

# SHERIFF'S SALE COST SHEET

Deutsche Bank NJ vs. Barbara Belles  
 NO. 154-07 ED NO. 1846-02 JD DATE/TIME OF SALE Oct. 24 6930

DOCKET/RETURN	\$15.00
SERVICE PER DEF.	\$ <u>150.00</u>
LEVY (PER PARCEL	\$15.00
MAILING COSTS	\$ <u>35.50</u>
ADVERTISING SALE BILLS & COPIES	\$17.50
ADVERTISING SALE (NEWSPAPER)	\$15.00
MILEAGE	\$ <u>12.00</u>
POSTING HANDBILL	\$15.00
CRYING/ADJOURN SALE	\$10.00
SHERIFF'S DEED	\$35.00
TRANSFER TAX FORM	\$25.00
DISTRIBUTION FORM	\$25.00
COPIES	\$ <u>5.00</u>
NOTARY	\$ <u>10.00</u>
TOTAL ***** \$ <u>705.00</u>	

WEB POSTING	\$150.00
PRESS ENTERPRISE INC.	\$ <u>19.64</u>
SOLICITOR'S SERVICES	\$75.00
TOTAL ***** \$ <u>944.64</u>	

PROTHONOTARY (NOTARY)	\$10.00
RECORDER OF DEEDS	\$ <u>41.50</u>
TOTAL ***** \$ <u>51.50</u>	

REAL ESTATE TAXES:	
BORO, TWP & COUNTY 20	\$ <u>15.00</u>
SCHOOL DIST. 20	\$ <u>15.00</u>
DELINQUENT 20	\$ <u>5.00</u>
TOTAL ***** \$ <u>35.00</u>	

MUNICIPAL FEES DUE:	
SEWER 20	\$ _____
WATER 20	\$ _____
TOTAL ***** \$ <u>0.00</u>	

SURCHARGE FEE (DSTE)	\$ <u>110.00</u>
MISC. _____	\$ _____
_____	\$ _____
TOTAL ***** \$ <u>0.00</u>	

TOTAL COSTS (OPENING BID) \$ 1716.14

# COLUMBIA COUNTY SHERIFF'S OFFICE

## SHERIFF'S REAL ESTATE FINAL COST SHEET

Deutsche Bank NT vs Brunburg Belles

NO. 1547-07 ED NO. 1846-06 JD

DATE/TIME OF SALE: C-17 #1 0930

BID PRICE (INCLUDES COST) \$ 112,200.00

POUNDAGE - 2% OF BID \$ 1246.00

TRANSFER TAX - 2% OF FAIR MKT \$ ---

MISC. COSTS \$ 250.00

TOTAL AMOUNT NEEDED TO PURCHASE \$ 5126.00

Agent for Phelan, Hallinan & Schmeig  
PURCHASER(S): Jimmy L. Mull

ADDRESS: \_\_\_\_\_

NAMES(S) ON DEED: \_\_\_\_\_

PURCHASER(S) SIGNATURE(S): \_\_\_\_\_

TOTAL DUE: \$ 5126.00

LESS DEPOSIT: \$ 1550.00

DOWN PAYMENT: \$ \_\_\_\_\_

TOTAL DUE IN 8 DAYS \$ 1376.00

# SHERIFF'S SALE

## AMENDED Distribution Sheet

Deutsche Bank National Trust Co. vs. Barbara Belles  
NO. 1846-2006 JD  
NO. 154-2007 ED  
DATE OF SALE: October 24, 2007

I HEREBY CERTIFY AND RETURN, That in obedience to and by virtue of the within writ, to me directed, I seized and took into execution the within described real estate, and after having given due legal and timely notice of the time and place of sale, by advertisements in divers public newspapers and by handbills set up in the most public places in my bailiwick, I did on (date) October 24, 2007 and (time) 9:30 am, of said day at the Court House, in the Town of Bloomsburg, Pennsylvania, expose said premises to sale at public vendue or outcry, when and where I sold the same to Deutsche Bank National Trust Co. for the price or sum of \$73,440.00 (Seventy Three Thousand Four Hundred Forty and 00/100) Dollars. Deutsche Bank National Trust Co. being the highest and best bidder, and that the highest and best price bidden for the same; which I have applied as follows:

Bid Price .....	\$ 72,000.00	
Poundage .....	1,440.00	
Transfer Taxes .....	-0-	
Total Needed to Purchase .....		\$ 73,440.00
Amount Paid Down .....		1,350.00
Balance Needed to Purchase .....		72,090.00

### EXPENSES:

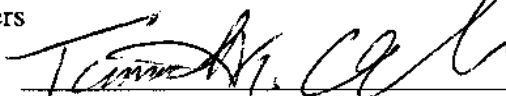
Columbia County Sheriff - Costs .....	\$ 375.00	
Poundage .....	1,440.00	\$ 1,815.00
Newspaper .....		699.64
Printing .....		-0-
Solicitor .....		75.00
Columbia County Prothonotary .....		10.00
Columbia County Recorder of Deeds -	Deed copy work	41.50
	Realty transfer taxes	-0-
	State stamps	-0-
Tax Collector ( )		-0-
Columbia County Tax Assessment Office .....		5.00
State Treasurer .....		110.00
Other: Web Posting .....		150.00
Lien Serach Certificate .....		250.00
Notary .....		10.00
TOTAL EXPENSES:		\$ 3,166.14

Total Needed to Purchase	\$ 73,440.00
Less Expenses	3,166.14
Net to First Lien Holder	70,273.86
Plus Deposit	1,350.00
Total to First Lien Holder	\$ 71,623.86

Sheriff's Office, Bloomsburg, Pa. }

November 29, 2007

So answers



Sheriff

TIMOTHY T. CHAMBERLAIN



SHERIFF OF COLUMBIA COUNTY  
COURT HOUSE - P.O. BOX 380  
BLOOMSBURG, PA 17815  
FAX: (570) 389-5625

PHONE  
(570) 389-5622

24 HOUR PHONE  
(570) 784-6300

FACSIMILE TRANSMITTAL SHEET

TO: <i>Patty Mac Nally</i>	FROM: <i>Tim Chamberlain</i>
COMPANY:	DATE: <i>11-29-07</i>
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: <i>2</i>
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

☐ URGENT    ☐ FOR REVIEW    ☐ PLEASE COMMENT    ☐ PLEASE REPLY    ☐ PLEASE RECYCLE

NOTES/COMMENTS:

ATTACHED ARE DOCUMENTS FROM THE COLUMBIA COUNTY SHERIFF'S OFFICE. IF YOU HAVE ANY QUESTIONS CONCERNING THESE DOCUMENTS, PLEASE CALL 570.389.5622. THANK YOU.

One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Phone: 215-563-7000  
Fax: 215-567-0072  
Email: [patty.mcnally@fedphie.com](mailto:patty.mcnally@fedphie.com)

PHELAN HALLINAN &  
SCHMIEG, LLP

# Fax

To:	Columbia Sheriff's Office	From:	Patty McNally
Fax:	570-389-5625	Date:	11/27/2007
Phone:		Pages:	2 (Including cover page)
Re:	Barbara Belles Foreclosure	Attn:	Sheriff Timothy T. Chamberlain

Dear Sheriff Chamberlain:

Attached please find a copy of the November 20, 2007 Court Order granting Plaintiff's exceptions to distribution. Please advise of the amount, if any, required to complete settlement.

Very truly yours,

  
Patty McNally  
For Phelan Hallinan & Schmieg, LLP

**PHELAN HALLINAN & SCHMIEG, LLP**

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103-1814

Operated Assistant 215-563-7000

Automated Assistant 215-320-0007

nora.ferrer@fedphe.com

Nora Ferrer  
Legal Assistant, ext. 1477

Representing Lenders in  
Pennsylvania and New Jersey

October 26, 2007

Office of the Sheriff  
Columbia County Courthouse  
5 West Main Street  
Bloomsburg, PA 17815

Re: Barbara A. Belles  
6790 Jefferson Street  
Bloomburg, PA 17815  
No. 2006-Cv-1846

Dear Sir or Madam:

With reference to the above captioned property, which was knocked-down to Daniel G. Schmieg as "attorney-on-the-writ", please prepare the Sheriff's Deed to Deutsche Bank, National Trust Company, a sTrustee for Morgan Stanley ABS Capital I Inc., Trust 2005-HE1 Mortgage Pass-Thourgh Certificates, Sereis 2005-HE1, Mail Stop:DC-Cash (BY), Irvine , CA, 92618.

Please record the Sheriff's Deed and send a copy via facsimile at your earliest convenience.

In addition, please find enclosed two (2) Statements of Value along with two (2) stamped self-addressed envelopes for your convenience.

Thank you in advance for your cooperation in this matter.

Yours truly,

  
Nora Ferrer

Enclosure

cc: Option One Mortgage

Account No. 0014116560

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF REVENUE  
BUREAU OF INDIVIDUAL TAXES  
DEPT. 280603  
HARRISBURG, PA 17128-0603

## REALTY TRANSFER TAX STATEMENT OF VALUE

See Reverse for Instructions

### RECORDER'S USE ONLY

State Tax Paid

Book Number  
Zip Code Zip Code  
Page Number

Date Recorded

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

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

Name: Daniel G. Schmieg, Esquire Suite 1400 Telephone Number: Area Code ( 215 ) 563-7000  
Street Address: One Penn Center at Suburban Station, 1617 JFK Blvd. City: Philadelphia State: PA Zip Code: 19103

### B TRANSFER DATA

Grantor(s)/Lessor(s): Timothy T. Chamberlain - Sheriff Columbia County Courthouse  
Grantee(s)/Lessee(s): DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC., TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1  
Street Address: P.O. Box 380, 35 W. Main Street City: Bloomsburg State: PA Zip Code: 17815  
Date of Acceptance of Document: \_\_\_\_\_  
Street Address: \_\_\_\_\_ City: Irvine State: CA Zip Code: 92618  
Mail Stop: DC-Cash (BY)

### C PROPERTY LOCATION

Street Address: 6790 Jefferson Street, Bloomsburg, PA 17815 City, Township, Borough: South Center Township  
County: Columbia School District: South Center Township Tax Parcel Number: 12-03D-068-00,000

### D VALUATION DATA

1. Actual Cash Consideration \$3,166.14	2. Other Consideration + -0-	3. Total Consideration = \$3,166.14
4. County Assessed Value \$26,137.00	5. Common Level Ratio Factor x 3.55	6. Fair Market Value = \$92,786.35

### E EXEMPTION DATA

1a. Amount of Exemption Claimed 100%	1b. Percentage of Interest Conveyed 100%
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2. Check Appropriate Box Below for Exemption Claimed

- ☐ Will or intestate succession (Name of Decedant) (Estate File Number)
- ☐ Transfer to Industrial Development Agency.
- ☐ Transfer to a Trust. (Attach complete copy of trust agreement identifying all beneficiaries.)
- ☐ Transfer between principal and agent. (Attach complete copy of agency/straw party agreement.)
- ☒ Transfer from mortgagor to a holder of a mortgage in default. Mortgage Book Number Instrument No. 200704309, Page Number 1
- ☐ Transfers to the Commonwealth, the United States and Instrumentalities by gift, dedication, condemnation or in lieu of condemnation. (If condemnation or in lieu of condemnation, attach copy of resolution.)
- ☐ Corrective or confirmatory deed. (Attach complete copy of the prior deed being corrected or confirmed.)
- ☐ Statutory corporate consolidation, merger or division. (Attach copy of articles.)
- ☐ Other (Please explain exemption claimed, if other than listed above.)

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

Signature of Correspondent or Responsible Party  
Daniel G. Schmieg, ESQUIRE

Date:

10/26/02

FAILURE TO COMPLETE THIS FORM PROPERLY OR ATTACH APPLICABLE DOCUMENTATION MAY RESULT IN THE RECORDER'S REFUSAL TO RECORD THE DEED.

