

|                                   |   |                              |
|-----------------------------------|---|------------------------------|
| 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.          |

FILED  
PROthonotary  
CLERK OF COURTS OFFICE  
MAY 13 9 40 AM '95

**AFFIDAVIT PURSUANT TO RULE 3129.1**

FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST FEDERAL SAVINGS BANK, Plaintiff in the above action, now by change of name FRANKLIN FIRST SAVINGS BANK, sets forth as of the date the Praeipce to Reissue the Writ of Execution was filed the following information concerning the real property located at 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania, the same being more particularly described in Exhibit "A", attached.

1. Name and address of Owner or Reputed Owner:

|               |   |
|---------------|---|
| <u>Name</u>   | <u>Address</u>                                  |
| Michael Kozak | 6316 Garland Court<br>New Port Richey, FL 34652 |

2. Name and address of Defendant in the judgment:

|               |   |
|---------------|---|
| <u>Name</u>   | <u>Address</u>                                  |
| Michael Kozak | 6316 Garland Court<br>New Port Richey, FL 34652 |

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

| <u>Name</u>   | <u>Address</u>                                  |
|---|---|
| Lehigh Valley Bank  | P.O. Box 25068<br>Lehigh Valley, PA 18002-5068  |
| 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) | 44 West Market Street<br>Wilkes-Barre, PA 18773 |

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

| <u>Name</u>   | <u>Address</u>                                  |
|---|---|
| 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) | 44 West Market Street<br>Wilkes-Barre, PA 18773 |

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

| <u>Name</u> | <u>Address</u> |
|-------------|----------------|
| 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:

| <u>Name</u> | <u>Address</u> |
|-------------|----------------|
| 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:

| <u>Name</u>  | <u>Address</u>   |
|--|--|
| Columbia County Tax Claim Bureau                   | Columbia County Courthouse<br>Bloomsburg, PA 17815                             |
| Connie C. Gingher<br>Berwick Borough Tax Collector | 120 Rear East Third Street<br>Berwick, PA 18603                                |
| Pennsylvania American Water                        | P.O. Box 313<br>Milton, PA 17847   |
| Borough of Berwick                                 | c/o Sewer Rental Office<br>City Hall<br>344 Market Street<br>Berwick, PA 18603 |
| Dorthy Zalesny                                     | 303 Mulberry Street<br>Berwick, PA 18603                                       |

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. §4904 relating to unsworn falsification to authorities.

DERR, PURSEL, LUSCHAS & NORTON

DATE: 5/19/95

BY:   
ARTHUR D. FRANKLIN, JR., ESQUIRE  
120 West Main Street  
P. O. Box 539  
Bloomsburg, PA 17815

Co-Counsel for Plaintiff

Based upon information provided by co-counsel, Derr, Pursel, Luschas & Norton, I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge

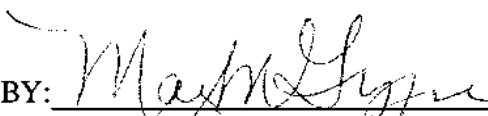
or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

DATE:

5/19/55

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

BY:



MARY M. GRIFFIN, ESQUIRE

15 South Franklin Street

Wilkes-Barre, PA 18711

Attorneys for Plaintiff

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"

**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>               |
| <b>TOTAL</b>          | <b>\$46,632.43 and costs*</b> |

as endorsed.

\_\_\_\_\_  
Prothonotary, Court of Common Pleas  
of Columbia County, Pennsylvania

Dated: \_\_\_\_\_, 1995

(SEAL)

BY: \_\_\_\_\_  
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.

FRANKLIN FIRST FEDERAL SAVINGS  
AND LOAN ASSOCIATION OF  
WILKES-BARRE n/k/a FRANKLIN  
FIRST 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, this 26<sup>th</sup> day of February 26, 1996, it is hereby ORDERED AND  
DECREED that the Sheriff's Sale of premises located at and known as 303 Mulberry Street, Berwick  
Borough, Columbia County, Pennsylvania be and is herein postponed by Order of Court, pursuant  
to Pennsylvania Rules of Civil Procedure 3129.3(a) to March 11, 1996. It is further ORDERED  
AND DECREED that an announcement of this postponement is to be given on February 26, 1996,  
the currently scheduled Sheriff's Sale date and that no written notice or re-advertising of this new  
Sheriff's Sale shall be required.

BY THE COURT:

Robert W. Allen

J.

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

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

**MOTION TO POSTPONE SHERIFF'S SALE PURSUANT**  
**TO PA. R.C.P. 3129. 3(a)**

FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-  
BARRE n/k/a FRANKLIN FIRST SAVINGS BANK, by and through its counsel, Roscigno, Jenkins,  
& Greenwald, L.L.P. and co-counsel, Derr, Pursel, Luschas & Norton, hereby moves this  
Honorable Court to postpone the Sheriff's Sale currently scheduled for February 26, 1996 and  
assigns its reasons as follows:

1. Petitioner/Plaintiff, FRANKLIN FIRST FEDERAL SAVINGS AND LOAN  
ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST SAVINGS BANK, filed a  
Complaint in Mortgage Foreclosure against Defendant on August 26, 1991 for property located at  
and known as 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania (the  
"Mortgaged Property").

2. On October 21, 1991 Judgment in connection with the foreclosure action was entered  
against Defendant.



3. Subsequent to the entry of Judgment against Defendant, a Writ of Execution was issued and Notices of Sheriff's Sale were prepared in accordance with Pennsylvania Rules of Civil Procedure 3129.2 for a January 23, 1992 Sheriff's Sale.

4. The Defendant filed a Chapter 11 Bankruptcy in the United States Bankruptcy Court, Middle District of Florida, Tampa Division, (the "Bankruptcy Court") on January 22, 1992 thereby staying the Sheriff's Sale.

5. On March 18, 1993, the Bankruptcy Court issued an order lifting the automatic stay for the sole purpose of allowing Plaintiff to continue with the foreclosure proceedings which had already been commenced.

6. On August 12, 1993, Plaintiff reissued the Writ of Execution and a second Sheriff's Sale date was scheduled for October 21, 1993.

7. On October 18, 1993, the Defendant filed a Chapter 13 Bankruptcy in the Bankruptcy Court thereby staying the second scheduled Sheriff's Sale.

8. On May 4, 1994, the Bankruptcy Court granted an order dismissing the Chapter 13 Bankruptcy case.

9. On September 15, 1994, Plaintiff reissued the Writ of Execution and a third Sheriff's Sale date was scheduled for December 15, 1994.

10. The December 15, 1994 Sheriff's Sale was continued to February 23, 1995 due to Plaintiff's inability to serve the Defendant pursuant to the Pennsylvania Rules of Civil Procedure.

11. On December 9, 1994, the Defendant, once again, filed a Chapter 13 Bankruptcy with the Bankruptcy Court thereby staying the Sheriff's Sale scheduled for February 23, 1995.

12. On February 23, 1995, Plaintiff obtained relief from the automatic stay of the Bankruptcy Court.

13. On May 17, 1995, Plaintiff reissued the Writ of Execution and a fourth Sheriff's Sale date was scheduled for July 27, 1995.

14. Plaintiff was unable to serve the Defendant in accordance with the Pennsylvania Rules of Civil Procedure and therefore the Sheriff's Sale was continued to October 26, 1995.

15. The Sheriff's Sale scheduled for October 26, 1995 was continued to February 26, 1996 pursuant to a Court Order dated October 25, 1995.

16. The Defendant was served with the Reissued Writ of Execution and Notice of Sheriff's Sale pursuant to a Court Order dated October 25, 1995.

17. On February 23, 1996, the Defendant filed a fourth Chapter 13 Bankruptcy in the Middle District of Florida to Case No. 96-02158-8C3.

18. Plaintiff requests that the Sheriff's Sale scheduled for February 26, 1996 be continued to March 11, 1996 in order for Plaintiff to obtain relief from the bankruptcy stay.

19. Plaintiff is requesting the bankruptcy court to give Plaintiff automatic relief from stay based on Defendant's repetitive filings and abuse of the bankruptcy court.


20. Plaintiff requests that no additional advertising or written notices be made in connection with this postponement.

21. Plaintiff would be forced to expend additional monies in re-advertising the Sheriff's Sale and such action would place further burden upon the Court system.

