd.

Sheriff


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

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TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated 05/04/2007, recorded 06/07/2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE
DUBOIS, PA 15801-1708

Tax Parcel No. 7.1-07-C1981

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE P.O. BOX 8300
FORT WASHINGTON, PA 19034

Plaintiff,

v.

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

Defendant(s).

:
:
: **CLEARFIELD COUNTY**
:
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 08-2445-CD**
:
:
:
:
:

AFFIDAVIT PURSUANT TO RULE 3129.1

GMAC MORTGAGE, LLC, Plaintiff in the above action, by its attorney, **DANIEL G. SCHMIEG, ESQUIRE**, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **430 WEST LONG AVENUE, DUBOIS, PA 15801-1708**.

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

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

EDWARD C. KNAPP

11560 ANHINGA DRIVE
WELLINGTON, FL 33414

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

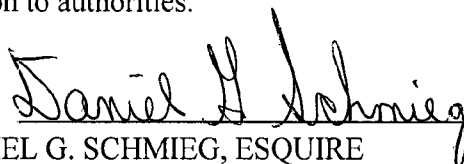
NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

Same as Above

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

APRIL 8, 2009
Date


DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

GMAC MORTGAGE, LLC
1100 VIRGINA DRIVE P.O. BOX 8300
FORT WASHINGTON, PA 19034

Plaintiff,

v.

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

Defendant(s).

:
:
: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 08-2445-CD
:
:
:
:
:

AFFIDAVIT PURSUANT TO RULE 3129.1

GMAC MORTGAGE, LLC, Plaintiff in the above action, by its attorney, DANIEL G. SCHMIEG, ESQUIRE, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **430 WEST LONG AVENUE, DUBOIS, PA 15801-1708.**

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

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

None

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

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

CITIFINANCIAL, INC.

280 COMMONS DRIVE
DUBOIS, PA 15801

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

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

None

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

NAME

LAST KNOWN ADDRESS (If address cannot
be reasonably ascertained, please so indicate.)

None

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

NAME

LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

TENANT/OCCUPANT

430 WEST LONG AVENUE
DUBOIS, PA 15801-1708

DOMESTIC RELATIONS
CLEARFIELD COUNTY

CLEARFIELD COUNTY COURTHOUSE
230 EAST MARKET STREET
CLEARFIELD, PA 16830

COMMONWEALTH OF
PENNSYLVANIA

DEPARTMENT OF WELFARE
PO BOX 2675
HARRISBURG, PA 17105

Commonwealth of Pennsylvania
Bureau of Individual Tax
Inheritance Tax Division

6th Floor, Strawberry Sq., Dept 28061
Harrisburg, PA 17128

Internal Revenue Service
Federated Investors Tower

13TH Floor, Suite 1300
1001 Liberty Avenue
Pittsburgh, PA 15222

Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program

P.O. Box 8486
Willow Oak Building
Harrisburg, PA 17105

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

APRIL 8, 2009

Date



DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

: CLEARFIELD COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION
:
: NO. 08-2445-CD

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129

COMMONWEALTH OF PENNSYLVANIA)
COUNTY OF CLEARFIELD)

SS:

I, the attorney for **GMAC MORTGAGE, LLC** hereby verify that true and correct copies of the Notice of Sheriff's sale were served by certificate of mailing to the recorded lienholders, and any known interested party see Exhibit "A" attached hereto.

DATE: 5/1/09

By: 

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
✓ Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047

Attorneys for Plaintiff

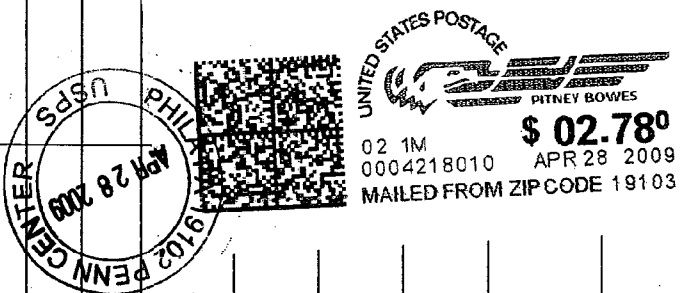
9 FILED No CC,
m/10:40am
MAY 06 2009

William A. Shaw
Prothonotary/Clerk of Courts

Name and Address of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 430 WEST LONG AVENUE DUBOIS, PA 15801-1708		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower 13 th Floor, Suite 1300, 1001 Liberty Avenue Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit Estate Recovery Program, P.O. Box 8486, Willow Oak Building Harrisburg, PA 17105		
7		CITIFINANCIAL, INC 280 COMMONS DRIVE DUBOIS, PA 15801		
8				
9				
10				
11				
12	JVS	Re: EDWARD C. KNAPP 193963 TEAM 3		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.



PHELAN HALLINAN & SCHMIEG, LLP

BY: Vivek Srivastava, Esq.

Attorney I.D. No.: 202331

One Penn Center Plaza, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Attorney for Plaintiff

GMAC MORTGAGE, LLC

Plaintiff

v.

EDWARD C. KNAPP

Defendant

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-2445-CD

FILED

JUN 16 2009

William A. Shaw
Prothonotary/Clerk of Courts

**MOTION FOR SERVICE OF NOTICE OF SALE
PURSUANT TO SPECIAL ORDER OF COURT**

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP, petitions this Honorable Court for an Order directing service of the Notice of Sale upon the above-captioned Defendant, **EDWARD C. KNAPP**, by certified mail and regular mail to 430 WEST LONG AVENUE, DUBOIS, PA 15801, and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property involved herein has been scheduled for **AUGUST 7, 2009**.
2. Pennsylvania Rule of Civil Procedure (Pa.R.C.P.) 3129.2 requires that the Defendant be served with a notification of Sheriff's Sale at least thirty (30) days prior to the scheduled sale date.

3. Attempts to serve Defendant with the Notice of Sale have been unsuccessful, as indicated by the Return of Service attached hereto as Exhibit "A", NO SERVICE WAS MADE AT THE MORTGAGED PROPERTY AS THE DEFENDANT DID NOT ANSWER.
4. Pursuant to Pa.R.C.P. 430, Plaintiff has made a good faith effort to locate the Defendant. An Affidavit of Reasonable Investigation setting forth the specific inquiries made and the results therefrom is attached hereto as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 430 WEST LONG AVENUE, DUBOIS, PA 15801

PHELAN HALLINAN & SCHMIEG, LLP

By:

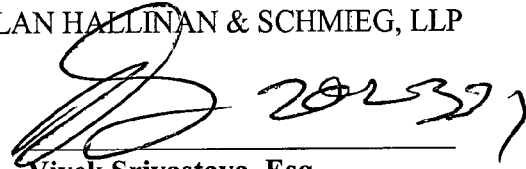

Vivek Srivastava, Esq.
Attorney for Plaintiff

EXHIBIT A

AFFIDAVIT OF SERVICE

PLAINTIFF GMAC MORTGAGE, LLC

DEFENDANT(S) EDWARD C. KNAPP

Please serve upon: EDWARD C. KNAPP

SERVE AT: 430 WEST LONG AVENUE, DUBOIS, PA 15801-1708

CLEARFIELD County
No. 08-2445-CD
Our File #: 193963

Type of Action
- Notice of Sheriff's Sale

Sale Date: JUNE 5, 2009

SERVED

Served and made known to _____, Defendant, on the _____ day of _____, 200____, at _____, o'clock _____m., at _____

Commonwealth of Pennsylvania, in the manner described below:

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

Description: Age _____ Height _____ Weight _____ Face _____ Sex _____ Other _____

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

Sworn to and subscribed before me this _____ day of _____, 200____.

Notary:

By:

NOT SERVED

ATTEMPT SERVICE NLT THREE (3) TIMES

On the 10th day of MAY, 2009, at 6:10 o'clock P.m., Defendant NOT FOUND because:

_____ Moved _____ Unknown ☒ No Answer _____ Vacant

1st attempt Date: 5/4/09 Time: 3:20 PM, 2nd attempt Date: 5/5/09 Time: 9:40 AM, 3rd attempt Date: 5/10/09 Time: 6:10 PM

Other:

Sworn to and subscribed before me this 11th day of MAY, 2009

Notary:

D.M. ELLIS

By: DMEllis

Attorney for Plaintiff

DANIEL G. SCHMIEG, Esquire - I.D. No. 62205
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

Marilyn A. Campbell
COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Marilyn A. Campbell, Notary Public
City of Altoona, Blair County
My Commission Expires Dec. 6, 2011
Member, Pennsylvania Association of Notaries

EXHIBIT B

FULL SPECTRUM SERVICES, INC.
AFFIDAVIT OF GOOD FAITH INVESTIGATION

File Number: 193963
Attorney Firm: Phelan, Hallinan & Schmieg, LLP
Subject: Edward C. Knapp

Current Address: 430 West Long Avenue, Du Bois, PA 15801
Property Address: 430 West Long Avenue, Du Bois, PA 15801
Mailing Address: 430 West Long Avenue, Du Bois, PA 15801

I, Brendan Booth, being duly sworn according to law, do hereby depose and state as follows, I have conducted an investigation into the whereabouts of the above-noted individual(s) and have discovered the following:

I. CREDIT INFORMATION

A. SOCIAL SECURITY NUMBER

Our search verified the following information to be true and correct
Edward C. Knapp - xxx-xx-9053

B. EMPLOYMENT SEARCH

Edward C. Knapp - A review of the credit reporting agencies provided no employment information.

C. INQUIRY OF CREDITORS

Our inquiry of creditors indicated that Edward C. Knapp reside(s) at: 430 West Long Avenue, Du Bois, PA 15801.

II. INQUIRY OF TELEPHONE COMPANY

A. DIRECTORY ASSISTANCE SEARCH

Our office contacted directory assistance, which had no listing for Edward C. Knapp.

B. On 06-06-09 our office made a telephone call to the phone number (814) 375-9686 and received the following information: wrong number. On 06-06-09 our office made several telephone calls to the phone number (561) 795-7630 and received the following information: answering machine. On 06-06-09 our office made a telephone call to the phone number (814) 375-6986 and received the following information: disconnected. On 06-06-09 our office made a telephone call to the phone number (561) 798-3823 and received the following information: disconnected.

III. INQUIRY OF NEIGHBORS

On 06-06-09 our office made a phone call in an attempt to contact Ann M. Shilala (814) 371-3067, 429 West Long Avenue, Du Bois, PA 15801: spoke with an unidentified female who confirmed that Edward C. Knapp reside(s) at 430 West Long Avenue, Du Bois, PA 15801.

IV. ADDRESS INQUIRY

A. NATIONAL ADDRESS UPDATE

On 06-06-09 we reviewed the National Address database and found the following information: Edward C. Knapp - 11560 Anhinga Drive, Wellington, FL 33414.

EXHIBIT B

B. ADDITIONAL ACTIVE MAILING ADDRESSES

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

V. DRIVERS LICENSE INFORMATION

A. MOTOR VEHICLE & DMV OFFICE

Per the PA Department of Motor Vehicles, we were unable to obtain address information on Edward C. Knapp.

VI. OTHER INQUIRIES

A. DEATH RECORDS

As of 05-06-09 Vital Records and all public databases have no death record on file for Edward C. Knapp.

B. COUNTY VOTER REGISTRATION

The county voter registration was unable to confirm a registration for Edward C. Knapp residing at: last registered address.

VII. ADDITIONAL INFORMATION OF SUBJECT

A. DATE OF BIRTH

Edward C. Knapp - 12-23-1933

B. A.K.A.

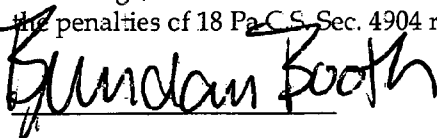
Edward E. Knapp

* Our accessible databases have been checked and cross-referenced for the above named individual(s).

* Please be advised our database information indicates the subject resides at the current address.


I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing states made by me are willfully false, I am subject to punishment.

I hereby verify that the statements made herein are true and correct to the best of my knowledge, information and belief and that this affidavit of investigation is made subject to the penalties of 18 Pa.C.S. Sec. 4904 relating to unsworn falsification to authorities.



AFFIANT - Brendan Booth
Full Spectrum Services, Inc.

Sworn to and subscribed before me this 8th day of June, 2009.



NICOLE J. KELLEHER
ID # 2383408
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 3/11/2014

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

INC

PHELAN HALLINAN & SCHMIEG, LLP

BY: Vivek Srivastava, Esq.

Attorney I.D. No.: 202331

One Penn Center Plaza, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Attorney for Plaintiff

GMAC MORTGAGE, LLC

Plaintiff

v.

EDWARD C. KNAPP

Defendant

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-2445-CD

PLAINTIFF'S MEMORANDUM OF LAW

Pursuant to Pennsylvania Rule of Civil Procedure, Rule 3129.2, it is necessary in a foreclosure action for the Sheriff or Process Server to serve upon the Defendant Notice of the Sale of the mortgaged premises. Specifically, Pa.R.C.P., Rule 3129.2 (c) provides in applicable part as follows:

The written notice shall be prepared by the plaintiff, shall contain the same information as the handbills or may consist of the handbill and shall be served at least thirty days before the sale on all persons whose names and addresses are set forth in the affidavit required by Rule 3129.1.