# SHERIFF'S SALE

## Distribution Sheet

Deutsche Bank National Trust Co. vs. Barbara Belles

NO. 1846-2006 JD  
 NO. 154-2007 ED

DATE OF SALE: October 24, 2007

I HEREBY CERTIFY AND RETURN, That in obedience to and by virtue of the within writ, to me directed, I seized and took into execution the within described real estate, and after having given due legal and timely notice of the time and place of sale, by advertisements in divers public newspapers and by handbills set up in the most public places in my bailiwick, I did on (date) October 24, 2007 and (time) 9:30 am, of said day at the Court House, in the Town of Bloomsburg, Pennsylvania, expose said premises to sale at public vendue or outcry, when and where I sold the same to Deutsche Bank National Trust Co. for the price or sum of \$73,440.00 (Seventy Three Thousand Four Hundred Forty and 00/100) Dollars. Deutsche Bank National Trust being the highest and best bidder, and that the highest and best price bidden for the same; which I have applied as follows:

Bid Price .....	\$	<u>72,000.00</u>	
Poundage .....		<u>1,440.00</u>	
Transfer Taxes .....		<u>-0-</u>	
Total Needed to Purchase .....	\$		<u>73,440.00</u>
Amount Paid Down .....			<u>1,350.00</u>
Balance Needed to Purchase .....			<u>72,090.00</u>

### EXPENSES:

Columbia County Sheriff - Costs .....	\$	<u>375.00</u>	
Poundage .....		<u>1,440.00</u>	\$ <u>1,815.00</u>
Newspaper .....			<u>699.64</u>
Printing .....			<u>-0-</u>
Solicitor .....			<u>75.00</u>
Columbia County Prothonotary .....			<u>10.00</u>
Columbia County Recorder of Deeds -			<u>41.50</u>
		Deed copy work	<u>-0-</u>
		Realty transfer taxes	<u>-0-</u>
		State stamps	<u>-0-</u>
Tax Collector ( )			<u>5.00</u>
Columbia County Tax Assessment Office .....			<u>110.00</u>
State Treasurer .....			<u>150.00</u>
Other: .....			<u>250.00</u>
			<u>10.00</u>
TOTAL EXPENSES:	\$		<u>3,166.14</u>

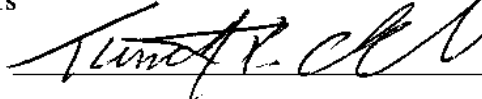
Total Needed to Purchase	\$	<u>73,440.00</u>	
Less Expenses		<u>3,166.14</u>	
Net to First Lien Holder		<u>65,133.10</u>	
Plus Deposit		<u>1,350.00</u>	
Total to First Lien Holder	\$	<u>66,483.10</u>	
			<u>6,956.90</u>

Sheriff's Office, Bloomsburg, Pa.

November 7, 2007

So answers

2nd Lien holder



Sheriff



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

Deutsche Bank, National Trust Company, As :  
Trustee for Morgan Stanley ABS Capital I Inc. :  
Trust 2005-HE1 Mortgage Pass-Through : Civil Division  
Certificates, Series 2005-HE1 :  
Plaintiff :

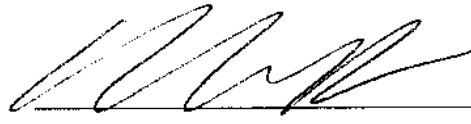
Vs. :

Barbara A. Belles :  
6790 Jefferson Street : 2006-CV-1846  
Bloomsburg, PA 17815 :  
Defendant :

**ORDER**

AND NOW, this *20* day of *November*, 2007, upon consideration of Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P. 3136(d), and any response thereto, it is hereby:

ORDERED and DECREED that said Exceptions are granted and that the Sheriff is hereby directed to issue an amended Schedule of Distribution providing for the Net to First Lienholder in the amount of \$71,585.58, together with a return of the Sheriff's Deposit of \$1,350.00, for a total of \$72,935.58. Plaintiff is further directed to complete settlement of any additional cost due as a result of the amended schedule.

  
J.

NOTED  
RECEIVED  
COLUMBIA COUNTY, PA

2007 NOV 21 A 8 35

PROTHONOTARY  
FBI

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

Deutsche Bank, National Trust Company, As	:
Trustee for Morgan Stanley ABS Capital I Inc.	:
Trust 2005-HE1 Mortgage Pass-Through	: Civil Division
Certificates, Series 2005-HE1	:
Plaintiff	:
	:
Vs.	:
	:
Barbara A. Belles	:
6790 Jefferson Street	: 2006-CV-1846
Bloomsburg, PA 17815	:
Defendant	:

**ORDER**

AND NOW, this *20<sup>th</sup>* day of *November*, 2007, upon consideration of Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P. 3136(d), and any response thereto, it is hereby:

ORDERED and DECREED that said Exceptions are granted and that the Sheriff is hereby directed to issue an amended Schedule of Distribution providing for the Net to First Lienholder in the amount of \$71,585.58, together with a return of the Sheriff's Deposit of \$1,350.00, for a total of \$72,935.58. Plaintiff is further directed to complete settlement of any additional cost due as a result of the amended schedule.

verified  
this 20th day of November, 2007

cc: [illegible]

*[Signature]*  
1.

**PHELAN HALLINAN & SCHMIEG, LLP**  
**Suite 1400**  
**One Penn Center Plaza**  
**1617 John F. Kennedy Boulevard**  
**Philadelphia, PA 19103-1814**  
**215-563-7000**

November 16, 2007

Office of the Sheriff  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815

Re: Deutsche Bank, National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1  
v. Barbara A. Belles  
CCP, Columbia County, No. 2006-CV-1846

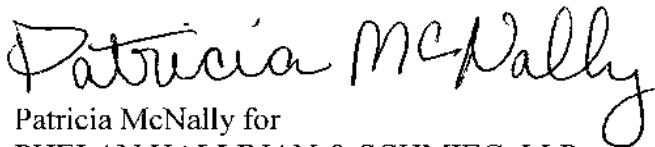
Dear Sir/Madam:

Enclosed please find Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P.,  
3136(d) and Brief in Support thereof for your review.

Should you have any questions, please do not hesitate to contact me.

Thank you for your cooperation and attention to this matter.

Very truly yours,



Patricia McNally for  
PHELAN HALLINAN & SCHMIEG, LLP  
Enclosure

Cc: Barbara A. Belles  
Tenant/Occupant  
Domestic Relations of Columbia County  
Commonwealth of Pennsylvania – Department of Welfare  
Aegis Funding, d/b/a Aegis Home Equity

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

Deutsche Bank, National Trust Company, As	:
Trustee for Morgan Stanley ABS Capital I Inc.	:
Trust 2005-HE1 Mortgage Pass-Through	: Civil Division
Certificates, Series 2005-HE1	:
Plaintiff	:
	:
Vs.	:
	:
Barbara A. Belles	:
6790 Jefferson Street	: 2006-CV-1846
Bloomsburg, PA 17815	
Defendant	

**ORDER**

AND NOW, this        day of        , 2007, upon consideration of Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P. 3136(d), and any response thereto, it is hereby:

ORDERED and DECREED that said Exceptions are granted and that the Sheriff is hereby directed to issue an amended Schedule of Distribution providing for the Net to First Lienholder in the amount of \$71,585.58, together with a return of the Sheriff's Deposit of \$1,350.00, for a total of \$72,935.58. Plaintiff is further directed to complete settlement of any additional cost due as a result of the amended schedule.

---

J.

FILED  
PROCTORY

2006-07-17 15:57

CLERK  
OF COURT

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

Attorney for Plaintiff

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

Vs.

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

**EXCEPTIONS TO SHERIFF'S SALE DISTRIBUTION**  
**PURSUANT TO PA.R.C.P. RULE 3136(d)**

And now comes Plaintiff, Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, by and through its counsel, Phelan Hallinan & Schmieg, LLP, and prays that this Honorable Court grant Plaintiff's Exceptions to Sheriff's Sale Distribution of Proceeds for the following reasons:

1. The Plaintiff is Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, the holder of that certain Mortgage dated August 20, 2004 and

recorded August 26, 2004 at Mortgage Book 2004, Page 09865 in the Columbia County Recorder's Office by virtue of assignment recorded April 30, 2007 at Instrument Number 200704309.

2. The underlying loan became delinquent and Plaintiff initiated foreclosure proceedings in execution on the Mortgage on December 19, 2006. Attached hereto, made a part hereof, and marked as Exhibit "A" is a true and correct copy of the Complaint in Mortgage Foreclosure.
3. Plaintiff obtained a Default Judgment on March 8, 2007, in the amount of \$58,524.76. Attached hereto, made a part hereof, and marked as Exhibit "B" is a true and correct copy of the Praecipe for Default Judgment.
4. On October 24, 2007, the premises located at 6790 Jefferson Street, Bloomsburg, PA 17815 (hereinafter "Property"), was sold at the Columbia County Sheriff's Sale pursuant to Writ of Execution issued out of the captioned case.
5. The Property was struck down to the executing creditor for the amount of \$72,000.00.
6. On or about November 7, 2007, in accordance with Pa.R.C.P. 3136(d), the Sheriff provided Plaintiff with a copy of its Schedule of Distribution, which distribution listed the Plaintiff as paying \$6,956.90 to the second lien holder. Attached hereto, made a part hereof and marked as Exhibit "C" is a true and correct copy of the Sheriff's Schedule of Distribution.
7. Since the filing of the complaint and the entry of the Default Judgment, Plaintiff has expended additional sums, including taxes, property maintenance fees, and insurance premiums, relative to the Property to protect its collateral.

8. Upon information and belief, the total debt owed to Plaintiff at the time of the Sale was \$72,935.58.
9. According to Extraco Mortgage v. Williams, 2002 Pa. Super. 246, 805 A.2d 543 (2002), amounts expended by Plaintiff to protect its collateral since the time of default judgment are recoverable and relate back to the date of the Mortgage for priority.
10. Plaintiff is requesting that the Schedule of Distribution be amended to reflect that no distribution is required to any party beyond the executing creditor, as Plaintiff was not made whole by the sale of the property.
11. Plaintiff requests this Honorable Court enter an Order directing the Sheriff to amend the Schedule of Distribution to reflect Plaintiff's total debt as follows:

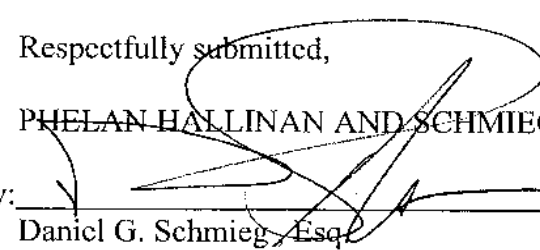
Principal:	\$53,615.62
Interest:	\$ 5,502.52
Escrow	\$ 2,286.94
Late Charges	\$ 352.27
Property Inspections	\$ 20.59
Attorney Fees	\$ 2,680.00
Sheriff's Deposit	\$ 1,350.00
Corporate Advance	<u>\$ 7,127.64</u>
Balance due:	\$72,935.58

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order amending the Schedule of Distribution to reflect total debt due to executing Plaintiff in the amount of \$72,935.58.

Respectfully submitted,

PHILAN HALLINAN AND SCHMIEG, LLP

Date: November 16, 2007

By:   
Daniel G. Schmieg, Esq.  
Attorney for Plaintiff

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

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

Vs.

Attorney for Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

**BRIEF IN SUPPORT OF PLAINTIFF'S  
EXCEPTIONS TO DISTRIBUTION**

**I. FACTUAL BACKGROUND**

The Plaintiff is Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, the holder of that certain Mortgage dated August 20, 2004 and recorded August 26, 2004 at Mortgage Book 2004, Page 09865 in the Columbia County Recorder's Office by virtue of assignment recorded April 30, 2007 at Instrument Number 200704309. The underlying loan became delinquent



and Plaintiff initiated foreclosure proceedings in execution on the Mortgage on December 19, 2006. Plaintiff obtained a Default Judgment on March 8, 2007, in the amount of \$ 58,524.76.