WHEREFORE, Petitioner/Plaintiff respectfully requests that this Honorable Court enter an Order postponing the Sheriff's Sale to March 11, 1996 at a time to be determined by the Sheriff of Columbia County in order for Plaintiff to obtain relief from the bankruptcy stay.

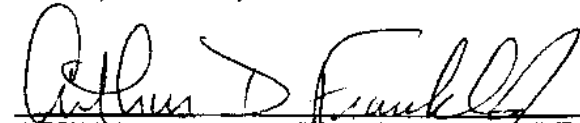
Respectfully submitted,  
ROSENN, JENKINS & GREENWALD, L.L.P.

BY:

  
MARY Q. CUMMINGS, ESQUIRE  
15 South Franklin Street  
Wilkes-Barre, PA 18711  
(717) 826-5600  
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

83-844 5263

CASE # 96-02158-803

UNITED STATES BANKRUPTCY COURT

MIDDLE DISTRICT OF FLORIDA

VOLUNTARY PETITION

|   |   |
|---|---|
| IN RE (Name of debtor - if individual, enter Last, First, Middle)<br><br>Kozak, Michael                                     | NAME OF JOINT DEBTOR (Spouse) (Last, First, Middle)   |
| ALL OTHER NAMES used by the debtor in the last 6 years (include married, maiden, and trade names)                           | ALL OTHER NAMES used by the joint debtor in the last 6 years (include married, maiden, and trade names.)  |
| SOC. SEC. , TAX I.D. NO. (if more than one, state all)<br>151-38-2483   | SOC. SEC. , TAX I.D. NO. (if more than one, state all.)   |
| STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)<br><br>6316 Garland Ct.<br>New Port Richey<br>FL 34652 | STREET ADDRESS OF JOINT DEBTOR (No. and street, city, state, and zip code)  |
| COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS<br>Pasco   | COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS  |
| MAILING ADDRESS OF DEBTOR (if different from street address)  | MAILING ADDRESS OF JOINT DEBTOR (if different from street address)  |
| LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (if different from addresses listed above)                                  | VENUE (Check one box)<br><input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer period of such 180 days than in any other District.<br><input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District. |

|   |   |
|---|---|
| INFORMATION REGARDING DEBTOR (Check applicable boxes)   |   |
| TYPE OF DEBTOR<br><input checked="" type="checkbox"/> Individual<br><input type="checkbox"/> Joint (Husband & Wife)<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other:<br><br>NATURE OF DEBT<br><input type="checkbox"/> Non-Business / Consumer <input type="checkbox"/> Business - Complete A & B below<br><br>A. TYPE OF BUSINESS (Check one box)<br><input type="checkbox"/> Farming <input type="checkbox"/> Transportation <input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Professional <input type="checkbox"/> Manufacturing/ <input type="checkbox"/> Construction<br><input type="checkbox"/> Retail / Wholesale <input type="checkbox"/> Mining <input type="checkbox"/> Real Estate<br><input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Other Business<br><br>B. BRIEFLY DESCRIBE NATURE OF BUSINESS | CHAPTER OR SECTION OF BANKRUPTCY CODE UNDER WHICH THE PETITION IS FILED (Check one box)<br><input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 13<br><input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case Ancillary to Foreign Proceeding<br><br>FILING FEE (Check one box)<br><input checked="" type="checkbox"/> Filing fee attached<br><input type="checkbox"/> Filing fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.<br><br>NAME AND ADDRESS OF LAW FIRM OR ATTORNEY<br><br>Telephone No<br><br>NAME(S) OF ATTORNEY(S) DESIGNATED TO REPRESENT THE DEBTOR (Print or Type Names)<br><br><input checked="" type="checkbox"/> Debtor is not represented by an attorney |

|   |  |
|---|--|
| STATISTICAL ADMINISTRATIVE INFORMATION (28 U.S.C. § 604) (Estimates only) (Check applicable boxes)  |  |
| <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.<br><input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.       |  |
| ESTIMATED NUMBER OF CREDITORS<br><input checked="" type="checkbox"/> 1-15 <input type="checkbox"/> 16-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999 <input type="checkbox"/> 1000-over  |  |
| ESTIMATED ASSETS (in thousands of dollars)<br>Under 50    50-99    100-299    300-999    1000-9999    10,000-99,999    100,000-over<br><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>      |  |
| ESTIMATED LIABILITIES (in thousands of dollars)<br>Under 50    50-99    100-299    300-999    1000-9999    10,000-99,999    100,000-over<br><input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |  |
| ESTIMATED NO. OF EMPLOYEES - CHAPTER 11 & 12 ONLY<br>0    1-19    20-99    100-999    1000-over<br><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |  |
| ESTIMATED NO. OF EQUITY SECURITY HOLDERS - CHAPTER 11 & 12 ONLY<br>0    1-19    20-99    100-999    1000-over<br><input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |  |

THIS SPACE FOR COURT USE ONLY

FILED  
JAN 23 12 41 PM '98  
U.S. BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

CASE # 96-02158-803

Name of Debtor Michael Kozak

Case No. \_\_\_\_\_

**FILING OF PLAN**

For Chapter 9, 11, 12 and 13 cases only. Check appropriate box.

☐ A copy of debtor's proposed plan dated \_\_\_\_\_ is attached.☒ Debtor intends to file a plan within the time allowed by statute, rule, or order of the court.**PRIOR BANKRUPTCY CASE FILED WITHIN LAST 6 YEARS (If more than one, attach additional sheet)**

|   |                             |                               |
|---|-----------------------------|-------------------------------|
| Location Where Filed<br>Middle District of FL/Tampa | Case Number<br>94-12002-8C3 | Date Filed<br>January 3, 1995 |
|---|-----------------------------|-------------------------------|

**PENDING BANKRUPTCY CASE FILED BY ANY SPOUSE, PARTNER, OR AFFILIATE OF THIS DEBTOR (If more than one, attach additional sheet)**

|                |             |       |
|----------------|-------------|-------|
| Name of Debtor | Case Number | Date  |
| Relationship   | District    | Judge |

**REQUEST FOR RELIEF**

Debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**SIGNATURES****ATTORNEY**

|   |                             |
|---|-----------------------------|
| <input checked="" type="checkbox"/> <u>[Signature]</u><br>Signature | _____ <u>[Date]</u><br>Date |
|---|-----------------------------|

**INDIVIDUAL/JOINT DEBTOR(S)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

☒ [Signature]  
Signature of Debtor, Michael Kozak

Date \_\_\_\_\_

☒  
Signature of Joint Debtor

Date \_\_\_\_\_

**CORPORATE OR PARTNERSHIP DEBTOR**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that the filing of the petition on behalf of the debtor has been authorized.

☒  
Signature of Authorized Individual

Print or Type Name of Authorized Individual \_\_\_\_\_

Title of Individual Authorized by Debtor to File this Petition \_\_\_\_\_

Date \_\_\_\_\_

**EXHIBIT "A" (To be completed if debtor is a corporation requesting relief under chapter 11.)**☐ Exhibit "A" is attached and made a part of this petition.**TO BE COMPLETED BY INDIVIDUAL CHAPTER 7 DEBTOR WITH PRIMARILY CONSUMER DEBTS ( SEE P.L. 98-353 § 322)**

I am aware that I may proceed under chapter 7, 11, or 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7 of such title.

If I am represented by an attorney, exhibit "B" has been completed.