- (1) Service of the Notice shall be made:
 - (i) upon a defendant...
 - (A) by the sheriff or by a competent adult in the manner prescribed by Rule 402 (a) for the service of original process upon a defendant, or
 - (B) by the plaintiff mailing a copy of the manner prescribed by Rule 403 to the addresses set forth in the affidavit; or

- (C) if service cannot be made as provided in the subparagraph (A) or (B), the notice shall be served pursuant to special order of court as prescribed by Rule 430, except that if original process was served pursuant to a special order of court under Rule 430 upon the defendant in the judgment, the notice may be served upon that defendant in the manner provided by the order for service of original process without further application to the court.

Because the whereabouts of Defendant, EDWARD C. KNAPP, are unknown, a reasonable investigation of their last known address was made in accordance with Pa.R.C.P. 430(a).

Pennsylvania Rule of Civil Procedure, Rule 430 (a) provides as follows:

- (a) If service cannot be made under the applicable rule the Plaintiff may move the court for a special order directing the method of service. The motion shall be accompanied by an affidavit stating the nature and extent of the investigation which has been made to determine the whereabouts of the defendant and the reasons why service cannot be made.

Note: A Sheriff's Return or Affidavit of Service of "not found" or the fact that a defendant has moved without leaving a new forwarding address is insufficient evidence of concealment. Gonzales vs. Polis, 238 Pa Super. 362, 357 A.2d 580 (1976). Notice of intended adoption mailed to last known address requires a good faith effort to discover the correct address. Adoption of Walker, 468 Pa. 165, 360 A.2d 603 (1976).

An illustration of good faith effort to locate the defendant includes (1) inquiries of postal authorities including inquiries pursuant to the Freedom of Information Act, 39 C.F.R. Part 265, (2) inquiries of relatives, neighbors, friends and employers of the defendant and (3) examinations of local telephone directories, voter registration records, local tax records and motor vehicle records.

As indicated by the attached Affidavit of Return of Service, marked hereto as Exhibit "A", the Process Server has been unable to serve the Notice of Sale.

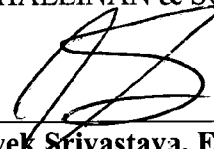
A good faith effort to discover the whereabouts of the Defendant has been made as evidenced by the attached Affidavit of Reasonable Investigation, marked as Exhibit "B".

WHEREFORE, Plaintiff respectfully requests that the allowance of service of the
Notice of Sale in accordance with Pa.R.C.P., Rule 430 by certified and regular mail to 430
WEST LONG AVENUE, DUBOIS, PA 15801.

Respectfully submitted,

PHELAN HALLINAN & SCHMIEG, LLP

By:

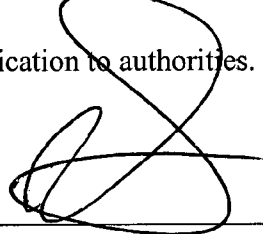
 2023/1
Vivek Srivastava, Esq.
Attorney for Plaintiff

VERIFICATION

Vivek Srivastava, Esquire, hereby states that he is the attorney for the Plaintiff in this action, that he is authorized to take the verification and that the statements made in the foregoing Motion for Service of Notice of Sale pursuant to Special Order of Court are true and correct to the best of his knowledge, information and belief.

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

Date: June 15, 2009



Vivek Srivastava, Esq.

202331

PHELAN HALLINAN & SCHMIEG, LLP

BY: Vivek Srivastava, Esq.

Attorney for Plaintiff

Attorney I.D. No.: 202331

One Penn Center Plaza, Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

GMAC MORTGAGE, LLC

Plaintiff

CLEARFIELD COUNTY
COURT OF COMMON PLEAS

v.

CIVIL DIVISION

EDWARD C. KNAPP

NO. 08-2445-CD

Defendant

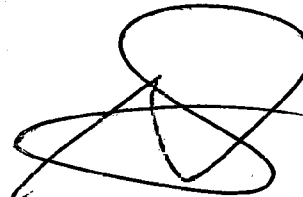
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Service of Notice of Sale Pursuant to Special Order of Court, Proposed Order, Memorandum of Law, Certification of Service and Verification in the above captioned matter was sent by first class mail, postage prepaid to the following interested parties on the date indicated below.

EDWARD C. KNAPP

430 WEST LONG AVENUE

DUBOIS, PA 15801



202331

Vivek Srivastava, Esq.

Attorney for Plaintiff

Date: June 15 2009

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

GMAC MORTGAGE, LLC,
Plaintiff
vs.
EDWARD C. KNAPP,
Defendant

*
*
*
*
*

NO. 08-2445-CD

ORDER

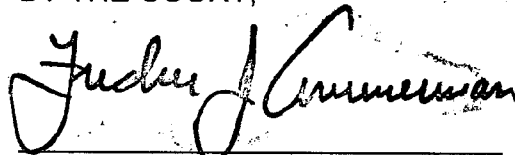
NOW, this 17th day of June, 2009, the Plaintiff is granted leave to serve the Notice of Sale upon the Defendant **EDWARD C. KNAPP** by:

1. Publication one time in The Courier Express (DuBois) and the Clearfield County Legal Journal;
2. By first class mail to 430 W. Long Avenue, DuBois, PA 15801;
3. By certified mail, return receipt requested to 430 W. Long Avenue, DuBois, PA 15801; and
4. By posting the mortgaged premises known in this herein action as 430 W. Long Avenue, DuBois, PA 15801.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

FILED 4CC
0/3:32/301 Amy
JUN 17 2009 Srivastava
§ William A. Shaw
Prothonotary/Clerk of Courts (GW)

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED

JUN 17 2009

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

FILED 2cc
M 110:16/01 Atty
SEP 28 2009
William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No. 202331
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
Plaintiff

vs.

EDWARD C. KNAPP
Defendant

: Court of Common Pleas
:
: Civil Division
:
: CLEARFIELD County
:
: No. 08-2445-CD
:

EMERGENCY MOTION FOR POSTPONEMENT OF SHERIFF'S SALE

Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP petitions this Honorable Court for a one month postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property located at 430 West Long Avenue, Dubois, PA 15801-1708 has been scheduled for October 2, 2009.

2. Plaintiff has been unable to have the Notice of Sale served upon Defendant within the thirty day time limit set forth by Pennsylvania Rule of Civil Procedure 3129.2.

A one month postponement of the Sheriff's Sale will allow Plaintiff the opportunity to serve the requisite Notice of Sale upon the Defendant.

3 Unless the court grants this order to postpone the sheriff sale, the plaintiff will have to re-advertise the property in furtherance of Pa.R.C.P. 3129.2 which will result in additional costs to the parties.

4. A brief postponement of the Sheriff's Sale will not prejudice Defendant and will, in fact, inure to his benefit.

WHEREFORE, Plaintiff respectfully requests that the Sheriff's Sale of the mortgaged premises be continued one month to November 13, 2009 sale.

PHILAN HALLINAN & SCHMIEG, LLP

By: 

Vivek Srivastava, Esquire
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No. 202331
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
Plaintiff

vs.

EDWARD C. KNAPP
Defendant

: Court of Common Pleas
:
: Civil Division
:
: CLEARFIELD County
:
: No. 08-2445-CD
:

PLAINTIFF'S MEMORANDUM OF LAW

Pennsylvania Rule of Civil Procedure 3129.2 requires service of the Notice of Sale of the mortgage premises upon the Defendant at least thirty (30) days prior to the scheduled sale. Often the Defendants' whereabouts are unknown and a reasonable investigation of his/her whereabouts must be made and a petition filed with the Court seeking alternative service of the Notice of Sale.

In order for the Plaintiff to comply with Pa. R.C.P., Rule 3129.2 and effectuate service of the notice at least thirty days prior to the sale, it is therefore necessary to postpone the sale one month.

Accordingly, Plaintiff respectfully requests a one month continuance of the Sheriff's Sale of the mortgaged premises to the November 13, 2009 Sale.

PHILAN HALLINAN & SCHMIEG, LLP

By: _____

Vivek Srivastava, Esquire
Attorney for Plaintiff

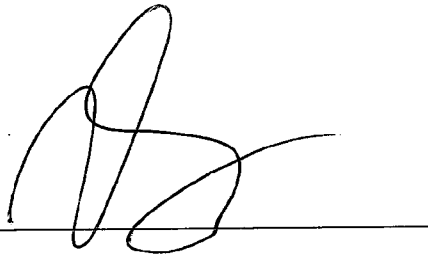
VERIFICATION

Vivek Srivastava, Esquire, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Emergency Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

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

Date: September 25, 2009

By: _____

A handwritten signature in black ink, consisting of a large, stylized 'V' followed by a horizontal line and a loop.

Vivek Srivastava, Esquire
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP
Vivek Srivastava, Esq., Id. No. 202331
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
Plaintiff

vs.

EDWARD C. KNAPP
Defendant

: Court of Common Pleas
:
: Civil Division
:
: CLEARFIELD County
:
: No. 08-2445-CD
:

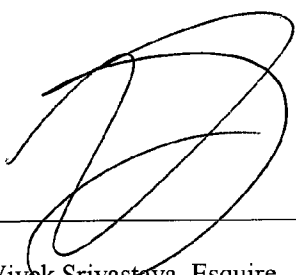
CERTIFICATION OF SERVICE

I, Vivek Srivastava, Esquire, hereby certify that a copy of the Emergency Motion for Postponement of Sheriff's Sale relative to the above matter has been sent to the individual indicated below on September 25, 2009.

EDWARD C. KNAPP
430 WEST LONG AVENUE,
DUBOIS, PA 15801-1708

Date: September 25, 2009

By: _____


Vivek Srivastava, Esquire
Attorney for Plaintiff

FILED 2cc
 010:33 PM AHY
 SEP 29 2009
 William A. Shaw
 Prothonotary/Clerk of Courts
 Srivastava

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

GMAC MORTGAGE, LLC	:	Court of Common Pleas
Plaintiff	:	
	:	Civil Division
vs.	:	
	:	CLEARFIELD County.
EDWARD C. KNAPP	:	
Defendant	:	No. 08-2445-CD
	:	


ORDER

AND NOW, this 28th day of September, 2009, after consideration of Plaintiff's Emergency Motion to Postpone Sheriff's Sale of the mortgaged property located at 430 West Long Avenue, Dubois, PA 15801-1708, it is hereby

ORDERED that the said sale is extended one month to the regularly scheduled CLEARFIELD County Sheriff's Sale on November 13, 2009.

No further advertising or additional notice to lienholders or Defendant is required, but the Sheriff is directed to announce said continuation to the assembled bidders and Plaintiff is to forward a copy of this Order to Defendant via first class mail.

BY THE COURT:



J.

FILED

SEP 29 2009

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375

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

GMAC MORTGAGE, LLC

Plaintiff,

v.

EDWARD C. KNAPP

Defendant(s).

:
:
: **CLEARFIELD COUNTY**
: **COURT OF COMMON PLEAS**
:
:
: **CIVIL DIVISION**
:
: **NO. 08-2445-CD**
:
:

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

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **EDWARD C. KNAPP** on **OCTOBER 2, 2009** at **430 WEST LONG AVENUE, DUBOIS, PA 15801**, in accordance with the Order of Court dated **JUNE 17, 2009**. The property was posted on **AUGUST 4, 2009**. Publication was advertised in **COURIER EXPRESS/TRI-COUNTY SUNDAY/JERFFERSONIAN DEMOCRAT** on **AUGUST 3, 2009** & in **CLEARFIELD COUNTY LEGAL JOURNAL** on **SEPTEMBER 25, 2009**.

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

PHELAN HALLINAN & SCHMIEG, LLP

By: 

Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Daniel G. Schmieg, Esquire
Michele M. Bradford, Esquire
Judith T. Romano, Esquire
Sheetal R. Shah-Jani, Esquire
Jenine R. Davey, Esquire
Lauren R. Tabas, Esquire
Vivek Srivastava, Esquire
Jay B. Jones, Esquire
Andrew L. Spivack, Esquire
Peter J. Mulcahy, Esquire
Jaime McGuinness, Esquire
Chrisovalante P. Fliakos, Esquire
Joshua I. Goldman, Esquire
Courtenay R. Dunn, Esquire
Andrew C. Bramblett, Esquire

Attorneys for Plaintiff

Dated: October 5, 2009

FILED *no cc*
OCT 16 2009
William A. Shaw
Prothonotary/Clerk of Courts

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

GMAC MORTGAGE, LLC,
Plaintiff
vs.
EDWARD C. KNAPP,
Defendant

*
*
*
*
*

NO. 08-2445-CD

ORDER

NOW, this 17th day of June, 2009, the Plaintiff is granted leave to serve
the Notice of Sale upon the Defendant **EDWARD C. KNAPP** by:

1. Publication one time in The Courier Express (DuBois) and the
Clearfield County Legal Journal;
2. By first class mail to 430 W. Long Avenue, DuBois, PA 15801;
3. By certified mail, return receipt requested to 430 W. Long Avenue,
DuBois, PA 15801; and
4. By posting the mortgaged premises known in this herein action as
430 W. Long Avenue, DuBois, PA 15801.

