Bureau of Compliance Attn: Susan Blough Clearance Support Section Dept. #281230 Harrisburg, PA 17128-1230

Tenant/Occupant

249 Jackson Street Bloomsburg, PA 17815

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. Section 4904 relating to unsworn falsification to authorities.

April 8, 2004

Date

Louis P. Vitti, Esquire Attorney for Plaintiff

SWORN TO and subscribed

before me this 8th day

of April, 2004.

Notary Public

Notarial Seal Sherry I. House, Notary Public Pleasant Hiks Boro, Allegheny County My Commission Expires January 28, 2007

Y. Douse

Member, Penns, wools Ansociation Of Notaries

NATIONAL CITY MORTGAGE COMPANY, assignee of EASTERN MORTGAGE SERVICES, INC.,

NO. 2003-CV-1337

Plaintiff,

vs.

JOSEPH E. YEAGER, JR. and DONNA L. YEAGER,

Defendants.

### <u>AFFIDAVIT</u>

I, Louis P. Vitti, do hereby swear that, to the best of my knowledge, information and belief, the Defendant(s), is/are the owners of the real property on which the Plaintiff seeks to execute. That the Defendants' last known address is Joseph E. Yeager, Jr. at 512 Jefferson Avenue, Bloomsburg, PA 17815 and Donna L. Yeager at 156 Leonard Street, Bloomsburg, PA 17815.

Louis P. Vitti, Esquire

SWORN TO and subscribed

before me this 8th day of

April, 2004.

Notary Published and Control Public Science Additional Public Services of Additional Public Services S

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NATIONAL CITY MORTGAGE COMPANY, assignee of EASTERN MORTGAGE SERVICES, INC.,

NO. 2003-CV-1337

Plaintiff.

:

VS.

:

JOSEPH E. YEAGER, JR. and DONNA L. YEAGER,

:

Defendants.

#### LEGAL DESCRIPTION

ALL that certain lot, piece or parcel of land situate in the Township of Montour, County of Columbia and Commonwealth of Pennsylvania more specifically bounded and described as follows:

#### PARCEL ONE:

Tract One:

BEGINNING at an iron pin on the Southeast side of lands now or formerly of Mary E. Hons as found in Recorder's Office, Columbia County, Pennsylvania, found in Instrument No. 200003605 page 1, also said point located on the Westerly side of Township Route No. 411 a/k/a Jackson Street;

THENCE along said road South 00 degrees 58 minutes 27 seconds West 114.21 feet to a point on said road, also said point being the corner of lands now or formerly of Joseph E. Yeager, Jr. and Donna L. Yeager as found in the Recorder's Office, Columbia County, Pennsylvania, in deed book 584 page 654;

THENCE along the same South 70 degrees 14 minutes 29 seconds West 91.34 feet to an existing iron rail, said rail also being in line of Tract Two;

THENCE along Tract Two North 17 degrees 11 minutes 55 seconds West 101.93 feet to an existing iron pin, said pin being on the aforementioned Southeasterly line of lands now or formerly of Mary E. Hons as found in Recorder's Office, Columbia County, Pennsylvania, found in Instrument No. 200003605 page 1;

THENCE along the same North 68 degrees 00 minutes 00 seconds East 127.32 feet to the point of beginning.

CONTAINING 11,344 square feet or .26 acres.

BEING Tract One as shown on plan entitled "Survey Plat, Lands of Joseph E. Yeager, Jr. and Donna L. Yeager Deed Book 668 Page 24, Montour Township, Columbia County, Pennsylvania", prepared by Hardie Surveying Services, Bloomsburg, PA dated April 5, 2004.

#### Tract Two:

BEGINNING at an iron pin on the Southerly side of lands now or formerly of Mary E. Hons as found in Recorder's Office, Columbia County, Pennsylvania, found in Instrument No. 200003605 page 1, also said point located on the Southeasterly side of State Route No. 42;

THENCE along the Southerly side of aforementioned Mary E. Hons, North 72 degrees 46 minutes 09 seconds East 65.92 feet to an existing iron pin, said pin being the Northwest corner of Tract One;

THENCE along Tract One South 17 degrees 11 minutes 55 seconds East 208.19 to an existing iron rail (passing through an iron rail on line 101.93 feet away from aforementioned pin), said iron rail a corner of land now or formerly of Joseph E. Yeager, Jr. and Donna L. Yeager as found in the Recorder's Office, Columbia County, Pennsylvania, in Deed Book 584 page 654 and lands now or formerly of Township of Montour as found in the Recorder's Office, Columbia County, Pennsylvania, in Deed Book 584 page 651;

THENCE along the aforcmentioned lands now or formerly of Township of Montour, South 72 degrees 26 minutes 05 seconds West 65.74 feet to an existing iron pin, said pin also being located in State Route No. 42;

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- 1. any easements or agreements of record, any easements which may be disclosed on the aforementioned survey, and to any other pipes, wires, poles, cables, culverts, drainage courses or systems and their appurtenances now existing and remaining in, on, under, over and through the premises conveyed by this Indenture and to any rights to maintain, use, repair, renew and remove same.
  - 2. the rights of the general public in and to Jackson Street.

