

COLUMBIA COUNTY TAX CLAIM BUREAU
LIEN CERTIFICATE

Date August 6, 1998

OWNER OR REPUTED OWNER

Gaboury, Wayne & Terry

DESCRIPTION OF PROPERTY

.11 Acres

PARCEL NUMBER 24, 1A--015-00,000 IN Hillville Boro Township
Borough
City

| YEAR | TOTAL |
|-------|--------|
| Lien | \$5.00 |
| | |
| | |
| | |
| | |
| TOTAL | \$5.00 |

The above figures represent the amount(s) due during the month of
November, 1998.

This is to certify that, according to our records, there are tax liens on
the above mentioned property as of December 31, 1997.

Excluding: Interim Tax Billings

Requested by:
Columbia County Sheriff Dept.

COLUMBIA COUNTY TAX CLAIM BUREAU

FEE - \$5.00
Per Parcel

D. Long

REAL ESTATE
SHERIFF'S SALE--COST SHEET

Millon VA vs Wayne Douglas Gibson SE
 NO. 2678 E.D. NO. 454-97 J.D. DATE OF SALE 10-2-78 TIME OF SALE 11:00 AM

DOCKET AND RETURN \$ 15.00
 SERVICE PER DEFENDANT OR GARNISHEE 40.00
 LEVY (PER PARCEL) 15.00
 MAILING COSTS 20.67
 ADVERTISING, SALE BILLS, & COPIES 17.50
 ADVERTISING SALE (PLUS NEWSPAPER) 1.00
 MILEAGE 12.50
 POSTING HANDBILLS 15.00
 CRYING?ADJOURN SALE (EACH SALE) 10.00
 SHERIFF'S DEED -00-
 TRANSFER TAX FORM 0
 DISTRIBUTION FORM 25.00
 OTHER 5

TOTAL.....\$ 742.67

PRESS-ENTERPRISE INC \$ 0.00
 SOLICITOR'S SERVICES 50.00

TOTAL.....\$ 349.00

PROTHONOTARY (NOTARY) \$ _____
 RECORDER OF DEEDS _____

OTHER _____

TOTAL.....\$ _____

REAL ESTATE TAXES:

BOROUGH, TWP. & COUNTY TAXES, 19 \$ _____
 SCHOOL DISTRICT TAXES, 19 \$ _____
 DELINQUENT TAXES, 19, 19 \$ 5.00

TOTAL.....\$ _____

MUNICIPAL FEES DUE:

SEWER--MUNICIPAL 19 \$ _____
 WATER--MUNICIPAL 19 \$ _____

TOTAL.....\$ _____

SURCHARGE FEE: STATE TREASURER (TRAINING FEE)

TOTAL.....\$ 47.00

MISCELLANEOUS Copies \$ 4.75

TOTAL.....\$ 41.75

TOTAL COSTS (~~OPEN BID~~).....\$ 1447.30

+ 255.63

Law Offices
FEDERMAN AND PHELAN
Suite 900

Frank Federman
Lawrence T. Phelan**
Harold N. Kaplan*
Peter C. Cilio
Leslie E. Puida*
Francis S. Hallinan*
Daniel G. Schmieg
Thomas M. Federman*
Michele M. Bradford
Rosemarie Diamond*
Danielle C. Tribuiani*
Lisa D. Blankenburg*
Daniel J. Hoch

Two Penn Center Plaza
Philadelphia, PA 19102-1799
(215) 563-7000
Telecopier # (215) 563-5534
Bankruptcy Telecopier # (215) 568-7616

Media Office
643 North Heilbron
Media, PA 19063
(610) 891-6744

New Jersey Office
Suite 505
Sentry Office Plaza
216 Haddon Avenue
Westmont, New Jersey 08108
(609) 858-5115
Telecopier # (609) 858-9462

*Admitted in PA and NJ
**Admitted in PA and NY

Administrator
Donald E. Goodman

*THIS NOTICE IS SENT TO YOU IN AN ATTEMPT
TO COLLECT THE INDEBTEDNESS REFERRED TO
HEREIN AND ANY INFORMATION OBTAINED
FROM YOU WILL BE USED FOR THAT PURPOSE*

September 22, 1998

Memorandum

To: Office of the Sheriff
Columbia County

Attn: Real Estate Dept.

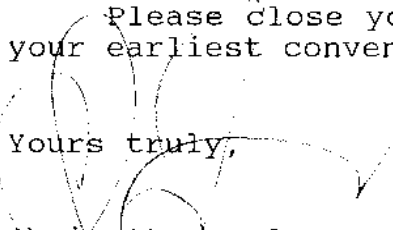
Re: No. 454-CV-1997
Wayne Gaboury
438 State Street
Milville, PA 17849

Please STAY the Sheriff's Sale relative to the above captioned matter which is scheduled for **October 8, 1998**.

A Chapter 13 Bankruptcy Petition has been filed.

Please close your file and issue a refund (if necessary) at your earliest convenience. Thank you.

Yours truly,


Chris Stears for
Federman and Phelan
/cs

cc: Mellon Mortgage Co. (CO)
Attn: Foreclosure Department
Loan No: 47497

1) 71 00

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 continuously in said Town, County and State since the day 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 September 17, 24, & October 1, 1998 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 is 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.