Service of the aforementioned publication and mailings is effective upon
the date of publication and mailing and is to be done by Plaintiff's attorney, who will file
Affidavits of Service with the Prothonotary of Clearfield County.

BY THE COURT,


/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

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

JUN 17 2009

Attest.

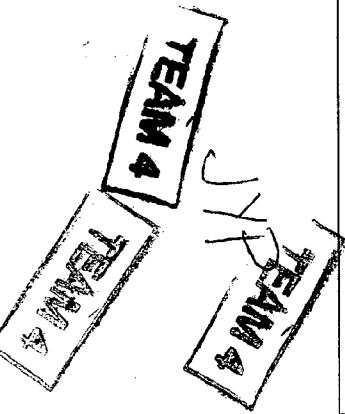
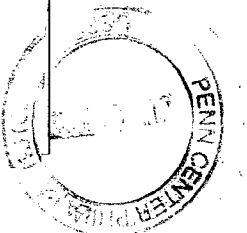
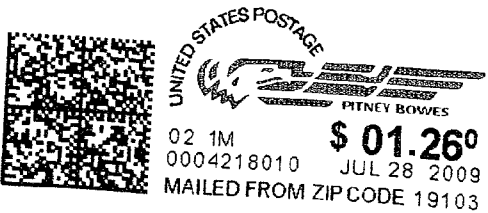

Prothonotary/
Clerk of Courts

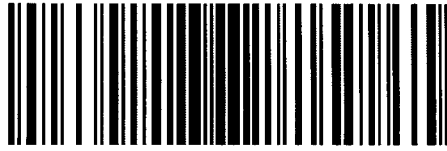
Name and Address of Sender



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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage
1		EDWARD C. KNAPP 430 WEST LONG AVENUE DUBOIS, PA 15801-1708	
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12	JVS	Re: EDWARD C. KNAPP 193963 TEAM 4 JYP	
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)
			The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.





7178 2417 6099 0033 4926

4 / JYP
EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#)[Track & Confirm](#)

Track & Confirm

Search Results

Label/Receipt Number: **7178 2417 6099 0033 4926**Status: **Delivered**

Your item was delivered at 10:47 am on July 31, 2009 in PHILADELPHIA, PA 19103. A proof of delivery record may be available through your local Post Office for a fee.

Additional information for this item is stored in files offline.

[Restore Offline Details >](#)[Return to USPS.com Home >](#)

Track & Confirm

Enter Label/Receipt Number.

[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

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No FEAR Act EEO Data

FOIA



The United States Postal Service is an Equal Opportunity Employer. Minorities and women are encouraged to apply.



The United States Postal Service is an Equal Opportunity Employer. Minorities and women are encouraged to apply.

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AFFIDAVIT OF SERVICE

PLAINTIFF **GMAC MORTGAGE, LLC** CLEARFIELD County
DEFENDANT(S) **EDWARD C. KNAPP** No. 03-2445-CD
Our File #: 193963
Please serve upon: **EDWARD C. KNAPP** Type of Action
- Notice of Sheriff's Sale
SERVE AT: **430 WEST LONG AVENUE, DUBOIS, PA 15801-1708** Sale Date: October 2, 2009

PLEASE POST PROPERTY WITH NOTICE OF SALE AS PER COURT ORDER

Served and made known to EDWARD C. KNAPP, Defendant, on the 4th day of AUGUST
2009 at 3:25, o'clock P.m., at 430 West Long Ave., Dubois, PA 15801-1708

Commonwealth of Pennsylvania, in the manner described below:

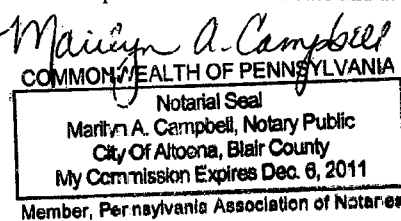
____ Defendant personally served.
____ Adult family member with whom Defendant(s) reside(s). Relationship is _____
____ Adult in charge of Defendant(s)'s residence who refused to give name or relationship.
____ Manager/Clerk of place of lodging in which Defendant(s) reside(s).
____ Agent or person in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

Description: Age _____ Height _____ Weight _____ Race _____ Sex _____ Other _____

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

Sworn to and subscribed
before me this 5th day
of AUGUST, 2009
Notary:

By:



NOT SERVED

ATTEMPT SERVICE NLT THREE (3) TIMES

On the _____ day of _____, 200__, at _____ o'clock ____m., Defendant: NOT FOUND because:

____ Moved ____ Unknown ____ No Answer ____ Vacant
1st attempt Date: _____ Time: _____ 2nd attempt Date: _____ Time: _____, 3rd
attempt Date: _____ Time: _____
Other: _____

Sworn to and subscribed
before me this _____ day
of _____, 200__.

Notary:

By:

Attorney for Plaintiff
DANIEL G. SCHMIEG, Esquire - I.D. No. 62205
One Penn Center at Suburban Station, Suite 1400
1617 John F. Kennedy Boulevard
Philadelphia, PA 19103-1814
(215) 563-7000

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

NOTICE OF ACTION IN MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 08-2445-CD

**BOIS PENNSYLVANIA
, Approved May 16, 1929, P.L. 1784**

GMAC MORTGAGE, LLC
vs.
EDWARD C. KNAPP

SS:

**NOTICE TO: EDWARD C. KNAPP
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY"**

ALL THAT following described lot of ground situate, lying and being in the BOROUGH of DuBOIS (now city), County of CLEARFIELD Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

Your house (real estate) at 430 W. LONG AVENUE, DUBOIS, PA 15801 is scheduled to be sold at the Sheriff's Sale on OCTOBER 2, 2009 at 10:00 AM., at the CLEARFIELD County Courthouse to enforce the Court Judgment of \$37,854.65 obtained by, GMAC MORTGAGE, LLC (the mortgagee), against your Property situated in BOROUGH of DuBOIS (now city), County of CLEARFIELD, and State of Pennsylvania.

Being Premises: 430 W. LONG AVENUE, DUBOIS, PA 15801
Improvements consist of residential property.
Sold as the property of EDWARD C. KNAPP

TERMS OF SALE: The purchaser at the sale must take ten (10%) percent down payment of the bid price or of the Sheriff's cost, whichever is higher, at the time of the sale in the form of cash, money order or bank check. The balance must be paid within ten (10) days of the sale or the purchaser will lose the down money.

THE HIGHEST AND BEST BIDDER SHALL BE THE BUYER.

Daniel Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103
(215) 563-7000
Attorney for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left, South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Edward C. Knapp, a single person, dated the 14th day of September, 2006, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200617318.

TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated June 4, 2007, recorded June 7, 2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE
DUBOIS, PA 15801-1708

Tax Parcel No. 7.1-07-01981

7/31/09

erra, Classified Advertising Supervisor of the Courier-Express/Tri-County and State aforesaid, being duly sworn, deposes and says that the -County Sunday, a weekly newspaper and Jeffersonian Democrat, a publishing Company at 500 Jeffers Street, City of DuBois, County and State 1879, since which date said, the daily publication and the weekly d County, and that a copy of the printed notice of publication is attached ublished in the regular editions of the paper on the following dates, viz: the

July A.D., 2009

r duly authorized by the Courier-Express, a daily newspaper, Tri-County sonian Democrat, a weekly newspaper to verify the foregoing statement ot interested in the subject matter of the aforesaid notice of publication, and nt as to time, place and character of publication are true.

**PUBLISHING COMPANY Publisher of
COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT**

NOTARY PUBLIC
Statement of Advertising Cost
ELEANOR PUBLISHING COMPANY
Publisher of

**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT
DuBois, PA**

Full Spectrum Services Inc.

he notice or advertisement

on the above stated dates..... **\$359.78**

..... **\$7.50**

..... **\$367.28**

Publisher's Receipt for Advertising Costs

es receipt of the aforesaid advertising and publication costs, and certifies that the

Jeffers Street and Beaver Drive, DuBois, PA 15801
Established 1879, Phone 814-371-4200
McLEAN PUBLISHING COMPANY

Publisher of
S/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

original Proof of Publication and receipt for the Advertising costs in the subject

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Connie L. Booth, Notary Public
City of DuBois, Clearfield County
My Commission Expires Sept. 5, 2009
Member, Pennsylvania Association of Notaries

ATTORNEY FOR

NOTICE OF ACTION IN MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 08-2445-CD

GMAC MORTGAGE, LLC
vs.
EDWARD C. KNAPP

NOTICE TO: EDWARD C. KNAPP
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY"

ALL THAT following described lot of ground situate, lying and being in the BOROUGH of DuBOIS (now city), County of CLEARFIELD Commonwealth of Pennsylvania, bounded and limited as follows, to wit:

Your house (real estate) at 430 W. LONG AVENUE, DUBOIS, PA 15801 is scheduled to be sold at the Sheriff's Sale on OCTOBER 2, 2009 at 10:00 AM., at the CLEARFIELD County Courthouse to enforce the Court Judgment of \$37,854.65 obtained by, GMAC MORTGAGE, LLC (the mortgagee), against your Property situated in BOROUGH of DuBOIS (now city), County of CLEARFIELD, and State of Pennsylvania.

Being Premises: 430 W. LONG AVENUE, DUBOIS, PA 15801
Improvements consist of residential property.

Sold as the property of EDWARD C. KNAPP

TERMS OF SALE: The purchaser at the sale must take ten (10%) percent down payment of the bid price or of the Sheriff's cost, whichever is higher, at the time of the sale in the form of cash, money order or bank check. The balance must be paid within ten (10) days of the sale or the purchaser will lose the down money.

THE HIGHEST AND BEST BIDDER SHALL BE THE BUYER.

Daniel Schmieg, Esquire
One Penn Center at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103
(215) 563-7000
Attorney for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Edward C. Knapp, a single person, dated the 14th day of September, 2006, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200617318.

TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated June 4, 2007, recorded June 7, 2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE
DUBOIS, PA 15801-1708

Tax Parcel No. 7.1-07-01981

7/31/09

VERSAL doku Puzzle

9					
	3				
	4				2
7	2	3		4	
4	1	9	6		
	5		3	6	
	7		4	5	
		6		1	

Complete the grid so every row, column and 3 x 3 box contains every digit from 1 to 9 inclusively.

Previous puzzle solution

5	4	2	8	3	1	6	9	7
9	6	8	7	2	4	5	3	1
1	3	7	5	9	6	2	4	8
7	5	9	2	1	8	4	6	3
6	1	3	4	7	9	8	2	5
8	2	4	6	5	3	7	1	9
4	9	6	1	8	5	3	7	2
3	7	5	9	4	2	1	8	6
2	8	1	3	6	7	9	5	4

DIFFICULTY RATING: ★★★★★

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7/30

history

Democratic vice-presidential candidate Thom Tillis withdrew from the race. George McGovern's disclosure of his affair with a woman he had undergone treatment.

A pro-Iranian group released a video showing the Iranian hostage crisis, a Marine helicopter, dangling

ago: Chicago authorities said as many as 46 people had died as a result of a scorching heat wave that hit much of the nation. The hottest day in New York

thdays: Actor Robert De Niro is 80. Jazz composer Kenny Burrell is 80. Off Broadway actor Jeffrey Lewis is 80. Actress Nguyen is 80. Flannery is 80.

Eob Welch is 63. Tennis player Evonne Goolagong Cawley is 58. Actor Barry Van Dyke is 58. The mayor of Fresno, Calif., actor Alan Autry, is 57. Actor James Read is 56. Actor Michael Biehn is 53. Massachusetts Gov. Deval Patrick is 53. Rock singer-musician Daniel Ash (Love and Rockets) is 52. Entrepreneur Mark Cuban is 51. Rock musician Bill Berry is 51. Actor Wesley Snipes is 47. Country singer Chad Brock is 46. Musician Fatboy Slim is 46. Rock musician Jim Corr is 45. Author J.K. Rowling is 44. Actor Dean Cain is 43. Actor Ben Chaplin is 40. Actor Loren Dean is 40. Minnesota Vikings quarterback Gus Frerotte is 38. Former NFL player Jonathan Ogden is 35. Actress Annie Parisse is 34. Football player Marty Booker is 33. Actor Robert Telfer is 32. Actor-producer-writer B.J. Novak is 30. Actor Eric Lively is 28. Dallas

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

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

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

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

31st day of July A.D., 2009

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

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

By

Linda Smith

Sworn and subscribed to before me this 3rd day of Aug., 2009

Connie L. Booth

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal

Connie L. Booth, Notary Public
City of DuBois, Clearfield County
My Commission Expires Sept. 5, 2009

Member, Pennsylvania Association of Notaries

**THIS IS
NOT A
BILL**

Statement of Advertising Cost
McLEAN PUBLISHING COMPANY
Publisher of

**COURIER-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**

DuBois, PA

TO Full Spectrum Services Inc.