On October 24, 2007, the premises located at 6790 Jefferson Street, Bloomsburg, PA 17815 (hereinafter "Property"), was sold at the Columbia County Sheriff's Sale pursuant to Writ of Execution issued out of the captioned case. The Property was sold back to the executing creditor for the amount of \$72,000.00. On or about November 7, 2007, in accordance with Pa.R.C.P. 3136(d), the Sheriff provided Plaintiff with a copy of its Schedule of Distribution, which distribution listed the Plaintiff as required to pay \$6,956.90 to the second lien holder.

Since the initiation of the action, Plaintiff has expended additional sums, including taxes, property maintenance fees, and insurance premiums, relative to the Property to protect its collateral. The total debt owed to Plaintiff at the time of the Sale was \$72,935.58.

Plaintiff is requesting that the Schedule of Distribution be amended to reflect Plaintiff's total debt as \$72,935.58.

## **II. LEGAL AUTHORITY**

Pennsylvania Rule of Civil Procedure 3136(d) allows a party to file Exceptions to the Sheriff's proposed Schedule of Distribution within ten days of the date of posting of the proposed schedule. In the instant case, Plaintiff has filed timely exceptions.

The Superior Court of Pennsylvania held in the case of Extraco Mortgage v. Williams, 2002 Pa. Super. 246, 805 A.2d 543 (Pa. Super. 2002), that payments for taxes and insurance, and through implication, other costs collectable under the Note and Mortgage, made by a senior lienholder on its Mortgage relate back to the date of mortgage for the priority. In the instant matter, Plaintiff has expended additional sums, including taxes, property maintenance fees, and insurance premiums, relative to the mortgaged property to protect its collateral. In accordance

ESS ADMINISTRATION  
STRICT OFFICE  
FEDERAL BUILDING  
ET-5TH FLOOR  
119107

and 3. Also complete  
address on the reverse  
the card to you.  
3 back of the mailpiece,  
e permits.

THIS SECTION

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF REVENUE-ATTN: SHERIFF  
BUREAU OF COMPLIANCE  
CLEARANCE SUPPORT SECTION  
DEPARTMENT 281230  
HARRISBURG, PA 17128-1230

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☐ Agent ☒ Address *154*
- B. Received by (Printed Name) *[Signature]* C. Date of Delivery *AUG 13 2007*
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☐ Agent ☒ Addressee see *154*
- B. Received by (Printed Name) *[Signature]* C. Date of Delivery *AUG 13 2007*
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

2. Article Number

(Transfer from service label)

7006 2760 0004 5957 5106

PS Form 3811, February 2004

Return Receipt

102595-02-M-11

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

OFFICE OF F.A.I.R.  
DEPARTMENT OF PUBLIC WELFARE  
PO BOX 8016  
HARRISBURG, PA 17105

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☐ Agent ☒ Address *154*
- B. Received by (Printed Name) *[Signature]* C. Date of Delivery *AUG 13 2007*
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☐ Agent ☒ Addressee see *154*
- B. Received by (Printed Name) *[Signature]* C. Date of Delivery *AUG 13 2007*
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

Article Number

(Transfer from service label)

7006 2760 0004 5957 5090

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

INTERNAL REVENUE SERVICE  
TECHNICAL SUPPORT GROUP  
WILLIAM GREEN FEDERAL BUILDING  
600 ARCH STREET ROOM 3259  
PHILADELPHIA, PA 19106

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☐ Agent ☒ Address *154*
- B. Received by (Printed Name) *[Signature]* C. Date of Delivery *AUG 13 2007*
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

- A. Signature *[Signature]* ☐ Agent ☒ Addressee see *154*
- B. Received by (Printed Name) *[Signature]* C. Date of Delivery *AUG 13 2007*
- D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

Article Number

(Transfer from service label)

7006 2760 0004 5957 5076

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-11

me Equity

with the holding in Extraco Mortgage, these amounts are recoverable upon the distribution of sale proceeds and take priority over any amounts owed to junior lienholders.

Additionally, this Court has plenary power to administer equity according to well settled principles of equity jurisprudence cases under its jurisdiction. Cheval v. City of Philadelphia, 116 Pa. Super. 101, 176 A. 779 (Pa. Super. 1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them without encouraging technical niceties in the modes of procedure and forms of pleading. Gunnnett v. Trout, 380 Pa. 504, 112 A.2d 333 (Pa. 1955).

Plaintiff submits that this Court should exercise its equity and discretion to allow the instant motion to be heard as it was promptly filed in anticipation of the distribution of proceeds of sale in this matter.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order amending the Schedule of Distribution to reflect total debt due to executing Plaintiff in the amount of \$72,935.58.

Respectfully submitted,

PHELAN HALLINAN AND SCHMIEG, LLP

Date: November 16, 2007

By: 

Daniel G. Schmieg, Esq.  
Attorney for Plaintiff

**EXHIBIT “A”**

PHILAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHILAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 145754

DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST  
2005-HIE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HIE1  
MAIL STOP:DC-CASH (BY)  
IRVINE, CA 92618

Plaintiff

v.

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

Defendant

ATTORNEY FOR PLAINTIFF

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2006-CV-1846  
COLUMBIA COUNTY

RECEIVED  
CLERK OF COURT  
COLUMBIA COUNTY  
PA  
DEC 19 P 2:57

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

**NOTICE**

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

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

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

Notice to Defendant:  
North Penn Legal Services  
168 East 5<sup>th</sup> Street  
Bloomsburg, PA 17815  
570-784-8760

**ATTORNEY FILE COPY  
PLEASE RETURN**

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

**IF THIS IS THE FIRST NOTICE THAT YOU HAVE RECEIVED FROM THIS OFFICE, BE ADVISED THAT:**

**PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977), DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S) DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE DEFENDANT(S) WITH WRITTEN VERIFICATION THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. LIKEWISE, IF REQUESTED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S) THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM ABOVE.**

**THE LAW DOES NOT REQUIRE US TO WAIT UNTIL THE END OF THE THIRTY (30) DAY PERIOD FOLLOWING FIRST CONTACT WITH YOU BEFORE SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH THE LAW PROVIDES THAT YOUR ANSWER TO THIS COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.**

**IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.**

1. Plaintiff is

DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST  
2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1  
MAIL STOP:DC-CASH (BY)  
IRVINE, CA 92618

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

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

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

3. On 08/20/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to OPTION ONE MORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of COLUMBIA County, in Book: 2004, Page: 09865. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

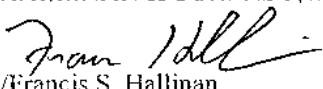
6. The following amounts are due on the mortgage:

Principal Balance	\$53,615.62
Interest	2,072.52
07/01/2006 through 12/18/2006 (Per Diem \$12.12)	
Attorney's Fees	1,250.00
Cumulative Late Charges	79.14
08/20/2004 to 12/18/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 57,567.28
 Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
 <b>TOTAL</b>	 <b>\$ 57,567.28</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 57,567.28, together with interest from 12/18/2006 at the rate of \$12.12 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHILAN HALLINAN & SCHMIEG, LLP

By:   
/s/Francis S. Hallinan  
LAWRENCE T. PHELAN, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff



## LEGAL DESCRIPTION

**ALL THAT** certain piece, parcel or tract of land situate in South Center Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

**BEGINNING** at a point on the southern side of Jefferson Street and at the northeast corner of Lot No. 29;

**THENCE** along the southern side of Jefferson Street, north 90 degrees east, 105 feet, more or less, to a point;

**THENCE** south 24 degrees 35 minutes east, 165 feet, more or less, to a post;

**THENCE** south 90 degrees west, 170 feet, more or less, to a post on the eastern side of Lot No. 29;

**THENCE** by the same, north 0 degrees east, 145.2 feet to the place of **BEGINNING**.

**BEING** known and designated as Lot No. 30 in the Lincoln Manor Addition to South Center Township.

**BEING** the same premises conveyed to David A. Belles and Barbara A. Belles, his wife, by Deed of Randall D. Fedder and Carla I. Fedder, his wife, said deed dated November 10, 1977 and recorded November 18, 1977 at the Columbia County Recorder's Office Deed Book 284 at Page 613.

**VERIFICATION**

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for PLAINTIFF in this matter, that Plaintiff is outside the jurisdiction of the court and or the Verification could not be obtained within the time allowed for the filing on the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 ( c ) and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of his knowledge, information and belief.

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



FRANCIS S. HALLINAN, ESQUIRE  
Attorney for Plaintiff

DATE: 12/18/6

## **EXHIBIT “B”**

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg  
Identification No. 62205  
One Penn Center Plaza  
1617 JFK Boulevard, Ste.1400  
Philadelphia, PA 19103  
(215) 320-0007

Attorney for Plaintiff

DEUTSCHE BANK, NATIONAL  
TRUSTCOMPANY, AS TRUSTEE FOR  
MORGAN STANLEY ABS CAPITAL 1 INC.  
TRUST 2005-HE1 MORTGAGE PASS-  
THROUGH CERTIFICATES, SERIES 2005-  
HE1

: COLUMBIA COUNTY  
: COURT OF COMMON PLEAS  
:  
:  
: CIVIL DIVISION  
:  
: NO. 2006-CV-1846

vs.

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

FILED  
PROTHONOTARY  
2007 MAR -8 A 11:15  
CLERK OF COURTS OFFICE  
COUNTY OF COLUMBIA, PA

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

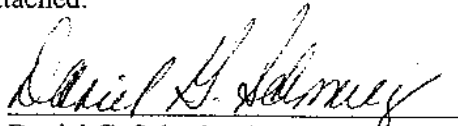
TO THE PROTHONOTARY:

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

As set forth in Complaint  
Interest - 12/19/06 TO 3/7/07  
TOTAL

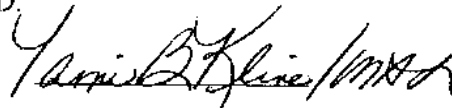
\$57,567.28  
\$ 957.48  
\$58,524.76

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

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE Mar 8, 2007

  
PRO PROTHY

**EXHIBIT “C”**

# SHERIFF'S SALE

## Distribution Sheet

Deutsche Bank National Trust Co.

vs. Barbara Belles

NO. 1846-2006

JD

DATE OF SALE: October 24, 2007

NO. 154-2007

ED

I HEREBY CERTIFY AND RETURN, That in obedience to and by virtue of the within writ, to me directed, I seized and took into execution the within described real estate, and after having given due legal and timely notice of the time and place of sale, by advertisements in divers public newspapers and by handbills set up in the most public places in my bailiwick, I did on (date) October 24, 2007 and (time) 9:30 am, of said day at the Court House, in the Town of Bloomsburg, Pennsylvania, expose said premises to sale at public vendue or outcry, when and where I sold the same to Deutsche Bank National Trust Co. for the price or sum of \$73,440.00 (Seventy Three Thousand Four Hundred Forty and 00/100) Dollars.

Deutsche Bank National Trust being the highest and best bidder, and that the highest and best price bidden for the same; which I have applied as follows:

Bid Price .....	\$	72,000.00	
Poundage .....		1,440.00	
Transfer Taxes .....		-0-	
Total Needed to Purchase .....	\$	73,440.00	
Amount Paid Down .....		1,350.00	
Balance Needed to Purchase .....		72,090.00	
<b>EXPENSES:</b>			
Columbia County Sheriff - Costs .....	\$	375.00	
Poundage .....		1,440.00	\$ 1,815.00
Newspaper .....			699.64
Printing .....			-0-
Solicitor .....			75.00
Columbia County Prothonotary .....			10.00
Columbia County Recorder of Deeds -			41.50
		Deed copy work	
		Realty transfer taxes	-0-
		State stamps	-0-
Tax Collector (		)	-0-
Columbia County Tax Assessment Office .....			5.00
State Treasurer .....			110.00
Other: .....			150.00
			250.00
			10.00
		<b>TOTAL EXPENSES:</b>	\$ 3,166.14
		Total Needed to Purchase	\$ 73,440.00
		Less Expenses	3,166.14
		Net to First Lien Holder	65,133.10
		Plus Deposit	1,350.00
		Total to First Lien Holder	\$ 66,483.10
		2nd Lien holder	6,956.90

Sheriff's Office, Bloomsburg, Pa.