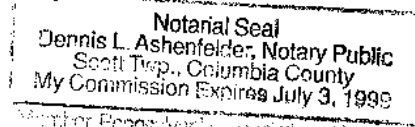
Paula J. Barry

Sworn and subscribed to before me this 21st day of OCTOBER 1998

[Signature]

(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.

.....

**PRIORITY CLAIM
 FOR
 SHERIFFS SALE**
 Please Print or Type

| |
|-------------------------|
| EXECUTION NUMBER |
| NO. 454-CV-1997 |
| DATE OF SALE |
| 10/08/1998 |
| AMOUNT |
| \$6,627.76 |

MR HARRY A ROADARMEL JR
 SHERIFF OF COLUMBIA COUNTY
 BOX 380
 BLOOMSBURG PA 17815

| |
|-----------------------------------|
| CORPORATION TAX FILE (BOX) NUMBER |
| EMPLOYER EIN |
| SALES TAX LICENSE NUMBER |
| SOCIAL SECURITY NUMBER |
| 094-38-1472 |

DEFENDANT WAYNE GABOURY

This statement is to advise you that the above owes the Commonwealth of Pennsylvania taxes, interest, penalty and lien costs as shown on the Statement of Account below for the following taxes. This statement is made in accordance with 42 Pa. C.S.A. 8151 and 72 P.S. 1402 (Fiscal Code 1402).

A. For the following taxes a priority in the distribution of the proceeds of the judicial sale should be made in accordance with the applicable provisions of the Tax Reform Code of 1971, 72 P.S. § 7101, et seq. Tax liens were filed with the Prothonotary of Columbia County.

- Sales and Use Tax, 72 P.S. 7242
- Employer Withholding Tax, 72 P.S. 7345
- Pennsylvania Personal Income Tax, 72 P.S. 7345

B. A Corporation tax lien is a first lien and is required to be paid out of the proceeds of the judicial sale before any pre-existing judgement, mortgage, or any other claim or lien against the corporation in accordance with 72 P.S. 1401 (Fiscal Code 1401).

- Corporation Taxes, 72 P.S. 1401

STATEMENT OF ACCOUNT

| Type of Tax | Settlement or Lien Date | Lien Number or Filing Period | Amount or Balance |
|---------------------|-------------------------|------------------------------|-------------------|
| Personal Income Tax | 7/11/97 | R56423 | \$6,627.76 |
| TOTAL: | | | \$6,627.76 |

I certify that the above Statement of Account is a true and correct statement of all liened taxes, penalties and interest owed to the Commonwealth of Pennsylvania (based upon the Department of Revenue records) by the above named entity.

| | |
|---|---|
| WITNESS my hand and the seal of the Department of Revenue <u>30</u> day of, September 1998 | DIRECTOR, BUREAU OF COMPLIANCE <i>Dorothy A. Johnson</i> |
| | SECRETARY OF REVENUE Robert A. Judge |

EFFECTIVE JULY 4 1995 ALL CASES, MATTERS, AND PROCEEDINGS PENDING OR THEREAFTER FILED IN THE WILKES-BARRE DIVISION SHALL BE GOVERNED BY THE PROVISIONS OF THE BANKRUPTCY PRACTICE ORDER & FORMS FOR THE NORTHERN TIER OF THE MIDDLE DISTRICT OF PENNSYLVANIA ("B.P.O."), AS AMENDED.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:
GABOURY, WAYNE DOUGLAS, SR.

:
:
:
:
:
:
:
:
:

CASE NO. 97-01227JJT-5
CHAPTER 13

Debtor(s)

NOTICE TO CREDITORS AND OTHER PARTIES IN INTEREST

Notice is hereby given that:

AN ORDER WAS ENTERED MARCH 13, 1998 DISMISSING THE ABOVE CAPTIONED CASE FOR DEBTOR'S FAILURE TO COMPLY WITH ORDER OF THE COURT DATED 12/17/97.

DATE: March 13, 1998

Clerk, U.S. Bankruptcy Court
217 Max Rosen U.S. Courthouse
197 South Main Street
Wilkes-Barre, PA 18701

VAN-76

115044325

HARRY A. ROADARMEL, JR.



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

FD-004
(11/78) 489-5622

24 HOUR PHONE
(717) 764-6300

Federman & Phelan
2 Penn Center Plaza
1500 John F. Kennedy Blvd Ste 900
Philadelphia, PA 19102-1789

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

vs.
Wayne Gaboury

WRIT OF EXECUTION 59 of 98
(MORTGAGE FORECLOSURE) CV 454 of 1997

POSTING OF PROPERTY

Sept. 3, 1998 at 1310 hrs POSTED A COPY OF THE SHERIFF'S SALE BILL
ON THE PROPERTY OF W-ayne Gaboury, 438 State St., Millville, Pa.

COLUMBIA COUNTY, PENNSYLVANIA. SAID POSTING PERFORMED BY COLUMBIA COUNTY DEPUTY
SHERIFF Timothy T. Chamberlain CHIEF

SO ANSWERS:

Timothy T. Chamberlain
DEPUTY SHERIFF
Harry A. Roadarmel, Jr.
SHERIFF HARRY A. ROADARMEL, JR.