For publishing the notice or advertisement attached hereto on the above stated dates.....	<u>\$359.78</u>
Probating same.....	<u>\$7.50</u>
Total.....	<u>\$367.28</u>

Publisher's Receipt for Advertising Costs

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

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

Established 1879, Phone 814-371-4200

McLEAN PUBLISHING COMPANY

Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

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

ATTORNEY FOR

NOTICE OF ACTION IN
MORTGAGE FORECLOSURE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY,
PENNSYLVANIA
NO. 08-2445-CD

GMAC MORTGAGE, LLC
vs.
EDWARD C. KNAPP

NOTICE TO: EDWARD C. KNAPP
NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY

ALL THAT following described lot of ground
situate, lying and being in the BOROUGH of
DUBOIS (now city), county of CLEARFIELD
Commonwealth of Pennsylvania, bounded a
imited as follows, to wit,
Your house (real estate) at 430 W. LONG AVE-
NUE, DUBOIS, PA 15801 is scheduled to be
sold at the Sheriff's Sale on OCTOBER 2, 2009
AT 10:00AM., at the CLEARFIELD County
Courthouse to enforce the Court judgment of
\$37,854.65 obtained by, GMAC MORTGAGE,
LLC (the mortgagee), against your Prop. Sit. In
BOROUGH of DUBOIS (now city), County of
CLEARFIELD, and state of Pennsylvania.
Being Premises: 430 W. LONG AVENUE, DU-
BOIS, PA 15801

Improvements consist of residential property.
Sold as the property of EDWARD C. KNAPP
TERMS OF SALE: the purchaser at the sale
must take ten (10%) percent down payment of
the bid price of the Sheriff's cost, whichever is
higher, at the time of the sale in the form of
cash, money order or bank check. The balance
must be paid within ten (10) days of the sale or
the purchaser will lose the down money.
THE HIGHEST BIDDER SHALL BE THE
BUYER.

Daniel Schmieg, Esquire
One Penn Center at Suburban Station
617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103
215) 563-7000
Attorney for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land
situate, lying and being in the City of DuBois,
Clearfield County, Pennsylvania, bounded and
described as follows, to-wit:
BEGINNING at a post on the Northerly boundary
line of West Long Avenue, in said Borough (now
city), said point being distant and Westerly from
the corner of Shaffer Alley, 46.4 feet, and at the
corner of the lot now or formerly of Patrick Gleason
on West Long Avenue aforesaid; thence by
West Long Avenue, North 61 degrees 35 min-
utes West 30.6 feet to a post; thence to the right,
North 22 degrees 30minutes East, 51 feet to a
post; thence to the left, North 12 degrees 45
minutes West, 93.1 feet to a post at land now or
formerly of McNamee; thence to the right along
said land now or formerly of McNamee line,
North 77 degrees 15 minutes East 45.5 feet to a
post at Shaffer alley; thence to the right in a
southerly direction along Shaffer Alley, 23.2 feet
to a post; thence to the right East, 93.1 feet;
ence to the right in a Southerly direction 50.3
feet to the place of beginning.

BEING the same premises conveyed to the
parties herein by deed of Edward C. Knapp, a
single person, dated the 14th day of September,
2006, as recorded in the Office of the Recorder
of Deeds of Clearfield County, PA, as instru-
ment Number 200617318.

TITLE TO SAID PREMISES IS VESTED IN
Edward C. Knapp, a single person, by Deed
from Edward C. Knapp, a single person and
Mary Knapp Chandler, a single person, dated
06/04/2007, recorded 06/07/2007 in Instrument
Number 200709355.

Premises being: 430 WEST LONG AVENUE
DUBOIS, PA 15801-1708
Tax Parcel No. 7.1-07-01981

ty), said point being about and westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West 30.6 feet to a post; thence to the right North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer alley; thence to the right in a southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right East, 93.1 feet; thence to the right in a Southerly direction 50.3

DuBois, PA 15801

NOTICE

Notice is hereby given that Articles of Incorporation were filed with the Department of State of the Commonwealth of Pennsylvania, with respect to a professional corporation which has been incorporated under the provisions of the Business Corporation Law of 1988. The name of the corporation is Matthey McKissick DDS, PC.

NOTICE

Notice is given that Application for Registration of Fictitious Name has been filed with the Pennsylvania Department of State to transact business under the fictitious name of "STARLITE LOUNGE AND RESTAURANT." The address of its registered office is 930 Market Street, P.O. Box 64, Mahaffey, Pennsylvania 15757-0064. It is formed for preparation and sale of food and sale of alcoholic beverages on the premises together with all other forms of business now or hereafter lawful in the Commonwealth.
Denna J. Greslick
11495 Ridge Road
Mahaffey, Pennsylvania 15757

NOTICE OF ACTION IN MORTGAGE FORECLOSURE IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA NO. 08-2445-CD

GMAC MORTGAGE, LLC
vs.
EDWARD C. KNAPP

NOTICE TO: EDWARD C. KNAPP
NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY
ALL THAT following described lot of ground
situate, lying and being in the BOROUGH of
DUBOIS (now city), county of CLEARFIELD
Commonwealth of Pennsylvania, bounded a

Register of Wills for the inspection of the heirs, legatees and creditors and all others interested, and will be presented to the Orphans' Court of Clearfield County, PA on the first **Tuesday in September, 2009.**

The Accounts will be presented to the Orphans' Court for Confirmation NISI on the first

PROOF OF PUBLICATION

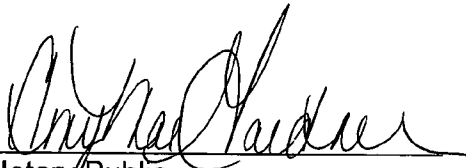
STATE OF PENNSYLVANIA :
:
COUNTY OF CLEARFIELD :

On this 25th day of September AD 2009, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of September 25, 2009, Vol. 21, No. 39. And that all of the allegations of this statement as to the time, place, and character of the publication are true.



Gary A. Knaresboro, Esquire
Editor

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



Notary Public

My Commission Expires

COMMONWEALTH OF PENNSYLVANIA

Notarial Seal
Amy Mae Gardner, Notary Public
City of DuBois, Clearfield County
My Commission Expires May 28, 2013
Member, Pennsylvania Association of Notaries

ATTN: Brendan Booth
400 Fellowship Road
Suite 220
Mount Laurel, NJ 08054

FILED ICC
03:33 PM
NOV 12 2009

William A. Shaw
Prothonotary/Clerk of Courts

Lhota
(60)

PHELAN HALLINAN AND SCHMIEG, L.L.P.
BY: DANIEL G. SCHMIEG, ESQUIRE
ATTORNEY I.D. NO. 62205
ONE PENN CENTER AT SUBURBAN
STATION, SUITE 1400
PHILADELPHIA, PA 19103-1814
(215) 563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
Plaintiff

vs.

EDWARD C. KNAPP
Defendant

Court of Common Pleas
Civil Division
CLEARFIELD County
No. 08-2445-CD

EMERGENCY MOTION FOR POSTPONEMENT OF SHERIFF'S SALE

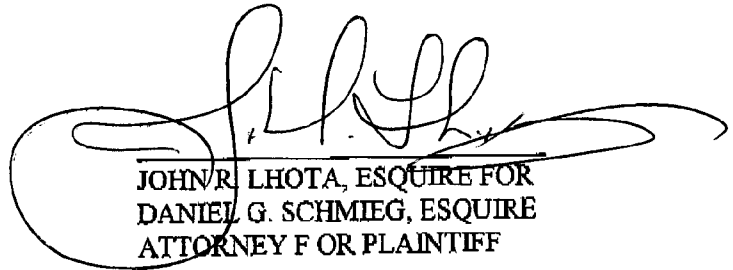
Plaintiff, by its counsel, Phelan Hallinan & Schmieg, LLP petitions this Honorable Court for a two month postponement of its Sheriff's Sale scheduled in the above captioned matter and in support thereof avers the following:

1. A Sheriff's Sale of the mortgaged property located at 430 West Long Avenue, Dubois, PA 15801-1708 has been scheduled for November 13, 2009.
2. Plaintiff wishes to postpone the Sheriff sale in accordance with a general "moratorium" on foreclosures. The purpose of said moratorium is to hopefully avoid the necessity of the foreclosure and allow for a possible workout of the default.
3. Unless the court grants this order to postpone the sheriff sale, the plaintiff will have to re-advertise the property in furtherance of Pa.R.C.P. 3129.2 which will result in additional costs to the parties.

VERIFICATION

DANIEL G. SCHMIEG, Esquire, hereby states that he is the attorney for the plaintiff in this action, that he is authorized to take this verification, and that the statements made in the foregoing **Emergency Motion for Postponement of Sheriff's Sale** are true and correct to the best of his knowledge, information and belief.

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


**JOHN R. LHOTA, ESQUIRE FOR
DANIEL G. SCHMIEG, ESQUIRE
ATTORNEY FOR PLAINTIFF**

November 12, 2009

11/12/2009 16:11 FAX 2155638656

③

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

GMAC MORTGAGE, LLC
Plaintiff

vs

EDWARD C. KNAPP
Defendant

* NO. 08-2445-CD
*
*
*
*
*

ORDER

NOW, this 13th day of November, 2009, upon consideration of Plaintiff's
Emergency Motion for Fcstponement of Sheriff's Sale filed November 12, 2009; it is the
ORDER of this Court that said Motion be and is hereby DENIED.

BY THE COURT,



FREDRIC J. AMMERMAN
President Judge

FILED 3CC
013:07/30/11
NOV 13 2009
S
William A. Shaw
Prothonotary/Clerk of Courts
Lhotz
⑥

FILED

NOV 13 2009

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 11/13/09

☒ You are responsible for serving all appropriate parties.

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

___ Plaintiff(s) ___ Plaintiff(s) Attorney ___ Other

___ Defendant(s) ___ Defendant(s) Attorney

___ Special Instructions:

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 20955
NO: 08-2445-CD

PLAINTIFF: GMAC MORTGAGE, LLC
vs.
DEFENDANT: EDWARD C. KNAPP

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 4/9/2009

LEVY TAKEN 4/21/2009 @ 11:35 AM

POSTED 4/21/2009 @ 11:35 AM

SALE HELD

SOLD TO

SOLD FOR AMOUNT PLUS COSTS

WRIT RETURNED 1/25/2010

DATE DEED FILED

PROPERTY ADDRESS 430 WEST LONG AVENUE DUBOIS , PA 15801

FILED

0/9:03 am
JAN 25 2010

William A. Shaw
Prothonotary/Clerk of Courts

SERVICES

SEE ATTACHED SHEET(S) OF SERVICES

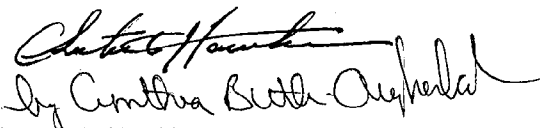
SHERIFF HAWKINS \$289.93

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

_____ Day of _____ 2010

So Answers,


Chester A. Hawkins
Sheriff

GMAC MORTGAGE, LLC

VS

EDWARD C. KNAPP

1 4/28/2009 @ SERVED EDWARD C. KNAPP

SERVED EDWARD C. KNAPP, DEFENDANT, AT 11560 ANIHINGA DRIVE, WELLINGTON, FL 33414 BY REG & CERT MAIL CERT #70060810000145074883. CERT MAIL RETURNED UNCLAIMED 5/26/09.

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

2 9/23/2009 @ SERVED EDWARD C. KNAPP

SERVED EDWARD C. KNAPP, DEFENDANT, AT 430 W. LONG AVENUE, DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA BY REG & CERT MAIL PER COURT ORDER CERT #70083230000335907891 CERT & REG MAIL

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

@ SERVED

NOW, MAY 29, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR JUNE 5, 2009 TO AUGUST 7, 2009 DUE TO SERVICE OF THE NOTICE OF SALE.

@ SERVED

NOW, JULY 28, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO POSTPONE THE SHERIFF SALE SCHEDULED FOR AUGUST 7, 2009 TO OCTOBER 2, 2009 DUE TO SERVICE OF THE NOTICE OF SALE.

@ SERVED

NOW, OCTOBER 1, 2009 RECEIVED A COURT ORDER TO CONTINUE THE SHERIFF SALE SCHEDULED FOR NOVEMBER 13, 2009 WITH NO FURTHER ADVERTISING OR NOTICE.

@ SERVED

NOW, NOVEMBER 13, 2009 RECEIVED A FAX LETTER FROM THE PLAINTIFF'S ATTORNEY TO STAY THE SHERIFF SALE SCHEDULED FOR NOVEMBER 13, 2009 DUE TO HOME AFFORDABLE MODIFICATION PROGRAM.

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

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

No.

No. 08-2445-CD

No.