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HAVING erected thereon a dwelling known as 249 Jackson Street, Bloomsburg PA 17815.

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NATIONAL CITY MORTGAGE COMPANY, assignee of EASTERN MORTGAGE SERVICES, INC.,

NO. 2003-CV-1337

Plaintiff,

:

VS.

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JOSEPH E. YEAGER, JR. and DONNA L. YEAGER,

Defendants.

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THENCE along said road South 00 degrees 58 minutes 27 seconds West 114.21 feet to a point on said road, also said point being the corner of lands now or formerly of Joseph E. Yeager, Jr. and Donna L. Yeager as found in the Recorder's Office, Columbia County, Pennsylvania, in deed book 584 page 654;

THENCE along the same South 70 degrees 14 minutes 29 seconds West 91.34 feet to an existing iron rail, said rail also being in line of Tract Two;

THENCE along Tract Two North 17 degrees 11 minutes 55 seconds West 101.93 feet to an existing iron pin, said pin being on the aforementioned Southeasterly line of lands now or formerly of Mary E. Hons as found in Recorder's Office, Columbia County, Pennsylvania, found in Instrument No. 200003605 page 1;

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NATIONAL CITY MORTGAGE COMPANY, assignee of EASTERN MORTGAGE SERVICES, INC..

VS.

NO. 2003-CV-1337

Plaintiff,

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THENCE along the same South 70 degrees 14 minutes 29 seconds West 91.34 feet to an existing iron rail, said rail also being in line of Tract Two;

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NATIONAL CITY MORTGAGE COMPANY, assignee of EASTERN MORTGAGE SERVICES, INC.,

NO. 2003-CV-1337

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THENCE along the aforementioned lands now or formerly of Township of Montour, South 72 degrees 26 minutes 05 seconds West 65.74 feet to an existing iron pin, said pin also being located in State Route No. 42;

THENCE along said road North 17 degrees 14 minutes 55 seconds West 208.58 feet to the point of beginning.

CONTAINING 13,719 square feet or .31 acres.

BEING Tract One as shown on plan entitled "Survey Plat, Lands of Joseph E. Yeager, Jr. and Donna L. Yeager Deed Book 668 page 24, Montour Township, Columbia County, Pennsylvania", prepared by Hardie Surveying Services, Bloomsburg, PA dated April 5, 2004.

#### PARCEL TWO:

#### Tract One:

ALL that certain tract or parcel of land, situate in the Village of Rupert, Township of Montour, Columbia County, Pennsylvania, bounded and described in accordance with a Survey and Plan of Susquehanna Land Surveyors, dated December 22, 1982 and shown as Tract 1 - Parcels A & B.

#### SUBJECT, however to:

- 1. any easements or agreements of record, any easements which may be disclosed on the aforementioned survey, and to any other pipes, wires, poles, cables, culverts, drainage courses or systems and their appurtenances now existing and remaining in, on, under, over and through the premises conveyed by this Indenture and to any rights to maintain, use, repair, renew and remove same.
  - 2. the rights of the general public in and to Jackson Street.

#### EXCEPTING therefrom the following:

1. Property conveyed to Melvin A. Mowery, et ux, by deed recorded in Columbia County Deed Book 249, at page 582.

- 2. Property conveyed to Richard D. Hons, et ux, by deed recorded in Columbia County Deed Book 294, at page 253.
- 3. 24,979 square feet conveyed to Montour Township, by deed recorded in Columbia County Deed Book 575, at page 809.
- 4. .29 acres conveyed to Montour Township, by deed recorded in Columbia County Deed Book 584, at page 651.
- 5. 17,854 square feet conveyed to Montour Township, by deed recorded in Columbia County Deed Book 637, at page 860.

HAVING erected thereon a dwelling known as 249 Jackson Street, Bloomsburg PA 17815.