Sworn and subscribed before me
this 7th day of
Sept. 19 98

Sarah J. Hower
Sarah J. Hower

NOTARIAL SEAL
SARAH HOWER, Notary Public
Bloomsburg, Columbia County PA
My Commission Expires June 21, 1999

MELLON BANK, N.A.
(S/B/M TO UNITED PENN BANK)

vs.

WAYNE GABOURY

: COLUMBIA COUNTY
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. #454-CV-1997

59-ED-1998

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

June 25, 1998

TO: WAYNE GABOURY

438 STATE STREET
MILVILLE, PA 17849

THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE.

Your house (real estate) at 438 STATE STREET, MILVILLE, PA 17849, is scheduled to be sold at the Sheriff's Sale on ~~June 25, 1998~~ Oct 8, 1998 at 11:00 a.m., in the Office of the Sheriff Columbia County Courthouse, Bloomsburg, PA to enforce the court judgment of \$15,975.50 obtained by MELLON BANK, N.A. (S/B/M TO UNITED PENN BANK) (the mortgagee) against you.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

To prevent this Sheriff's Sale, you must take immediate action:

1. The sale will be cancelled if you pay to the mortgagee the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call: (215) 563-7000.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.

legal description

ALL THAT CERTAIN piece, parcel and lot of land situate in the Borough of Millville, Columbia County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a pipe on the Western side of State Street in the Borough of Millville and in line of lands now or formerly of Lee Ridall; thence by the Western line of State Street, South 20 degrees 15 minutes East, 41 feet to a pipe in line of lands now or formerly of William E. Saab; thence South 70 degrees 50 minutes West, 118.5 feet to a pipe in line of lands now or formerly of Harvey Sones; thence by said Sones, North 20 degrees 15 minutes West, 41 feet to a pipe in line of lands now or formerly of Lee Ridall; thence North 70 degrees 50 minutes East, 118.5 feet to the place of beginning. This description is in accordance with a survey made by Howard Fetterolf, R.E., dated October 15, 1951. Whereon is erected a single dwelling house.

BEING Tax Parcel #24-01A-15.

TITLE TO SAID PREMISES IS VESTED IN Wayne Gaboury and Terry Gaboury, his wife, by Deed from Peggy M. Anderson dated 12/5/86 recorded 12/9/86 in Record Book 379 page 794.

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

COURT HOUSE - P.O. BOX 380

BLOOMSBURG, PA 17815

FAX: (717) 749-0237

AUGUST 18, 1998

PHONE
(717) 889-5622

24 HOUR PHONE
(717) 784-6300

Federman & PheTan
2 Penn Center Plaza
1500 John F. Kennedy Blvd, Ste 900
Philadelphia, PA 19102-1789

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

Melton Mortgage Corp.

NO. 59-98

Wayne Gaboury

WRIT OF EXECUTION 454-97

SERVICE ON Wayne Gaboury, 438 State St., Millville, Pa.

ON Aug. 12, 1998 AT 1030 AM A TRUE AND ATTESTED COPY OF THE WITHIN

WRIT OF EXECUTION, A TRUE COPY OF THE NOTICE OF SHERIFF'S SALE IN REAL ESTATE AND A

COPY OF THE DESCRIPTION OF PROPERTY WAS SERVED ON Wayne Gaboury Jr., (SON)

AT 438 State St., Millville, Pa. BY DEPUTY SHERIFF CHIEF Timothy T. Chamberlain

SERVICE WAS MADE BY HANDING THE SAID WRIT OF EXECUTION AND NOTICE OF SHERIFF'S SALE

IN REAL ESTATE AND A COPY OF THE DESCRIPTION TO Wayne Gaboury Jr., (SON)

SO ANSWERS:

Timothy T. Chamberlain
DEPUTY SHERIFF

SWORN AND SUBSCRIBED BEFORE ME

THIS _____ DAY OF

AUGUST 1998

Harry A. Roadarmel Jr.
SHERIFF

DOMESTIC RELATIONS SECTION OF Columbia COUNTY

STATEMENT OF LIEN BY OPERATION OF LAW ARISING FROM OVERDUE SUPPORT OBLIGATIONS

Part I. Obligor Information (To be completed by requestor)

Please search your records of child and spousal support obligations to determine whether any record of overdue support exists for the following person:

| | | |
|---------------------|----------------------|-------------------------------|
| <u>Name</u> | <u>Date of Birth</u> | <u>Social Security Number</u> |
| <u>Wayne Mabury</u> | _____ | _____ |

Date: Aug. 13, 1998 Requestor: Harry Roadarmel Jr.
 Print Name

Signature

Part II - Lien Information (To be provided by DRS)

X WE HAVE NO RECORD OF ANY CASE WITH THE ABOVE-NAMED INDIVIDUAL.