☒ [Signature]  
Signature of Debtor2-20-96  
Date☒  
Signature of Joint Debtor

Date \_\_\_\_\_

**EXHIBIT "B" (To be completed by attorney for individual chapter 7 debtor(s) with primarily consumer debts.)**

I, the attorney for the debtor(s) named in the foregoing petition, declare that I have informed the debtor(s) that (he, she, or they) may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

☒  
Signature of Attorney

Date \_\_\_\_\_

Michael Kozak  
6316 Garland Ct.  
New Port Richey, FL 33156

IRS  
Atlanta, GA 33901

Bank United of Texas  
P.O. Box 2824  
Houston, TX 77252-2824

Franklin First Savings Bank  
P.O. Box 449  
Wilkes Barre, PA  
18773-0449

Att: *Shiriff Robinson*CASE#  
96-02158-803

| UNITED STATES BANKRUPTCY COURT  |                          | VOLUNTARY PETITION   |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
|---|--------------------------|--|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| MIDDLE DISTRICT OF FLORIDA  |                          |  |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| IN RE (Name of debtor - if individual, enter Last, First, Middle)<br><b>Kozak, Michael</b>  |                          | NAME OF JOINT DEBTOR (Spouse) (Last, First, Middle)  |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| ALL OTHER NAMES used by the debtor in the last 6 years (include married, maiden, and trade names)   |                          | ALL OTHER NAMES used by the joint debtor in the last 6 years (include married, maiden, and trade names)  |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| SOC. SEC. & TAX I.D. NO. (if more than one, state all)<br><b>151-38-2483</b>  |                          | SOC. SEC. & TAX I.D. NO. (if more than one, state all)   |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code)<br><b>6316 Garland Ct.<br/>New Port Richey<br/>FL 34652</b>  |                          | STREET ADDRESS OF JOINT DEBTOR (No. and street, city, state, and zip code)   |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS<br><b>Pasco</b>  |                          | COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS   |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| MAILING ADDRESS OF DEBTOR (if different from street address)  |                          | MAILING ADDRESS OF JOINT DEBTOR (if different from street address)   |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (if different from addresses listed above)  |                          | VENUE (Check one box)<br><input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets within the District for 180 days immediately preceding the date of this petition or for a longer period of such 180 days than in any other District.<br><input type="checkbox"/> There is a bankruptcy case concerning debtor's estate, general partner, or partnership pending in this District.  |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| INFORMATION REGARDING DEBTOR (Check applicable boxes)   |                          |  |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <b>TYPE OF DEBTOR</b><br><input checked="" type="checkbox"/> Individual<br><input type="checkbox"/> Joint (Husband & Wife)<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Other:<br><br><b>NATURE OF DEBT</b><br><input type="checkbox"/> Non-Business / Consumer <input type="checkbox"/> Business - Complete A & B below<br><br><b>A. TYPE OF BUSINESS (Check one box)</b><br><input type="checkbox"/> Farming <input type="checkbox"/> Transportation <input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Professional <input type="checkbox"/> Manufacturing/ <input type="checkbox"/> Construction<br><input type="checkbox"/> Retail / Wholesale <input type="checkbox"/> Mining <input type="checkbox"/> Real Estate<br><input type="checkbox"/> Railroad <input type="checkbox"/> Stockbroker <input type="checkbox"/> Other Business<br><br><b>B. BRIEFLY DESCRIBE NATURE OF BUSINESS</b> |                          | <b>CHAPTER OR SECTION OF BANKRUPTCY CODE UNDER WHICH THE PETITION IS FILED (Check one box)</b><br><input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 11 <input checked="" type="checkbox"/> Chapter 13<br><input type="checkbox"/> Chapter 9 <input type="checkbox"/> Chapter 12 <input type="checkbox"/> Sec. 304 - Case Ancillary to Foreign Proceeding<br><br><b>FILING FEE (Check one box)</b><br><input checked="" type="checkbox"/> Filing fee attached<br><input type="checkbox"/> Filing fee to be paid in installments (Applicable to individuals only.) Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form No. 3.<br><br><b>NAME AND ADDRESS OF LAW FIRM OR ATTORNEY</b><br><br>telephone No.<br><br><b>NAME(S) OF ATTORNEY(S) DESIGNATED TO REPRESENT THE DEBTOR</b> (Print or Type Names)<br><br><input checked="" type="checkbox"/> Debtor is not represented by an attorney |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <b>STATISTICAL ADMINISTRATIVE INFORMATION (28 U.S.C. § 604) (Estimates only) (Check applicable boxes)</b><br><input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.<br><input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.  |                          | THIS SPACE FOR COURT USE ONLY<br><div style="transform: rotate(-90deg); transform-origin: center;">           FILED<br/>           AMERICAN FLORIDA<br/>           DISTRICT OF FLORIDA<br/>           BANKRUPTCY COURT<br/>           MIDDLE<br/>           FEB 23 12 42 PM '96         </div> <div style="position: absolute; right: 0; top: 0;">C</div>  |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <b>ESTIMATED NUMBER OF CREDITORS</b><br><table style="width:100%; text-align: center;"> <tr> <td>1-15</td> <td>16-25</td> <td>26-50</td> <td>51-100</td> <td>101-200</td> <td>201-500</td> <td>501-1000</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>   |                          |  |                          | 1-15                     | 16-25                    | 26-50                    | 51-100                   | 101-200                  | 201-500                  | 501-1000                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 1-15  | 16-25                    |  |                          | 26-50                    | 51-100                   | 101-200                  | 201-500                  | 501-1000                 |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <input checked="" type="checkbox"/>   | <input type="checkbox"/> |  |                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <b>ESTIMATED ASSETS (in thousands of dollars)</b><br><table style="width:100%; text-align: center;"> <tr> <td>Under 50</td> <td>50-99</td> <td>100-499</td> <td>500-999</td> <td>1000-9999</td> <td>10000-99999</td> <td>100000-999999</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>  |                          |  |                          | Under 50                 | 50-99                    | 100-499                  | 500-999                  | 1000-9999                | 10000-99999              | 100000-999999            | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Under 50  | 50-99                    | 100-499  | 500-999                  | 1000-9999                | 10000-99999              | 100000-999999            |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input type="checkbox"/> | <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <b>ESTIMATED LIABILITIES (in thousands of dollars)</b><br><table style="width:100%; text-align: center;"> <tr> <td>Under 50</td> <td>50-99</td> <td>100-499</td> <td>500-999</td> <td>1000-9999</td> <td>10000-99999</td> <td>100000-999999</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>   |                          | Under 50   | 50-99                    | 100-499                  | 500-999                  | 1000-9999                | 10000-99999              | 100000-999999            | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| Under 50  | 50-99                    | 100-499  | 500-999                  | 1000-9999                | 10000-99999              | 100000-999999            |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input type="checkbox"/> | <input checked="" type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <b>ESTIMATED NO. OF EMPLOYEES - CHAPTER 11 &amp; 12 ONLY</b><br><table style="width:100%; text-align: center;"> <tr> <td>0</td> <td>1-10</td> <td>11-20</td> <td>21-50</td> <td>51-100</td> <td>101-200</td> <td>201-500</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>   |                          | 0  | 1-10                     | 11-20                    | 21-50                    | 51-100                   | 101-200                  | 201-500                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| 0   | 1-10                     | 11-20  | 21-50                    | 51-100                   | 101-200                  | 201-500                  |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <b>ESTIMATED NO. OF EQUITY SECURITY HOLDERS - CHAPTER 11 &amp; 12 ONLY</b><br><table style="width:100%; text-align: center;"> <tr> <td>0</td> <td>1-10</td> <td>11-20</td> <td>21-50</td> <td>51-100</td> <td>101-200</td> <td>201-500</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>   |                          | 0  | 1-10                     | 11-20                    | 21-50                    | 51-100                   | 101-200                  | 201-500                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |
| 0   | 1-10                     | 11-20  | 21-50                    | 51-100                   | 101-200                  | 201-500                  |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |
| <input type="checkbox"/>  | <input type="checkbox"/> | <input type="checkbox"/>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |                          |                          |                          |                          |                                     |                          |                                     |                          |                          |                          |                          |

Name of Debtor Michael Kozak

Case No. \_\_\_\_\_

813-844-0263**FILING OF PLAN**

For Chapter 9, 11, 12, and 13 cases only. Check appropriate box.

☐ A copy of debtor's proposed plan dated \_\_\_\_\_ is attached.☒ Debtor intends to file a plan within the time allowed by statute, rule, or order of the court.**PRIOR BANKRUPTCY CASE FILED WITHIN LAST 6 YEARS (if more than one, attach additional sheet)**

|   |                             |                               |
|---|-----------------------------|-------------------------------|
| Location Where Filed<br>Middle District of FL/Tampa | Case Number<br>94-12002-803 | Date Filed<br>January 3, 1995 |
|---|-----------------------------|-------------------------------|

**PENDING BANKRUPTCY CASE FILED BY ANY SPOUSE, PARTNER, OR AFFILIATE OF THIS DEBTOR (if more than one, attach additional sheet)**

|                |             |       |
|----------------|-------------|-------|
| Name of Debtor | Case Number | Date  |
| Relationship   | District    | Judge |

**REQUEST FOR RELIEF**

Debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

**SIGNATURES****ATTORNEY**

|                                    |            |
|------------------------------------|------------|
| Signature <u>X</u> <u>M. Kozak</u> | Date _____ |
|------------------------------------|------------|

**INDIVIDUAL/JOINT DEBTOR(S)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

|   |   |
|---|---|
| Signature of Debtor, Michael Kozak <u>X</u> <u>M. Kozak</u> | Signature of Authorized Individual <u>X</u> |
|---|---|

Date \_\_\_\_\_

X

Signature of Joint Debtor \_\_\_\_\_

Date \_\_\_\_\_

**CORPORATE OR PARTNERSHIP DEBTOR**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that the filing of the petition on behalf of the debtor has been authorized.