So answers

2nd Lien holder

November 7, 2007

Sheriff

### VERIFICATION

I, Michael E. Carleton, Esquire, hereby state that I am the attorney for the Plaintiff herein and am authorized to make this verification. I hereby verify that the information contained in Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P., 3136(d) is true and correct to the best of my knowledge, information and belief. I am aware that this verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Respectfully submitted,

PHELAN HALLINAN AND SCHMIEG, LLP

Date: November 16, 2007

By: \_\_\_\_\_

  
Daniel G. Schmieg, Esq.  
Attorney for Plaintiff

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

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

Vs.

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

Attorney for Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

#### **CERTIFICATE OF SERVICE**

I, Daniel G. Schmieg, Esquire, hereby certify that true and correct copies of the Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P. Rule 3136(d), and Brief were served upon the following:

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815

Barbara A. Belles  
221 Central Road, APT 1  
Bloomsburg, PA 17815

Tenant/Occupant  
6790 Jefferson Street  
Bloomsburg, PA 17815

Office of the Sheriff  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815

Commonwealth of Pennsylvania  
Department of Welfare  
P.O. Box 2675  
Harrisburg, PA 17105

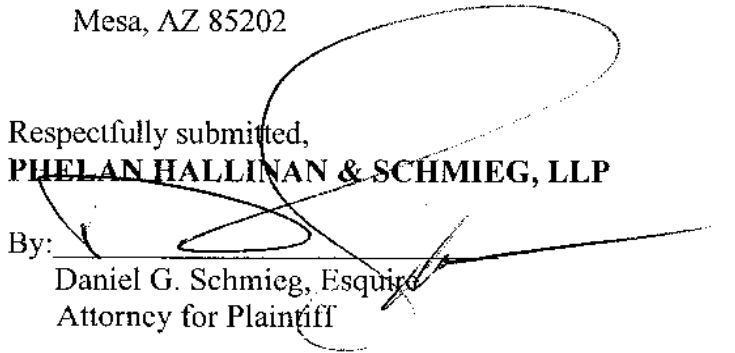


Domestic Relations of Columbia County  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815

Aegis Funding, d/b/a Aegis Home Equity  
1855 W. Baseline Road #200  
Mesa, AZ 85202

Respectfully submitted,  
**PHILAN HALLINAN & SCHMIEG, LLP**

Dated: November 16, 2007

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

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

Deutsche Bank, National Trust Company, As	:
Trustee for Morgan Stanley ABS Capital I Inc.	:
Trust 2005-HE1 Mortgage Pass-Through	: Civil Division
Certificates, Series 2005-HE1	:
Plaintiff	:
	:
Vs.	:
	:
Barbara A. Belles	:
6790 Jefferson Street	: 2006-CV-1846
Bloomsburg, PA 17815	:
Defendant	:

**ORDER**

AND NOW, this        day of        , 2007, upon consideration of Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P. 3136(d), and any response thereto, it is hereby:

ORDERED and DECREED that said Exceptions are granted and that the Sheriff is hereby directed to issue an amended Schedule of Distribution providing for the Net to First Lienholder in the amount of \$71,585.58, together with a return of the Sheriff's Deposit of \$1,350.00, for a total of \$72,935.58. Plaintiff is further directed to complete settlement of any additional cost due as a result of the amended schedule.

---

J.

2006-1846

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

Attorney for Plaintiff

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

Vs.

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

**EXCEPTIONS TO SHERIFF'S SALE DISTRIBUTION**  
**PURSUANT TO PA.R.C.P. RULE 3136(d)**

And now comes Plaintiff, Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, by and through its counsel, Phelan Hallinan & Schmieg, LLP, and prays that this Honorable Court grant Plaintiff's Exceptions to Sheriff's Sale Distribution of Proceeds for the following reasons:

1. The Plaintiff is Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, the holder of that certain Mortgage dated August 20, 2004 and

recorded August 26, 2004 at Mortgage Book 2004, Page 09865 in the Columbia County Recorder's Office by virtue of assignment recorded April 30, 2007 at Instrument Number 200704309.

2. The underlying loan became delinquent and Plaintiff initiated foreclosure proceedings in execution on the Mortgage on December 19, 2006. Attached hereto, made a part hereof, and marked as Exhibit "A" is a true and correct copy of the Complaint in Mortgage Foreclosure.
3. Plaintiff obtained a Default Judgment on March 8, 2007, in the amount of \$58,524.76. Attached hereto, made a part hereof, and marked as Exhibit "B" is a true and correct copy of the Praecipe for Default Judgment.
4. On October 24, 2007, the premises located at 6790 Jefferson Street, Bloomsburg, PA 17815 (hereinafter "Property"), was sold at the Columbia County Sheriff's Sale pursuant to Writ of Execution issued out of the captioned case.
5. The Property was struck down to the executing creditor for the amount of \$72,000.00.
6. On or about November 7, 2007, in accordance with Pa.R.C.P. 3136(d), the Sheriff provided Plaintiff with a copy of its Schedule of Distribution, which distribution listed the Plaintiff as paying \$6,956.90 to the second lien holder. Attached hereto, made a part hereof and marked as Exhibit "C" is a true and correct copy of the Sheriff's Schedule of Distribution.
7. Since the filing of the complaint and the entry of the Default Judgment, Plaintiff has expended additional sums, including taxes, property maintenance fees, and insurance premiums, relative to the Property to protect its collateral.

8. Upon information and belief, the total debt owed to Plaintiff at the time of the Sale was \$72,935.58.
9. According to Extraco Mortgage v. Williams, 2002 Pa. Super. 246, 805 A.2d 543 (2002), amounts expended by Plaintiff to protect its collateral since the time of default judgment are recoverable and relate back to the date of the Mortgage for priority.
10. Plaintiff is requesting that the Schedule of Distribution be amended to reflect that no distribution is required to any party beyond the executing creditor, as Plaintiff was not made whole by the sale of the property.
11. Plaintiff requests this Honorable Court enter an Order directing the Sheriff to amend the Schedule of Distribution to reflect Plaintiff's total debt as follows:

Principal:	\$53,615.62
Interest:	\$ 5,502.52
Escrow	\$ 2,286.94
Late Charges	\$ 352.27
Property Inspections	\$ 20.59
Attorney Fees	\$ 2,680.00
Sheriff's Deposit	\$ 1,350.00
Corporate Advance	<u>\$ 7,127.64</u>
Balance due:	\$72,935.58

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order amending the Schedule of Distribution to reflect total debt due to executing Plaintiff in the amount of \$72,935.58.

Respectfully submitted,

PHILAN HALLINAN AND SCHMIEG, LLP

Date: November 16, 2007

By: \_\_\_\_\_

Daniel G. Schmieg, Esq.  
Attorney for Plaintiff

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

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

Vs.

Attorney for Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

**BRIEF IN SUPPORT OF PLAINTIFF'S  
EXCEPTIONS TO DISTRIBUTION**

**I. FACTUAL BACKGROUND**

The Plaintiff is Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, the holder of that certain Mortgage dated August 20, 2004 and recorded August 26, 2004 at Mortgage Book 2004, Page 09865 in the Columbia County Recorder's Office by virtue of assignment recorded April 30, 2007 at Instrument Number 200704309. The underlying loan became delinquent

and Plaintiff initiated foreclosure proceedings in execution on the Mortgage on December 19, 2006. Plaintiff obtained a Default Judgment on March 8, 2007, in the amount of \$ 58,524.76.

On October 24, 2007, the premises located at 6790 Jefferson Street, Bloomsburg, PA 17815 (hereinafter "Property"), was sold at the Columbia County Sheriff's Sale pursuant to Writ of Execution issued out of the captioned case. The Property was sold back to the executing creditor for the amount of \$72,000.00. On or about November 7, 2007, in accordance with Pa.R.C.P. 3136(d), the Sheriff provided Plaintiff with a copy of its Schedule of Distribution, which distribution listed the Plaintiff as required to pay \$6,956.90 to the second lien holder.

Since the initiation of the action, Plaintiff has expended additional sums, including taxes, property maintenance fees, and insurance premiums, relative to the Property to protect its collateral. The total debt owed to Plaintiff at the time of the Sale was \$72,935.58.

Plaintiff is requesting that the Schedule of Distribution be amended to reflect Plaintiff's total debt as \$72,935.58.

## **II. LEGAL AUTHORITY**

Pennsylvania Rule of Civil Procedure 3136(d) allows a party to file Exceptions to the Sheriff's proposed Schedule of Distribution within ten days of the date of posting of the proposed schedule. In the instant case, Plaintiff has filed timely exceptions.

The Superior Court of Pennsylvania held in the case of Extraco Mortgage v. Williams, 2002 Pa. Super. 246, 805 A.2d 543 (Pa. Super. 2002), that payments for taxes and insurance, and through implication, other costs collectable under the Note and Mortgage, made by a senior lienholder on its Mortgage relate back to the date of mortgage for the priority. In the instant matter, Plaintiff has expended additional sums, including taxes, property maintenance fees, and insurance premiums, relative to the mortgaged property to protect its collateral. In accordance

with the holding in Extraco Mortgage, these amounts are recoverable upon the distribution of sale proceeds and take priority over any amounts owed to junior lienholders.

Additionally, this Court has plenary power to administer equity according to well settled principles of equity jurisprudence cases under its jurisdiction. Cheval v. City of Philadelphia, 116 Pa. Super. 101, 176 A. 779 (Pa. Super. 1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them without encouraging technical niceties in the modes of procedure and forms of pleading. Gunnnett v. Trout, 380 Pa. 504, 112 A.2d 333 (Pa. 1955).

Plaintiff submits that this Court should exercise its equity and discretion to allow the instant motion to be heard as it was promptly filed in anticipation of the distribution of proceeds of sale in this matter.

WHEREFORE, Plaintiff respectfully requests this Honorable Court enter an Order amending the Schedule of Distribution to reflect total debt due to executing Plaintiff in the amount of \$72,935.58.

Respectfully submitted,

PHELAN HALLINAN AND SCHMIEG, LLP

By: 

Daniel G. Schmieg, Esq.  
Attorney for Plaintiff

Date: November 16, 2007



**EXHIBIT “A”**

PHILAN HALLINAN & SCHMIEG, LLP  
LAWRENCE T. PHILAN, ESQ., Id. No. 32227  
FRANCIS S. HALLINAN, ESQ., Id. No. 62695  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103  
(215) 563-7000 145754

ATTORNEY FOR PLAINTIFF

DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST  
2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1  
MAIL STOP:DC-CASH (BY)  
IRVINE, CA 92618

COURT OF COMMON PLEAS

CIVIL DIVISION

TERM

NO. 2006-CV-1846  
COLUMBIA COUNTY

Plaintiff

v.

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

Defendant

**CIVIL ACTION - LAW**  
**COMPLAINT IN MORTGAGE FORECLOSURE**

**NOTICE**

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

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

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

Notice to Defend:  
North Penn Legal Services  
168 East 5<sup>th</sup> Street  
Bloomsburg, PA 17815  
570-784-8760

**ATTORNEY FILE COPY  
PLEASE RETURN**

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

IF THIS IS THE FIRST NOTICE THAT YOU HAVE RECEIVED FROM THIS OFFICE, BE ADVISED THAT:

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. § 1692 et seq. (1977), DEFENDANT(S) MAY DISPUTE THE VALIDITY OF THE DEBT OR ANY PORTION THEREOF. IF DEFENDANT(S) DO SO IN WRITING WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL OBTAIN AND PROVIDE DEFENDANT(S) WITH WRITTEN VERIFICATION THEREOF; OTHERWISE, THE DEBT WILL BE ASSUMED TO BE VALID. LIKEWISE, IF REQUESTED WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS PLEADING, COUNSEL FOR PLAINTIFF WILL SEND DEFENDANT(S) THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR, IF DIFFERENT FROM ABOVE.

