



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF REVENUE
BUREAU OF INDIVIDUAL TAXES
DEPT. 280602
HARRISBURG, PA 17128-0602

REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

RECORDER'S USE ONLY	
State Tax Paid	
Book Number	70-
Page Number	618
Date Recorded	5/13 3-12-96

Complete each section and file in duplicate with Recorder of Deeds when (1) the full value/consideration is not set forth in the deed, (2) when the deed is without consideration, or by gift, or (3) a tax exemption is claimed. A Statement of Value is not required if the transfer is wholly exempt from tax based on: (1) family relationship or (2) public utility easement. If more space is needed, attach additional sheet(s).

A CORRESPONDENT - All inquiries may be directed to the following person:

Name: Harry A. Roadarmel Jr., Columbia Co. Sheriff
Street Address: P.O. Box 380, West Main St., Bloomsburg, PA 17815
City: Bloomsburg
Telephone Number: (717) 389-5622
Area Code: 717
State: PA
Zip Code: 17815

B TRANSFER DATA

Grantor(s)/Lessor(s): Michael Kozak
Street Address: 6316 Garland Court
City: New Port Ritchey, FL 34652
State: FL
Zip Code: 34652
Date of Acceptance of Document: _____
Grantee(s)/Lessee(s): Franklin First Savings Bank
Street Address: 44 W. Market Street
City: Wilkes-Barre, PA, 18773-0449
State: PA
Zip Code: 18773

C PROPERTY LOCATION

Street Address: 303 Mulberry St.,
County: Columbia
School District: Berwick Area
City, Township, Borough: Borough of Berwick

D VALUATION DATA

1. Actual Cash Consideration	2. Other Consideration	3. Total Consideration
\$6737.95	+ 0	= 6737.95
4. County Assessed Value	5. Common Level Ratio Factor	6. Fair Market Value
\$23,098	X 2.42	= \$55,927.00

E EXEMPTION DATA

1a. Amount of Exemption Claimed	1b. Percentage of Interest Conveyed
100%	100%

2. Check Appropriate Box Below for Exemption Claimed

- ☐ Will or intestate succession (Name of Decedent) _____ (Estate File Number) _____
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to agent or straw party. (Attach copy of agency/straw party agreement).
- ☐ Transfer between principal and agent. (Attach copy of agency/straw trust agreement). Tax paid prior deed \$ _____
- ☐ Transfers to the Commonwealth, the United States, and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (Attach copy of resolution).
- ☒ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number 375, Page Number 767.
- ☐ Corrective deed (Attach copy of the prior deed).
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles).
- ☐ Other (Please explain exemption claimed, if other than listed above.) _____

Under penalties of law, I declare that I have examined this Statement, including accompanying information, and to the best of my knowledge and belief, it is true, correct and complete.

Signature of Correspondent or Responsible Party

Harry A. Roadarmel Jr.

Harry A. Roadarmel Jr.
(SEE REVERSE)

Date

March 12, 1996

BK 618760514

30 November
45
Cindy L. Howes

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

FRANKLIN FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION OF WILKES-
BARRE n/k/a FRANKLIN FIRST FEDERAL
SAVINGS BANK

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

vs.

No. 1162 Term 1991 J.D.

MICHAEL KOZAK

No. 82 Term 1991 E.D.

REISSUED WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Columbia:

TO THE SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA

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

PLEASE SEE SHERIFF'S SALE DESCRIPTION ATTACHED HERETO - EXHIBIT "A"

PARCEL NO. 04.2-4-73

Principal	\$34,402.69
Interest to 4/21/95	8,789.47
Attorney's Commission	<u>3,440.27</u>

TOTAL \$46,632.43 and costs*

as endorsed.

Tami B. Kline
Prothonotary, Court of Common Pleas
of Columbia County, Pennsylvania

Dated: October 21, 1991

(SEAL)

BY: Cindy L. Howes
Deputy

* Plus a per diem charge at the rate of \$5.91 from April 21, 1995, through to the date of any Sheriff's Sale pursuant to the Judgment demanded herewith, together with all costs of suit and any money hereinafter expended by the Plaintiff in payment of taxes, sewer and water rents, claims or charges for insurance or repairs, and any and all other expenses hereafter made by Plaintiff.

SHERIFF'S SALE DESCRIPTION

By virtue of a Writ of Execution No. 82 of 1991, reissued out of the Court of Common Pleas of Columbia County, directed to me, there will be exposed to public sale, by vendue or outcry to the highest and best bidders, for cash, in the Courthouse, in the Town of Bloomsburg, Columbia County, Pennsylvania, on Monday, February 26, 1996, at 10:30 a.m., in the forenoon of the said day, all the right, title and interest of the Defendant in and to:

ALL those two certain pieces or parcels of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

FIRST: BEGINNING at the northwesterly corner of Third and Mulberry Streets; thence in a westerly direction along the northerly side of Third Street one hundred thirty-seven (137) feet to a point; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence easterly along the southerly side of Lot No. 2 one hundred thirty-seven (137) feet to the westerly side of Mulberry Street; thence southerly along the westerly side of Mulberry Street, forty-nine and one-half (49 1/2) feet to Third Street, the place of Beginning. BEING the easterly portion of Lot No. 1 of the plot or plan of the Borough of Berwick.

SECOND: BEGINNING at a point in the northerly side of Third Street one hundred thirty-seven (137) feet west from the intersection of Third and Mulberry Streets; thence westerly along the northerly side of Third Street eighteen (18) feet to a niche made in cement wall being at the center of hedge row, which hedge row runs parallel to the easterly side of double house belonging now or formerly to W.E. Williams, et al; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence in an easterly direction along the southerly side of Lot No. 2 eighteen (18) feet to the piece of land first herein conveyed; thence southerly along the westerly side of piece of land first herein conveyed in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the northerly side of Third Street, the place of Beginning. BEING a portion of Lot No. 1 on the plot or plan of the Borough of Berwick.

BEING the same premises conveyed to Michael Kozak by Deed of Rudolph G. Szabo and Arlene R. Szabo, his wife, said Deed dated September 30, 1986 and recorded in the Office of the Recorder of Deeds in and for Columbia County in Record Book Volume 375 at Page 763.

PREMISES improved with a two story frame duplex more commonly known as 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania.

UNDER and SUBJECT to the same reservations, conditions, restrictions, covenants, exceptions and easements as appear in prior chain of title.

TOGETHER with all buildings and improvements thereon.

EXHIBIT "A"

NOTICE IS HEREBY GIVEN to all claimants and parties in interest that the Sheriff will within thirty (30) days thereafter file a schedule of distribution in his office, where the same will be available for inspection and the distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

SEIZED AND TAKEN into execution at the suit of FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, now by change of name FRANKLIN FIRST SAVINGS BANK, against MICHAEL KOZAK, and will be sold by:

SHERIFF OF COLUMBIA COUNTY

ROSENN, JENKINS & GREENWALD, L.L.P.
Attorneys for Plaintiff

DERR, PURSEL, LUSCHAS & NORTON
Co-counsel for Plaintiff

EXHIBIT "A"

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

WRIT OF EXECUTION
NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that you may have the right to prevent or delay the Sheriff's Sale by filing, before this sale, a petition with the Court to open or strike the judgment against you or to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection you might have within twenty (20) days after service of the Complaint for Mortgage Foreclosure and Notice to Defend, you may have the right to have the judgment opened if you promptly file a petition with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened, the Sheriff's Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim to foreclose the mortgage.