WRIT OF EXECUTION
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 430 WEST LONG AVENUE, DUBOIS, PA 15801-1708
(See Legal Description attached)

Amount Due \$37,854.65

Interest from 4/2/09 to Sale \$

Per diem \$6.31

Add'l Costs

Writ Total

Prothonotary costs \$2,683.50
~~\$135.-~~ \$

OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated 4-9-09
(SEAL)

193963

Received this writ this 9th day
of April A.D. 2009
At 3:00 A.M./P.M.

Chester A. Hawke
Sheriff by Cynthia Butler-Caplan

No. 08-2445-CD.....

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

WRIT OF EXECUTION
(Mortgage Foreclosure)

Costs

Real Debt \$37,854.65

Int. from 4/2/09

To Date of Sale (\$6.31 per diem)

Costs

Prothy Pd.

Sheriff

Daniel G. Schmieg
DANIEL G. SCHMIEG, ESQUIRE
Attorney for Plaintiff

Address: EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

Attest: _____
Clerk of Court
J. J. J. J. J.

2/11/12

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Edward C. Knapp, a single person, dated the 14th day of September, 2006, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200617318.

TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated 06/04/2007, recorded 06/07/2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE
DUBOIS, PA 15801-1708

Tax Parcel No. 7.1-07-01981

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME EDWARD C. KNAPP

NO. 08-2445-CD

NOW, January 23, 2010, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on November 13, 2009, I exposed the within described real estate of Edward C. Knapp to public venue or outcry at which time and place I sold the same to he/she being the highest bidder, for the sum of and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	
LEVY	15.00
MILEAGE	20.90
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	19.03
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/SETTLEMENT AMOUNT	
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	60.00
MISCELLANEOUS	10.00
TOTAL SHERIFF COSTS	\$289.93

DEED COSTS:

ACKNOWLEDGEMENT	
REGISTER & RECORDER	
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$0.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	37,854.65
INTEREST @ 6.3100	1,419.75
FROM 04/02/2009 TO 11/13/2009	
ATTORNEY FEES	
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	

TOTAL DEBT AND INTEREST	\$39,294.40
--------------------------------	--------------------

COSTS:

ADVERTISING	1,474.29
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
DUE	
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	
DEED COSTS	0.00
SHERIFF COSTS	289.93
LEGAL JOURNAL COSTS	297.00
PROTHONOTARY	135.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	

TOTAL COSTS	\$2,336.22
--------------------	-------------------

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

CM

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

GMAC MORTGAGE, LLC,
Plaintiff
vs.
EDWARD C. KNAPP,
Defendant

*
*
*
*
*

NO. 08-2445-CD

ORDER

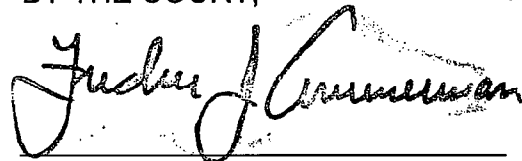
NOW, this 17th day of June, 2009, the Plaintiff is granted leave to serve the Notice of Sale upon the Defendant **EDWARD C. KNAPP** by:

1. Publication one time in The Courier Express (DuBois) and the Clearfield County Legal Journal;
2. By first class mail to 430 W. Long Avenue, DuBois, PA 15801;
3. By certified mail, return receipt requested to 430 W. Long Avenue, DuBois, PA 15801; and
4. By posting the mortgaged premises known in this herein action as 430 W. Long Avenue, DuBois, PA 15801.

Service of the aforementioned publication and mailings is effective upon the date of publication and mailing and is to be done by Plaintiff's attorney, who will file Affidavits of Service with the Prothonotary of Clearfield County.

FILED 4CC
013:32301 Amy
JUN 17 2009 Srivastava
William A. Shaw
Prothonotary/Clerk of Courts

BY THE COURT,


FREDRIC J. AMMERMAN
President Judge

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

2. Article Number
(Transfer from service label)

7006 0810 0001 4507 4883

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

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

3. Service Type

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

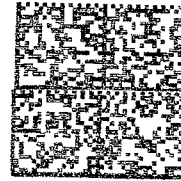
4. Restricted Delivery? (Extra Fee)

☐ Yes

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



7006 0810 0001 4507 4883



Hasler

016H16505405

\$05.490

04/28/2009

Mailed From 16830
US POSTAGE

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

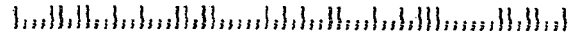
Lw 5/1 2009

NIXIE 334 SE 1 96 05/23/09

RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

BC: 16830247201 *1687-06597-20-40

3341435504 00
1683002472



Postal Service™
REGISTERED MAIL™ RECEIPT
(Mail Only; No Insurance Coverage Provided)

Information visit our website at www.usps.com

OFFICIAL USE

Postage	\$
Registration Fee	
Postage Fee (required)	
Registration Fee (required)	
Fees	\$ 5.49

CLEARFIELD, PA
Postmark Here
APR 28 2009
USPS

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414

June 2002 See Reverse for Instructions

United States Postal Service®
Sorry We Missed You! We'll Deliver for You

Today's Date: 5/26/09 Sender's Name: Return

Item is at: Available for Pick-up After: We will redeliver or you or your agent can pick up. See reverse.

Post Office (See back) Date: Time:

☒ Letter ☐ For Delivery: (Enter total number of items delivered by service type) ☐ If checked, you or your agent must be present at time of delivery to sign for item.

☐ Large envelope, magazine, catalog, etc. ☐ For Notice Left: (Check applicable item) ☐ Article Number(s)

☐ Parcel ☒ Express Mail® ☐ Insured Mail

☐ Restricted Delivery ☒ Certified Mail™ ☐ Return Receipt for Merchandise

☐ Perishable Item ☐ Firm Bill ☐ Delivery Confirmation™

☐ Other: ☐ Registered Mail™ ☐ Signature Confirmation™

Article Requiring Payment Amount Due

☐ Postage Due ☐ COD ☐ Customs \$

☐ Final Notice: Article will be returned to sender on

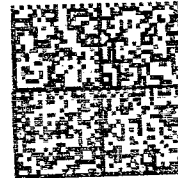
Delivered By and Date

PS Form 3849, May 2008 usps.com Delivery Notice/Reminder/Receipt

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



7008 3230 0003 3590 7891



Haster

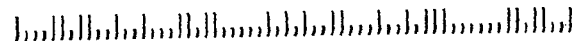
016H16505405
\$05.71
09/23/2009
Mailed From 16830
US POSTAGE

EDWARD C. KNAPP
430 W. LONG AVENUE
DUBOIS, PA 15801

X 155 N7E 1 5081 00 09/23/09
FORWARD TIME EXP RTN TO SEND
KNAPP, EDWARD C
11560 ANHINGA DR
WELLINGTON FL 33414-5904

RETURN TO SENDER

16830@2472



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



Haster

016H16505405
\$00.61
09/23/2009
Mailed From 16830
US POSTAGE

EDWARD C. KNAPP
430 W. LONG AVENUE
DUBOIS, PA 15801

NIXIE 155 DE 1 00 09/26/09

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 16830@2472

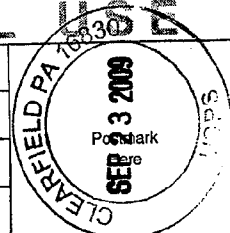
16830@2472

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage	\$.61
Certified Fee	2.80
Return Receipt Fee (Endorsement Required)	2.30
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 5.71



Sent To
Street, Apt. No.,
or PO Box No. EDWARD C. KNAPP
430 W. LONG AVENUE
City, State, ZIP+4 DUBOIS, PA 15801

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

EDWARD C. KNAPP
430 W. LONG AVENUE
DUBOIS, PA 15801

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

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

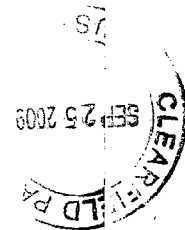
4. Restricted Delivery? (Extra Fee)

☐ Yes

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540



7008 3230 0003 3590 7891

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

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

May 29, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: GMAC MORTGAGE, LLC v.
EDWARD C. KNAPP
430 WEST LONG AVENUE, DU BOIS, PA 15801-1708
Court No. 08-2445-CD

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for June 5, 2009 due to the following: Service of NOS.

The Property is to be relisted for the August 7, 2009 Sheriff Sale.

Thank you for your correspondence in this matter.

Very Truly Yours,
TOBY BJORKMAN for
Phelan Hallinan & Schmieg, LLP

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

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

July 28, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: GMAC MORTGAGE, LLC v.
EDWARD C. KNAPP
430 WEST LONG AVENUE, DU BOIS, PA 15801-1708
Court No. 08-2445-CD

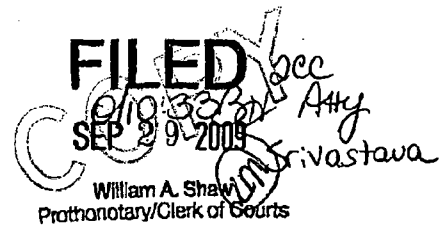
Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for August 7, 2009 due to the following: Service of NOS.

The Property is to be relisted for the October 2, 2009 Sheriff Sale.

Thank you for your correspondence in this matters.

Very Truly Yours,
ELIZABETH HALLINAN for
Phelan Hallinan & Schmieg, LLP



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

GMAC MORTGAGE, LLC	:	Court of Common Pleas
Plaintiff	:	
vs.	:	Civil Division
	:	
EDWARD C. KNAPP	:	CLEARFIELD County
Defendant	:	No. 08-2445-CD
	:	

ORDER

AND NOW, this 28th day of September, 2009, after consideration of Plaintiff's Emergency Motion to Postpone Sheriff's Sale of the mortgaged property located at 430 West Long Avenue, Dubois, PA 15801-1708, it is hereby

ORDERED that the said sale is extended one month to the regularly scheduled CLEARFIELD County Sheriff's Sale on November 13, 2009.

No further advertising or additional notice to lienholders or Defendant is required, but the Sheriff is directed to announce said continuation to the assembled bidders and Plaintiff is to forward a copy of this Order to Defendant via first class mail.

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

BY THE COURT:

Judith J. Ammann

J.

OCT 01 2009

193963

Attest.

William A. Shaw

Prothonotary/
Clerk of Courts

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

Representing Lenders in
Pennsylvania and New Jersey

Foreclosure Manager

November 13, 2009

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

Attn: Real Estate Department

Fax Number: 814-765-5915

Re: **GMAC MORTGAGE, LLC v.**
EDWARD C. KNAPP
430 WEST LONG AVENUE, DU BOIS, PA 15801-1708
Court No. 08-2445-CD

Dear Sir/Madam:

Please **STAY** the Sheriff's Sale of the above referenced property, which is scheduled for November 13, 2009 due to the following: Home Affordable Modification Program (HAMP).

Please be advised that no funds were reported to be received.

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

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

Thank you for your cooperation in this matter.

Very Truly Yours,
Lauren Schaefer for
Phelan Hallinan & Schmieg, LLP

PRAECIPE FOR WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

Pa R.C.P. 3130-3183

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-2445-CD

CLEARFIELD COUNTY

To the PROTHONOTARY:

Issue writ of execution in the above matter:

Amount Due

Interest from 04/02/2009 to Sale

Per diem \$6.31

Add'l Costs

Writ Total

Prothonotary costs

\$37,853.65

155.00

\$ _____

\$5,715.78

\$ _____

Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☒ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

Note: Please attach description of Property.

PHS # 193963

FILED

APR 14 2010

William A. Shaw
Prothonotary/Clerk of Courts

Atty pd. 20.00

1 CC Colewintz
w/prop.
desc-to
Shiff

(60)

No. 08-2445-CD

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

PRAEPIPE FOR WRIT OF EXECUTION
(Mortgage Foreclosure)

Filed:


Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
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- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew I. Spivack, Esq., Id. No. 84439
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- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☒ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:
EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

William A. Shaw
Prothonotary/Clerk of Courts

APR 14 2010

FILED

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated 06/04/2007, recorded 06/07/2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE, DU BOIS, PA 15801-1708

Tax Parcel No. 007190700001981

Phelan Hallinan & Schmieg, LLP
1517 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-553-7000

Attorneys for Plaintiff

GMAC MORTGAGE, LLC
Plaintiff

v.

EDWARD C. KNAPP
Defendant(s)

: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 08-2445-CD**
:
: **CLEARFIELD COUNTY**
:
:

CERTIFICATION

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

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

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

By: 

Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
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- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☒ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

GMAC MORTGAGE, LLC

Plaintiff

COURT OF COMMON PLEAS

v.

CIVIL DIVISION

EDWARD C. KNAPP

Defendant(s)

NO. 08-2445-CD

CLEARFIELD COUNTY

AFFIDAVIT PURSUANT TO RULE 3129.1

GMAC MORTGAGE, LLC, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **430 WEST LONG AVENUE,, DU BOIS, PA 15801-1708**.

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

Name

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

EDWARD C. KNAPP

**11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804**

**430 WEST LONG AVENUE
DU BOIS, PA 15801-1708.**

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

Name

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

SAME AS ABOVE

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

Name

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

None.

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

Name

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

CITIFINANCIAL INC.