THE LAW DOES NOT REQUIRE US TO WAIT UNTIL THE END OF THE THIRTY (30) DAY PERIOD FOLLOWING FIRST CONTACT WITH YOU BEFORE SUING YOU TO COLLECT THIS DEBT. EVEN THOUGH THE LAW PROVIDES THAT YOUR ANSWER TO THIS COMPLAINT IS TO BE FILED IN THIS ACTION WITHIN TWENTY (20) DAYS, YOU MAY OBTAIN AN EXTENSION OF THAT TIME. FURTHERMORE, NO REQUEST WILL BE MADE TO THE COURT FOR A JUDGMENT UNTIL THE EXPIRATION OF THIRTY (30) DAYS AFTER YOU HAVE RECEIVED THIS COMPLAINT. HOWEVER, IF YOU REQUEST PROOF OF THE DEBT OR THE NAME AND ADDRESS OF THE ORIGINAL CREDITOR WITHIN THE THIRTY (30) DAY PERIOD THAT BEGINS UPON YOUR RECEIPT OF THIS COMPLAINT, THE LAW REQUIRES US TO CEASE OUR EFFORTS (THROUGH LITIGATION OR OTHERWISE) TO COLLECT THE DEBT UNTIL WE MAIL THE REQUESTED INFORMATION TO YOU. YOU SHOULD CONSULT AN ATTORNEY FOR ADVICE CONCERNING YOUR RIGHTS AND OBLIGATIONS IN THIS SUIT.

IF YOU HAVE FILED BANKRUPTCY AND RECEIVED A DISCHARGE, THIS IS NOT AN ATTEMPT TO COLLECT A DEBT. IT IS AN ACTION TO ENFORCE A LIEN ON REAL ESTATE.

1. Plaintiff is

DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST  
2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1  
MAIL STOP:DC-CASH (BY)  
IRVINE, CA 92618

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

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

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

3. On 08/20/2004 mortgagor(s) made, executed and delivered a mortgage upon the premises hereinafter described to OPTION ONE MORTGAGE CORPORATION which mortgage is recorded in the Office of the Recorder of COLUMBIA County, in Book: 2004, Page: 09865. PLAINTIFF is now the legal owner of the mortgage and is in the process of formalizing an assignment of same.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 08/01/2006 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

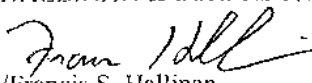
6. The following amounts are due on the mortgage:

Principal Balance	\$53,615.62
Interest	2,072.52
07/01/2006 through 12/18/2006 (Per Diem \$12.12)	
Attorney's Fees	1,250.00
Cumulative Late Charges	79.14
08/20/2004 to 12/18/2006	
Cost of Suit and Title Search	<u>\$ 550.00</u>
Subtotal	\$ 57,567.28
Escrow	
Credit	0.00
Deficit	0.00
Subtotal	<u>\$ 0.00</u>
<b>TOTAL</b>	<b>\$ 57,567.28</b>

7. The attorney's fees set forth above are in conformity with the mortgage documents and Pennsylvania law, and will be collected in the event of a third party purchaser at Sheriff's Sale. If the Mortgage is reinstated prior to the Sale, reasonable attorney's fees will be charged.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974, Notice of Homeowner's Emergency Assistance Program pursuant to Act 91 of 1983, as amended in 1998, and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon, and the temporary stay as provided by said notice has terminated because Defendant(s) has/have failed to meet with the Plaintiff or an authorized consumer credit counseling agency, or has/have been denied assistance by the Pennsylvania Housing Finance Agency.
9. This action does not come under Act 6 of 1974 because the original mortgage amount exceeds \$50,000.

WHEREFORE, PLAINTIFF demands an in rem Judgment against the Defendant(s) in the sum of \$ 57,567.28, together with interest from 12/18/2006 at the rate of \$12.12 per diem to the date of Judgment, and other costs and charges collectible under the mortgage and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By:  /s/Francis S. Hallinan  
LAWRENCE T. PHELAN, ESQUIRE  
FRANCIS S. HALLINAN, ESQUIRE  
Attorneys for Plaintiff

## LEGAL DESCRIPTION

**ALL THAT** certain piece, parcel or tract of land situate in South Center Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

**BEGINNING** at a point on the southern side of Jefferson Street and at the northeast corner of Lot No. 29;

**THENCE** along the southern side of Jefferson Street, north 90 degrees east, 105 feet, more or less, to a point;

**THENCE** south 24 degrees 35 minutes east, 165 feet, more or less, to a post;

**THENCE** south 90 degrees west, 170 feet, more or less, to a post on the eastern side of Lot No. 29;

**THENCE** by the same, north 0 degrees east, 145.2 feet to the place of **BEGINNING**.

**BEING** known and designated as Lot No. 30 in the Lincoln Manor Addition to South Center Township.

**BEING** the same premises conveyed to David A. Belles and Barbara A. Belles, his wife, by Deed of Randall D. Fedder and Carla J. Fedder, his wife, said deed dated November 10, 1977 and recorded November 18, 1977 at the Columbia County Recorder's Office Deed Book 284 at Page 613.

**VERIFICATION**

FRANCIS S. HALLINAN, ESQUIRE hereby states that he is attorney for PLAINTIFF in this matter, that Plaintiff is outside the jurisdiction of the court and or the Verification could not be obtained within the time allowed for the filing on the pleading, that he is authorized to make this verification pursuant to Pa. R. C. P. 1024 ( c ) and that the statements made in the foregoing Civil Action in Mortgage Foreclosure are based upon information supplied by Plaintiff and are true and correct to the best of his knowledge, information and belief.

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



FRANCIS S. HALLINAN, ESQUIRE  
Attorney for Plaintiff

DATE: 12/18/6

**EXHIBIT “B”**



Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg  
Identification No. 62205  
One Penn Center Plaza  
1617 JFK Boulevard, Ste.1400  
Philadelphia, PA 19103  
(215) 320-0007

Attorney for Plaintiff

DEUTSCHE BANK, NATIONAL : COLUMBIA COUNTY  
TRUSTCOMPANY, AS TRUSTEE FOR : COURT OF COMMON PLEAS  
MORGAN STANLEY ABS CAPITAL 1 INC. :  
TRUST 2005-HE1 MORTGAGE PASS- :  
THROUGH CERTIFICATES, SERIES 2005- : CIVIL DIVISION  
HE1 :  
NO. 2006-CV-1846  
vs. :  
: :  
: :

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

FILED  
PROTHONOTARY  
2007 MAR -8 A 11:15  
CLERK OF COURTS OFFICE  
COUNTY OF COLUMBIA, PA

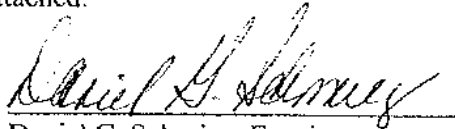
**PRAECIPE FOR IN REM JUDGMENT FOR FAILURE TO  
ANSWER AND ASSESSMENT OF DAMAGES**

TO THE PROTHONOTARY:

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

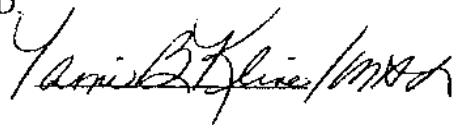
As set forth in Complaint	\$57,567.28
Interest - 12/19/06 TO 3/7/07	\$ 957.48
TOTAL	\$58,524.76

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

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

DAMAGES ARE HEREBY ASSESSED AS INDICATED.

DATE Mar 8, 2007



PRO PROTHY

|

**EXHIBIT “C”**

# SHERIFF'S SALE

## Distribution Sheet

Deutsche Bank National Trust Co.

vs. Barbara Belles

NO. 1846-2006

JD

DATE OF SALE: October 24, 2007

NO. 154-2007

ED

I HEREBY CERTIFY AND RETURN, That in obedience to and by virtue of the within writ, to me directed, I seized and took into execution the within described real estate, and after having given due legal and timely notice of the time and place of sale, by advertisements in divers public newspapers and by handbills set up in the most public places in my bailiwick, I did on (date) October 24, 2007 and (time) 9:30 am, of said day at the Court House, in the Town of Bloomsburg, Pennsylvania, expose said premises to sale at public vendue or outcry, when and where I sold the same to Deutsche Bank National Trust Co. for the price or sum of \$73,440.00 (Seventy Three Thousand Four Hundred Forty and 00/100) Dollars.

Deutsche Bank National Trust

being the

highest and best bidder, and that the highest and best price bidden for the same; which I have applied as follows:

Bid Price .....	\$ 72,000.00
Poundage .....	1,440.00
Transfer Taxes .....	-0-

Total Needed to Purchase ..... \$ 73,440.00

Amount Paid Down ..... 1,350.00

Balance Needed to Purchase ..... 72,090.00

## EXPENSES:

Columbia County Sheriff - Costs .....	\$ 375.00
Poundage .....	1,440.00

\$ 1,815.00

Newspaper ..... 699.64

Printing ..... -0-

Solicitor ..... 75.00

Columbia County Prothonotary ..... 10.00

Columbia County Recorder of Deeds - Deed copy work 41.50

Realty transfer taxes -0-

State stamps -0-

Tax Collector ( ) -0-

Columbia County Tax Assessment Office ..... 5.00

State Treasurer ..... 110.00

Other: ..... 150.00

250.00

10.00

TOTAL EXPENSES: \$ 3,166.14

Total Needed to Purchase \$ 73,440.00

Less Expenses 3,166.14

Net to First Lien Holder 65,133.10

Plus Deposit 1,350.00

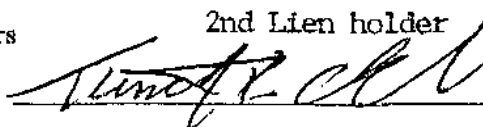
Total to First Lien Holder \$ 66,483.10

2nd Lien holder 6,956.90

Sheriff's Office, Bloomsburg, Pa.

So answers

November 7, 2007



Sheriff

### VERIFICATION

I, Michael E. Carleton, Esquire, hereby state that I am the attorney for the Plaintiff herein and am authorized to make this verification. I hereby verify that the information contained in Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P., 3136(d) is true and correct to the best of my knowledge, information and belief. I am aware that this verification is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Respectfully submitted,

PHELAN HALLINAN AND SCHMIEG, LLP

Date: November 16, 2007

By: \_\_\_\_\_

  
Daniel G. Schmieg, Esq.  
Attorney for Plaintiff

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

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

Vs.

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

Attorney for Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

#### CERTIFICATE OF SERVICE

I, Daniel G. Schmieg, Esquire, hereby certify that true and correct copies of the Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P. Rule 3136(d), and Brief were served upon the following:

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815

Barbara A. Belles  
221 Central Road, Apt 1  
Bloomsburg, PA 17815

Tenant/Occupant  
6790 Jefferson Street  
Bloomsburg, PA 17815

Office of the Sheriff  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815

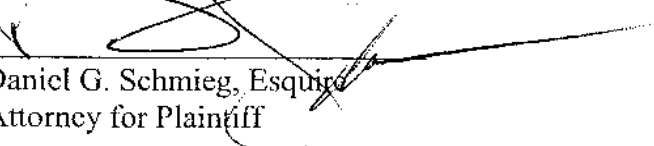
Commonwealth of Pennsylvania  
Department of Welfare  
P.O. Box 2675  
Harrisburg, PA 17105

Domestic Relations of Columbia County  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815

Aegis Funding, d/b/a Aegis Home Equity  
1855 W. Baseline Road #200  
Mesa, AZ 85202

Respectfully submitted,  
**PHILAN HALLINAN & SCHMIEG, LLP**

Dated: November 16, 2007

By:   
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

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ATTORNEY FILE COPY  
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Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center Plaza, Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

Attorney for Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

Vs.

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

**EXCEPTIONS TO SHERIFF'S SALE DISTRIBUTION**  
**PURSUANT TO PA.R.C.P. RULE 3136(d)**

And now comes Plaintiff, Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, by and through its counsel, Phelan Hallinan & Schmieg, LLP, and prays that this Honorable Court grant Plaintiff's Exceptions to Sheriff's Sale Distribution of Proceeds for the following reasons:

1. The Plaintiff is Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, the holder of that certain Mortgage dated August 30, 2004 and

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

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

Vs.