You may also have the right to have the judgment stricken if the Sheriff has not made a valid return of service of the Complaint and Notice to Defend or if the judgment was entered before twenty (20) days after service or in certain other events. To exercise this right you would have to file a petition with the Court to strike the judgment.

In addition you may have the right to petition to set aside the sale for: (1) grossly inadequate price; (2) lack of competitive bidding by agreement; (3) irregularities in sale; or (4) fraud. To exercise this right you should file a petition with the Court after the sale and before the Sheriff has delivered his deed to the property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Susquehanna Legal Services
168 East Fifth Street
Bloomsburg, Pennsylvania 17815
(717) 784-8760

THIS WRIT OF EXECUTION IS RETURNED TO THE
CLERK OF THE COURT ON 30 November
1995
Per Cindy L. Hower

**REISSUED WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
PA R.C.P. 3180 to 3183 and Rule 3257**

FRANKLIN FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION OF WILKES-
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No. 1162 Term 1991 J.D.

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TOTAL \$46,632.43 and costs*

as endorsed.

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Prothonotary, Court of Common Pleas
of Columbia County, Pennsylvania

Dated: October 21, 1991

(SEAL)

BY: Cindy L. Hower
Deputy

* Plus a per diem charge at the rate of \$5.91 from April 21, 1995, through to the date of any Sheriff's Sale pursuant to the Judgment demanded herewith, together with all costs of suit and any money hereinafter expended by the Plaintiff in payment of taxes, sewer and water rents, claims or charges for insurance or repairs, and any and all other expenses hereafter made by Plaintiff.

SHERIFF'S SALE DESCRIPTION

By virtue of a Writ of Execution No. 82 of 1991, reissued out of the Court of Common Pleas of Columbia County, directed to me, there will be exposed to public sale, by vendue or outcry to the highest and best bidders, for cash, in the Courthouse, in the Town of Bloomsburg, Columbia County, Pennsylvania, on Monday, February 26, 1996, at 10:30 a.m., in the forenoon of the said day, all the right, title and interest of the Defendant in and to:

ALL those two certain pieces or parcels of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

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ROSENN, JENKINS & GREENWALD, L.L.P.
Attorneys for Plaintiff

DERR, PURSEL, LUSCHAS & NORTON
Co-counsel for Plaintiff

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AND LOAN ASSOCIATION OF	:	
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FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

WRIT OF EXECUTION
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The law provides that you may have the right to prevent or delay the Sheriff's Sale by filing, before this sale, a petition with the Court to open or strike the judgment against you or to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection you might have within twenty (20) days after service of the Complaint for Mortgage Foreclosure and Notice to Defend, you may have the right to have the judgment opened if you promptly file a petition with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened, the Sheriff's Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim to foreclose the mortgage.

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Susquehanna Legal Services
168 East Fifth Street
Bloomsburg, Pennsylvania 17815
(717) 784-8760

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

AFFIDAVIT OF DEFAULT

COMMONWEALTH OF PENNSYLVANIA	:
	: SS:
COUNTY OF LUZERNE	:

PAMELA WILLIAMS, being duly sworn according to law, deposes and says that she is an Assistant Vice-President of FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, the above-captioned Plaintiff, now by change of name FRANKLIN FIRST SAVINGS BANK; that as such, she is authorized to make this Affidavit and is familiar with the facts herein contained; that a Judgment has been entered in favor of Plaintiff and against Defendant for failure by the Defendant to file an Answer to Plaintiff's Complaint within twenty (20) days from service thereof, the Praecipe and Entry of Judgment filed to the above-captioned number being by reference thereto, incorporated herein and made a part hereof;

That the aforesaid Judgment has not been satisfied and therefore, as of April 21, 1995, there is due and owing to the captioned Plaintiff the sum of FORTY-SIX THOUSAND SIX HUNDRED

THIRTY-TWO and 43/100 DOLLARS (\$46,632.43), plus a per diem charge at the rate of FIVE and 91/100 DOLLARS (\$5.91) from April 21, 1995, through to the date of any Sheriff's Sale pursuant to the within Judgment, together with all costs of suit and any monies hereinafter expended by the Plaintiff in payment of taxes, sewer and water rents, claims or charges for insurance or repairs.


PAMELA WILLIAMS

SWORN TO AND SUBSCRIBED

before me this 10 day
of November, 1995.


NOTARY PUBLIC

NOTARIAL SEAL
ROMAINE M. BRADSHAW, NOTARY PUBLIC
WILKES-BARRE, LUZERNE COUNTY
MY COMMISSION EXPIRES JUNE 21, 1999

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

AFFIDAVIT OF NON-MILITARY SERVICE AND
CERTIFICATION OF LAST KNOWN ADDRESS
OF DEFENDANT AND PLAINTIFF

COMMONWEALTH OF PENNSYLVANIA	:
	: SS:
COUNTY OF LUZERNE	:

PAMELA WILLIAMS, being duly sworn according to law, does depose and say that she did, upon request of FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, now by change of name FRANKLIN FIRST SAVINGS BANK, investigate the status of MICHAEL KOZAK, the above-captioned Defendant, with regard to the Soldiers' and Sailors' Civil Relief Act of 1940; and that she made such investigation personally and has been informed and your affiant avers he is not now, nor was he within a period of three months last, in the military or naval service of the United States within the purview of the aforesaid Soldiers' and Sailors' Civil Relief Act of 1940; and that the last known address of said Defendant, MICHAEL KOZAK, is 6316 Garland Court, New Port

Richey, Florida 34652; and the address of the above Plaintiff is 44 West Market Street, Wilkes-Barre, Luzerne County, Pennsylvania 18773.


PAMELA WILLIAMS

SWORN TO AND SUBSCRIBED

before me this 10 day
of November, 1995.


NOTARY PUBLIC

NOTARIAL SEAL ROMAINE M. BRADSHAW, NOTARY PUBLIC WILKES-BARRE, LUZERNE COUNTY MY COMMISSION EXPIRES JUNE 21, 1999.

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
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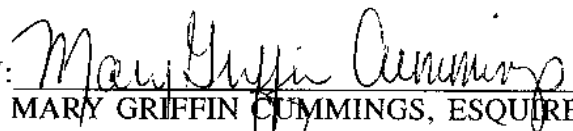
NOTICE OF SHERIFF'S SALE
OF
REAL ESTATE

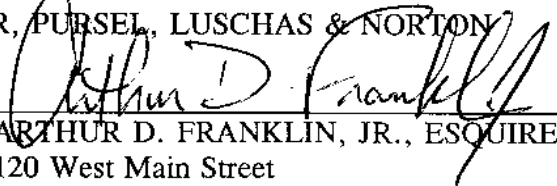
TO: MICHAEL KOZAK, Defendant herein and owner of the Real Estate hereinafter described:

NOTICE IS HEREBY GIVEN that by virtue of the above-captioned Writ of Execution reissued under the above-captioned Judgment, directed to the Sheriff of Columbia County, there will be exposed to public sale, by vendue or outcry to the highest and best bidders, for cash, in the Courthouse, in the Town of Bloomsburg, County of Columbia, and Commonwealth of Pennsylvania, on **Monday, February 26, 1996, at 10:30 a.m.**, in the forenoon of the said day, all your right, title and interest in and to ALL those certain pieces or parcels of land situate at 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania, the same more particularly described in Exhibit "A", attached hereto and incorporated herein.