**280 COMMONS DRIVE
DUBOIS, PA 15801**

**PO BOX 17170
BALTIMORE, MD 21203**

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

Name

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

None.

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

Name

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

None.

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

Name

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

TENANT/OCCUPANT

**430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708**

**DOMESTIC RELATIONS
CLEARFIELD COUNTY**

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

**Commonwealth of Pennsylvania
Department of Welfare**

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

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

**13th Floor, Suite 1300
1601 Liberty Avenue
Pittsburgh, PA 15222**

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

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

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

April 5, 2010

By: 

Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☒ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

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

COPY

GMAC MORTGAGE, LLC

vs.

COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-2445-CD

CLEARFIELD COUNTY

EDWARD C. KNAPP

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 430 WEST LONG AVENUE,, DU BOIS, PA 15801-1708
(See Legal Description attached)

Amount Due

Interest from 04/02/2009 to Sale

Per diem \$6.31

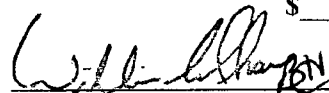
Add'l Costs

Writ Total

Prothonotary costs \$37,853.65
155.00
\$ _____

\$5,715.78

\$ _____



OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated

4/14/2010

(SEAL)

PHS # 193963

No. 08-2445-CD

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	<u>Costs</u>
Int. from	\$37,853.65
To Date of Sale (\$6.31 per diem)	
Costs	<u>155.00</u>
Prothy Pd.	
Sheriff	

Filed



Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
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- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
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- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☒ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

Address where papers may be served:
EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated 06/04/2007, recorded 06/07/2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE, DU BOIS, PA 15801-1708

Tax Parcel No. 007100700001981

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC
Plaintiff,

v.

EDWARD C. KNAPP
Defendant(s)

CLEARFIELD COUNTY

COURT OF COMMON PLEAS

CIVIL DIVISION

No. 08-2445-CD

FILED *NO CC*
JUN 03 2010
William A. Shaw
Prothonotary/Clerk of Courts

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA)
PHILADELPHIA COUNTY)

SS:

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

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
 - ☐ Francis S. Hallinan, Esq., Id. No. 62695
 - ☐ Daniel G. Schmieg, Esq., Id. No. 62205
 - ☐ Michele M. Bradford, Esq., Id. No. 69849
 - ☐ Judith T. Romano, Esq., Id. No. 58745
 - ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
 - ☐ Jenine R. Davey, Esq., Id. No. 87077
 - ☐ Lauren R. Tabas, Esq., Id. No. 93337
 - ☐ Vivek Srivastava, Esq., Id. No. 202331
 - ☐ Jay B. Jones, Esq., Id. No. 86557
 - ☐ Peter J. Mulcahy, Esq., Id. No. 61791
 - ☐ Andrew L. Spivack, Esq., Id. No. 84439
 - ☐ Jaime McGuinness, Esq., Id. No. 90134
 - ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
 - ☐ Joshua I. Goldman, Esq., Id. No. 205047
 - ☐ Courtenay R. Dunn, Esq., Id. No. 206779
 - ☐ Andrew C. Bramblett, Esq., Id. No. 208375
- Attorney for Plaintiff

Date: 6-2-10

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

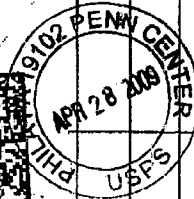
CQS

Name and
Address
of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1		TENANT/OCCUPANT 430 WEST LONG AVENUE DUBOIS, PA 15801-1708		
2		DOMESTIC RELATIONS CLEARFIELD COUNTY CLEARFIELD COUNTY COURTHOUSE 230 EAST MARKET STREET CLEARFIELD, PA 16830		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE PO BOX 2675 HARRISBURG, PA 17105		
4		Commonwealth of Pennsylvania, Bureau of Individual Tax Inheritance Tax Division, 6 th Floor, Strawberry Sq., Dept 28061 Harrisburg, PA 17128		
5		Internal Revenue Service, Federated Investors Tower 13 th Floor, Suite 1300, 1001 Liberty Avenue Pittsburgh, PA 15222		
6		Department of Public Welfare, TPL Casualty Unit Estate Recovery Program, P.O. Box 8486, Willow Oak Building Harrisburg, PA 17105		
7		CITIFINANCIAL, INC 280 COMMONS DRIVE DUBOIS, PA 15801		
8				
9				
10				
11				
12	JVS	Re: EDWARD C. KNAPP 193963 TEAM 3		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for the reconstruction of nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise is \$500. The maximum indemnity payable is \$25,000 for registered mail, sent with optional insurance. See Domestic Mail Manual R900, S913 and S921 for limitations of coverage.

UNITED STATES POSTAGE
\$02.78
0304218C10 APR 28 2006
MAILED FROM ZIP CODE 19103



FILED

JUN 03 2010

William A. Shaw
Prothonotary/Clerk of Courts

FILED No. CC.

m/10:02Lm
JUN 28 2010

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
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Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 36657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaimie McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
Plaintiff

EDWARD C. KNAPP

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-2445-CD

PLAINTIFF'S MOTION TO REASSESS DAMAGES

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

1. Plaintiff commenced this foreclosure action by filing a Complaint on December 23, 2008, a true and correct copy of which is attached hereto, made part hereof, and marked as Exhibit "A".

2. Judgment was entered on April 2, 2009 in the amount of \$37,853.65. A true and correct copy of the praecipe for judgment is attached hereto, made part hereof, and marked as Exhibit "B".

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

4. The Property is listed for Sheriff's Sale on July 2, 2010.

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

Principal Balance	\$34,034.17
Interest Through July 2, 2010	\$5,560.69
Per Diem \$7.92	
Late Charges	\$381.70
Legal fees	\$1,250.00
Cost of Suit and Title	\$2,342.49
Sheriff's Sale Costs	\$2,221.22
Property Inspections/ Property Preservation	\$300.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00

Suspense/Misc. Credits
Escrow Deficit

(\$0.00)
\$1,372.13

TOTAL

\$47,462.40

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

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

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

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

Phelan Hallinan & Schmieg, LLP

DATE: 6-25-10

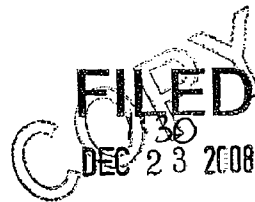
By:

Jaime McGuinness

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 52695
- ☐ Daniel G. Schmieg, Esq., Id. No. 52205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
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- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

Exhibit “A”



William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
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Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

193963

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

Plaintiff

NO. 08-2445-CD

CLEARFIELD COUNTY

EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

Defendant

with a true and
correct copy of the
original filed of record

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

ATTORNEY FILE COPY
PLEASE RETURN

NOTICE

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

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

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

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

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

1. Plaintiff is

GMAC MORTGAGE, LLC
1100 VIRGINIA DRIVE
P.O. BOX 8300
FORT WASHINGTON, PA 19034

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

EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

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

3. On 07/13/2007 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INCORPORATED AS A NOMINEE FOR GMAC MORTGAGE, LLC DBA DITECH which mortgage is recorded in the Office of the Recorder of CLEARFIELD County, in Mortgage Instrument No. 200712689. The PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 09/01/2008 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	\$34,034.17
Interest	\$1,157.76
08/01/2008 through 12/22/2008 (Per Diem \$8.04)	
Attorney's Fees	\$1,250.00
Cumulative Late Charges	\$52.05
07/13/2007 to 12/22/2008	
Property Inspections	\$22.50
Cost of Suit and Title Search	<u>\$750.00</u>
Subtotal	\$37,266.48
Escrow	
Credit	(\$216.83)
Deficit	\$0.00
Subtotal	<u>(\$216.83)</u>
TOTAL	\$37,049.65

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 \$37,049.65, together with interest from 12/22/2008 at the rate of \$8.04 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: Jaime McGuinness 90134

Lawrence T. Phelan, Esquire
Francis S. Hallinan, Esquire
Daniel G. Schmieg, Esquire
Michele M. Bradford, Esquire
Judith T. Romano, Esquire
Sheetal R. Shah-Jani, Esquire
Jenine R. Davey, Esquire
Lauren R. Tabas, Esquire
Vivek Srivastava, Esquire
Jay B. Jones, Esquire
Peter J. Mulcahy, Esquire
Andrew L. Spivack, Esquire
Jaime McGuinness, Esquire
Chrisovalante P. Fliakos, Esquire

Attorneys for Plaintiff

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

BEING the same premises conveyed to the Grantors herein by Deed of Edward C. Knapp, a single person, dated the 14th day of September, 2006, as recorded in the Office of the Recorder of Deeds of Clearfield County, PA, as Instrument Number 200617318.

PROPERTY BEING; 430 WEST LONG AVENUE

PARCEL# 7.1-07-01981

VERIFICATION

Jeffrey Stephan
Limited Signing Officer

hereby states that he/she is

180

of GMAC MORTGAGE, LLC servicing agent for Plaintiff,

GMAC MORTGAGE, LLC, in this matter, that he/she is authorized to take this Verification, and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

DATE:

12/30/08

Name:

Title:

Company: GMAC MORTGAGE, LLC

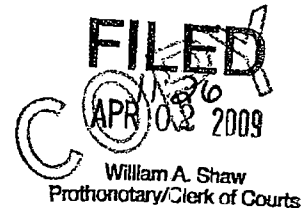
Jeffrey Stephan
Limited Signing Officer

Loan: 0656768420

File #: 193963

Exhibit “B”

Phelan Hallinan & Schmieg, LLP
By: Daniel G. Schmieg, Esquire
Identification No. 62205
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000



Attorney for Plaintiff

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

: CLEARFIELD COUNTY
:
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: No. 08-2446-CD

**PRAECIPE FOR ENTRY OF JUDGMENT FOR FAILURE TO
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

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

As set forth in Complaint
Interest - 12/23/2008 to 04/01/2009


\$37,049.65

\$804.00

TOTAL

\$37,853.65

I hereby certify that (1) the addresses of the Defendant(s) are as shown above, and (2) that notice has been given in accordance with Rule 237.1, copy attached.


Daniel G. Schmieg, Esquire
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE: 4/6/09

PHS # 193963


PRO PROTHY

VERIFICATION

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

DATE: 6-25-10

By: June M. McGuinness

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

FILED 1 CC AH

m/10:02am
JUN 28 2010

William A. Shaw
Prothonotary/Clerk of Courts

Phelan Hallinan & Schmieg, LLP
By: Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmieg, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tabas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
Peter J. Mulcahy, Esq., Id. No. 61791
Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
Plaintiff

v.

EDWARD C. KNAPP

Defendant

Court of Common Pleas
Civil Division
CLEARFIELD County
No. 08-2445-CD

CERTIFICATION OF SERVICE

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

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

EDWARD C. KNAPP
430 WEST LONG AVENUE
DU BOIS, PA 15801-1708

DATE: 6-25-10

Phelan Hallinan & Schmiegel, LLP

By: Jane McGuinness

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmiegel, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☐ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

ATTORNEY FOR PLAINTIFF

CA

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY
PENNSYLVANIA

GMAC MORTGAGE, LLC
Plaintiff

v.

EDWARD C. KNAPP
Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-2445-CD

RULE

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

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

BY THE COURT


193963

FILED
JUN 30 2010
William A. Shaw
Prothonotary/Clerk of Courts
1cc
Angie McGuinness

193963

FILED

JUN 30 2010

William A. Shaw
Prothonotary/Clerk of Courts

DATE: 6/30/10

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

Phelan Hallinan & Schmieg, LLP
 Lawrence T. Phelan, Esq., Id. No. 32227
 Francis S. Hallinan, Esq., Id. No. 62695
 Daniel G. Schmieg, Esq., Id. No. 62205
 Michele M. Bradford, Esq., Id. No. 69849
 Judith T. Romano, Esq., Id. No. 58745
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 Jay B. Jones, Esq., Id. No. 86657
 Peter J. Mulcahy, Esq., Id. No. 61791
 Andrew L. Spivack, Esq., Id. No. 84439
 Jaime McGuinness, Esq., Id. No. 90134
 Chrisovalante P. Fliakos, Esq., Id. No. 94620
 Joshua I. Goldman, Esq., Id. No. 205047
 Courtenay R. Dunn, Esq., Id. No. 206779
 Andrew C. Bramblett, Esq., Id. No. 208375
 1617 JFK Boulevard, Suite 1400
 One Penn Center Plaza
 Philadelphia, PA 19103
 215-563-7000

FILED NO
 m no: 333H CC
 JUL 12 2010
 William A. Shahan
 Prothonotary/Clerk of Courts

GMAC MORTGAGE, LLC

Plaintiff,

v.

EDWARD C. KNAPP

Defendant(s).

:
 : **CLEARFIELD COUNTY**
 : **COURT OF COMMON PLEAS**
 :
 : **CIVIL DIVISION**
 :
 : **NO. 08-2445-CD**
 :

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

I hereby certify that a true and correct copy of the Notice of Sheriff Sale in the above captioned matter was sent by regular mail and certified mail, return receipt requested, to **EDWARD C. KNAPP &** on **MAY 20, 2010** in accordance with the Order of Court dated **JUNE 17, 2009**. The property was posted on **MAY 29, 2010**. Publication was advertised in **COURIER EXPRESS** on **MAY 26, 2010** & in **CLEARFIELD COUNTY LEGAL JOURNAL** on **MAY 28, 2010**.