PARCEL NO. 25-05C-044

BEING the same premises which Jean M. Hunt, single, by deed dated 09/30/1997 and recorded on 10/01/1997 in Columbia County, Pennsylvania, Recorder of Deeds Office in Deed Book Volume 668, page 24, granted and conveyed unto Joseph E. Yeager, Jr. and Donna L. Yeager, husband and wife.

NATIONAL CITY MORTGAGE COMPANY, assignee of

VS.

EASTERN MORTGAGE SERVICES, INC.,

NO. 2003-CV-1337

Plaintiff,

:

JOSEPH E. YEAGER, JR. and DONNA L. YEAGER,

:

Defendants.

### **AFFIDAVIT**

I, Louis P. Vitti, hereby certify that as representative of National City Mortgage Company, et al am familiar with the above-captioned case and various servicing activities related thereto and that the provisions of the laws of the Commonwealth of Pennsylvania and specifically, Act 91 of 1983, have been complied with in the above-captioned case.

Louis P. Vitti, Esquire Attorney for Plaintiff

SWORN to and subscribed

before me this 8th day

of April, 2004.

Notary Public

NATIONAL CITY MORTGAGE COMPANY, assignee of

VS.

EASTERN MORTGAGE SERVICES, INC.,

NO. 2003-CV-1337

Plaintiff,

;

JOSEPH E. YEAGER, JR. and DONNA L. YEAGER,

.

Defendants,

### **AFFIDAVIT PURSUANT TO RULE 3129.1**

National City Mortgage Company, et al, Plaintiff in the above action, sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 249 Jackson Street, Bloomsburg, PA 17815.

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

Name: Address (Please indicate if this

cannot be reasonably ascertained)

Joseph E. Yeager, Jr. 512 Jefferson Avenue

Bloomsburg, PA 17815

Donna L. Yeager 156 Leonard Street

Bloomsburg, PA 17815

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

Name: Address (Please indicate if this

cannot be reasonably ascertained)

Same as No. 1 above.

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

Name: Address (Please indicate if this

cannot be reasonably ascertained)

None

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

Name

Address (Please indicate if this cannot be reasonably ascertained)

Union Planters Bank

7130 Goodlett Farms Parkway Cordova, TN 38018

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

Name

Address (Please indicate if this cannot be reasonably ascertained)

None

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

Name

Address (Please indicate if this cannot be reasonably ascertained)

None

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

Name

Address (Please indicate if this cannot be reasonably ascertained)

Tax Collector of Montour Township

c/o David Pennypacker

515 Leigend Road, Apt. #4 Bloomsburg, PA 17815

Commonwealth of PA -DPW

P.O. Box 8016

Harrisburg, PA 17105

Clerk of Courts

Criminal/Civil Division

P.O. Box 380

Bloomsburg, PA 17815

Tax Claim Bureau of Columbia County

35 West Main Street Bloomsburg, PA 17815

Court of Common Pleas of

Columbia County

Domestic Relations Division

700 Sawmill Road

Bloomsburg, PA 17815

Bureau of Compliance Attn: Susan Blough Clearance Support Section Dept. #281230 Harrisburg, PA 17128-1230

Tenant/Occupant

249 Jackson Street Bloomsburg, PA 17815

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. Section 4904 relating to unsworn falsification to authorities.

April 8, 2004 Date

Louis P. Vitti, Esquire Attorney for Plaintiff

SWORN TO and subscribed

before me this 8th day

of April, 2004.

Notary Pub**y**le

ad by ( Printed Name) C. Date 1Av. U. M. C. Y. C. H. H. S. S. Date 1Av. Date 12 Date 14 Date 1	YES, enter delivery address below:	3. Service Type  El Certified Mail   L' Express Mail   L' Registered   Return Receipt for Merchand   L' Insured Mail   C.O.D.   C	1256 6208 1000 0	Domestic Return Receipt 102595-02-14/-1	■ Complete items , 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  Commonwealth of PA PO Box 8016 Harrisburg, PA 17105	A. Signature  X  A. Signature  X  Address  B. Received by (Printed Name)  C. Date of Delive  C. Date of Delive  D. Is delivery address different from item 1?  Yes  If YES, enter delivery address below:  No  3. Service Type  Certified Mail  Registered  Return Receipt for Merchandis  Insured Mail  C.O.D.
so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:			2. Article Number 7002 c	0-1	2. Article Number (Transfer from service label)  PS Form 3811, August 2001  Domestic Return Service Return Serv	4. Restricted Delivery? (Extra Fee) ☐ Yes  4. ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐
6. Date 5. Dat	1	Mail Receipt for M		)2595-02-M-1540	PS Form 3811, August 2001  Domestic Return Sender Return Sender Return Sender Return R	3. Service Type  Certified Mail
turn the	COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF REVENUE-ATTN: SHERIFF SUREAU OF COMPLIANCE LEARANCE SUPPORT SECTION	IARUSBURG, PA 17128-1230	Artic (Tran	5 For	so that we can return the card to you.  Attach this card to the back of the mailpiece, or on the front if space permits.  1. Article Addressed to:  U. S. SMALL BUSINESS ADMINISTRATION PHILADELPHIA DISTRCIT OFFICE ROBERT N.C. NIX FEDERAL BUILDING 900 MARKET STREET-5 <sup>TH</sup> FLOOR PHILADELPHIA, PA 19107	B. Received by (Pribed Name)  C. Date of Delive  C.