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

Attorney for Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

**BRIEF IN SUPPORT OF PLAINTIFF'S  
EXCEPTIONS TO DISTRIBUTION**

**I. FACTUAL BACKGROUND**

The Plaintiff is Deutsche Bank National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, the holder of that certain Mortgage dated August 20, 2004 and recorded August 26, 2004 at Mortgage Book 2004, Page 09865 in the Columbia County Recorder's Office by virtue of assignment recorded April 30, 2007 at Instrument Number 200704309. The underlying loan became delinquent

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

Deutsche Bank, National Trust Company, As  
Trustee for Morgan Stanley ABS Capital I Inc.  
Trust 2005-HE1 Mortgage Pass-Through  
Certificates, Series 2005-HE1  
Plaintiff

Vs.

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815  
Defendant

Attorney for Plaintiff

: Court Of Common Pleas  
:  
: Civil Division  
:  
: Columbia County, Pennsylvania  
:  
: 2006-CV-1846

### CERTIFICATE OF SERVICE

I, Daniel G. Schmieg, Esquire, hereby certify that true and correct copies of the Plaintiff's Exceptions to Sheriff's Sale Distribution Pursuant to Pa.R.C.P. Rule 3136(d), and Brief were served upon the following:

Barbara A. Belles  
6790 Jefferson Street  
Bloomsburg, PA 17815

Office of the Sheriff  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815

Barbara A. Belles  
221 Central Road, APT 1  
Bloomsburg, PA 17815

Commonwealth of Pennsylvania  
Department of Welfare  
P.O. Box 2675  
Harrisburg, PA 17105

Tenant/Occupant  
6790 Jefferson Street  
Bloomsburg, PA 17815

ATTORNEY FILE COPY  
PLEASE RETURN

One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Phone: 215-563-7000  
Fax: 215-567-0072  
Email: patricia.mcnally@phelphe.com

PHELAN HALLINAN &  
SCHMIEG, LLP

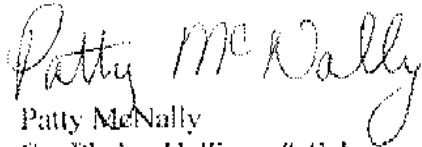
# Fax

To:	Columbia Sheriff's Office	From:	Patty McNally
Fax:	570-389-5625	Date:	11/15/2007
Phone:		Pages:	4 (Including cover page)
Re:	Barbara Belles Foreclosure Court # 2006-CV-1846	Attn:	Sheriff Timothy T. Chamberlain

Dear Sheriff Chamberlain:

Attached please find our claim letter with regard to the above foreclosure action. I apologize, I had forgotten to send this to you following the sale. Attorney Dan Schmieg was a little confused regarding the distribution.

Very truly yours,



Patty McNally  
For Phelan Hallinan & Schmieg, LLP

**Phelan Hallinan & Schmieg, LLP**

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Suite 1400

Philadelphia, PA 19103-1814

(215) 563-7000

Fax (215) 567-0072

Email: patricia.mcnelly@fedphc.com

Patricia McNally  
Extension 1221Representing Lenders in  
Pennsylvania and New Jersey

November 15, 2007

Office of the Sheriff  
Columbia County Courthouse  
P.O. Box 380  
Bloomsburg, PA 17815  
ATTN: Real Estate Coordinator

RE: Deutsche Bank, National Trust Company, As Trustee for Morgan Stanley ABS Capital I  
Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1  
v. Barbara A. Belles  
No.: 2006-CV-1846  
Premises: 6790 Jefferson Street  
Bloomsburg, PA 17815  
Sale Price: \$ 72,000.00

Dear Sir or Madam:

Please be advised that our office represents the plaintiff, Deutsche Bank, National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1, with respect to the Sale of this property. Our office obtained a Judgment in the amount \$58,524.76 on March 8, 2007.

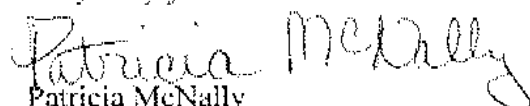
Unfortunately, our client incurred additional expenditures associated with the above referenced action for the payment of taxes, hazard insurance and other charges since the filing of the foreclosure Complaint. These amounts were not included in our mortgage foreclosure judgment because they were incurred after the filing of the complaint. However, these charges can be included in the amount to be distributed to our client in accordance with recent Pennsylvania case law. Specifically, the Superior Court of Pennsylvania held in the case of Extraco Mortgage v. Williams, 2002 Pa. Super. 246, 805 A.2d 543 (2002) that payments for taxes, insurance, and other costs relate back to the date of the Mortgage for priority and that those amounts can be collected in distribution of third party sale proceeds even if they were not claimed in the mortgage foreclosure Complaint or included in the judgment amount.

As you know the successful bid was \$72,000.00. The correct amount for distribution to Plaintiff is \$72,935.58. As our claim is in excess of the amounts generated by sale, we are entitled to the balance of the amounts distributable following payment of costs and municipal liens, which are first liens by operation of law. Of course, we should also receive reimbursement for the initial deposit monies of \$1,350.00.

Please review this matter with the title company insuring distribution and ensure that the distribution reflects the proper amount due. Once the Schedule of Distribution is completed, we would greatly appreciate it if your office could fax us a copy at the above fax number.

Thank you for your cooperation with respect to this matter. If you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Patricia McNally".

Patricia McNally

For Phelan Hallinan & Schmieg, LLP

**PHELAN HALLINAN & SCHMIEG, L.L.P.**

By: Daniel G. Schmieg, Esquire  
Atty. I.D. No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
215-563-7000

ATTORNEY FOR PLAINTIFF

Deutsche Bank, National Trust Company,  
As Trustee for Morgan Stanley ABS Capital  
I Inc. Trust 2005-HE1 Mortgage Pass-  
Through Certificates, Series 2005-HE1

COURT OF COMMON PLEAS  
CIVIL DIVISION

v.

Barbara A. Belles

NO. 2006-CV-1846

**CLAIM**

To the Sheriff of Columbia County, Pennsylvania:


Plaintiff, by and through its attorney, Phelan Hallinan & Schmieg, L.L.P., Deutsche Bank, National Trust Company, As Trustee for Morgan Stanley ABS Capital I Inc. Trust 2005-HE1 Mortgage Pass-Through Certificates, Series 2005-HE1 does hereby file a Claim against the Proceeds of a Sheriff's Sale held on October 24, 2007 of premises situate at 6790 Jefferson Street, Bloomsburg, PA 17815. Plaintiff is the holder of a mortgage recorded August 26, 2004, in Mortgage Book 2004, Page 09865.

Principal	\$ 53,615.62
Interest	\$ 5,502.52
Late Charges	\$ 352.27
Corporate Advance	\$ 7,127.64
Attorney Fees	\$ 2,680.00
Property Inspections	\$ 20.59
Escrow Deficit	\$ 2,286.94

---

**Sub-Total** \$ 71,585.58**Reimbursement of****Sheriff's Deposit** \$ 1,350.00

---

**Total** \$ 72,935.58Date: 11-15-07  
Daniel G. Schmieg, Esquire

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

PHILAN HALLINAN & SCHMIEG LLP  
ATTORNEY ESCROW ACCOUNT  
ONE PENN CENTER, SUITE 1400  
PHILADELPHIA, PA 19103-1814

COMMERCE BANK  
PHILADELPHIA, PA 19148  
3-180/360

CHECK NO  
643096

DATE	AMOUNT
11/12/2007	*****1,816.14

JMC 11/12/2007

Pay ONE THOUSAND EIGHT HUNDRED SIXTEEN AND 14/100 DOLLARS

Void after 180 days

To The  
Order  
Of  
Sheriff of Columbia County  
35 W Main Street  
Bloomsburg, PA 17815

*Travis S. Hallinan*

SECURE  
MICROPRINT  
REACTIVE PAPER

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT

⑈643096⑈ ⑆036001808⑆36 150866 6⑈

PO Box 380  
Bloomsburg, PA 17815

Phone 570-389-5622  
Fax 570-389-5625

## COLUMBIA COUNTY SHERIFF'S OFFICE

# Fax

**To:** Nora

**From:** Sheriff Timothy T. Chamberlain

**Fax:**

**Pages:** 4

**Phone:**

**Date:** November 7, 2007

**Re:** Barbara Belles Foreclosure

**CC:**

☐ **Urgent**    ☐ **For Review**    ☐ **Please Comment**    ☐ **Please Reply**    ☐ **Please Recycle**

● **Comments:**

Since the bid was in excess of the judgement my solicitor has advised me to prepare a schedule of distribution, which shows the amount (\$6,956.90) owed to the second mortgage holder. Also I have attached a cost sheet showing the amount due on the costs of sale (\$1,816.14). Before I can prepare a deed \$8,773.04 must be paid the the sheriff's office. If you have any questions please call me.

Amount owed to first mortgage holder is \$66,483.10.

Judgement	\$58,524.76
Cost	\$4,376.50
Interest	\$2,231.84
Deposit	\$1,350.00
<b>Total</b>	<b>\$66,483.10</b>

STATE OF PENNSYLVANIA  
COUNTY OF COLUMBIA                      1 SS

Paula J. Barry 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 that day and on the attached notice

October 3, 10, 17, 2007 as printed and published; that the affiant is one of the officers or publisher or designated agent of the owner or publisher of said newspaper in which legal advertisement 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.

Sworn and subscribed to before me this 10th day of October 2007

(Notary Public)

My commission expires  
COMMONWEALTH OF PENNSYLVANIA  
Notarial Seal  
Dennis L. Ashenfelter, Notary Public  
Scott Twp., Columbia County  
My Commission Expires July 3, 2011  
Member, Pennsylvania Association of Notaries

And now,....., 20....., 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.



PHELAN HALLINAN & SCHMIEG, LLP  
1617 JFK Boulevard, Suite 1400  
Philadelphia, PA 19103-1814  
Automated Attendant # 215-320-0007 ext 1478  
Operated Assisted # 215-563-7000 ext 1478  
Fax # 215-563-8656  
Lisa.Steinman@fedphe.com

September 27, 2007

Office of the Sheriff  
COLUMBIA County Courthouse

RE: DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR  
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2005-HE1  
v. BARBARA A. BELLES  
COLUMBIA COUNTY, NO. 2006-CV-1846

RE: AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129  
Dear Sir or Madam:

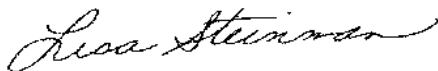
Enclosed please find the following:

XX Affidavit of service pursuant to rule 3129 with attachments.

Please find attached a copy of the original Affidavit of service pursuant to rule 3129, which has been sent for filing with the COLUMBIA County Prothonotary's Office as of the date of this letter.

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

Yours truly,



LISA STEINMAN  
For PHELAN HALLINAN & SCHMIEG, LLP

**\*\*\*PROPERTY IS LISTED FOR THE 10/24/07 SHERIFF'S SALE.\*\*\***

IN THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY, PENNSYLVANIA

RE: DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR  
MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2005-HE1

) CIVIL ACTION

vs.

BARBARA A. BELLES

) CIVIL DIVISION  
) NO. 2006-CV-1846

**AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129**

COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF COLUMBIA )

SS:

I, DANIEL G. SCHMIEG, ESQUIRE attorney for **DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1** hereby verify that true and correct copies of the Notice of Sheriff's sale were served by certificate of mailing to the recorded lienholders, and any known interested party see Exhibit "A" attached hereto.