NOTICE IS HEREBY GIVEN to all claimants and parties in interest, that the Sheriff will within thirty (30) days thereafter file a schedule of distribution in his office, where the same will be available for inspection and that distribution will be made in accordance with this schedule unless exceptions are filed thereto within ten (10) days thereafter.

ROSENN, JENKINS & GREENWALD, L.L.P.

BY: 
MARY GRIFFIN CUMMINGS, ESQUIRE
15 South Franklin Street
Wilkes-Barre, PA 18711
Attorneys for Plaintiff

DERR, PURSEL, LUSCHAS & NORTON
BY: 
ARTHUR D. FRANKLIN, JR., ESQUIRE
120 West Main Street
P.O. Box 539
Bloomsburg, PA 17815
Co-Counsel for Plaintiff

SHERIFF'S SALE DESCRIPTION

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TOGETHER with all buildings and improvements thereon.

NOTICE IS HEREBY GIVEN to all claimants and parties in interest that the Sheriff will within thirty (30) days thereafter file a schedule of distribution in his office, where the same will be available for inspection and the distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

SEIZED AND TAKEN into execution at the suit of FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, now by change of name FRANKLIN FIRST SAVINGS BANK, against MICHAEL KOZAK, and will be sold by:

SHERIFF OF COLUMBIA COUNTY

ROSENN, JENKINS & GREENWALD, L.L.P.
Attorneys For Plaintiff

DERR, PURSEL, LUSCHAS & NORTON
Co-Counsel For Plaintiff

EXHIBIT "A"

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

AFFIDAVIT OF NON-MILITARY SERVICE AND
CERTIFICATION OF LAST KNOWN ADDRESS
OF DEFENDANT AND PLAINTIFF

COMMONWEALTH OF PENNSYLVANIA	:
	: SS:
COUNTY OF LUZERNE	:

PAMELA WILLIAMS, being duly sworn according to law, does depose and say that she did, upon request of FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, now by change of name FRANKLIN FIRST SAVINGS BANK, investigate the status of MICHAEL KOZAK, the above-captioned Defendant, with regard to the Soldiers' and Sailors' Civil Relief Act of 1940; and that she made such investigation personally and has been informed and your affiant avers he is not now, nor was he within a period of three months last, in the military or naval service of the United States within the purview of the aforesaid Soldiers' and Sailors' Civil Relief Act of 1940; and that the last known address of said Defendant, MICHAEL KOZAK, is 6316 Garland Court, New Port

Richey, Florida 34652; and the address of the above Plaintiff is 44 West Market Street, Wilkes-Barre, Luzerne County, Pennsylvania 18773.


PAMELA WILLIAMS

SWORN TO AND SUBSCRIBED

before me this 10 day
of November, 1995.


NOTARY PUBLIC

NOTARIAL SEAL
ROMAINE M. BRADSHAW, NOTARY PUBLIC
WILKES-BARRE, LUZERNE COUNTY
MY COMMISSION EXPIRES JUNE 21, 1999.

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF WILKES-	:	OF COLUMBIA COUNTY
BARRE N/K/A FRANKLIN FIRST	:	
FEDERAL SAVINGS BANK,	:	CIVIL ACTION - LAW
	:	
Plaintiff	:	IN MORTGAGE FORECLOSURE
	:	
vs.	:	
	:	
MICHAEL KOZAK,	:	
	:	
Defendant	:	NO. 1162 OF 1991

ORDER

AND NOW, to wit, this 25th day of Oct, 1995, at 1.00 p.m., it appearing that service of the above-named Defendant, Michael Kozak, cannot be made pursuant to the Pennsylvania Rules of Civil Procedure 404 and 3112, and that service pursuant to Special Order of Court pursuant to Pa. R.C.P. 430 is appropriate, and upon Motion of Rosenn, Jenkins & Greenwald, L.L.P. and Derr, Pursel, Luschas & Norton, attorneys for the Plaintiff:

IT IS ORDERED, ADJUDGED AND DECREED that service of the Reissued Writ of Execution and the Notice of Sheriff's Sale for the above-captioned action in Mortgage Foreclosure upon the above-named Defendant, Michael Kozak, be effectively completed by posting a copy of the Reissued Writ of Execution and Notice of Sheriff's Sale along with a copy of this Order on the most public part of the mortgaged premises located at 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania, and by sending a copy of the Reissued Writ of Execution and Notice of Sheriff's Sale along with a copy of this Order by Certified Mail, Return Receipt

Requested and First-Class Mail to the Defendant's last known address, 6316 Garland Court, New Port Richey, Florida 34652, be and is hereby permitted and directed;

AND IT IS FURTHER ORDERED that said service upon posting of the Mortgaged Premises or mailing of the Reissued Writ of Execution and Notice of Sheriff's Sale, whichever is later, shall have the same force and effect as if service had been made upon the Defendant permitted by Pennsylvania Rules of Civil Procedure 3129.2(c)(1)(i)(c).

BY THE COURT:

Handwritten signature of Gailley C. Keller, J.

/17018

cc: Sheriff of Columbia County
Arthur D. Franklin, Esq.

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF WILKES-	:	OF COLUMBIA COUNTY
BARRE N/K/A FRANKLIN FIRST	:	
FEDERAL SAVINGS BANK,	:	CIVIL ACTION - LAW
	:	
Plaintiff	:	IN MORTGAGE FORECLOSURE
	:	
vs.	:	
	:	
MICHAEL KOZAK,	:	
	:	
Defendant	:	NO. 1162 OF 1991

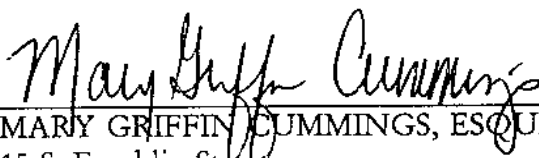
FILED
 PROthonotary
 CLERK OF COURT
 OCT 25 11 23 AM '95

MOTION FOR SERVICE PURSUANT TO SPECIAL ORDER OF COURT
IN ACCORDANCE WITH
PENNSYLVANIA RULES OF CIVIL PROCEDURE 410(c) and 430(a) and
3129.2(c)(1)(i)(c)

AND NOW, this 25th day of October, 1995, an Affidavit having been executed by Pamela Williams, Assistant Vice President of Franklin First Federal Savings and Loan Association of Wilkes-Barre n/k/a Franklin First Federal Savings Bank, the Plaintiff herein, now by change of name, Franklin First Savings Bank ("Franklin"), that service of the Defendant, Michael Kozak, cannot be made pursuant to Pennsylvania Rules of Civil Procedure 404 and 3112, the Plaintiff by its attorneys, Rosenn, Jenkins & Greenwald, L.L.P. and Derr, Pursel, Luschas & Norton, moves the Court pursuant to Pennsylvania Rules of Civil Procedure 410(c) and 430(a) and 3129.2(c)(1)(i)(c) for leave to serve the Reissued Writ of Execution and Notice of Sheriff's Sale in the above-captioned action upon the Defendant, Michael Kozak, by posting a copy of the Reissued Writ of Execution and the Notice of Sheriff's Sale on the most public part of the Mortgaged Premises located at 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania (the "Mortgaged Premises"), and by mailing a copy of the Reissued Writ of Execution and Notice of

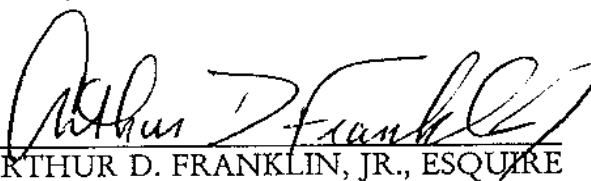
Sheriff's Sale by Certified Mail, Return Receipt Requested and First-Class Mail to the Defendant's last known address, 6316 Garland Court, New Port Richey, Florida 34652.