Signature of Authorized Individual X

Print or Type Name of Authorized Individual \_\_\_\_\_

Title of Individual Authorized by Debtor to File this Petition \_\_\_\_\_

Date \_\_\_\_\_

**EXHIBIT "A" (To be completed if debtor is a corporation requesting relief under chapter 11.)**☐ Exhibit "A" is attached and made a part of this petition.**TO BE COMPLETED BY INDIVIDUAL CHAPTER 7 DEBTOR WITH PRIMARILY CONSUMER DEBTS (SEE P.L. 98-353 § 322)**

I am aware that I may proceed under chapter 7, 11, or 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7 of such title.

If I am represented by an attorney, exhibit "B" has been completed.

|  |                     |
|--|---------------------|
| Signature of Debtor <u>X</u> <u>M. Kozak</u> | Date <u>2-20-96</u> |
|--|---------------------|

X

Signature of Joint Debtor \_\_\_\_\_

Date \_\_\_\_\_

**EXHIBIT "B" (To be completed by attorney for individual chapter 7 debtor(s) with primarily consumer debts.)**

I, the attorney for the debtor(s) named in the foregoing petition, declare that I have informed the debtor(s) that (he, she, or they) may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

Signature of Attorney \_\_\_\_\_

Date \_\_\_\_\_



Michael Kozak  
6316 Garland Ct.  
New Port Richey, FL 33156

IRS  
Atlanta, GA 33901

Bank United of Texas  
P.O. Box 2824  
Houston, TX 77252-2824

Franklin First Savings Bank  
P.O. Box 449  
Wilkes Barre, PA  
18773-0449

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re

MICHAEL KOZAK,

CHAPTER 13  
CASE NO. 96-2158-8C3

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.

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.

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 Garland 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

FRANKLIN FIRST FEDERAL SAVINGS  
AND LOAN ASSOCIATION OF  
WILKES-BARRE n/k/a FRANKLIN  
FIRST 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, this 25<sup>th</sup> day of October, 1995, it is hereby ORDERED AND DECREED that since the Reissued Writ of Execution and the Notice of Sheriff's Sale have not been served upon Defendant, MICHAEL KOZAK, in accordance with Pennsylvania Rules of Civil Procedure 3129.2, the Sheriff's Sale of premises located at and known as 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania be and is herein postponed by Order of Court, pursuant to Pennsylvania Rules of Civil Procedure 3129.3(a) to February 26, 1996. It is further ORDERED AND DECREED that an announcement of this postponement is to be given on October 26, 1995, the currently scheduled Sheriff's Sale date and notice of such postponement shall be sent by first class mail, postage pre-paid to all previously identified interested parties in the 3129.1 Affidavit filed by Plaintiff. An Affidavit of Mailing evidencing such service shall be filed with the Prothonotary of Columbia County.

BY THE COURT:

1st Gailey C. Keller  
J.

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

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

**MOTION TO POSTPONE SHERIFF'S SALE PURSUANT**  
**TO PA. R.C.P. 3129. 3(a)**

FRANKLIN FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF WILKES-  
BARRE n/k/a FRANKLIN FIRST SAVINGS BANK, by and through its counsel, Rosenn, Jenkins  
& Greenwald, L.L.P. and co-counsel, Derr, Pursel, Luschas & Norton, hereby moves this  
Honorable Court to postpone the Sheriff's Sale currently scheduled for October 26, 1995 and assigns  
its reasons as follows:

1. Petitioner/Plaintiff, FRANKLIN FIRST FEDERAL SAVINGS AND LOAN  
ASSOCIATION OF WILKES-BARRE n/k/a FRANKLIN FIRST SAVINGS BANK, filed a  
Complaint in Mortgage Foreclosure against Defendant on August 26, 1991 for property located at  
and known as 303 Mulberry Street, Berwick Borough, Columbia County, Pennsylvania (the  
"Mortgaged Property").

2. On October 21, 1991 Judgment in connection with the foreclosure action was entered  
against Defendant.

3. Subsequent to the entry of Judgment against Defendant, a Writ of Execution was issued and Notices of Sheriff's Sale were prepared in accordance with Pennsylvania Rules of Civil Procedure 3129.2 for a January 23, 1992 Sheriff's Sale.

4. The Defendant filed a Chapter 11 Bankruptcy in the United States Bankruptcy Court, Middle District of Florida, Tampa Division, (the "Bankruptcy Court") on January 22, 1992 thereby staying the Sheriff's Sale.

5. On March 18, 1993, the Bankruptcy Court issued an order lifting the automatic stay for the sole purpose of allowing Plaintiff to continue with the foreclosure proceedings which had already been commenced.

6. On August 12, 1993, Plaintiff reissued the Writ of Execution and a second Sheriff's Sale date was scheduled for October 21, 1993.

7. On October 18, 1993, the Defendant filed a Chapter 13 Bankruptcy in the Bankruptcy Court thereby staying the second scheduled Sheriff's Sale.

8. On May 4, 1994, the Bankruptcy Court granted an order dismissing the Chapter 13 Bankruptcy case.

9. On September 15, 1994, Plaintiff reissued the Writ of Execution and a third Sheriff's Sale date was scheduled for December 15, 1994.

10. The December 15, 1994 Sheriff's Sale was continued to February 23, 1995 due to Plaintiff's inability to serve the Defendant pursuant to the Pennsylvania Rules of Civil Procedure.

11. On December 9, 1994, the Defendant, once again, filed a Chapter 13 Bankruptcy with the Bankruptcy Court thereby staying the Sheriff's Sale scheduled for February 23, 1995.

12. On February 23, 1995, Plaintiff obtained relief from the automatic stay of the Bankruptcy Court.

13. On May 17, 1995, Plaintiff reissued the Writ of Execution and a fourth was Sheriff's Sale date scheduled for July 27, 1995.

14. Plaintiff was unable to serve the Defendant in accordance with the Pennsylvania Rules of Civil Procedure and therefore the Sheriff's Sale was continued to October 26, 1995.

15. Plaintiff hired the services of the Sheriff of Pasco County, Florida to serve the Defendant.

16. Neither the Sheriff of Columbia County or the Sheriff of Pasco County, Florida were able to effectuate service.

17. The Defendant has not been served with the Reissued Writ of Execution and Notice of Sheriff's Sale in accordance with the Pennsylvania Rules of Civil Procedure.

18. Contemporaneously with the filing of this Motion, Plaintiff is filing with this Honorable Court a Motion for Service Pursuant to Special Order of Court requesting that Defendant be served by posting the Mortgaged Property with the Reissued Writ of Execution and Notice of Sheriff's Sale and by sending to Defendant the Reissued Writ of Execution and Notice of Sheriff's Sale, by certified mail and first class mail, to his last known address of 6316 Garland Court, New Port Richey, Florida 34652.

19. In order to comply with Pennsylvania Rules of Civil Procedure 3129.2, the Sheriff's Sale must be postponed.

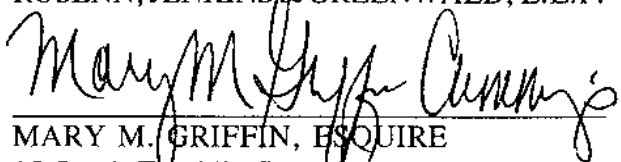
20. Plaintiff has prepared notices of the postponement which shall be sent to all previously identified interested parties in the 3129.1 Affidavit filed by the Plaintiff upon notification of the new Sheriff's Sale date.

21. Plaintiff would be forced to expend additional monies in readvertising the Sheriff's Sale and such action would place further burden upon the Court system.

WHEREFORE, Petitioner/Plaintiff respectfully requests that this Honorable Court enter an Order postponing the Sheriff's Sale to a date certain so that the Reissued Writ of Execution and Notice of Sheriff's Sale to Defendant can be served upon Defendant, thereby effectuating service in compliance with Pennsylvania Rules of Civil Procedure 3129.2.