_____ WE HAVE THE FOLLOWING RECORD OF OVERDUE SUPPORT OWED BY THE ABOVE NAMED OBLIGOR. THIS OVERDUE SUPPORT IS A LIEN BY OPERATION OF LAW AGAINST ALL REAL ESTATE OWNED BY THE OBLIGOR WITHIN THE JUDICIAL DISTRICT.

| | | |
|----------------------------------|----------------------|----------------------------|
| <u>Amount of Overdue Support</u> | <u>Next Due Date</u> | <u>Next Payment Amount</u> |
| _____ | _____ | _____ |

Date: Aug. 13, 1998 BY: Graig Jordan
 TITLE: Director

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

COURT HOUSE - P. O. BOX 380

SHERIFF'S BUREAU REAL ESTATE OUTLINE

PHONE
(717) 389-5622

24 HOUR PHONE
(717) 784-6300

RECEIVE AND TIME STAMP WRIT _____

DOCKET AND INDEX _____

SET FILE FOLDER UP _____

CHECK FOR PROPER INFO _____

WRIT OF EXECUTION _____

COPY OF DESCRIPTION _____

WHEREABOUTS OF LAST KNOWN ADDRESS _____

NON-MILITARY AFFIDAVIT _____

NOTICES OF SHERIFF'S SALE _____

WATCHMAN RELEASE FORM _____

AFFIDAVIT OF LIENS LIST _____

CHECK FOR ~~1500~~ 1000.00 -- _____

* IF ANY OF THE ABOVE ARE MISSING DO NOT PROCEED ANY FURTHER WITH SALE NOTIFY THE ATTY TO SEND ADDITIONAL INFO

SET SALE DATE AND ADV. DATES AND POSTING DATES _____

POST ALL DATES ON CALANDER _____

- * SET SALE DATE AT LEAST 2 MONTHS AFTER RECEIVING WRIT
- * SET ADV. DATES 3 THURSDAYS BEFORE SALE DATE TO RUN EVERY THURSDAY TILL SALE 3 TIMES
- * SET POSTING DATE NO LATER THAN 30 DAYS PRIOR TO SALE

SET DISTRIBUTION DATE _____

- * MUST BE FILED WITHIN 30 DAYS OF SALE (POSTED)
- * MUST BE PAID 10 DAYS AFTER IT HAS BEEN POSTED

FILL IN ALL NO'S ON EXECUTION PAPERS _____

TYPE PROPER INFO ON DESCRIPTION (refer to previous sales) _____

SERVICE

TYPE CARDS FOR DEFENDANTS _____

PUT PAPERS TOGETHER FOR DEFENDANTS _____

- * COPY OF WRIT FOR EACH DEFENDANT
- * NOTICE OF SHERIFF SALE
- * COPY OF DESCRIPTION

PUT TOGETHER PAPERS FOR LIEN HOLDERS _____

- * NOTICE OF SALE DIRECTED TO THEM

SEND NOTICES TO LIEN HOLDERS VIA CERT. MAIL OR SENDERS RECIEPT _____

- * DOCKET ALL DATES

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY

COURT HOUSE - P. O. BOX 300
BLOOMSBURG, PA 17015

24 HOUR PHONE
(717) 784-6300(-2)

PHONE
(717) 389-5622

SHERIFF'S SALE OUTLINE CONT

SALE BILLS

SEND DESCRIPTION TO PRINTER _____

^^ THE FOLLOWING NOTICES REQUIRE A LETTER WITH EXPLANATIONS _____

SEND NOTICE TO PRESS DIRECTING WHEN TO ADV. _____

SEND NOTICES TO LOCAL TAX COLLECTORS _____

NOTICES TO WATER AND SEWER AUTH. _____

SEND NOTICES TO FEDERAL AND STATE TAX AUTH. _____

IF BUSINESS SEND COPY TO SBA AUTH. _____

HANDBILLS

SEND COPIES OF HANDBILLS TO:

RECORDER'S OFFICE _____

TAX CLAIM OFFICE _____

TAX ASSESSMENT OFFICE _____

PROTH OFFICE(post on board) _____

POST IN FRONT LOBBY _____

POST IN SHERIFF'S OFFICE _____

SEND COPY TO ATTY _____

POST PROPERTY ACCORDING TO DATE SET _____

SEND RETURN OF POSTING TO ATTY _____

DOCKET ALL COSTS _____

PREPARE COST SHEET 2 DAYS BEFORE SALE

* BE SURE ALL COSTS ARE RECEIVED

PREPARE FINAL COSTS SHEET DAY OF SALE _____

HOLD SALE _____

POST PROPOSED SCHEDULE OF DISTRIBUTION ACCORDING TO DATE _____

PAY DISTRIBUTION ACCORDING TO DATE _____

* WHEN PAYING INCLUDE ADDRESS OF CHANGE OF OWNER TO WHOM IT MAY CONCERN

RECORD SHERIFF FEES COLLECTED ON MONTHLY REPORT

PREPARE DEED AND TAX AFFIDAVIT TO BE RECORDED _____

WHEN DEED IS RECORDED SEND TO BUYER _____

HARRY A. ROADARMEL, JR.