ROSENN, JENKINS & GREENWALD, L.L.P.

BY: 
MARY GRIFFIN CUMMINGS, ESQUIRE
15 S. Franklin Street
Wilkes-Barre, PA 18711
(717) 825-5600

Attorneys for Plaintiff

DERR, PURSEL, LUSCHAS & NORTON

BY: 
ARTHUR D. FRANKLIN, JR., ESQUIRE
120 West Main Street
P.O. Box 539
Bloomsburg, PA 17815
(717) 784-4654

Co-Counsel for Plaintiff


FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF WILKES-	:	OF COLUMBIA COUNTY
BARRE N/K/A FRANKLIN FIRST	:	
FEDERAL SAVINGS BANK,	:	CIVIL ACTION - LAW
	:	
Plaintiff	:	IN MORTGAGE FORECLOSURE
	:	
vs.	:	
	:	
MICHAEL KOZAK,	:	
	:	
Defendant	:	NO. 1162 OF 1991

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF LUZERNE :

Pamela Williams, being duly sworn according to law, does depose and say that she is an Assistant Vice President of Franklin First Federal Savings and Loan Association of Wilkes-Barre n/k/a Franklin First Federal Savings Bank, the Plaintiff herein, now by change of name, Franklin First Savings Bank, that as such she is authorized to make this Affidavit on its behalf; that the Sheriff of Columbia County and the Sheriff of Pasco County, Florida attempted to serve the Defendant, Michael Kozak, whose last known address is 6316 Garland Court, New Port Richey, Florida 34652, by personal service and in accordance with the Pennsylvania Rules of Civil Procedure, but were unable to serve the Defendant, Michael Kozak, and filed a Return of No Service; that the affiant has made or caused to be made a diligent search and inquiry as to the whereabouts of the Defendant, Michael Kozak, (1) by examining local telephone directories, voter

registration records, local tax records, and motor vehicle records, (2) by inquiring of any relatives, neighbors, friends, and/or employers of the Defendant, whose identities were known to the Plaintiff and (3) inquiring of postal authorities pursuant to the Freedom of Information Act, 39 C.F.R. part 265, and that, as a result of said search, the last known address of the Defendant, is 6316 Garland Court, New Port Richey, Florida 34652 (the "Last Known Address"), but the Plaintiff has not been able to serve the Defendant, Michael Kozak, at the Last Known Address, even though the Plaintiff has reason to believe that the Defendant is still residing at the Last Known Address and, therefore, the Plaintiff has been unable to effect service upon the Defendant, Michael Kozak, without obtaining a Special Order of Court.


Pamela Williams

Dated: October 24, 1995

SWORN to and subscribed

before me this 24 day

October, 1995.

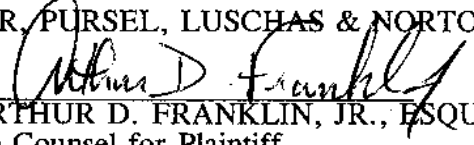
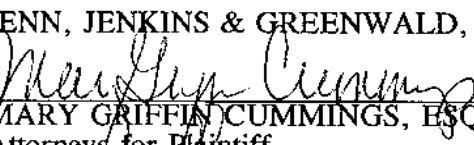

NOTARY PUBLIC

/17018 NOTARIAL SEAL
ROMAINE M. BRADSHAW, NOTARY PUBLIC
WILKES-BARRE, LUZERNE COUNTY
MY COMMISSION EXPIRES JUNE 21, 1999.

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

WAIVER OF WATCHMAN


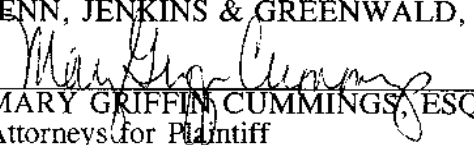
Any deputy sheriff levying upon or attaching any property under within Writ may leave same without a watchman, in custody of whoever is found in possession, after notifying such person of such levy or attachment, without liability on the part of such deputy or the sheriff to any Plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

DERR, PURSEL, LUSCHAS & NORTON	ROSENN, JENKINS & GREENWALD, L.L.P
BY: 	BY: 
ARTHUR D. FRANKLIN, JR., ESQUIRE	MARY GRIFFIN CUMMINGS, ESQUIRE
Co-Counsel for Plaintiff	Attorneys for Plaintiff
120 West Main Street	15 South Franklin Street
P.O. Box 539	Wilkes-Barre, PA 18711
Bloomsburg, PA 17815	(717) 826-5600
(717) 784-4654	

SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA

Sir: There will be placed in your hands for service a Reissued Writ of Execution (Mortgage Foreclosure) styled as follows: FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, Plaintiff v. MICHAEL KOZAK, Defendant.

The Defendant, MICHAEL KOZAK, will be found at 6316 Garland Court, New Port Richey, Florida 34652.

DERR, PURSEL, LUSCHAS & NORTON	ROSENN, JENKINS & GREENWALD, L.L.P
BY: 	BY: 
ARTHUR D. FRANKLIN, JR., ESQUIRE	MARY GRIFFIN CUMMINGS, ESQUIRE
Co-Counsel for Plaintiff	Attorneys for Plaintiff
120 West Main Street	15 South Franklin Street
P.O. Box 539	Wilkes-Barre, PA 18711
Bloomsburg, PA 17815	(717) 826-5600
(717) 784-4654	

DATE: 11/30, 1995

(SEE ATTACHED DESCRIPTION)

ALL those two certain pieces or parcels of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

FIRST: BEGINNING at the northwesterly corner of Third and Mulberry Streets; thence in a westerly direction along the northerly side of Third Street one hundred thirty-seven (137) feet to a point; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence easterly along the southerly side of Lot No. 2 one hundred thirty-seven (137) feet to the westerly side of Mulberry Street; thence southerly along the westerly side of Mulberry Street, forty-nine and one-half (49 1/2) feet to Third Street, the place of Beginning. BEING the easterly portion of Lot No. 1 of the plot or plan of the Borough of Berwick.

SECOND: BEGINNING at a point in the northerly side of Third Street one hundred thirty-seven (137) feet west from the intersection of Third and Mulberry Streets; thence westerly along the northerly side of Third Street eighteen (18) feet to a niche made in cement wall being at the center of hedge row, which hedge row runs parallel to the easterly side of double house belonging now or formerly to W.E. Williams, et al; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence in an easterly direction along the southerly side of Lot No. 2 eighteen (18) feet to the piece of land first herein conveyed; thence southerly along the westerly side of piece of land first herein conveyed in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the northerly side of Third Street, the place of Beginning. BEING a portion of Lot No. 1 on the plot or plan of the Borough of Berwick.

BEING the same premises conveyed to Michael Kozak by Deed of Rudolph G. Szabo and Arlene R. Szabo, his wife, said Deed dated September 30, 1986 and recorded in the Office of the Recorder of Deeds in and for Columbia County in Record Book Volume 375 at Page 763.

PREMISES improved with a two story frame duplex more commonly known as 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania.

UNDER and SUBJECT to the same reservations, conditions, restrictions, covenants, exceptions and easements as appear in prior chain of title.