#### Article Number SENDER: COMPLETE THIS SECTION Article Addressed to: PS Form 3811, August 2001 2. Article Number SENDER: COMPLETE THIS SECTION Article Addressed to: Cordova, TN 38018 Union Planters Bank 7130 Goodlett Farms Parkway Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, Complete item. , 2, and 3. Also complete 600 ARCH STREET ROOM 3259 TECHNICAL SUPPORT GROUP INTERNAL REVENUE SERVICE Complete item. 2, and 3. Also complete item 4 if Restricted Delivery is desired. PHILADELPHIA, PA 19106 WILLIAM GREEN FEDERAL BUILDING (Transfer from service label) or on the front if space permits. item 4 if Restricted Delivery is desired. (Transfer from service label) or on the front if space permits. Attach this card to the back of the mailpiece, Print your name and address on the reverse so that we can return the card to you. Domestic Return Receipt 7002 0860 0004 2410 0001 8079 **9**514 D. Is delivery address different from item 1? B. Received by (Printed Name) A. Signat COMPLETE THIS SECTION ON DELIVERY Restricted Delivery? (Extra Fee) Service Type B. Received by (Printed Name) A. Signature D. Is delivery address different from item 1? Restricted Delivery? (Extra Fee) Service Type COMPLETE THIS SECTION ON DELIVERY ☐ Registered ☐ Insured Mail Certified Mail If YES, enter delivery address below: ☐ Registered Certified Mail If YES, enter delivery address below: ☐ Insured Mail C.O.D. ☐ Express Mail ☐ Return Receipt for Merchandis 5857 □ c.o.p. ☐ Express Mail ☐ Return Receipt for Merchandii 4645 C. Date of Delive C. Date of Delive S S ☐ Agent ☑ Addresse 102595-02-M-1 Agent Address % % □ □ □ ĕs □ ‱

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-15

## NOTICE OF SHERIFF'S SALE OF REAL ESTATE PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 3129.1

TO:

Joseph E. Yeager, Jr. 512 Jefferson Avenue

Bloomsburg, PA 17815

Donna L. Yeager 156 Leonard Street Bloomsburg, PA 17815

AND: ALL LIEN HOLDERS

TAKE NOTICE that by virtue of the above Writ of Execution issued out of the Court of Common Pleas of Columbia County, Pennsylvania and to the Sheriff of Columbia County, directed, there will be exposed to Public Sale in Columbia County Courthouse on , 2004 at 9:00 A.M., the following described real estate, of which Joseph E. Yeager, Jr. and Donna L. Yeager are owners or reputed owners:

Montour Twp, Columbia Cty & Cmwlth of PA. HET a dwg k/a 249 Jackson Street, Bloomsburg, PA 17815. Parcel No. 25-05C-044.

The said Writ of Execution has issued on a judgment in the mortgage foreclosure action of National City Mortgage Company, et al vs. Joseph E. Yeager, Jr. and Donna L. Yeager at No. 2003-CV-1337 in the amount of \$94,175.13.

Claims against property must be filed at the Office of the Sheriff before above sale date.

Claims to proceeds must be made with the Office of the Sheriff before the sale date.

Schedule of Distribution will be filed with the Office of the Sheriff no later than thirty (30) days from sale date.

Exceptions to Distribution or a Petition to Set Aside the Sale must be filed with the Office of the Sheriff no later than ten (10) days from the date when Schedule of Distribution is filed in the Office of the Sheriff.

Attached hereto is a copy of the 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 legal 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.

YOU SHOULD TAKE THIS NOTICE AND THE WRIT OF EXECUTION 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 ADVICE.