SHERIFF OF COLUMBIA COUNTY
COURT HOUSE - P. O. BOX 300
BLOOMSBURG, PA 17815

PHONE
(717) 369-5622

TELEPHONE
(717) 784-6100

DATE: Aug 6, 1998

RE: Sheriff's Sale Advertising Dates

Mellon Bank

vs. Wayne Gaboury

No. 59 of 1998 JD

No. 454 of 1997 JD

Dear Sir:

Please advertise the enclosed SHERIFF SALE on the following dates:

1st week Sep 17, 1998

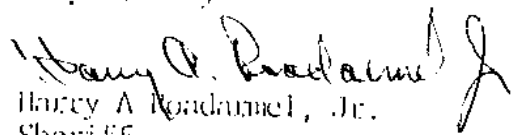
DATE OF SALE OCT 8, 1998 1100 AM

2nd week Sep 24, 1998

3rd week Oct 1, 1998

Feel free to contact me if you have any questions.

Respectfully


Harry A Roadarmel, Jr.
SHERIFF

WRIT OF EXECUTION - (MORTGAGE FORECLOSURE)
P.R.C.P. 3190 to 3193 and Rule 3257

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

MELLON MORTGAGE, N.A.

(S/B/M TO UNITED PENN BANK)

vs

No. 59-ED Term 19 98 E.D.
No. Term 19 A.D.
No. 454-CV-1997 Term 19 J.D.

WRIT OF EXECUTION
(MORTGAGE FORECLOSURE)

WAYNE GABOURY

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):

438 STATE STREET
MILVILLE, PA 17849

(SEE ATTACHED LEGAL DESCRIPTION)

Amount Due \$ 17,368.70
Interest from 6/4/97 TO SALE AT 2.63 \$ _____
Total PER DIEM \$ _____ Plus costs

as endorsed.

Lami B. Klue

(Clerk) Office of Judicial Support, Common Pleas Court
of _____ County, Penna.

Dated June 29, 1998
(SEAL)

legal description

ALL THAT CERTAIN piece, parcel and lot of land situate in the Borough of Millville, Columbia County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a pipe on the Western side of State Street in the Borough of Millville and in line of lands now or formerly of Lee Ridall; thence by the Western line of State Street, South 20 degrees 15 minutes East, 41 feet to a pipe in line of lands now or formerly of William E. Saab; thence South 70 degrees 50 minutes West, 118.5 feet to a pipe in line of lands now or formerly of Harvey Sones; thence by said Sones, North 20 degrees 15 minutes West, 41 feet to a pipe in line of lands now or formerly of Lee Ridall; thence North 70 degrees 50 minutes East, 118.5 feet to the place of beginning. This description is in accordance with a survey made by Howard Fetterolf, R.E., dated October 15, 1951. Whereon is erected a single dwelling house.

BEING Tax Parcel #24-01A-15.

TITLE TO SAID PREMISES IS VESTED IN Wayne Gaboury and Terry Gaboury, his wife, by Deed from Peggy M. Anderson dated 12/5/86 recorded 12/9/86 in Record Book 379 page 794.

MELLON BANK, N.A.
(S/B/M TO UNITED PENN BANK)

: COLUMBIA COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

vs.

WAYNE GABOURY

: NO. #454-CV-1997

59-ED-98

**AFFIDAVIT PURSUANT TO RULE 3129
(Affidavit No. 1)**

MELLON BANK, N.A. (S/B/M TO UNITED PENN BANK), Plaintiff in the above action, by its attorney, FRANK FEDERMAN, ESQ., sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 438 STATE STREET, MILVILLE, PA 17849.

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

| | |
|-------------|--|
| <u>NAME</u> | LAST KNOWN ADDRESS (if address cannot be reasonably ascertained, please so indicate) |
|-------------|--|

| | |
|----------------------|--|
| <u>WAYNE GABOURY</u> | <u>438 STATE STREET</u> <u>MILVILLE, PA 17849</u> |
|----------------------|--|

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

| | |
|-------------|--|
| <u>NAME</u> | LAST KNOWN ADDRESS (if address cannot be reasonably ascertained, please so indicate) |
|-------------|--|

SAME AS ABOVE

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

| | |
|-------------|--|
| <u>NAME</u> | LAST KNOWN ADDRESS (if address cannot be reasonably ascertained, please so indicate) |
|-------------|--|

✓ COMMONWEALTH OF PA
DEPARTMENT OF REVENUE

HARRISBURG, PA

✓ USA, INTERNAL REVENUE
SERVICE SPECIAL PROCEDURES
BRANCH

P.O. BOX 12051
PHILA, PA 19105

✓ UNITED STATES DEPT OF JUSTICE
US ATTORNEY: MIDDLE DIST. OF PA
ATTN: MARY CATHERINE FRYE, ESQ.
ASSISTANT US ATTORNEY

FEDERAL BUILDING
228 WALNUT STREET
P.O. BOX 11754
HARRISBURG, PA 17108

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

NAME

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

NONE

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

NAME

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

NONE

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

NAME

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

COLUMBIA COUNTY DOMESTIC
RELATIONS DEPARTMENT

COLUMBIA COUNTY COURTHOUSE
P.O. BOX 380
BLOOMSBURG, PA 17815

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

NAME

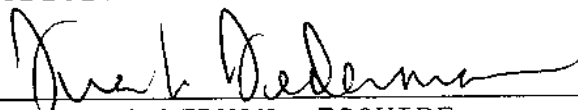
LAST KNOWN ADDRESS (if address cannot be reasonably ascertained, please so indicate)

TENANT/OCCUPANT

438 STATE STREET
MILVILLE, PA 17849

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. Sec. 4904 relating to unsworn falsification to authorities.