TOGETHER with all buildings and improvements thereon.

EXHIBIT "A"

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

WAIVER OF WATCHMAN


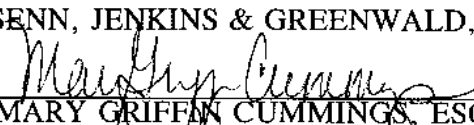
Any deputy sheriff levying upon or attaching any property under within Writ may leave same without a watchman, in custody of whoever is found in possession, after notifying such person of such levy or attachment, without liability on the part of such deputy or the sheriff to any Plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

DERR, PURSEL, LUSCHAS & NORTON	ROSENN, JENKINS & GREENWALD, L.L.P
BY: 	BY: 
ARTHUR D. FRANKLIN, JR., ESQUIRE	MARY GRIFFIN CUMMINGS, ESQUIRE
Co-Counsel for Plaintiff	Attorneys for Plaintiff
120 West Main Street	15 South Franklin Street
P.O. Box 539	Wilkes-Barre, PA 18711
Bloomsburg, PA 17815	(717) 826-5600
(717) 784-4654	

SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA

Sir: There will be placed in your hands for service a Reissued Writ of Execution (Mortgage Foreclosure) styled as follows: FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, Plaintiff v. MICHAEL KOZAK, Defendant.

The Defendant, MICHAEL KOZAK, will be found at 6316 Garland Court, New Port Richey, Florida 34652.

DERR, PURSEL, LUSCHAS & NORTON	ROSENN, JENKINS & GREENWALD, L.L.P
BY: 	BY: 
ARTHUR D. FRANKLIN, JR., ESQUIRE	MARY GRIFFIN CUMMINGS, ESQUIRE
Co-Counsel for Plaintiff	Attorneys for Plaintiff
120 West Main Street	15 South Franklin Street
P.O. Box 539	Wilkes-Barre, PA 18711
Bloomsburg, PA 17815	(717) 826-5600
(717) 784-4654	

DATE: 11/30, 1995

(SEE ATTACHED DESCRIPTION)

ALL those two certain pieces or parcels of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

FIRST: BEGINNING at the northwesterly corner of Third and Mulberry Streets; thence in a westerly direction along the northerly side of Third Street one hundred thirty-seven (137) feet to a point; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence easterly along the southerly side of Lot No. 2 one hundred thirty-seven (137) feet to the westerly side of Mulberry Street; thence southerly along the westerly side of Mulberry Street, forty-nine and one-half (49 1/2) feet to Third Street, the place of Beginning. BEING the easterly portion of Lot No. 1 of the plot or plan of the Borough of Berwick.

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PREMISES improved with a two story frame duplex more commonly known as 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania.

UNDER and SUBJECT to the same reservations, conditions, restrictions, covenants, exceptions and easements as appear in prior chain of title.

TOGETHER with all buildings and improvements thereon.

EXHIBIT "A"

RECEIVED
OCT 30 1991
A. B. 1995
FOR Cindy L. Hower

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

FRANKLIN FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION OF WILKES-
BARRE n/k/a FRANKLIN FIRST FEDERAL
SAVINGS BANK

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

vs.

No. 1162 Term 1991 J.D.

MICHAEL KOZAK

No. 82 Term 1991 E.D.

REISSUED WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Columbia:

TO THE SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA

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

PLEASE SEE SHERIFF'S SALE DESCRIPTION ATTACHED HERETO - EXHIBIT "A"

PARCEL NO. 04.2-4-73

Principal	\$34,402.69
Interest to 4/21/95	8,789.47
Attorney's Commission	<u>3,440.27</u>

TOTAL \$46,632.43 and costs*

as endorsed.

Juni B. Kline
Prothonotary, Court of Common Pleas
of Columbia County, Pennsylvania

Dated: October 21, 1991

(SEAL)

BY: Cindy L. Hower
Deputy

* Plus a per diem charge at the rate of \$5.91 from April 21, 1995, through to the date of any Sheriff's Sale pursuant to the Judgment demanded herewith, together with all costs of suit and any money hereinafter expended by the Plaintiff in payment of taxes, sewer and water rents, claims or charges for insurance or repairs, and any and all other expenses hereafter made by Plaintiff.

SHERIFF'S SALE DESCRIPTION

By virtue of a Writ of Execution No. 82 of 1991, reissued out of the Court of Common Pleas of Columbia County, directed to me, there will be exposed to public sale, by vendue or outcry to the highest and best bidders, for cash, in the Courthouse, in the Town of Bloomsburg, Columbia County, Pennsylvania, on **Monday, February 26, 1996, at 10:30 a.m.**, in the forenoon of the said day, all the right, title and interest of the Defendant in and to:

ALL those two certain pieces or parcels of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

FIRST: BEGINNING at the northwesterly corner of Third and Mulberry Streets; thence in a westerly direction along the northerly side of Third Street one hundred thirty-seven (137) feet to a point; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence easterly along the southerly side of Lot No. 2 one hundred thirty-seven (137) feet to the westerly side of Mulberry Street; thence southerly along the westerly side of Mulberry Street, forty-nine and one-half (49 1/2) feet to Third Street, the place of Beginning. BEING the easterly portion of Lot No. 1 of the plot or plan of the Borough of Berwick.

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TOGETHER with all buildings and improvements thereon.

EXHIBIT "A"

NOTICE IS HEREBY GIVEN to all claimants and parties in interest that the Sheriff will within thirty (30) days thereafter file a schedule of distribution in his office, where the same will be available for inspection and the distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

SEIZED AND TAKEN into execution at the suit of FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, now by change of name FRANKLIN FIRST SAVINGS BANK, against MICHAEL KOZAK, and will be sold by:

SHERIFF OF COLUMBIA COUNTY

ROSENN, JENKINS & GREENWALD, L.L.P.
Attorneys for Plaintiff

DERR, PURSEL, LUSCHAS & NORTON
Co-counsel for Plaintiff

EXHIBIT "A"

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

WRIT OF EXECUTION
NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that you may have the right to prevent or delay the Sheriff's Sale by filing, before this sale, a petition with the Court to open or strike the judgment against you or to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection you might have within twenty (20) days after service of the Complaint for Mortgage Foreclosure and Notice to Defend, you may have the right to have the judgment opened if you promptly file a petition with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened, the Sheriff's Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim to foreclose the mortgage.

You may also have the right to have the judgment stricken if the Sheriff has not made a valid return of service of the Complaint and Notice to Defend or if the judgment was entered before twenty (20) days after service or in certain other events. To exercise this right you would have to file a petition with the Court to strike the judgment.

In addition you may have the right to petition to set aside the sale for: (1) grossly inadequate price; (2) lack of competitive bidding by agreement; (3) irregularities in sale; or (4) fraud. To exercise this right you should file a petition with the Court after the sale and before the Sheriff has delivered his deed to the property.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Susquehanna Legal Services
168 East Fifth Street
Bloomsburg, Pennsylvania 17815
(717) 784-8760

RECEIVED
30th DAY OF November
1995
Clerk of Court

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

FRANKLIN FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION OF WILKES-
BARRE n/k/a FRANKLIN FIRST FEDERAL
SAVINGS BANK

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

No. 1162 Term 1991 J.D.

vs.

MICHAEL KOZAK

No. 82 Term 1991 E.D.