## SUSQUEHANNA LEGAL SERVICES 36 WEST MAIN STREET BLOOMSBURG, PA 17815 (717) 784-8760

You may have legal rights to prevent the Sheriff's Sale and the loss of your property. In order to exercise those rights, prompt action on your part is necessary. A lawyer may be able to help you.

You may have the right to prevent or delay the Sheriff's Sale by filing, before the sale occurs, a petition to open or strike the judgment or a petition 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 in 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 to strike the judgment.

You may also have the right to petition the Court to stay or delay the execution and the Shcriff's Sale if you can show a defect in the Writ of Execution or service or demonstrate any other legal or equitable right.

You may also have the right to have the Sheriff's Sale set aside if the property is sold for a grossly inadequate price or if there are defects in the Sheriff's Sale. 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. The Sheriff will deliver the Deed if no petition to set aside the sale is filed within ten (10) days from the date when the Schedule of Distribution is filed in the Office of the Sheriff.

Louis P. Vitti, Esquire Attorncy for Plaintiff 916 Fifth Avenue Pittsburgh, PA, 15219

Pittsburgh, PA 15219

(412) 281-1725

\*\*THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE,\*\*

### **SHERIFF'S DIRECTIONS**

TO: SHERIFF OF COLUMBIA COUNTY: RE: NATIONAL CITY MORTGAGE COMPANY, ET AL VS. JOSEPH E. YEAGER, JR., ET AL NO: 2003-CV-1337 KINDLY: PLEASE Post the Handbill at the address listed below: 249 JACKSON STREET **BLOOMSBURG, PA 17815** ATTORNEY: Louis P. Vitti, Esquire 916 Fifth Avenue Pittsburgh, PA 15219 (412) 281-1725 DATE: April 8, 2004 REPORT OF DEPUTY SHERIFF: SERVICE UPON:\_\_\_\_ DATE OF SERVICE:\_\_\_\_ PLACE SERVED;\_\_\_\_\_ \* SERVICE NOT MADE DUE TO: ATTEMPTS MADE: DATE OF REPORT: BY:\_\_ Deputy Sheriff

## **SHERIFF'S DIRECTIONS**

TO: SHERIFF OF COLUMBIA COUNTY: RE: NATIONAL CITY MORTGAGE COMPANY, ET AL VS. JOSEPH E. YEAGER, JR., ET AL NO: 2003-CV-1337 KINDLY: SERVE the Defendant(s), Joseph E. Yeager, Jr., or Adult Member in charge who resides with the Defendant at the time of service at the address listed below: **512 JEFFERSON AVENUE BLOOMSBURG, PA 17815** ATTORNEY: Louis P. Vitti, Esquire 916 Fifth Avenue Pittsburgh, PA 15219 (412) 281-1725 DATE: April 8, 2004 REPORT OF DEPUTY SHERIFF: SERVICE UPON:\_\_\_\_ DATE OF SERVICE: PLACE SERVED:\_\_\_\_ \* SERVICE NOT MADE DUE TO:\_\_\_\_\_ ATTEMPTS MADE:\_\_\_\_\_ DATE OF REPORT:\_\_\_\_\_

BY:\_\_\_\_

Deputy Sheriff

### **SHERIFF'S DIRECTIONS**

TO: SHERIFF OF COLUMBIA COUNTY: RE: NATIONAL CITY MORTGAGE COMPANY, ET AL VS. JOSEPH E. YEAGER, JR., ET AL NO: 2003-CV-1337 KINDLY: SERVE the Defendant(s), Donna L. Yeager, or Adult Member in charge who resides with the Defendant at the time of service at the address listed below: 156 LEONARD STREET **BLOOMSBURG, PA 17815** ATTORNEY: Louis P. Vitti, Esquire 916 Fifth Avenue Pittsburgh, PA 15219 (412) 281-1725 **DATE: April 8, 2004** REPORT OF DEPUTY SHERIFF: SERVICE UPON: DATE OF SERVICE: PLACE SERVED: \* SERVICE NOT MADE DUE TO:\_\_\_\_\_ ATTEMPTS MADE: DATE OF REPORT:

BY:\_\_

Deputy Sheriff

DOLLARS & SECTION -1 \$ 1200,000 20745 549517382 110000 20 7 4 5 11 12 04 3000 12 2 1; LOUIS P. VITTI & ASSOCIATES, P. C. ESCROW FUND 2 916 - 5TH AVENUE, 6TH FLR PITTSBURGH, PA 15219 National City National City National City Bank of Pennsylvania Pitsburgh, Pernsylvania