June 25, 1998
DATE


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

FEDERMAN and PHELAN
By: FRANK FEDERMAN
Identification No. 12248
Suite 900
Two Penn Center Plaza
Philadelphia, PA 19102
(215) 563-7000

ATTORNEY FOR PLAINTIFF

MELLON BANK, N.A.
(S/B/M TO UNITED PENN BANK)

: COLUMBIA COUNTY
: COURT OF COMMON PLEAS
: CIVIL DIVISION

vs.

WAYNE GABOURY

: NO. #454-CV-1997


59-ED-98

CERTIFICATION

FRANK FEDERMAN, ESQUIRE, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that the premises are not subject to the provisions of Act 91 because it is:

- () an FHA mortgage
- () non-owner occupied
- () vacant
- (xx) Act 91 procedures have been fulfilled

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


FRANK FEDERMAN, ESQUIRE
Attorney for Plaintiff

MELLON BANK, N.A. : COLUMBIA COUNTY
(S/B/M TO UNITED PENN BANK) : COURT OF COMMON PLEAS
vs. : CIVIL DIVISION
WAYNE GABOURY :
: NO. #454-CV-1997

59-ED-1998

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

June 25, 1998

TO: WAYNE GABOURY

438 STATE STREET
MILVILLE, PA 17849

THIS NOTICE IS SENT TO YOU IN AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED FROM YOU WILL BE USED FOR THAT PURPOSE.

Your house (real estate) at 438 STATE STREET, MILVILLE, PA 17849, is scheduled to be sold at the Sheriff's Sale on July 8, 1998 at 11:00 a.m., in the Office of the Sheriff Columbia County Courthouse, Bloomsburg, PA to enforce the court judgment of \$15,975.50 obtained by MELLON BANK, N.A. (S/B/M TO UNITED PENN BANK) (the mortgagee) against you.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

To prevent this Sheriff's Sale, you must take immediate action:

1. The sale will be cancelled if you pay to the mortgagee the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call: (215) 563-7000.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice on page two on how to obtain an attorney.)

YOU MAY STILL BE ABLE TO SAVE YOUR PROPERTY AND YOU HAVE OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE.

1. If the Sheriff's Sale is not stopped, your property will be sold to the highest bidder. You may find out the price bid by calling (215) 563-7000.
2. You may be able to petition the Court to set aside the sale if the bid price was grossly inadequate compared to the value of your property.
3. The sale will go through only if the buyer pays the Sheriff the full amount due in the sale. To find out if this has happened, you may call (215) 563-7000.
4. If the amount due from the Buyer is not paid to the Sheriff, you will remain the owner of the property as if the sale never happened.
5. You have the right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Sheriff on Oct. 18, 1998. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after Oct. 18, 1998.
7. You may also have other rights and defenses, or ways of getting your home back, if you act immediately after the sale.

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 LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

FRED TRUMP, COURT ADMINISTRATOR
Columbia County Courthouse
Bloomsburg, PA 17815
(717) 784-1991 Ext. 267

legal description

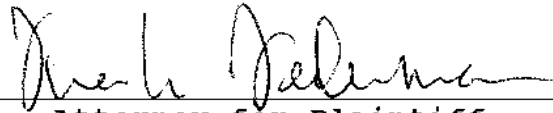
ALL THAT CERTAIN piece, parcel and lot of land situate in the Borough of Millville, Columbia County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a pipe on the Western side of State Street in the Borough of Millville and in line of lands now or formerly of Lee Ridall; thence by the Western line of State Street, South 20 degrees 15 minutes East, 41 feet to a pipe in line of lands now or formerly of William E. Saab; thence South 70 degrees 50 minutes West, 118.5 feet to a pipe in line of lands now or formerly of Harvey Sones; thence by said Sones, North 20 degrees 15 minutes West, 41 feet to a pipe in line of lands now or formerly of Lee Ridall; thence North 70 degrees 50 minutes East, 118.5 feet to the place of beginning. This description is in accordance with a survey made by Howard Fetterolf, R.E., dated October 15, 1951. Whereon is erected a single dwelling house.

BEING Tax Parcel #24-01A-15.

TITLE TO SAID PREMISES IS VESTED IN Wayne Gaboury and Terry Gaboury, his wife, by Deed from Peggy M. Anderson dated 12/5/86 recorded 12/9/86 in Record Book 379 page 794.

WAIVER OF WATCHMAN/WAIVER OF INSURANCE - Any Deputy Sheriff levying upon or attaching any property under which writ may leave same without a watchman, in custody or 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: and the Sheriff is hereby released from all liability to protect the property described in the above execution by insurance, which insurance is hereby waived.