REISSUED WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

Commonwealth of Pennsylvania:

County of Columbia:

TO THE SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA

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

PLEASE SEE SHERIFF'S SALE DESCRIPTION ATTACHED HERETO - EXHIBIT "A"

PARCEL NO. 04.2-4-73

Principal	\$34,402.69
Interest to 4/21/95	8,789.47
Attorney's Commission	<u>3,440.27</u>
TOTAL	\$46,632.43 and costs*

as endorsed.

Tami B. Kline-John
Prothonotary, Court of Common Pleas
of Columbia County, Pennsylvania

Dated: October 21, 1991

(SEAL)

BY: Andy L. Hower
~~Deputy~~

* Plus a per diem charge at the rate of \$5.91 from April 21, 1995, through to the date of any Sheriff's Sale pursuant to the Judgment demanded herewith, together with all costs of suit and any money hereinafter expended by the Plaintiff in payment of taxes, sewer and water rents, claims or charges for insurance or repairs, and any and all other expenses hereafter made by Plaintiff.

SHERIFF'S SALE DESCRIPTION

By virtue of a Writ of Execution No. 82 of 1991, reissued out of the Court of Common Pleas of Columbia County, directed to me, there will be exposed to public sale, by vendue or outcry to the highest and best bidders, for cash, in the Courthouse, in the Town of Bloomsburg, Columbia County, Pennsylvania, on **Monday, February 26, 1996, at 10:30 a.m.**, in the forenoon of the said day, all the right, title and interest of the Defendant in and to:

ALL those two certain pieces or parcels of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

FIRST: BEGINNING at the northwesterly corner of Third and Mulberry Streets; thence in a westerly direction along the northerly side of Third Street one hundred thirty-seven (137) feet to a point; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence easterly along the southerly side of Lot No. 2 one hundred thirty-seven (137) feet to the westerly side of Mulberry Street; thence southerly along the westerly side of Mulberry Street, forty-nine and one-half (49 1/2) feet to Third Street, the place of Beginning. BEING the easterly portion of Lot No. 1 of the plot or plan of the Borough of Berwick.

SECOND: BEGINNING at a point in the northerly side of Third Street one hundred thirty-seven (137) feet west from the intersection of Third and Mulberry Streets; thence westerly along the northerly side of Third Street eighteen (18) feet to a niche made in cement wall being at the center of hedge row, which hedge row runs parallel to the easterly side of double house belonging now or formerly to W.E. Williams, et al; thence in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; thence in an easterly direction along the southerly side of Lot No. 2 eighteen (18) feet to the piece of land first herein conveyed; thence southerly along the westerly side of piece of land first herein conveyed in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the northerly side of Third Street, the place of Beginning. BEING a portion of Lot No. 1 on the plot or plan of the Borough of Berwick.

BEING the same premises conveyed to Michael Kozak by Deed of Rudolph G. Szabo and Arlene R. Szabo, his wife, said Deed dated September 30, 1986 and recorded in the Office of the Recorder of Deeds in and for Columbia County in Record Book Volume 375 at Page 763.

PREMISES improved with a two story frame duplex more commonly known as 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania.

UNDER and SUBJECT to the same reservations, conditions, restrictions, covenants, exceptions and easements as appear in prior chain of title.

TOGETHER with all buildings and improvements thereon.

EXHIBIT "A"

NOTICE IS HEREBY GIVEN to all claimants and parties in interest that the Sheriff will within thirty (30) days thereafter file a schedule of distribution in his office, where the same will be available for inspection and the distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days thereafter.

SEIZED AND TAKEN into execution at the suit of FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, now by change of name FRANKLIN FIRST SAVINGS BANK, against MICHAEL KOZAK, and will be sold by:

SHERIFF OF COLUMBIA COUNTY

ROSENN, JENKINS & GREENWALD, L.L.P.
Attorneys for Plaintiff

DERR, PURSEL, LUSCHAS & NORTON
Co-counsel for Plaintiff

EXHIBIT "A"

FRANKLIN FIRST FEDERAL SAVINGS	:	IN THE COURT OF COMMON PLEAS
AND LOAN ASSOCIATION OF	:	
WILKES-BARRE n/k/a FRANKLIN FIRST	:	OF COLUMBIA COUNTY
FEDERAL SAVINGS BANK,	:	
	:	CIVIL ACTION - LAW
PLAINTIFF	:	
	:	IN MORTGAGE FORECLOSURE
VS.	:	
	:	
MICHAEL KOZAK,	:	
	:	NO. 1162 OF 1991 J.D.
DEFENDANT	:	NO. 82 OF 1991 E.D.

WRIT OF EXECUTION
NOTICE

This paper is a Writ of Execution. It has been issued because there is a judgment against you. It may cause your property to be held or taken to pay the judgment. You may have rights to prevent your property from being taken. A lawyer can advise you more specifically of these rights. If you wish to exercise your rights, you must act promptly.

The law provides that you may have the right to prevent or delay the Sheriff's Sale by filing, before this sale, a petition with the Court to open or strike the judgment against you or to stay the execution.

If the judgment was entered because you did not file with the Court any defense or objection you might have within twenty (20) days after service of the Complaint for Mortgage Foreclosure and Notice to Defend, you may have the right to have the judgment opened if you promptly file a petition with the Court alleging a valid defense and a reasonable excuse for failing to file the defense on time. If the judgment is opened, the Sheriff's Sale would ordinarily be delayed pending a trial of the issue of whether the plaintiff has a valid claim to foreclose the mortgage.

You may also have the right to have the judgment stricken if the Sheriff has not made a valid return of service of the Complaint and Notice to Defend or if the judgment was entered before twenty (20) days after service or in certain other events. To exercise this right you would have to file a petition with the Court to strike the judgment.

In addition you may have the right to petition to set aside the sale for: (1) grossly inadequate price; (2) lack of competitive bidding by agreement; (3) irregularities in sale; or (4) fraud. To exercise this right you should file a petition with the Court after the sale and before the Sheriff has delivered his deed to the property.

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Susquehanna Legal Services
168 East Fifth Street
Bloomsburg, Pennsylvania 17815
(717) 784-8760

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re

MICHAEL KOZAK,

CHAPTER 13
CASE NO. 96-2158-SC3

Debtor(s)

FINAL ORDER GRANTING FRANKLIN FIRST FEDERAL SAVINGS BANK'S
MOTION TO MODIFY STAY AND FOR OTHER RELIEF

THIS CAUSE came on for final evidentiary hearing on March 11, 1996, upon Franklin First Federal Savings Bank's Motion to lift the stay with respect to collateral more particularly described as:

FIRST: BEGINNING at the northwesterly corner of Third and Mulberry Streets; THENCE in a westerly direction along the northerly side of Third Street one hundred thirty-seven (137) feet to a point; THENCE in a northerly direction in a line parallel to the westerly side of Mulberry Street forty-nine and one-half (49 1/2) feet to the southerly side of Lot No. 2; THENCE easterly along the southerly side of Lot No. 2 one hundred thirty-seven (137) feet to the westerly side of Mulberry Street; THENCE southerly along the westerly side of Mulberry Street, forty-nine and one-half (49 1/2) feet to Third Street, the place of beginning, BEING the easterly portion of Lot No. 1 of the plot or plan of the Borough of Berwick.

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feet to the northerly side of Third Street, the place of beginning. BEING a portion of Lot No. 1 on the plot or plan of the Borough of Berwick.