DATE: September 27, 2007

  
DANIEL G. SCHMIEG, ESQUIRE  
Attorney for Plaintiff

Name and  
Address  
of Sender

PHILAN HALLINAN & SCHMIEG LLC  
ONE PENN CENTER PLAZA, SUITE 1400  
PHILADELPHIA, PA 19103-1814

TEAM 3

*Supplied*

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	*****	TENANT/OCCUPANT 6790 JEFFERSON STREET BLOOMSBURG, PA 17815		
2	*****	DOMESTIC RELATIONS OF COLUMBIA COUNTY COLUMBIA COUNTY COURTHOUSE P.O. BOX 380 BLOOMSBURG, PA 17815		
3		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE P.O. BOX 2675 HARRISBURG, PA 17105		
4		AEGIS FUNDING, D/B/A AEGIS HOME EQUITY 1855 W. BASELINE ROAD# 200 MESA, AZ 85202		
5				
6				
7				
8				
9				
10				
11				
12				
13				
15		RE:BARBARA A. BELLES      PHS #145754.      TEAM 3/SXM		
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	Postmaster, Per (Name of Receiving Employee)	

02 1M  
0004218010  
AUG 16 2007  
\$ 01.400  
MAILED FROM ZIP CODE 19103  
UNITED STATES POSTAGE  
EIGHTY BOWS



154

**Phelan Hallinan & Schmieg, LLP**

1617 JFK Boulevard, Suite 1400

Philadelphia, PA 19103-1814

215-320-0007

Fax: 215-563-7009

Kevin.Olinger@fedphc.com

Kevin Olinger  
Legal Assistant, Ext. 1365

Representing Lenders in  
Pennsylvania and New Jersey

September 26, 2007

Office of the Sheriff  
Columbia County Courthouse  
35 W. Main Street  
Bloomsburg, PA 17815

**DEUTSCHE BANK, NATIONAL TRUST COMPANY,  
AS TRUSTEE FOR MORGAN STANLEY ABS  
CAPITAL I INC. TRUST 2005-HE1 MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2005-HE1**

vs.

**BARBARA A. BELLES  
COLUMBIA- No. 2006-CV-1846  
Action in Mortgage Foreclosure  
Premises: 6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815**

Dear Sir/Madam:

Enclosed are Affidavits of Service for the above captioned matter for filing with your office. We have forwarded copies of the same to the Prothonotary.

If you have any questions regarding this matter, please do not hesitate to contact this office. Thank you for your cooperation.

Sincerely,

KXO

Kevin Olinger  
Enclosure

TWO (2) ATTEMPTS!

AFFIDAVIT OF SERVICE

Plaintiff: DEUTSCHE BANK, NATIONAL TRUST COMPANY,  
AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC.  
TRUST 2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1

Columbia County  
No 2006-CV-1846

Our File#145754  
Type of Action  
- Notice of Sheriff's Sale

Defendant(s): BARBARA A. BELLES

Serve: BARBARA A. BELLES  
Address: 6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

Sale Date: 10-24-07

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

SERVED

Served and made known to BARBARA A. BELLES, Defendant, on the 8th day of SEPTEMBER  
2007 at 5:50 o'clock P.m., at 221 CENTRAL RD Apt 1, BLOOMSBURG, Commonwealth of PA, in the  
manner described below:

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

Description: Age 44 Height 5'5" Weight 200 Race W Sex F Other \_\_\_\_\_

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

Sworn to and subscribed  
before me this 8 day  
of Sept, 2007  
Notary: \_\_\_\_\_

By:

Ronald Moll

NOT SERVED

On the 8th day of September, 2007, at 4:10 o'clock P.m., Defendant NOT FOUND because:

☒ Moved ☐ Unknown ☐ No Answer ☒ Vacant

Other: 1<sup>ST</sup> ATTEMPT

2<sup>ND</sup> ATTEMPT

3<sup>RD</sup> ATTEMPT

Sworn to and subscribed  
before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007.

Notary:

By:

Attorney for Plaintiff

Daniel G. Schmieg, Esquire - I.D. No. 62205  
One Penn Center at Suburban Station-Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000

@ 221 Center Rd Apt. 1  
Bloombsburg, PA

Investigation disclosed that  
Defendant currently resides

TIMOTHY T. CHAMBERLAIN



SHERIFF OF COLUMBIA COUNTY  
COURT HOUSE - P.O. BOX 380  
BLOOMSBURG, PA 17815  
FAX: (570) 389-5625

PHONE  
(570) 389-5622

24 HOUR PHONE  
(570) 784-6300

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

DEUTSCHE BANK NATIONAL TRUST

VS.

BARBARA BELLES

WRIT OF EXECUTION #154 OF 2007 ED

POSTING OF PROPERTY

September 19, 2007      POSTED A COPY OF THE SHERIFF'S SALE BILL ON THE  
PROPERTY OF BARBARA BELLES. AT 6790 JEFFERSON STREET BLOOMSBURG  
COLUMBIA COUNTY PENNSYLVANIA. SAID POSTING PERFORMED BY  
COLUMBIA COUNTY SHERIFF TIMOTHY CHAMBERLAIN.

SO ANSWERS:

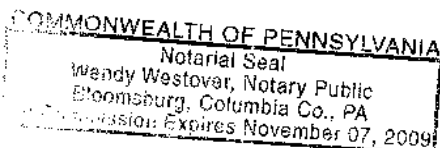
DEPUTY SHERIFF

  
TIMOTHY T. CHAMBERLAIN  
SHERIFF

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2007





TIMOTHY T. CHAMBERLAIN



SHERIFF OF COLUMBIA COUNTY  
COURT HOUSE - P.O. BOX 380  
BLOOMSBURG, PA 17815  
FAX: (570) 389-5625

PHONE  
(570) 389-5622

24 HOUR PHONE  
(570) 784-6300

DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL INC. TRUST 2005-  
HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005 HE1

VS

Docket # 154ED2007

MORTGAGE FORECLOSURE

BARBARA A. BELLES

AFFIDAVIT OF SERVICE

NOW, THIS MONDAY, AUGUST 13, 2007, AT 11:35 AM, SERVED THE WITHIN MORTGAGE  
FORECLOSURE UPON BARBARA BELLES AT BLOOMSBURG FAIR OFFICE,  
BLOOMSBURG BY HANDING TO BARBARA BELLES, A TRUE AND ATTESTED COPY OF  
THE ORIGINAL WRIT AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

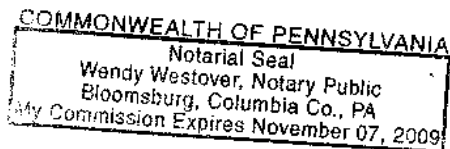
SO ANSWERS,

*Timothy T. Chamberlain*

SHERIFF TIMOTHY T. CHAMBERLAIN

SWORN AND SUBSCRIBED BEFORE ME  
THIS MONDAY, AUGUST 13, 2007

*Wendy Westover*  
NOTARY PUBLIC



X *C. Carroll*  
C. CARROLL

DEPUTY SHERIFF

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 8/8/2007

SERVICE# 1 - OF - 11 SERVICES  
DOCKET # 154ED2007

PLAINTIFF DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR MORGAN STANLEY ABS CAPITAL INC.  
TRUST 2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005 HE1

DEFENDANT BARBARA A. BELLES  
ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
BARBARA BELLES	MORTGAGE FORECLOSURE
6790 JEFFERSON STREET	
BLOOMSBURG	

SERVED UPON BARBARA BELLES

RELATIONSHIP DEFENDANT IDENTIFICATION \_\_\_\_\_

DATE 8/13/07 TIME 1135 MILEAGE \_\_\_\_\_ OTHER \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_ Age \_\_\_\_\_ Military \_\_\_\_\_

TYPE OF SERVICE: ☒ A. PERSONAL SERVICE AT POA \_\_\_\_\_ POB \_\_\_\_\_ POE ☒ CCSO \_\_\_\_\_  
B. HOUSEHOLD MEMBER: 18+ YEARS OF AGE AT POA \_\_\_\_\_  
C. CORPORATION MANAGING AGENT \_\_\_\_\_  
D. REGISTERED AGENT \_\_\_\_\_  
E. NOT FOUND AT PLACE OF ATTEMPTED SERVICE \_\_\_\_\_

☒ F. OTHER (SPECIFY) POE - SERVED AT  
BLOOMINGDALE FAIR OFFICE

ATTEMPTS	DATE	TIME	OFFICER	REMARKS
	<u>8/13/07</u>	<u>0915</u>	<u>S-9</u>	<u>APPEARS VACANT</u> <u>N.A. - L.C. CPO</u>

DEPUTY B. A. Carroll DATE 8/13/07



# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 8/8/2007

SERVICE# 4 - OF - 11 SERVICES  
DOCKET # 154ED2007

PLAINTIFF

DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR MORGAN STANLEY ABS CAPITAL INC.  
TRUST 2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005 HE1

DEFENDANT  
ATTORNEY FIRM

BARBARA A. BELLES  
PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED
LINDA FEDDER-TAX COLLECTOR
6390 THIRD STREET
BLOOMSBURG

PAPERS TO SERVED  
MORTGAGE FORECLOSURE

SERVED UPON LINDA FEDDER

RELATIONSHIP TAX COLLECTOR IDENTIFICATION \_\_\_\_\_

DATE 8/13/07 TIME 0910 MILEAGE \_\_\_\_\_ OTHER \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_ Age \_\_\_\_\_ Military \_\_\_\_\_

TYPE OF SERVICE: ☒ A. PERSONAL SERVICE AT POA ☒ POB \_\_\_\_\_ POE \_\_\_\_\_ CCSO \_\_\_\_\_  
B. HOUSEHOLD MEMBER: 18+ YEARS OF AGE AT POA  
C. CORPORATION MANAGING AGENT  
D. REGISTERED AGENT  
E. NOT FOUND AT PLACE OF ATTEMPTED SERVICE

F. OTHER (SPECIFY) \_\_\_\_\_

ATTEMPTS  
DATE

TIME

OFFICER

REMARKS

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DEPUTY

E. J. Carroll

DATE 8/13/07

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 8/8/2007

SERVICE# 5 - OF - 11 SERVICES  
DOCKET # 154ED2007

PLAINTIFF

DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR MORGAN STANLEY ABS CAPITAL INC.  
TRUST 2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005 HE1

DEFENDANT  
ATTORNEY FIRM

BARBARA A. BELLES  
PHELAN HALLINAN AND SCHMIEG

<b>PERSON/CORP TO SERVED</b>
DOMESTIC RELATIONS
15 PERRY AVE.
BLOOMSBURG

**PAPERS TO SERVED**  
MORTGAGE FORECLOSURE

SERVED UPON HAUREN COLE

RELATIONSHIP Customer Service IDENTIFICATION \_\_\_\_\_

DATE 8-13-7 TIME 0845 MILEAGE \_\_\_\_\_ OTHER \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_ Age \_\_\_\_\_ Military \_\_\_\_\_

TYPE OF SERVICE: A. PERSONAL SERVICE AT POA \_\_\_\_\_ POB \_\_\_\_\_ POE \_\_\_\_\_ CCSO \_\_\_\_\_  
B. HOUSEHOLD MEMBER: 18+ YEARS OF AGE AT POA  
C. CORPORATION MANAGING AGENT  
D. REGISTERED AGENT  
E. NOT FOUND AT PLACE OF ATTEMPTED SERVICE

F. OTHER (SPECIFY) \_\_\_\_\_

ATTEMPTS  
DATE

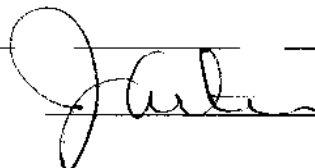
TIME

OFFICER

REMARKS

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DEPUTY



DATE 8-13-7

COUNTY OF COLUMBIA  
REAL ESTATE TAX CERTIFICATION

Date: 08/13/2007

Fee: \$5.00

Cert. NO: 3730

BELLES BARBARA A  
6790 JEFFERSON STREET  
BLOOMSBURG PA 17815

District: CENTRE SOUTH TWP  
Deed: 20040 -9864  
Location: LOT 30 LINCOLN MANOR  
Parcel Id:12 -03D-068-00,000

Assessment: 26,136  
Balances as of 08/13/2007

YEAR	TAX TYPE	TAX AMOUNT	PENALTY	DISCOUNT	PAID	BALANCE
	NO TAX CLAIM TAXES DUE					

By: Timothy T. Chamberlain, Sheriff

Per: dm.