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

BY:

  
MARY M. GRIFFIN, ESQUIRE  
15 South Franklin Street  
Wilkes-Barre, PA 18711  
(717) 826-5600  
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



AFFIDAVIT

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 BANK n/k/a FRANKLIN FIRST SAVINGS BANK, the within-named Plaintiff; that as such she is authorized to make this Affidavit on its behalf; that she has read the foregoing Motion; and that the facts contained therein are true and correct to the best of her knowledge, information and belief.

  
PAMELA WILLIAMS

SWORN to and subscribed  
before me this 24 day  
of October, 1995.

  
NOTARY PUBLIC

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

**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.

\_\_\_\_\_  
Prothonotary, Court of Common Pleas  
of Columbia County, Pennsylvania

Dated: \_\_\_\_\_, 1995

(SEAL)

BY: \_\_\_\_\_  
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 Thursday, JULY 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:

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.

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

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 J.D.  
NO. 82 OF 1991 E.D.

**PRAECIPE TO REISSUE WRIT OF EXECUTION**  
**PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 3106**

TO THE PROTHONOTARY OF COLUMBIA COUNTY:

Pursuant to an Order of the United States Bankruptcy Court for the Middle District of Florida, Tampa Division, Case No. 94-12002-8C3, the Bankruptcy Court has modified the bankruptcy stay by Order of Bankruptcy Court Judge C. Timothy Corcoran, III, dated February 23, 1995 allowing the Plaintiff to proceed with its mortgage foreclosure action. A true and correct copy of the Order is attached hereto and incorporated herein by reference thereto. Therefore, kindly reissue the Writ of Execution in the above-captioned matter as follows:

|                       |                        |
|-----------------------|------------------------|
| 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* |

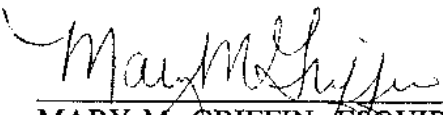
FILED  
PROTHONOTARY  
CLERK OF COURTS OFFICE  
MAY 17 2 39 PM '95

\*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 Judgment demanded herewith, together with

all costs of suit and any money hereafter 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.

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

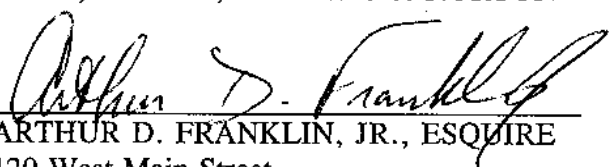
BY:

  
\_\_\_\_\_  
MARY M. GRIFFIN, ESQUIRE  
15 South Franklin Street  
Wilkes-Barre, PA 18711  
(717) 826-5600

Attorneys for Plaintiff

DERR, PURSEL, LUSCHAS & NORTON

BY:

  
\_\_\_\_\_  
ARTHUR D. FRANKLIN, JR., ESQUIRE  
120 West Main Street  
P. O. Box 539  
Bloomsburg, PA 17815

Co-Counsel for Plaintiff

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

In re

MICHAEL KOZAK

Debtor(s)

CHAPTER 13  
CASE NO. 94-12002-8C3

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

THIS CAUSE came on for Final Evidentiary Hearing on February 17, 1995, upon Franklin First Savings Bank's Motion to lift the stay against property of the Debtor's and the estate.

At the hearing counsel for Franklin First Savings Bank announced that the parties had reached an agreement for entry of an Order Lifting Stay consisting of the following terms.

Accordingly, it is,

ORDERED, ADJUDGED and DECREED:


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

2. Accordingly, the automatic stay is hereby modified to permit the Movant to take possession of and to sell its collateral more particularly described as: 303 Mulberry Street, Berwick, Columbia County, Pennsylvania.

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.

4. This Order shall be effective upon entry, but NO sale shall occur before April 16, 1995 in order to permit Debtor an opportunity to pay off the bank.

DONE and ORDERED this 23 day of February, 1995 at Tampa, Florida.

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

CC: Larry M. Foyle, P.O. Box 800, Tampa, FL 33601  
Michael Kozak, 6316 Garland Court, New Port Richey, FL 34652  
Jan K. Moncol, Esq., P.O. Box 4459, Clearwater, FL 34618  
Terry E. Smith, Trustee, P.O. Box 25001, Bradenton, FL 34206-5001  
James Burke, Franklin First Savings Bank, P.O. Box 449, Wilkes-Barre, PA 18773-0449  
#14-20058-01  
92300-1.ord

*Served w/ letter to James Burke*



|                                   |   |                              |
|-----------------------------------|---|------------------------------|
| 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:

*Arthur D. Franklin, Jr.*  
 ARTHUR D. FRANKLIN, JR., ESQUIRE  
 Co-Counsel for Plaintiff  
 120 West Main Street  
 P.O. Box 539  
 Bloomsburg, PA 17815  
 (717) 784-4654

BY:

*Mary M. Griffin*  
 MARY M. GRIFFIN, ESQUIRE  
 Attorneys for Plaintiff  
 15 South Franklin Street  
 Wilkes-Barre, PA 18711  
 (717) 826-5600

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:

*Arthur D. Franklin, Jr.*  
 ARTHUR D. FRANKLIN, JR., ESQUIRE  
 Co-Counsel for Plaintiff  
 120 West Main Street  
 P.O. Box 539  
 Bloomsburg, PA 17815  
 (717) 784-4654

BY:

*Mary M. Griffin*  
 MARY M. GRIFFIN, ESQUIRE  
 Attorneys for Plaintiff  
 15 South Franklin Street  
 Wilkes-Barre, PA 18711  
 (717) 826-5600

DATE: *May 17*, 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"

*Shuff*  
*Att: Christine Stine / 82-5600*  
*2/2/95*

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA

**In Re:**

KOZAK, MICHAEL  
6316 GARLAND COURT  
NEW PORT RICHEY, FL 34652

Case No. 94-12002-8C7

DSSAN : 151-38-2483

Date Filed May. 15, 1995 \*  
Chapter 7

**DISCHARGE OF DEBTOR(S)**

It appears that a petition commencing a case under Title 11, United States Code, was filed by or against the person named above, on above date, that an order for relief was entered under Chapter 7, and that no complaint objecting to the discharge of the debtor was filed within the time fixed by the Court (or that a complaint objecting to discharge of the debtor was filed and, after due notice and hearing was not sustained).

**IT IS ORDERED THAT:**

1. The above-named debtor is released from all dischargeable debts.
2. Any judgment heretofore or hereafter obtained in any court other than this Court is null and void as a determination of the personal liability of the debtor with respect to any of the following:
  - (a) debts dischargeable under 11 U.S.C. § 523;
  - (b) unless heretofore or hereafter determined by order of this Court to be nondischargeable, debts alleged to be excepted from the discharge under clauses (2), (4), and (6) of 11 U.S.C. § 523(a);
  - (c) debts determined by this Court to be discharged.
3. All creditors whose debts are discharged by this order and all creditors whose judgments are declared null and void by paragraph 2 above are enjoined from instituting or continuing any action or employing any process or engaging in any act to collect such debts as personal liabilities of the above-named debtor.

Dated: SEP 6 1995

*C. Timothy Corcoran* *2*  
C. Timothy Corcoran, III  
United States Bankruptcy Judge

c: matrix

\* Original filing under Chapter 13 on December 9, 1994. Converted to Chapter 7 on May 15, 1995.

LAW OFFICES  
**ROSENN, JENKINS & GREENWALD, L.L.P.**

15 SOUTH FRANKLIN STREET  
 WILKES-BARRE, PENNSYLVANIA 18711-0075

Telephone  
 717-826-5600

Telecopier  
 717-826-5640

Direct Dial

717-826-5693

July 26, 1995

OF COUNSEL  
 HAROLD ROSENN  
 JOSEPH J. SAVITZ

FRANCIS G. WENZEL, JR.  
 CAROLYN CARR RHODEN  
 THOMAS F. FORD  
 JAMES C. OSCHAL  
 JOSEPH G. FERGUSON  
 MARY JO KISHAL  
 MARY M. GRIFFIN  
 PATRICIA ERMEL LAKHIA  
 MAUREEN E. MONAHAN  
 MARK W. DRASIN  
 LAWRENCE W. ROTH  
 CARL J. GUAGLIARDO  
 THOMAS B. CARPENTER  
 JOSEPH F. DIETRICK  
 SEAN P. FANEY  
 JOSEPH J. NOTARIANNI, JR.