Attorney for Plaintiff

FEDERMAN AND PHELAN
SUITE 900
TWO PENN CENTER PLAZA
PHILADELPHIA, PA. 19102

59-ED 1998

HARRY A. ROADARMEL Sheriff
COLUMBIA County, Pa.

Sir: — There will be placed in your hands for service a Writ of

EXECUTION (REAL ESTATE), styled as follows:
MELLON MORTGAGE, N.A.
(S/B/M TO UNITED PENN. BANK) vs. WAYNE GABOURY
Plaintiff Defendant

The defendant will be found at 438 STATE STREET, MILVILLE, PA 17849

John H. DeLama Attorney for Plaintiff

If Writ of Execution, state below where defendant will be found, what goods and chattels shall be seized and be levied upon. If real estate, attach five double spaced type written copies of description as it shall appear on the new deed together with Street and Number of the premises. Please do not furnish us with the old deed or mortgage.

SEE ATTACHED LEGAL DESCRIPTION

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.

WAIVER OF INSURANCE—Now, June 25 1998, the Sheriff is hereby released from all liability to protect the property described in (if) within named execution by insurance, which insurance is hereby waived.

(Attorney for Plaintiff (s)) (SEAL)

(Attorney for Plaintiff (s)) (SEAL)

legal description

ALL THAT CERTAIN piece, parcel and lot of land situate in the Borough of Millville, Columbia County, Pennsylvania, bounded and described as follows, to wit:

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2. Restricted Delivery
Consult postmaster for fee.

4a. Article Number
2196 987 778

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
M

6. Signature: (Addressee or Agent)
X *Sheela Permat*

3. Article Addressed to:
Small Business Administration
20 N. Penna. Avenue
Room 2327
Wilkes-Barre, PA 18701

7. Date of Delivery
6-1-98

8. Addressee's Address (Only if requested and fee is paid)

102595-97-B-0179 Domestic Return Receipt
PS Form 3811, December 1994

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

I also wish to receive the following services (for an extra fee): 50-98
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
Atty. Stephen Brandwene
Deputy Atty. General
Collection Unit-4th & Walnut St.
Harrisburg, PA 17120

4a. Article Number
2196 987 780

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
Sheela Permat

6. Signature: (Addressee or Agent)
X

7. Date of Delivery
JUN - 1 1998

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

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

I also wish to receive the following services (for an extra fee): 50-98
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
Office of F.A.I.R
Dept. of Public Welfare
P.O. BOX 8016
Harrisburg, PA 17105

4a. Article Number
2196 987 779

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)
J. WINTER

6. Signature: (Addressee or Agent)
X

7. Date of Delivery
JUN 01 1998

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

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

I also wish to receive the following services (for an extra fee): 50-98
 1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

3. Article Addressed to:
Commonwealth of Pennsylvania
Department of Revenue
Bureau of Compliance
Clearance Support Section Dept. 280946
Harrisburg, PA 17128-0946

4a. Article Number
2196 987 782

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)
X *Samuel J. Ventura*

7. Date of Delivery
JUN 01 1998

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994 102595-97-B-0179 Domestic Return Receipt

Permit.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
 Office of F.A.I.R
 Dept. of Public Welfare
 P.O. BOX 8016
 Harrisburg, PA 17105

5. Received By: (Print Name)
 DAMIAN L. PERCE

6. Signature: (Addressee or Agent)
 X

PS Form 3811, December 1994

permitted.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

4a. Article Number
 Z196

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)
 AU

3. Article Addressed to:
 United States Dept. of Justice
 U.S. Attorney, Middle District
 228 Walnut St., P.O. Box 11754
 Harrisburg, PA 17108

5. Received By: (Print Name)
 X

6. Signature: (Addressee or Agent)
 X

PS Form 3811, December 1994

permitted.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

4a. Article Number
 Z196

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)
 AU

3. Article Addressed to:
 Commonwealth of Pennsylvania
 Department of Revenue
 Bureau of Compliance
 Clearance Support Section dept. 280946
 Harrisburg PA 17128-0046

5. Received By: (Print Name)
 X

6. Signature: (Addressee or Agent)
 X

PS Form 3811, December 1994

PS Form 3811, December 1994

4a. Article Number
 Z196 987 763

4b. Service Type
 Certified
 Registered
 Express Mail
 Return Receipt for Merchandise
 Insured
 COD

7. Date of Delivery
 8/10/98

8. Addressee's Address (Only if requested and fee is paid)
 AUG 07 1998

6. Signature: (Addressee or Agent)
 X

5. Received By: (Print Name)
 X

3. Article Addressed to:
 Small Business Administration
 20 N. Penna. Avenue
 Room 2327
 Wilkes-Barre, PA 18701

PS Form 3811, December 1994

4a. Article Number
 Z196 987 761

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 Insured
 COD

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)
 AUG 17 1998

6. Signature: (Addressee or Agent)
 X

5. Received By: (Print Name)
 X

3. Article Addressed to:
 Atty. Stephen Brandwene
 Deputy Atty. General
 Collection Unit-4th & Walnut St.
 Harrisburg, PA 17120

PS Form 3811, December 1994

4a. Article Number
 Z196 987 765

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 Certified
 Insured
 COD

7. Date of Delivery
 8/10/98

8. Addressee's Address (Only if requested and fee is paid)
 AUG 10 1998

6. Signature: (Addressee or Agent)
 X

5. Received By: (Print Name)
 X

3. Article Addressed to:
 USA, Internal Revenue Service
 Special Procedures Branch
 P.O. Box 12051
 PHILA, PA. 19105

Is your RETURN ADDRESS completed on the reverse side?

permitted.
 ■ Write "Return Receipt Requested" on the mailpiece below the article number.
 ■ The Return Receipt will show to whom the article was delivered and the date delivered.