For the reasons stated in open court which shall constitute the decision of the Court, the Court grants the Motion and orders as follows:

1. Franklin First Federal Savings Bank's Motion to Modify Stay and for Other Relief is Granted.

2. Accordingly, the automatic stay is hereby modified to take all steps necessary in accordance with applicable State law to complete the Sheriff's sale of the above described property.

3. The relief granted here permits the Creditor to take action against the property only and does not permit the Creditor to seek or obtain in personam relief against the Debtor.

DONE and ORDERED this 11 day of March, 1996 at Tampa, Florida.

C. Timothy Corcoran 
C. Timothy Corcoran, III
U.S. Bankruptcy Judge

cc: Larry M. Foyle, Esq., P.O. Box 800, Tampa, FL 33601
Michael Kozak, 6316 Gariand Court, New Port Richey, FL 34652
Terry E. Smith, Trustee, P.O. Box 25001, Bradenton, FL 34206-5001
U.S. Trustee, 4919 Memorial Highway, #110, Tampa, FL 33634
James Burke, Franklin First Federal Savings Bank, P.O. Box 449, Wilkes-Barre, PA 18773-0449

SHERIFF'S SALE - COSTS SHEET

Thomas Eric Lee Sr. vs. Michael Lee

NO. 82-1993 E.D. NO. 1167-91 J.D. DATE OF SALE 2-16-76

DOCKET & LEVY	\$ <u>45.00</u>
SERVICE	<u>20.00</u>
MAILING (C.R. 1113)	<u>25.75</u>
ADVERTISING, SALE BILLS & NEWSPAPERS	<u>20.00</u>
POSTING HANDBILLS	<u>45.00</u>
MILEAGE	<u>15.00</u>
CRYING/ADJOURN OF SALE	<u>20.00</u>
SHERIFF'S DEED	<u>20.00</u>
DISTRIBUTION	<u>25.00</u>
OTHER <u>20.00</u>	<u>15.00</u>

TOTAL \$ 291.25

PRESS-ENTERPRISE, INC.	\$ <u>291.82</u>
HENRIE PRINTING	
SOLICITOR'S SERVICES	<u>20.00</u>

TOTAL \$ 441.82

PROTHONOTARY:	LIENS LIST	\$
	DEED NOTARIZATION	<u>10.00</u>
	OTHER	

TOTAL \$ 10.00

RECORDER OF DEEDS:	COPYWORK	\$
	DEED	<u>14.00</u>
	OTHER	

TOTAL \$ 14.00

REAL ESTATE TAXES:		
BOROUGH/TWP. & COUNTY TAXES, 19		\$
SCHOOL TAXES, DISTRICT	19	
DELINQUENT TAXES, 19 <u>94</u> , 19 <u>95</u> , 19 <u> </u> , 19 <u> </u>		<u>1856.35</u>
Levy Cost		<u>15.00</u>

TOTAL \$ 1877.35

MUNICIPAL RENTS:		
SEWER - MUNICIPALITY <u>Borough</u>	19	\$ <u>3,741.41</u>
WATER - MUNICIPALITY <u>Do Borough</u>	19	

TOTAL \$ 3,741.41

SURCHARGE FEE: (STATE TREASURER) TOTAL \$ 10.00

MISCELLANEOUS: 132.12 ~~(23.24)~~

TOTAL \$ 6605.83

TOTAL COSTS \$ 8527.92

200000 + 1000000 = 1200000
200000

1000000 + 1000000 = 2000000

1000000 + 1000000 = 2000000

2000000

2000000

6605.83
132.12 Reg
6737.95 costs

6737.95 costs

SHERIFF'S SALE REAL ESTATE
FINAL COST SHEET

FRANKLIN FIRST Fed. Sav. VS M. J. RAL. LOZAN

NO. 82-1991 E.D. NO. 1162-51 J.D.

DATE OF SALE: 7-27-95

BID PRICE (INCLUDES COSTS)	\$ 6609.83
POUNDAGE 2% BID PRICE JUDGE + 8.4	\$ 132.12
TRANSFER TAX 2% BID PRICE	\$ -0-
MISC. COSTS	\$

TOTAL NEEDED TO PURCHASE

\$ 6737.95

PURCHASER(S) : FRANKLIN FIRST SAVINGS BANK
ADDRESS : 44 W. MARKET ST., BERMINGHAM, ALA. 35203
NAME(S) ON DEED: SAME
PURCHASER(S) SIGNATURE(S) : J. N. LUKER

AMOUNT RECEIVED BY SHERIFF FROM PURCHASER(S) :

TOTAL DUE	\$ 6737.95
LESS DEPOSIT	\$ 900.-
DOWN PAYMENT	\$
AMOUNT DUE IN EIGHT DAYS	\$ 5837.95

LIEN CERTIFICATE

DATE: 2/7/96

*Done
2-7-96*

This is to certify that according to our records, the tax liens in the Tax Claim Bureau against the property listed below, as of December 31, 19 95, in Berwick Borough are as Follows:

Excluding: Interim Tax Billings

Owner/Reputed Owner: Kozak, Michael

Former Owner/Reputed Owner: N/A

Parcel No: 04B-4-73

Description: .18 Ac. / Third & Mulberry St.

YEAR	TOTAL
1995	\$ 898.23
1994	984.12
Lien Certif.	\$ 15.00
TOTAL	\$ 1,897.35

The above figures represent the amount(s) due during the month of March, 19 96.

Requested By: Harry A. Roadarmel, Jr. Sheriff, Columbia County

XXXXXXXXXX
Fee: \$5.00

pd

COLUMBIA COUNTY TAX CLAIM BUREAU

D. Long
Dennis Long, Director

**FRANKLIN FIRST
SAVINGS BANK**



Subsidiary of ONBANCORP, Inc.
44 W. Market St., Wilkes Barre, PA 18773
Escrow Dept.

10-36
220

97-827692569

Date **05-11-95** Amount **\$900.00**

PAY

EXACTLY \$900.00

VOID OVER \$900.00

TO THE
ORDER
OF

Sheriff of Columbia County

Issued by Integrated Payment Systems Inc., Englewood, Colorado
To Citibank (New York State), Buffalo, N.Y.

AUTHORIZED SIGNATURE

⑆022000888⑆402183 827692569

Please detach before depositing

97-827692569

Date	Description	Amount
May 11, 1995	310-10010	\$900.00
	Advance Costs in re: Mortgage Foreclosure	
	Account 14-20058-01 - Michael Kozak	
		pw

Franklin First Savings Bank

**FRANKLIN FIRST
SAVINGS BANK**



Subsidiary of COMMERCE BANCORP, INC.
44 W. Market St., Wilkes-Barre, PA 18773
Escrow Dept.

10-86
220

97-827695804

Date
February 26, 1996

Amount
\$ 5,837.95

PAY *Five Thousand Eight Hundred Thirty-Six* ⁴⁵/₁₀₀

TO THE
ORDER
OF

Sheriff of Columbia County

FRANKLIN FIRST SAVINGS BANK
VOID AFTER 30 DAYS

James T. Burke
AUTHORIZED SIGNATURE

Issued by Integrated Payment Systems Inc., Englewood, Colorado
To Citibank (New York State), Buffalo, N.Y.

⑆02⑆000888⑆⑆8⑆402⑆⑆3 827695804

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

COURT HOUSE - P.O. BOX 380
BLOOMSBURG, PA 17815

PHONE
(717) 389-5622

24 HOUR PHONE
(717) 784-6300

Mary M. Griffin, Esq.
Rosem, Jenkins & Greenwald
15 South Franklin St.
Wilkes-Barre, PA 18711

IN THE COURT OF COMMON PLEAS
OF COLUMBIA COUNTY, COMMONWEALTH
OF PENNA.