EUGENE ROTH  
 HARRY R. HISCOX  
 JOHN J. APONICK, JR.  
 DANIEL G. FLANNERY  
 MARSHALL S. JACOBSON  
 MURRAY UFBERG  
 BRUCE C. ROSENTHAL  
 DONALD H. BROBST  
 JOSEPH L. PERSICO  
 HOWARD M. LEVINSON  
 ALAN S. HOLLANDER  
 GARRY S. TAROLI  
 RICHARD A. RUSSO  
 JAMES P. VALENTINE  
 MARK A. VAN LOON  
 LEE S. PIATT  
 DAVID B. HISCOX  
 WILLIAM L. HIGGS  
 ROBERT D. SCHAUB  
 MICHAEL A. SHUCOSKY  
 LEWIS A. SEBIA  
 ROBERT N. GAWLAS, JR.  
 GERARD M. MUSTO, JR.  
 STEVEN P. ROTH

VIA FAX - 717-784-0257

Mr. Harry A. Roadarmel, Jr.  
 Sheriff of Columbia County  
 Columbia County Courthouse  
 P.O. Box 380  
 Bloomsburg, PA 17815

RE: Franklin First Federal Savings and Loan Association of Wilkes-Barre  
 n/k/a Franklin First Savings Bank  
 vs. Michael Kozak;  
 Columbia County CP No. 1162 of 1991 J.D.;  
 No. 82 of 1991 E.D.

Dear Sheriff Roadarmel:

The purpose of this correspondence is to confirm our telephone conversation of Wednesday, July 26, 1995 in the above-referenced matter. Since we have been unable to obtain service on Mr. Kozak, please construe this letter as a formal request to continue the Sheriff's Sale originally scheduled for Thursday, July 27, 1995 to Thursday, October 26, 1995. Pursuant to the Pennsylvania Rules of Civil Procedure, this continued sale date is within the one hundred (100) days and therefore no new notice need be sent to the junior lienholders. However, please be sure to announce the continued sale date at Thursday's Sheriff's Sale.

If you should have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,

*Mary M. Griffin* MMS  
 MARY M. GRIFFIN

MMG:gr/15230

cc: Mr. James Burke, Franklin First Savings Bank

JUL-26-1995 11:46

717 826 5640

P.02



## Pennsylvania-American Water Company

852 Wesley Drive • Mechanicsburg, PA 17055-4475

(800) 717-PAWC (7292)

June 27, 1995

Harry A. Roadarmel, Jr.  
Sheriff of Columbia County  
Court House  
P.O. Box 380  
Bloomsburg, PA 17815

RE: Franklin First Federal Savings vs. Michael Kozak  
No: 82 of 1991 ED No: 1162 of 1991 JD

Sheriff Roadarmel:

This is to inform you that Michael Kozak owes  
Pennsylvania-American Water Company \$1054.17 to date on account  
#780-11381706.

Pennsylvania-American has filed a Civil Complaint with Richard  
Cashman's office for \$588.23 of this total and we are still awaiting  
judgement on this. Filing fees of \$94 are not included in the above  
totals.

Please feel free to contact me at (800) 717-7292 with any  
questions you may have.

Sincerely,

Mary M. Loper  
Customer Service Representative



HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

PHONE  
(717) 389-5622

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

24 HOUR PHONE  
(717) 784-6300

Atty. Mary M. Griffin, ESQ.  
Rosenn, Jenkins and Greenwald  
15 South Franklin Street  
Wilkes-Barre, PA 18711-5600

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

Franklin First Federal Savings and Loan

VS  
Michael KOZAK

WRIT OF EXECUTION 82-1991

MORTGAGE FORECLOSURE 1162 of 1991

DATE OF SALE: JULY 27-95 at 1030 hours.

POSTING OF PROPERTY

POSTED A COPY OF THE SHERIFF'S SALE BILL ON THE  
PROPERTY OF Michael Kozak, 303 Mulberry St., Berwick, PA 18603

COLUMBIA COUNTY, PENNSYLVANIA. SAID POSTING PERFORMED BY COLUMBIA COUNTY  
Chief

DEPUTY SHERIFF Tim Chamberlain, on June 26-95 at 1335 on the property and also  
in the Sheriff's office and Columbia County Court House.

SO ANSWERS:

*Tim Chamberlain*  
DEPUTY SHERIFF

SHERIFF, HARRY A. ROADARMEL, JR.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 27th

DAY OF June 19 95

*Tami B. Kline*

TAMI B. KLINE, PROTHONOTARY OF  
COLUMBIA COUNTY

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

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

PHONE  
(717) ~~784-6300~~ 389-5622

24 HOUR PHONE  
(717) 784-6300

Date: May 25, 1995

To: Commonwealth of Pennsylvania  
Department of Revenue - P.O. Box 2055  
Bureau of Accounts Settlement  
Harrisburg, PA 17105

Re: Franklin First Federal Savings vs. Michael Kozak

No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

*Harry A. Roadarmel, Jr.*  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

COURT HOUSE - P. O. BOX 300  
BLOOMSBURG, PA 17815

PHONE  
(717) ~~704-6300~~  
389-5622

24 HOUR PHONE  
(717) 704-6300

MAY 24, 1995

Date: MAY 24, 1995

To: Lehigh Valley Bank  
P.O. Box 25068  
Lehigh Valley, PA 18002-5068

Re: Franklin First Federal Savings VS. Michael Kozak

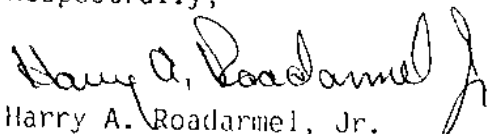
No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County



HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

COURT HOUSE - P. O. BOX 380

BLOOMSBURG, PA 17815

PHONE  
(717) ~~XXXXXXX~~  
389-5622

24 HOUR PHONE  
(717) 784-6300

Date: MAY 24, 1995

To: Ms. Connie C. Gingher  
Tax Collector  
120 Rear East Third Street  
Berwick, PA 18603

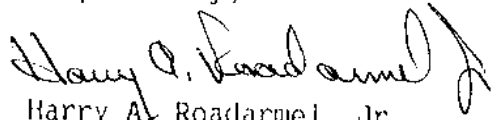
Re: Franklin First Federal Savings vs. Michael Kozak  
No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

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

PHONE  
(717) ~~XXXXXX~~  
389-5622

24 HOUR PHONE  
(717) 784-6300

Date: MAY 24, 1995

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

Re: Franklin First Federal Savings VS. Michael Kozak

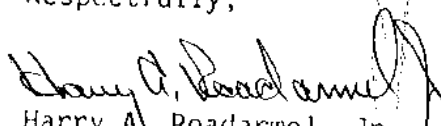
No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY  
COURT HOUSE - P. O. BOX 380  
BLOOMSBURG, PA 17815

PHONE  
(717) ~~844-XXXX~~  
389-5622

24 HOUR PHONE  
(717) 784-6300

Date: MAY 24, 1995

To: Sewer Rental Office  
Borough of Berwick  
City Hall  
344 Market Street  
Berwick, PA 18603

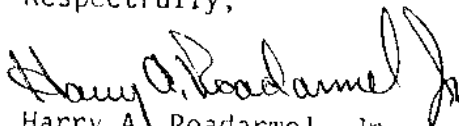
Re: Franklin First Federal Savings VS. Michael Kozak  
No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

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

PHONE  
~~(717) 784-1991~~ 389-5622

24 HOUR PHONE  
(717) 784-6300

Date: MAY 25, 1995

To: Small Business Administration  
20 N. Penna. Avenue  
Room 2327  
Wilkes-Barre, PA 18701

Re: Frankoin First Federal Sav ings VS. Michael Kozak


No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale, If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

COURT HOUSE - P. O. BOX 380  
BLOOMSBURG, PA 17015

PHONE  
(717) ~~783~~ 389-5622

24 HOUR PHONE  
(717) 783 6100

Date: MAY 25, 1995

To: Office of F.A.I.R.  
Department of Public Welfare  
P.O. Box 8016  
Harrisburg, PA 17105

Re: Franklin First Federal Savings vs. Michael Kozak

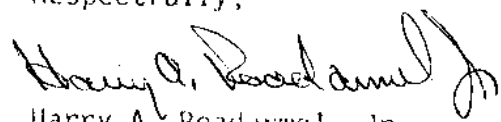
No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale, If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

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

~~1008600~~ 389-5622  
(717) 784-1991

24 HOUR PHONE  
(717) 784 6300

Date: May 25, 1995

To: Atty. Stephen Brandwene  
Deputy Atty. General  
Collection Unit - 4th & Walnut Streets  
Harrisburg, PA 17120

Re Franklin First Federal Savings VS Michael Kozak

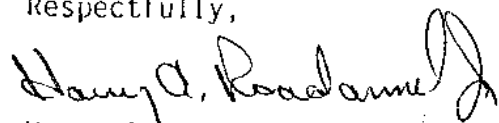
No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale, If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

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 J.D.