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

PHELAN HALLINAN & SCHMIEG, LLP

By:

Lawrence T. Phelan, Esq., Id. No. 32227
 Francis S. Hallinan, Esq., Id. No. 62695
 Daniel G. Schmieg, Esq., Id. No. 62205
 Michele M. Bradford, Esq., Id. No. 69849
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 Joshua I. Goldman, Esq., Id. No. 205047
 Courtenay R. Dunn, Esq., Id. No. 206779
 Andrew C. Bramblett, Esq., Id. No. 208375
 Attorneys for Plaintiff

Dated:

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

GMAC MORTGAGE, LLC,
Plaintiff
vs.
EDWARD C. KNAPP,
Defendant

*
*
*
*
*

NO. 08-2445-CD

ORDER

NOW, this 17th day of June, 2009, the Plaintiff is granted leave to serve
the Notice of Sale upon the Defendant **EDWARD C. KNAPP** by:

1. Publication one time in The Courier Express (DuBois) and the
Clearfield County Legal Journal;
2. By first class mail to 430 W. Long Avenue, DuBois, PA 15801;
3. By certified mail, return receipt requested to 430 W. Long Avenue,
DuBois, PA 15801; and
4. By posting the mortgaged premises known in this herein action as
430 W. Long Avenue, DuBois, PA 15801.

Service of the aforementioned publication and mailings is effective upon
the date of publication and mailing and is to be done by Plaintiff's attorney, who will file
Affidavits of Service with the Prothonotary of Clearfield County.

BY THE COURT,


/S/ Fredric J Ammerman

FREDRIC J. AMMERMAN
President Judge

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

JUN 17 2009

Attest.


Prothonotary/
Clerk of Courts

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

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

**STATE OF PENNSYLVANIA
COUNTY OF CLEARFIELD**

SS:

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

26th day of May A.D., 2010

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

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

By

[Signature]

Sworn and subscribed to before me this 27th day of May, 2010

[Signature]
NOTARY PUBLIC

NOTICE OF SHERIFF'S SALE
IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NO. 08-2445-CD

GMAC MORTGAGE, LLC
vs.
EDWARD C. KNAPP &

NOTICE TO: EDWARD C. KNAPP &
NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

Being Premises: 430 WEST LONG AVENUE, DU BOIS, PA
15801-1708
Being in DUBOIS CITY Township, County of CLEARFIELD
Commonwealth of Pennsylvania
Parcel Number 1: 007100700001981

Improvements consist of residential property.
Sold as the property of EDWARD C. KNAPP &

Your house (real estate) at 430 WEST LONG AVENUE, DU BOIS, PA 15801-1708 is scheduled to be sold at the Sheriff's Sale on JULY 2, 2010 at 10:00 AM. at the CLEARFIELD County Courthouse to enforce the Court Judgment of \$37,853.65 obtained by, GMAC MORTGAGE, LLC (the mortgagee), against the above premises.

PHELAN HALLINAN & SCHMIEG, LLP
Attorney for Plaintiff

5/26/10

Statement of Advertising Cost
McLEAN PUBLISHING COMPANY

Publisher of

**R-EXPRESS/TRI-COUNTY SUNDAY/
JEFFERSONIAN DEMOCRAT**

DuBois, PA

Full Spectrum Services, Inc.

notice or advertisement	
in the above stated dates.....	\$129.15
.....	\$7.50
.....	\$136.65

blisher's Receipt for Advertising Costs

, **Tri-County Sunday**, a weekly newspaper, and/or **Jeffersonian Democrat**, a receipt of the aforesaid advertising and publication costs, and certifies that the

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

Jeffers Street and Beaver Drive, DuBois, PA 15801
Established 1879, Phone 814-371-4200
McLEAN PUBLISHING COMPANY
Publisher of

COURIER-EXPRESS/TRI-COUNTY SUNDAY/JEFFERSONIAN DEMOCRAT

By

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

ATTORNEY FOR

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :

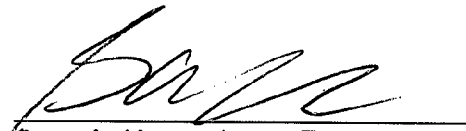
:

:

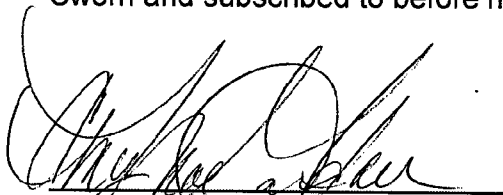
COUNTY OF CLEARFIELD :

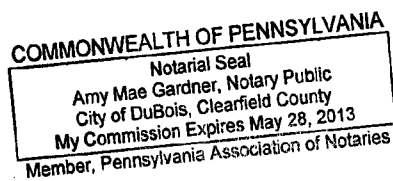
:

On this 28th day of May AD 2010, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro editor of the Clearfield County Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of May 28, 2010, Vol. 22, No.23. And that all of the allegations of this statement as to the time, place, and character of the publication are true.


Gary A. Knaresboro, Esquire
Editor

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


Notary Public
My Commission Expires



Brendan Booth
Full Spectrum Service, Inc.
400 Fellowship Road
Suite 220
Mount Laurel, NJ 08054

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNSYLVANIA
NOTICE OF SHERIFF'S SALE OF REAL
PROPERTY
CIVIL ACTION
NO. 08-2445-CD

GMAC MORTGAGE, LLC, Plaintiff vs. EDWARD
C. KNAPP &

Being Premises: 430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

Being in DU BOIS CITY Township, County of
CLEARFIELD Commonwealth of Pennsylvania
Parcel Number 1: 007100700001981

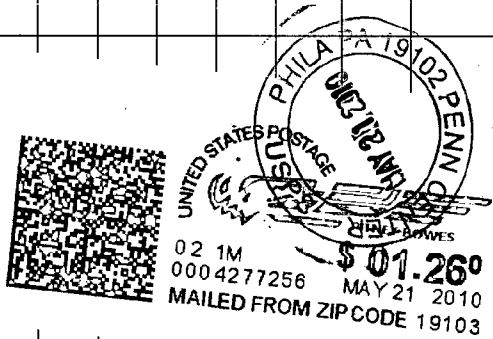
Improvements consist of residential property.
Sold as the property of EDWARD C. KNAPP &
Your house (real estate) at 430 WEST LONG
AVENUE, DU BOIS, PA 15801-1708 is scheduled
to be sold at the Sheriff's Sale on JULY 2, 2010
at 10:00 AM., at the CLEARFIELD County Court-
house to enforce the Court Judgment of
\$37,853.65 obtained by, GMAC MORTGAGE,
LLC (the mortgagee), against the above prem-
ises.

PHILAN HALLINAN & SCHMIEG, LLP, Attorneys
for Plaintiff

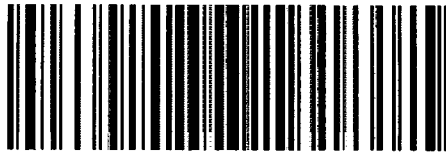
Name and Address of Sender

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

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage
1	****	EDWARD C. KNAPP 430 WEST LONG AVENUE, DU BOIS, PA 15801-0000	
2	****		
3	****		
4	****		
5			
6	****		
7	****		
8	****		
9	****		
10	****		
11	****		
12	****		
13	****		
14			
15			
Total Number of Pieces Listed by Sender		RE: KNAPP, EDWARD PHS# 193963 TEAM 4/KXC	
Total Number of Pieces Received at Post Office		Postmaster, Per (Name of Receiving Employee)	



KXC



7178 2417 6099 0057 3172

4 / KXC
EDWARD C. KNAPP
430 WEST LONG AVENUE,
DU BOIS, PA 15801-0000

--fold here (regular)

-- fold here (6x9)

--fold here (regular)

[Home](#) | [Help](#) | [Sign In](#)[Track & Confirm](#)[FAQs](#)

Track & Confirm

Search Results

Label/Receipt Number: 7178 2417 6099 0057 3172

Class: **First-Class Mail®**Service(s): **Return Receipt Electronic**Status: **Delivered**

Your item was delivered at 12:06 PM on May 28, 2010 in
PHILADELPHIA, PA 19103.

Detailed Results:

- **Delivered, May 28, 2010, 12:06 pm, PHILADELPHIA, PA 19103**
- **Arrival at Unit, May 27, 2010, 1:23 pm, PHILADELPHIA, PA 19104**
- **Moved, Left no Address, May 24, 2010, 11:15 am, DU BOIS, PA**
- **Acceptance, May 21, 2010, 4:43 pm, PHILADELPHIA, PA 19102**
- **Electronic Shipping Info Received, May 20, 2010**

Notification Options

Track & Confirm by email

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

[Go >](#)

Return Receipt (Electronic)

Verify who signed for your item by email.

[Go >](#)

Track & Confirm

Enter Label/Receipt Number.

[Go >](#)[Site Map](#)[Customer Service](#)[Forms](#)[Gov't Services](#)[Careers](#)[Privacy Policy](#)[Terms of Use](#)[Business Customer Gateway](#)

Copyright© 2010 USPS. All Rights Reserved.

No FEAR Act EEO Data

FOIA



Equal Housing Opportunity



Equal Housing Opportunity

AFFIDAVIT OF SERVICE

PLAINTIFF
GMAC MORTGAGE, LLC

CLEARFIELD COUNTY

PHS # 193963

DEFENDANT
EDWARD C. KNAPP

SERVICE TEAM/ kxc

SERVE EDWARD C. KNAPP AT:
430 WEST LONG AVENUE,
DU BOIS, PA 15801-1708

COURT NO.: 08-2445-CD
TYPE OF ACTION
XX Notice of Sheriff's Sale
SALE DATE: 07/02/2010

*****PLEASE POST PROPERTY BY JUNE 2, 2010
PER COURT ORDER*****

SERVED

Served and made known to EDWARD C. KNAPP, Defendant on the 29th day of MAY, 2010, at 1:00 o'clock P. M., at 430 W LONG AVE, DuBois, PA 15801 in the manner described below:

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

☒ Other: POSTED

Description: Age _____ Height _____ Weight _____ Race _____ Sex _____ Other _____

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

Sworn to and subscribed
before me this 1st day
of June, 2010

Notary:

By:

D.M. Ellis

NOT SERVED

On the _____ day of _____, 20____, at _____ o'clock _____ M., Defendant NOT FOUND because:

- ☐ Vacant ☐ Bad Address ☐ Moved ☐ Does Not Reside (Not Vacant)
☐ No Answer on _____ at _____; _____ at _____
☐ Service Refused

Other:

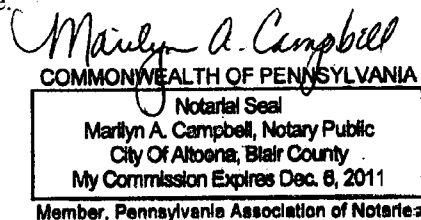
Sworn to and subscribed
before me this _____ day
of _____, 20____.

By:

Notary:

ATTORNEY FOR PLAINTIFF

Lawrence T. Phelan, Esq., Id. No. 32227
Francis S. Hallinan, Esq., Id. No. 62695
Daniel G. Schmiege, Esq., Id. No. 62205
Michele M. Bradford, Esq., Id. No. 69849
Judith T. Romano, Esq., Id. No. 58745
Sheetal R. Shah-Jani, Esq., Id. No. 81760
Jenine R. Davey, Esq., Id. No. 87077
Lauren R. Tubas, Esq., Id. No. 93337
Vivek Srivastava, Esq., Id. No. 202331
Jay B. Jones, Esq., Id. No. 86657
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Andrew L. Spivack, Esq., Id. No. 84439
Jaime McGuinness, Esq., Id. No. 90134
Chrisovalante P. Fliakos, Esq., Id. No. 94620
Joshua I. Goldman, Esq., Id. No. 205047
Courtenay R. Dunn, Esq., Id. No. 206779
Andrew C. Bramblett, Esq., Id. No. 208375
One Penn Center at Suburban Station
1617 John F. Kennedy Blvd., Suite 1400



FILED

JUL 12 2010

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21160
NO: 08-2445-CD

PLAINTIFF: GMAC MORTGAGE, LLC

vs.

DEFENDANT: EDWARD C. KNAPP

Execution REAL ESTATE

SHERIFF RETURN

DATE RECEIVED WRIT: 4/14/2010

LEVY TAKEN 5/12/2010 @ 11:14 AM

POSTED 5/12/2010 @ 11:14 AM

SALE HELD 7/2/2010

SOLD TO FANNIE MAE

SOLD FOR AMOUNT \$1.00 PLUS COSTS

WRIT RETURNED 8/10/2010

DATE DEED FILED 8/10/2010

PROPERTY ADDRESS 430 WEST LONG AVENUE DUBOIS , PA 15801

SERVICES

6/1/2010 @ SERVED EDWARD C. KNAPP

SERVED EDWARD C. KNAPP, DEFENDANT, BY REG & CERT MAIL TO 11560 ANHINGA DRIVE, WELLINGTON, FL 33414, CERT #70083230000335908416. SIGNED FOR BY ED KNAPP

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

FILED

013:33/67
AUG 10 2010

William A. Shaw
Prothonotary/Clerk of Courts

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

DOCKET # 21160
NO: 08-2445-CD

PLAINTIFF: GMAC MORTGAGE, LLC

vs.