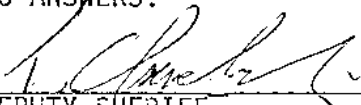
VS.

WRIT OF EXECUTION 82 of 1-91
(MORTGAGE FORECLOSURE)

POSTING OF PROPERTY

January 15, 1996 POSTED A COPY OF THE SHERIFF'S SALE BILL
ON THE PROPERTY OF Michael Kozak
COLUMBIA COUNTY, PENNSYLVANIA. SAID POSTING PERFORMED BY COLUMBIA COUNTY DEPUTY
SHERIFF E. Chamberlain.

SO ANSWERS:

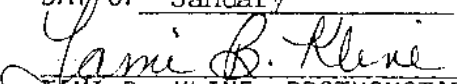

DEPUTY SHERIFF

SHERIFF HARRY A ROADARMEL, JR.

SWORN AND SUBSCRIBED BEFORE ME

THIS 29th

DAY OF January 19 96


TAMI B. KLINE, PROTHONOTARY OF
COLUMBIA COUNTY

PROTH. & CLK. OF SEV. COURTS
MY COMM. EX. 1st MON. JAN. 2000

FRANKLIN FIRST FEDERAL SAVINGS
AND LOAN ASSOCIATION OF WILKES-
BARRE N/K/A FRANKLIN FIRST
FEDERAL SAVINGS BANK,

Plaintiff

vs.

MICHAEL KOZAK,

Defendant

IN THE COURT OF COMMON PLEAS
OF COLUMBIA COUNTY

CIVIL ACTION - LAW

IN MORTGAGE FORECLOSURE

NO. 1162 OF 1991

ORDER

AND NOW, to wit, this 25th day of Oct, 1995, at 1:00 P.m., it appearing that service of the above-named Defendant, Michael Kozak, cannot be made pursuant to the Pennsylvania Rules of Civil Procedure 404 and 3112, and that service pursuant to Special Order of Court pursuant to Pa. R.C.P. 430 is appropriate, and upon Motion of Rosenn, Jenkins & Greenwald, L.L.P. and Derr, Pursel, Luschas & Norton, attorneys for the Plaintiff:

IT IS ORDERED, ADJUDGED AND DECREED that service of the Reissued Writ of Execution and the Notice of Sheriff's Sale for the above-captioned action in Mortgage Foreclosure upon the above-named Defendant, Michael Kozak, be effectively completed by posting a copy of the Reissued Writ of Execution and Notice of Sheriff's Sale along with a copy of this Order on the most public part of the mortgaged premises located at 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania, and by sending a copy of the Reissued Writ of Execution and Notice of Sheriff's Sale along with a copy of this Order by Certified Mail, Return Receipt

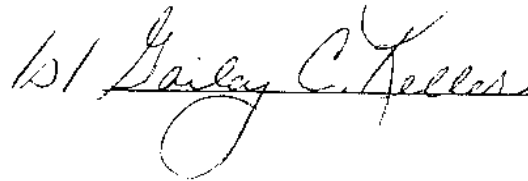
TERMS OF SALE: Ten (10%) percent cash or certified check at TIME OF SALE, balance in cash or certified check within eight (8) days after sale. SAID premises to be sold by the Sheriff of Columbia County.

ROSENN, JENKINS & GREENWALD, L.L.P.

Requested and First-Class Mail to the Defendant's last known address, 6316 Garland Court, New Port Richey, Florida 34652, be and is hereby permitted and directed;

AND IT IS FURTHER ORDERED that said service upon posting of the Mortgaged Premises or mailing of the Reissued Writ of Execution and Notice of Sheriff's Sale, whichever is later, shall have the same force and effect as if service had been made upon the Defendant permitted by Pennsylvania Rules of Civil Procedure 3129.2(c)(1)(i)(c).

BY THE COURT:

 J.

/17018

cc: Sheriff of Columbia County
Arthur D. Franklin, Esq.

SHERIFF'S SALE DESCRIPTION

By virtue of a Writ of Execution No. 82 of 1991, reissued out of the Court of Common Pleas of Columbia County, directed to me, there will be exposed to public sale, by vendue or outcry to the highest and best bidders, for cash, in the Courthouse, in the Town of Bloomsburg, Columbia County, Pennsylvania, on Thursday, ^{FEB 26 1996} ~~SUN 27~~ 1995, at 1030 a.m., in the forenoon of the said day, all the right, title and interest of the Defendant in and to:

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SHERIFF OF COLUMBIA COUNTY

ROSENN, JENKINS & GREENWALD, L.L.P.
Attorneys For Plaintiff

DERR, PURSEL, LUSCHAS & NORTON
Co-Counsel For Plaintiff

EXHIBIT "A"

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also want to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Ms. Connie C GINGER
Tax Collector
120 Rear East Third St.
Berwick, PA 18603

4a. Article Number

2013 527 965

82-91

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery**8. Addressee's Address (Only if requested and fee is paid)****5. Signature (Addressee)****6. Signature (Agent)**

PS Form 3811, November 1990 ★ U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

I also want to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Penna. American Water Co.
P.O. Box 313
Milton, PA 17847

4a. Article Number

P 876 702 217

82-91

4b. Service Type

- ☐ Registered ☐ Insured
☐ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery**8. Addressee's Address (Only if requested and fee is paid)****5. Signature (Addressee)****6. Signature (Agent)**

PS Form 3811, November 1990 ★ U.S. GPO: 1991-287-066

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SENDER:

- Complete items 1 and/or 2 for additional services.
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- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also want to receive the following services (for an extra fee):

1. ☒ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Atty. Stephen Brandwene
Dep. Attorney General
Collection Unit--4th & Walnut St.
Harrisburg, PA 17120

4a. Article Number

P 036 823 163

82-91

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery**8. Addressee's Address (Only if requested and fee is paid)****5. Signature (Addressee)****6. Signature (Agent)**

PS Form 3811, December 1991 ★ U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt Fee will provide you the signature of the person delivered to and the date of delivery.

3. Article Addressed to:

Sewer Rental Office-C. Klinger
Borough of Berwick
City Hall
344 Market St.
Berwick, PA 18603

4a. Article Number

P 876 702 218

2. ☐ Restricted Delivery
- Consult postmaster for fee.

82-91

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery**8. Addressee's Address (Only if requested and fee is paid)****5. Signature (Addressee)****6. Signature (Agent)**

PS Form 3811, November 1990 ★ U.S. GPO: 1991-287-066

DOMESTIC RETURN RECEIPT

Is your RETURN ADDRESS completed on the reverse?

- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:

Small Business Administration
20 N. Penna. Ave.
Room 2327
Wilkes-Barre, PA 18701

4a. Article Number

P 036 823 165

2. ☐ Restricted Delivery
- Consult postmaster for fee.

82-91

4b. Service Type

- ☐ Registered ☐ Insured
☒ Certified ☐ COD
☐ Express Mail ☐ Return Receipt for Merchandise

7. Date of Delivery**8. Addressee's Address (Only if requested and fee is paid)****5. Signature (Addressee)****6. Signature (Agent)**

PS Form 3811, December 1991 ★ U.S. GPO: 1993-352-714

DOMESTIC RETURN RECEIPT

Service Return Receipt must be used for mail