NO. 82 OF 1991 E.D.

### AFFIDAVIT OF SERVICE

The undersigned, being duly sworn according to law, does hereby state that she is a person of such age and discretion as to be competent to serve papers; that on June 14, 1995, she served a Notice of Sheriff's Sale of Real Estate pursuant to Pennsylvania Rules of Civil Procedure 3129.2, inter alia, describing the property to be sold, its location, the improvements, if any, the judgment of the court on which the sale is being held, the name of the owner, and the time and place of sale by placing same in a post paid envelope first class mail, addressed to the persons who are hereinafter named, who are or may be Lienholders on the real estate subject to sale, at the places and addresses stated below, by delivering said envelopes and contents to a Post Office Employee at a United States Post Office in Wilkes-Barre, Luzerne County, Pennsylvania and obtaining a Certificate of Mailing for each Notice. Copies of the Certificates of Mailing are attached hereto, marked Exhibit "A" and incorporated herein by reference thereto.

Lehigh Valley Bank  
P. O. Box 25068  
Lehigh Valley, PA 18002-5068

Columbia County Tax Claim Bureau  
Columbia County Courthouse  
Bloomsburg, PA 17815

Connie C. Gingher  
Berwick Borough Tax Collector  
120 Rear East Third Street  
Berwick, PA 18603

Pennsylvania American Water  
P.O. Box 313  
Milton, PA 17847

NOTED  
JUN 23 9 10 AM '95  
CLERK OF COURT

Borough of Berwick  
c/o Sewer Rental Office  
City Hall  
344 Market Street  
Berwick, PA 18603

Dorthy Zalesny  
303 Mulberry Street  
Berwick, PA 18603

  
SHARON L. MYERS

SWORN TO AND SUBSCRIBED

before me this 16<sup>th</sup> day

of June, 1995.

  
NOTARY PUBLIC

Notarial Seal  
Rebecca Faux, Notary Public  
Wilkes-Barre, Luzerne County  
My Commission Expires May 8, 1999  
Member, Pennsylvania Association of Notaries



|   |                               |
|---|-------------------------------|
| U.S. POSTAL SERVICE   | <b>CERTIFICATE OF MAILING</b> |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER                        |                               |
| Received From:  |                               |
| <u>ROSENN, JENKINS &amp; GREENWALD, L.L.P.</u><br><u>15 SOUTH FRANKLIN STREET</u><br><u>WILKES-BARRE PA 18711</u> |                               |
| One piece of ordinary mail addressed to:  |                               |
| <u>LEHIGH VALLEY BANK</u><br><u>P O BOX 25068</u><br><u>LEHIGH VALLEY PA 18002-5068</u>                           |                               |

Affix fee here in stamps  
or meter postage and  
post mark, including 1¢



PS Form 3817, Mar. 1989 J GPO 1993 O 151-051 1162 of 1991

|   |                               |
|---|-------------------------------|
| U.S. POSTAL SERVICE   | <b>CERTIFICATE OF MAILING</b> |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER                        |                               |
| Received From:  |                               |
| <u>ROSENN, JENKINS &amp; GREENWALD, L.L.P.</u><br><u>15 SOUTH FRANKLIN STREET</u><br><u>WILKES-BARRE PA 18711</u> |                               |
| One piece of ordinary mail addressed to:  |                               |
| <u>COLUMBIA COUNTY TAX CLAIM BUREAU</u><br><u>COLUMBIA COUNTY COURTHOUSE</u><br><u>BLOOMSBURG, PA 17815</u>       |                               |

Affix fee here in stamps  
nd  
of  
nt



PS Form 3817, Mar. 1989 I GPO 1993 O 151-051 1162 of 1991

|   |                               |
|---|-------------------------------|
| U.S. POSTAL SERVICE   | <b>CERTIFICATE OF MAILING</b> |
| MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT PROVIDE FOR INSURANCE—POSTMASTER                                      |                               |
| Received From:  |                               |
| <u>ROSENN, JENKINS &amp; GREENWALD, L.L.P.</u><br><u>15 SOUTH FRANKLIN STREET</u><br><u>WILKES-BARRE PA 18711</u>               |                               |
| One piece of ordinary mail addressed to:  |                               |
| <u>CONNIE C GINGHER</u><br><u>BERWICK BOROUGH TAX COLLECTOR</u><br><u>120 REAR EAST THIRD STREET</u><br><u>BERWICK PA 18603</u> |                               |

Affix fee here in stamps  
nd  
of  
nt



PS Form 3817, Mar. 1989 I GPO 1993 O 151-051 1162 of 1991

**U.S. POSTAL SERVICE CERTIFICATE OF MAILING**  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

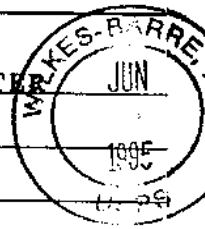
Affix fee here in stamps  
or meter postage and  
if  
it

Received From:

**ROSENN, JENKINS & GREENWALD, L.L.P.**  
**15 SOUTH FRANKLIN STREET**  
**WILKES-BARRE PA 18711**

One piece of ordinary mail addressed to:

**PENNSYLVANIA AMERICAN WATER**  
**P O BOX 313**  
**MILTON PA 17847**



PS Form 3817, Mar. 1989 I GPO : 1993 O - 151-051  
1162 of 1991

**U.S. POSTAL SERVICE CERTIFICATE OF MAILING**  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

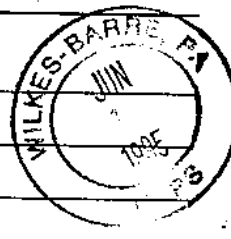
Affix fee here in stamps

Received From:

**ROSENN, JENKINS & GREENWALD, L.L.P.**  
**15 SOUTH FRANKLIN STREET**  
**WILKES-BARRE PA 18711**

One piece of ordinary mail addressed to:

**BOROUGH OF BERWICK**  
**c/o SEWER RENTAL OFFICE**  
**CITY HALL**  
**344 MARKET STREET**  
**BEWICK PA 18603**



PS Form 3817, Mar. 1989 I GPO : 1993 O - 151-051  
1162 of 1991

**U.S. POSTAL SERVICE CERTIFICATE OF MAILING**  
MAY BE USED FOR DOMESTIC AND INTERNATIONAL MAIL, DOES NOT  
PROVIDE FOR INSURANCE—POSTMASTER

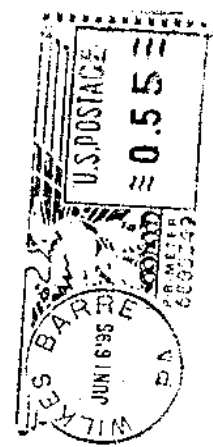
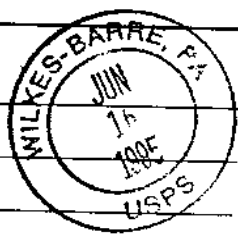
Affix fee here in stamps

Received From:

**ROSENN, JENKINS & GREENWALD, L.L.P.**  
**15 SOUTH FRANKLIN STREET**  
**WILKES-BARRE PA 18711**

One piece of ordinary mail addressed to:

**DORTHY ZALESNY**  
**303 MULBERRY STREET**  
**BERWICK PA 18603**



PS Form 3817, Mar. 1989 I GPO : 1993 O - 151-051  
1162 of 1991

STATE OF PENNSYLVANIA }  
COUNTY OF COLUMBIA } SS:

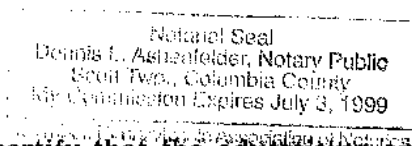
Paula Barry, Publisher's Assistant ..... , being duly sworn according to law deposes and says that Press-Enterprise is a newspaper of general circulation with its principal office and place of business at 3185 Lackawanna Avenue, Bloomsburg, County of Columbia and State of Pennsylvania, and was established on the 1st day of March, 1902, and has been published daily (except Sundays and Legal Holidays) continuously in said Town, County and State since the date of its establishment; that hereto attached is a copy of the legal notice or advertisement in the above entitled proceeding which appeared in the issue of said newspaper on ... July 6, 13, 20 ..... , 19 95. . exactly as printed and published; that the affiant is one of the owners and publishers of said newspaper in which legal advertisement or notice was published; that neither the affiant nor Press-Enterprise are interested in the subject matter of said notice and advertisement, and that all of the allegations in the foregoing statement as to time, place, and character of publication are true.