DEFENDANT: EDWARD C. KNAPP

Execution REAL ESTATE

SHERIFF RETURN


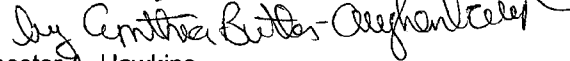
SHERIFF HAWKINS \$211.60

SURCHARGE \$20.00 PAID BY ATTORNEY

Sworn to Before Me This

_____ Day of _____ 2010

So Answers,

Chester A. Hawkins
Sheriff

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)

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

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

COURT OF COMMON PLEAS

CIVIL DIVISION

NO. 08-2445-CD

CLEARFIELD COUNTY

Commonwealth of Pennsylvania:

County of Clearfield

TO THE SHERIFF OF CLEARFIELD COUNTY, PENNSYLVANIA:

PREMISES: 430 WEST LONG AVENUE,, DU BOIS, PA 15801-1708
(See Legal Description attached)

Amount Due

Interest from 04/02/2009 to Sale

Per diem \$6.31

Add'l Costs

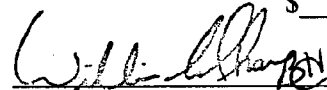
Writ Total

Prothonotary costs \$37,853.65
155.00

\$ _____

\$5,715.78

\$ _____



OFFICE OF THE PROTHONOTARY OF CLEARFIELD
COUNTY, PENNSYLVANIA

Dated

4/14/2010

(SEAL)

PHS # 193963

Received this writ this 14th day
of April A.D. 2010
At 3:00 A.M./P.M.

Charles A. Hankins
Sheriff By Amber Butler

No. 08-2445-CD

IN THE COURT OF COMMON PLEAS OF
CLERAFIELD COUNTY, PENNSYLVANIA

GMAC MORTGAGE, LLC

vs.

EDWARD C. KNAPP

WRIT OF EXECUTION
(Mortgage Foreclosure)

Real Debt	Costs
Int. from	\$37,853.65

To Date of Sale (\$6.31 per diem)

Costs	<u>155.00</u>
Prothy, Pd.	
Sheriff	

Filed


Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

☒ Lawrence T. Phelan, Esq., Id. No. 32227

☐ Francis S. Hallinan, Esq., Id. No. 62695

☐ Daniel G. Schmieg, Esq., Id. No. 62205

☐ Michele M. Bradford, Esq., Id. No. 69849

☐ Judith T. Romano, Esq., Id. No. 58745

☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760

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☐ Andrew L. Spivack, Esq., Id. No. 84439

☐ Jaime McGuinness, Esq., Id. No. 90134

☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620

☐ Joshua I. Goldman, Esq., Id. No. 205047

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

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

Address where papers may be served:

EDWARD C. KNAPP

11560 ANHINGA DRIVE

WELLINGTON, FL 33414-5804

430 WEST LONG AVENUE,

DU BOIS, PA 15801-1708

LEGAL DESCRIPTION

ALL that certain piece, parcel or tract of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a post on the Northerly boundary line of West Long Avenue, in said Borough (now City), said point being distant and Westerly from the corner of Shaffer Alley, 46.4 feet, and at the corner of the lot now or formerly of Patrick Gleason on West Long Avenue aforesaid; thence by West Long Avenue, North 61 degrees 35 minutes West, 30.6 feet to a post; thence to the right, North 22 degrees 30 minutes East, 51 feet to a post; thence to the left, North 12 degrees 45 minutes West, 93.1 feet to a post at land now or formerly of McNamee; thence to the right along said land now or formerly of McNamee line, North 77 degrees 15 minutes East 45.5 feet to a post at Shaffer Alley; thence to the right in a Southerly direction along Shaffer Alley, 23.2 feet to a post; thence to the right South 70 degrees 15 minutes West 17.5 feet; thence to the left South 10 degrees 40 minutes East, 93.1 feet; thence to the right in a Southerly direction 50.3 feet to the place of beginning.

TITLE TO SAID PREMISES IS VESTED IN Edward C. Knapp, a single person, by Deed from Edward C. Knapp, a single person and Mary Knapp Chandler, a single person, dated 06/04/2007, recorded 06/07/2007 in Instrument Number 200709355.

Premises being: 430 WEST LONG AVENUE, DU BOIS, PA 15801-1708

Tax Parcel No. 007100700001981

**REAL ESTATE SALE
SCHEDULE OF DISTRIBUTION**

NAME EDWARD C. KNAPP

NO. 08-2445-CD

NOW, August 10, 2010, by virtue of the Writ of Execution hereunto attached, after having given due and legal notice of time and place of sale by publication in a newspaper published in this County and by handbills posted on the premises setting for the date, time and place of sale at the Court House in Clearfield on July 02, 2010, I exposed the within described real estate of Edward C. Knapp to public venue or outcry at which time and place I sold the same to FANNIE MAE he/she being the highest bidder, for the sum of \$1.00 plus costs and made the following appropriations, viz:

SHERIFF COSTS:

RDR	15.00
SERVICE	15.00
MILEAGE	
LEVY	15.00
MILEAGE	19.00
POSTING	15.00
CSDS	10.00
COMMISSION	0.00
POSTAGE	11.60
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	1.00
RETURNS/DEPUTIZE	
COPIES	15.00
	5.00
BILLING/PHONE/FAX	5.00
CONTINUED SALES	
MISCELLANEOUS	
TOTAL SHERIFF COSTS	\$211.60

DEED COSTS:

ACKNOWLEDGEMENT	5.00
REGISTER & RECORDER	52.00
TRANSFER TAX 2%	0.00
TOTAL DEED COSTS	\$52.00

PLAINTIFF COSTS, DEBT AND INTEREST:

DEBT-AMOUNT DUE	37,853.65
INTEREST @ 6.3100 %	2,877.36
FROM 04/02/2009 TO 07/02/2010	
PROTH SATISFACTION	
LATE CHARGES AND FEES	
COST OF SUIT-TO BE ADDED	5,715.78
FORECLOSURE FEES	
ATTORNEY COMMISSION	
REFUND OF ADVANCE	
REFUND OF SURCHARGE	20.00
SATISFACTION FEE	
ESCROW DEFICIENCY	
PROPERTY INSPECTIONS	
INTEREST	
MISCELLANEOUS	
TOTAL DEBT AND INTEREST	\$46,466.79
COSTS:	
ADVERTISING	1,280.55
TAXES - COLLECTOR	
TAXES - TAX CLAIM	
ASSESSMENT FEE	10.00
LIEN SEARCH	100.00
ACKNOWLEDGEMENT	5.00
DEED COSTS	52.00
SHERIFF COSTS	211.60
LEGAL JOURNAL COSTS	135.00
PROTHONOTARY	155.00
MORTGAGE SEARCH	40.00
MUNICIPAL LIEN	
TOTAL COSTS	\$1,989.15

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

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

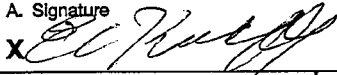
1. Article Addressed to:

EDWARD C. KNAPP
11560 ANHINGA DRIVE
WELLINGTON, FL 33414-5804

2. Article Number
(Transfer from service label)

Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery 6-1

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

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

7008 3230 0003 3590 8416

Domestic Return Receipt

102595-02-M-15

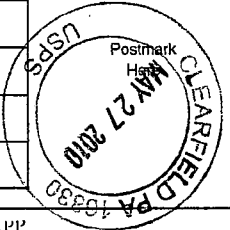
U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

7008 3230 0003 3590 8416

Postage	\$	
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	5.71



Sent To
EDWARD C. KNAPP
Street, Apt. No.;
or PO Box No. 11560 ANHINGA DRIVE
City, State, ZIP+4 WELLINGTON, FL 33414-5804

PS Form 3800, August 2003 See Reverse for Instructions

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

FILED

0191880-2
AUG 16 2013

William A. Shaw
Prothonotary/Clerk of Courts

GMAC MORTGAGE, LLC
Plaintiff

v.
EDWARD C. KNAFF

Defendant

Court of Common Pleas

Civil Division

CLEARFIELD County

No. 08-2445-CD

ORDER

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

Principal Balance	\$34,034.17
Interest Through July 2, 2010	\$5,560.69
Per Diem \$7.92	
Late Charges	\$381.70
Legal fees	\$1,250.00
Cost of Suit and Title	\$2,342.49
Sheriff's Sale Costs	\$2,221.22
Property Inspections/ Property Preservation	\$300.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium /	\$0.00
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$1,372.13

TOTAL \$47,462.40

Plus interest from July 2, 2010 through the date of sale at six percent per annum.

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

BY THE COURT

Jackie J. Zimmerman
J.

ORIGINAL

FILED

AUG 16 2010

William A. Stavel
Prothonotary/Clerk of Courts

DATE: 8/16/10

☒ You are responsible for serving all appropriate parties.

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

☐ Plaintiff(s) ☐ Plaintiff(s) Attorney ☐ Other

☐ Defendant(s) ☐ Defendant(s) Attorney

☐ Special Instructions:

Phelan Hallinan & Schmieg, LLP
 By: Lawrence T. Phelan, Esq., Id. No. 32227
 Francis S. Hallinan, Esq., Id. No. 62695
 Daniel G. Schmieg, Esq., Id. No. 62205
 Michele M. Bradford, Esq., Id. No. 69849
 Judith T. Romano, Esq., Id. No. 58745
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 Jenine R. Davey, Esq., Id. No. 87077
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 Joshua I. Goldman, Esq., Id. No. 205047
 Courtenay R. Dunn, Esq., Id. No. 206779
 Andrew C. Bramblett, Esq., Id. No. 208375
 1617 JFK Boulevard, Suite 1400
 One Penn Center Plaza
 Philadelphia, PA 19103
 215-553-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC
 Plaintiff

v.

EDWARD C. KNAPP
 Defendant

: Court of Common Pleas
 :
 : Civil Division
 :
 : CLEARFIELD County
 :
 : No. 08-2445-CD
 :

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

I. BACKGROUND OF CASE

EDWARD C. KNAPP executed a Promissory Note agreeing to pay principal, interest, late charges, real estate taxes, hazard insurance premiums, and mortgage insurance premiums as these sums became due. Plaintiff's Note was secured by a Mortgage on the Property located at 430 WEST LONG AVENUE,, DU BOIS, PA 15801-1708. The Mortgage indicates that in the event of a default in the mortgage, Plaintiff may advance any necessary sums, including taxes, insurance, and other items, in order to protect the security of the Mortgage.

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

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

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

It is settled law in Pennsylvania that the Court may exercise its equitable powers to control the enforcement of a judgment and to grant any relief until that judgment is satisfied. 20 P.L.E., Judgments § 191. Stephenson v. Butts, 187 Pa.Super. 55, 59, 142 A.2d 319, 321 (1958). Chase Home Mortgage Corporation of the Southwest v. Good, 537 A.2d 22, 24 (Pa.Super. 1988). The

Pennsylvania Superior Court has repeatedly cited the right of a foreclosing creditor to amend its judgment prior to the Sheriff's sale. Nationsbank Mortgage Corp. v. Grillo, 827 A.2d 489 (Pa.Super. 2003). Morgan Guaranty Trust Co. of N.Y. v. Mowl, 705 A.2d 923 (Pa. Super. 1998). Union National Bank of Pittsburgh v. Ciongoli, 407 Pa.Super. 171, 595 A.2d 179 (1991).

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

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

also required to remit to the mortgagee sufficient sums to pay monthly mortgage insurance premiums, fire insurance premiums, taxes and other assessments relating to the Property. The mortgagor has breached the terms of the Mortgage, and Plaintiff has been forced to incur significant unjust financial losses on this loan.

III. THE FORECLOSURE JUDGMENT IS IN REM ONLY

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

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

IV. INTEREST

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

V. TAXES AND INSURANCE

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

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

VI. ATTORNEY'S FEES

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

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

VII. COST OF SUIT AND TITLE

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

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

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

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

VIII. CONCLUSION

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

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

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

Phelan Hallinan & Schmieg, LLP

DATE: 6-25-10

By:

Jaime McGuinness

- ☐ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
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- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

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Laurer R. Tabas, Esq., Id. No. 93337

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1617 JFK Boulevard, Suite 1400

One Penn Center Plaza

Philadelphia, PA 19103

215-563-7000

ATTORNEY FOR PLAINTIFF

GMAC MORTGAGE, LLC

Plaintiff

v.

EDWARD C. KNAPP

Defendant

: Court of Common Pleas

: Civil Division

: CLEARFIELD County

: No. 08-2445-CD

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