PS Form 3811, December 1994

4a. Article Number
 Z196

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise

7. Date of Delivery

8. Addressee's Address (Only if requested and fee is paid)
 AU

3. Article Addressed to:
 Commonwealth of Pennsylvania
 Department of Revenue
 Bureau of Compliance
 Clearance Support Section dept. 280946
 Harrisburg PA 17128-0046

5. Received By: (Print Name)
 X

6. Signature: (Addressee or Agent)
 X

PS Form 3811, December 1994

PS Form 3811, December 1994

4a. Article Number
 Z196 987 765

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 Certified
 Insured
 COD

7. Date of Delivery
 8/10/98

8. Addressee's Address (Only if requested and fee is paid)
 AUG 10 1998

6. Signature: (Addressee or Agent)
 X

5. Received By: (Print Name)
 X

3. Article Addressed to:
 USA, Internal Revenue Service
 Special Procedures Branch
 P.O. Box 12051
 PHILA, PA. 19105

FEDERMAN & PHELAN
ATTORNEY ESCROW ACCOUNT
TWO PENN CENTER PLAZA - SUITE 900
PHILADELPHIA, PA. 19102

| |
|----------------|
| IN PAYMENT FOR |
|----------------|

60-148/319
56928

PAY Nine Hundred Dollars

DATE

TO THE ORDER OF

11/15/93 Office of the Sheriff - Columbia County Re. Taberny

JEFFERSON BANK
PHILADELPHIA, PA. 19103

Frank Federman

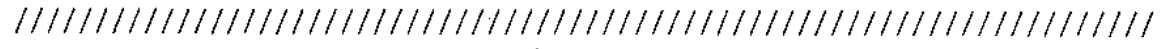
⑆056928⑆ ⑆031901482⑆ 90 28894⑆

| |
|--------------|
| DOLLARS |
| CHECK AMOUNT |
| 90 |
| 28 |
| 94 |

SHERIFF'S SALE



THURSDAY OCTOBER 8, 1998, AT 1100 AM



BY VIRTUE OF A WRIT OF EXECUTION NO. 59-98 CIVIL WRIT 454-97 ISSUED OUT OF THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY CIVIL DIVISION, TO ME DIRECTED, THERE WILL BE EXPOSED TO PUBLIC SALE BY VENUE OR OUTCRY TO THE HIGHEST AND BEST BIDDER, FOR CASH, IN A COURT ROOM OR SHERIFF'S OFFICE TO BE ANNOUNCED, AT THE COLUMBIA COUNTY COURT HOUSE, BLOOMSBURG, PENNA., ALL THE RIGHT, TITLE AND INTEREST TO THE DEFENDANTS IN AND TO:

ALL THAT CERTAIN piece, parcel and lot of land situate in the Borough of Millville, Columbia County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at a pipe on the Western side of State Street in the Borough of Millville and in line of lands now or formerly of Lee Ridall; thence by the Western line of State Street, South 20 degrees 15 minutes East, 41 feet to a pipe in line of lands now or formerly of William E. Saab; thence South 70 degrees 50 minutes West, 118.5 feet to a pipe in line of lands now or formerly of Harvey Sones; thence by said Sones, North 20 degrees 15 minutes West, 41 feet to a pipe in line of lands now or formerly of Lee Ridall; thence North 70 degrees 50 minutes East, 118.5 feet to the place of beginning. This description is in accordance with a survey made by Howard Fetterolf, R.E., dated October 15, 1951. Whereon is erected a single dwelling house.

BEING Tax Parcel #24-01A-15. 438 State St., Millville, Penna.

TITLE TO SAID PREMISES IS VESTED IN Wayne Gaboury and Terry Gaboury, his wife, by Deed from Peggy M. Anderson dated 12/5/86 recorded 12/9/86 in Record Book 379 page 794.

TERMS OF SALE: Ten (10) percent cash or cashier's check of the bid or the amount of the opening bid (costs) due at the time of the Sale, whichever is the higher. Entire balance of the amount due in cash or cashier's check within eight (8) days after the Sale.

ALL PARTIES IN INTEREST AND CLAIMANTS: Will take notice that a Schedule of the Distribution will be filed within thirty (30) days after the Sale and the Distribution will be made in accordance with the Schedule unless exceptions are filed thereto within ten (10) days of the posting.

Plaintiff Attorneys:
Federman and Phelan
2 Penn Center Plaza
1500 John F. Kennedy Blvd Ste 900
Philadelphia, PA 19102-1789

Sheriff of Columbia County
Harry A. Roadarmel Jr.