..... Paula J. Barry .....

Sworn and subscribed to before me this 24th day of July 19 95 .....

.....  
(Notary Public)

My Commission Expires



And now, ..... 19 ..... , I hereby certify that the advertising and publication charges amounting to \$ ..... for publishing the foregoing notice, and the fee for this affidavit have been paid in full.

.....

**TAX NOTICE** SCHOOL REAL ESTATE  
BERWICK BOROUGH

MAKE CHECKS PAYABLE TO:

CONNIE C. GINGHER  
REAR 120 3RD STREET  
BERWICK PA 18603

HOURS M,T,Th,Fr 9-5, Wed 9-12  
DURING REBATE:M,T,Th,Fr 9-4,  
Wed 9-12 AFTER REBATE.  
PHONE 717-752-7442

TAXES ARE DUE & PAYABLE - PROMPT PAYMENT IS REQUESTED

KOZAK, MICHAEL

6316 GARLAND CT  
NEW PORT RICHEY FL 34652

M  
A  
I  
L  
T  
O

IF YOU DESIRE A RECEIPT ENCLOSE A STAMPED ADDRESS ENVELOPE WITH YOUR PAYMENT

**TAX NOTICE**

1995 COUNTY & MUNICIPAL  
BERWICK BOROUGH

MAKE CHECKS PAYABLE TO:

Connie C Gingher  
Rear 120 East Third Street  
Midtown Plaza  
Berwick, Pa 18603  
HOURS DURING DISCOUNT ONLY  
Mon-Thurs 9-5; Wed 9-12; Fri 9-5;  
Other Times Mon-Fri 9-4; Wed 9-12  
PHONE (717) 752-7442

TAXES ARE DUE & PAYABLE - PROMPT PAYMENT IS REQUESTED

M  
A  
I  
L  
T  
O

KOZAK, MICHAEL  
6316 GARLAND CT  
NEW PORT RICHEY FL 34652

IF YOU DESIRE A RECEIPT ENCLOSE A STAMPED ADDRESS ENVELOPE WITH YOUR PAYMENT

| FOR   |            | BERWICK AREA SCHOOL DISTRICT                  |        | DATE   | BILL NO                           |
|---|------------|---|--------|--|-----------------------------------|
| DESCRIPTION   | ASSESSMENT | MILLS   | TAX    | AMOUNT<br>FACE   | INCL. PENALTY                     |
| REAL ESTATE   | 23098.02   | 1.500   | 486.68 | 496.61   | 546.27                            |
| THE DISCOUNT & THE PENALTY<br>HAVE BEEN COMPUTED<br>FOR YOUR CONVENIENCE  |            | <b>PAY THIS<br/>AMOUNT</b>                    |        | <b>AUG 31</b><br>IF PAID ON<br>OR BEFORE                 | <b>OCT 31</b><br>IF PAID<br>AFTER |
| SCHOOL PENALTY AT 10%<br>ACCT NO. 04-20779<br>PARCEL 048,04--073-00,000<br>3RD & MULBERRY ST PT 19998<br>.18 ACRES 3100 |            | PROPERTY DESCRIPTION<br>SCHOOL PENALTY AT 10% |        | THIS TAX RETURNED<br>TO COURT HOUSE:<br>JANUARY 1, 1995. |                                   |

THIS TAX NOTICE MUST BE RETURNED WITH YOUR PAYMENT

| FOR  |            | COLUMBIA COUNTY  |        | DATE   | BILL NO                            |
|--|------------|--|--------|--|------------------------------------|
| DESCRIPTION  | ASSESSMENT | MILLS  | TAX    | AMOUNT<br>FACE   | INCL. PENALTY                      |
| General Fund   | 23098      | 4.096  | 92.72  | 94.61  | 104.07                             |
| Sinking Fund   |            | .250   | 5.65   | 5.77   | 6.35                               |
| Borough R.E.   |            | 6.550  | 148.26 | 151.29   | 158.95                             |
| Fire   |            | 1.000  | 22.64  | 23.10  | 24.26                              |
| Light  |            | 1.050  | 23.76  | 24.25  | 25.46                              |
| THE DISCOUNT & THE PENALTY<br>HAVE BEEN COMPUTED<br>FOR YOUR CONVENIENCE   |            | <b>PAY THIS<br/>AMOUNT</b>   |        | <b>APRIL 30</b><br>IF PAID ON<br>OR BEFORE                 | <b>JUNE 30</b><br>IF PAID<br>AFTER |
| TYPE: RA<br>ACCT NO 00779<br>PARCEL 048,04--073-00,000<br>3RD & MULBERRY ST PT LOT 1<br>.18 acres LAND<br>BUILDINGS 19,998 |            | PROPERTY DESCRIPTION CNTY BORO<br>Discount 2% 2%<br>Penalty 10% 5% |        | This Tax Returned<br>To Courthouse On:<br>JANUARY 01, 1996 |                                    |
| TOTAL ASSESSED 23,098  |            | THIS TAX NOTICE MUST BE RETURNED WITH YOUR PAYMENT                 |        | RECD BY  |                                    |

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

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

PHONE  
(717) ~~XXXXXXX~~  
389-5622

24 HOUR PHONE  
(717) 784-6300

Date: MAY 24, 1995

To: Dorothy Zalesny  
303 Mulberry Street  
Berwick, PA 18603

Re: Franklin First Federal Savings VS. Michael Kozak

No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

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

PHONE  
(717) ~~389-5622~~  
389-5622

24 HOUR PHONE  
(717) 784-6300

Date: MAY 24, 1995

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Re: Franklin First Federal Savings VS. Michael Kozak

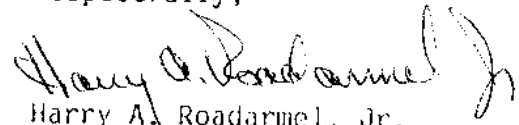
No: 82 of 1991 ED No: 1162 of 1991 JD

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office IMMEDIATELY.

Please feel free to contact me with any questions you may have.

Respectfully,

  
Harry A. Roadarmel, Jr.  
Sheriff of Columbia County

|                                   |   |                              |
|-----------------------------------|---|------------------------------|
| 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.          |


NOTICE OF SHERIFF'S SALE  
OF  
REAL ESTATE

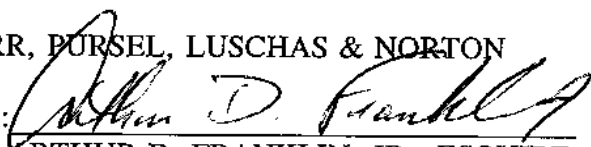
TO: MICHAEL KOZAK, Defendant herein and owner of the Real Estate hereinafter described:

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 Thursday, JULY 27, 1995, at 1030 o'clock 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 M. GRIFFIN, 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

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, JULY 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:

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.

EXHIBIT "A"

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.

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.

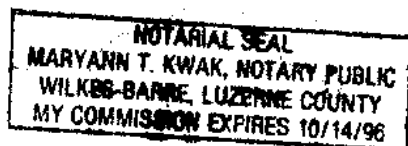
  
PAMELA WILLIAMS

SWORN TO AND SUBSCRIBED

before me this 11 day

of May, 1995.

  
NOTARY PUBLIC



|                                   |   |                              |
|-----------------------------------|---|------------------------------|
| 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 11 day

of May, 1995.

  
NOTARY PUBLIC