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 8/8/2007

SERVICE# 8 - OF - 11 SERVICES  
DOCKET # 154ED2007

PLAINTIFF

DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR MORGAN STANLEY ABS CAPITAL INC.  
TRUST 2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005 HE1

DEFENDANT  
ATTORNEY FIRM

BARBARA A. BELLES  
PHELAN HALLINAN AND SCHMIEG

<b>PERSON/CORP TO SERVED</b>
COLUMBIA COUNTY TAX CLAIM
PO BOX 380
BLOOMSBURG

**PAPERS TO SERVED**  
MORTGAGE FORECLOSURE

SERVED UPON DEB Miller

RELATIONSHIP Clerk IDENTIFICATION \_\_\_\_\_

DATE 8-13-7 TIME 0805 MILEAGE \_\_\_\_\_ OTHER \_\_\_\_\_

Race \_\_\_\_\_ Sex \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Eyes \_\_\_\_\_ Hair \_\_\_\_\_ Age \_\_\_\_\_ Military \_\_\_\_\_

TYPE OF SERVICE: A. PERSONAL SERVICE AT POA \_\_\_\_\_ POB ☒ POE \_\_\_\_\_ CCSO \_\_\_\_\_  
B. HOUSEHOLD MEMBER: 18+ YEARS OF AGE AT POA  
C. CORPORATION MANAGING AGENT  
D. REGISTERED AGENT  
E. NOT FOUND AT PLACE OF ATTEMPTED SERVICE

F. OTHER (SPECIFY) \_\_\_\_\_

ATTEMPTS  
DATE

TIME

OFFICER

REMARKS

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DEPUTY

J. Carter

DATE 8-13-7

REAL ESTATE OUTLINE

ED # 184-07

DATE RECEIVED 8-8-07  
DOCKET AND INDEX 8-16-07

CHECK FOR PROPER INFO.

WRIT OF EXECUTION	<u>✓</u>	
COPY OF DESCRIPTION	<u>✓</u>	
WHEREABOUTS OF LKA	<u>✓</u>	
NON-MILITARY AFFIDAVIT	<u>✓</u>	
NOTICES OF SHERIFF SALE	<u>✓</u>	
WATCHMAN RELEASE FORM	<u>✓</u>	
AFFIDAVIT OF LIENS LIST	<u>✓</u>	
CHECK FOR \$1,350.00 OR _____	<u>✓</u>	CK# <u>617789</u>

**\*\*IF ANY OF ABOVE IS MISSING DO NOT PROCEED\*\***

SALE DATE	<u>Oct. 24, 07</u>	TIME <u>0930</u>
POSTING DATE	<u>Sept. 16, 07</u>	
ADV. DATES FOR NEWSPAPER	1 <sup>ST</sup> WEEK <u>Oct</u>	
	2 <sup>ND</sup> WEEK <u>  </u>	
	3 <sup>RD</sup> WEEK <u>  </u>	

# SHERIFF'S SALE

WEDNESDAY OCTOBER 24, 2007 AT 9:30 AM

BY VIRTUE OF A WRIT OF EXECUTION NO. 154 OF 2007 ED AND CIVIL WRIT NO. 1846 OF 2006 JD 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 BIDDER, FOR CASH, IN A COURTROOM OR SHERIFF'S OFFICE, TO BE ANNOUNCED, AT THE COLUMBIA COUNTY COURTHOUSE, BLOOMSBURG, PENNA., 17815, ALL THE RIGHT AND TITLE AND INTEREST TO THE DEFENDANTS IN AND TO:

ALL that certain piece, parcel or tract of land situate in South Center Township, County of Columbia and Commonwealth of Pennsylvania, bounded and described as follows, to wit:-

BEGINNING at a point on the southern side of Jefferson Street and at the northeast corner of Lot No. 29; THENCE along the southern side of Jefferson Street, North 90 degrees East, 105 feet, more or less, to a point; THENCE South 24 degrees, 35 minutes East, 165 feet, more or less, to a point; THENCE South 90 degrees West, 170 feet, more or less, to a post on the eastern side of Lot No. 29; THENCE by the same, North 0 degrees East, 145.2 feet to the PLACE OF BEGINNING.

BEING known and designated as Lot No. 30 in the Lincoln Manor Addition to South Center Township.

BEING the same property sold and conveyed to David A. Belles and Barbara A. Belles, his wife, by Deed of Randall D. Fedder and Carla J. Fedder, his wife, said deed dated November 10, 1977 and recorded November 18, 1977 at the Columbia County Recorder's Office to Deed Book No. 284, at page 613.

Premises being: 6790 JEFFERSON STREET, BLOOMSBURG, PA 17815

Tax Parcel #12-03D-068-00,000

## TERMS OF SALE

**MINIMUM PAYMENT AT TIME OF SALE:** The greater of ten (10%) percent of the bid price or costs (opening bid at sale). Minimum payment is to be paid in cash, certified check or cashier's check at time of sale.

**REMAINING BALANCE OF BID PRICE:** Any remaining amount of the bid price is to be paid within (8) days after the sale is cash, certified check or cashier's check.

**IMPORTANT NOTICE FOR FAILURE TO PAY BID PRICE: FAILURE TO PAY THE BID PRICE IN ACCORDANCE WITH THESE TERMS MAY RESULT IN SERIOUS FINANCIAL CONSEQUENCES TO THE BIDDER. DO NOT BID UNLESS FUNDS ARE AVAILABLE FOR PAYMENT WITHIN THE PRESCRIBED TIME PERIOD.**

If the successful bidder fails to pay the bid price as per the above terms, the Sheriff may elect either to sue the bidder for the balance due without a resale of the property, or to resell the property at the bidder's risk and maintain an action against the bidder for breach of contract. In the case of a default all sums paid by bidder will be considered forfeited, but will be applied against any damages recoverable. The defaulting bidder will be responsible for any attorney fees incurred by the Sheriff in connection with any action against the bidder in which the bidder is found liable for damages.

Plaintiff's Attorney  
Daniel G. Schmieg  
1617 John F. Kennedy Blvd  
Philadelphia, PA 19103

Sheriff of Columbia County  
Timothy T. Chamberlain  
[www.sheriffofcolumbiacounty.com](http://www.sheriffofcolumbiacounty.com)

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Plaintiff's Attorney  
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Philadelphia, PA 19103

Sheriff of Columbia County  
Timothy T. Chamberlain  
[www.sheriffofcolumbiacounty.com](http://www.sheriffofcolumbiacounty.com)

|

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

DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST  
2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1

vs.  
BARBARA A. BELLES

IN THE COURT OF COMMON PLEAS OF  
COLUMBIA COUNTY, PENNSYLVANIA

No. 2006-CV-1846 Term 200  

*2007-ED 154*

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Commonwealth of Pennsylvania:

County of

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 property  
(specifically described property below):

PREMISES: 6790 JEFFERSON STREET, BLOOMSBURG, PA 17815  
(See Legal Description attached)

Amount Due	<u>\$58,524.76</u>
Additional Fees and Costs	<u>\$4,376.50</u>
Interest from 3/7/07 to Sale	\$..... and costs.
at \$9.62per diem	

Dated August 8, 2007  
(SEAL)

Jami B. Kline  
(Clerk) Office of the Prothy Support, Common Pleas Court  
of Columbia County, Penna.



DESCRIPTION

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Premises being: 6790 JEFFERSON STREET, BLOOMSBURG, PA 17815

Tax Parcel #12-03D-068-00,000

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

**Attorney for Plaintiff**

**DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST 2005-HE1  
MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2005-HE1  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618**

**Plaintiff,**

**v.**

**BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815**

: **COLUMBIA COUNTY**  
:  
: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **NO. 2006-CV-1846**

: *2007-ED-154*

:  
:  
:  
:  
:  
:

**Defendant(s).**

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

**DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2005-HE1**, Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the  
date the Praecept for the Writ of Execution was filed, the following information concerning the real property located  
at **6790 JEFFERSON STREET, BLOOMSBURG, PA 17815**.

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

NAME

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

**BARBARA A. BELLES**

**6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815**

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

NAME

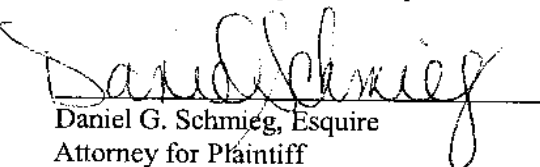
LAST KNOWN ADDRESS (If address cannot be  
reasonably ascertained, please so indicate.)

**SAME AS ABOVE**

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:
- | NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|------|---|
| NONE |   |
4. Name and address of the last recorded holder of every mortgage of record:
- | NAME  | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|---|---|
| <b>AEGIS FUNDING, D/B/A AEGIS HOME EQUITY</b> | <b>1855 W. BASELINE ROAD# 200<br/>MESA, AZ 85202</b>                                  |
5. Name and address of every other person who has any record lien on the property:
- | NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|------|---|
| NONE |   |
6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the Sale:
- | NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|------|---|
| NONE |   |
7. Name and address of every other person whom the Plaintiff has knowledge who has any interest in the property which may be affected by the Sale:
- | NAME  | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|---|---|
| TENANT/OCCUPANT                                       | 6790 JEFFERSON STREET<br>BLOOMSBURG, PA 17815   |
| DOMESTIC RELATIONS OF<br>COLUMBIA COUNTY              | COLUMBIA COUNTY COURTHOUSE<br>P.O. BOX 380<br>BLOOMSBURG, PA 17815                    |
| COMMONWEALTH OF PENNSYLVANIA<br>DEPARTMENT OF WELFARE | P.O. BOX 2675<br>HARRISBURG, PA 17105   |

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

August 2, 2007  
Date

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

Attorney for Plaintiff

DEUTSCHE BANK, NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR MORGAN  
STANLEY ABS CAPITAL I INC. TRUST 2005-HE1  
MORTGAGE PASS-THROUGH CERTIFICATES,  
SERIES 2005-HE1  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

Plaintiff,

v.

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

: COLUMBIA COUNTY  
:  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 2006-CV-1846  
:  
: 2007-ED-154  
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Defendant(s).

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BARBARA A. BELLES

6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

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SAME AS ABOVE

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HOME EQUITY**

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MESA, AZ 85202**

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

NAME

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

NONE

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

NAME

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

NONE

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

NAME

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

**TENANT/OCCUPANT**

**6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815**

**DOMESTIC RELATIONS OF  
COLUMBIA COUNTY**

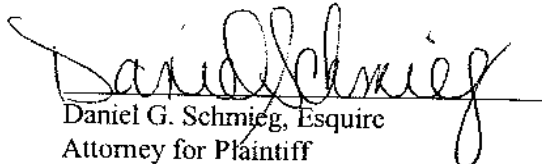
**COLUMBIA COUNTY COURTHOUSE  
P.O. BOX 380  
BLOOMSBURG, PA 17815**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF WELFARE**

**P.O. BOX 2675  
HARRISBURG, PA 17105**

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

August 2, 2007  
Date

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP  
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Identification No. 62205  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
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Attorney for Plaintiff  
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Attorney for Plaintiff

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HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

Plaintiff,

v.

BARBARA A. BELLES  
6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

Defendant(s).

COLUMBIA COUNTY  
COURT OF COMMON PLEAS  
CIVIL DIVISION  
NO. 2006-CV-1846

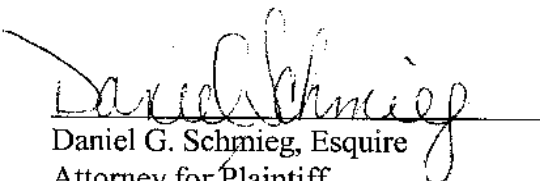
2007-ED-154

CERTIFICATION

Daniel G. Schmieg, Esquire hereby verifies that he is the attorney for the Plaintiff in the above-captioned matter and that the premises is not subject to the provisions of Act 91 because it is:

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

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

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP  
By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center at Suburban Station  
617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
215)563-7000

**Attorney for Plaintiff**

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STANLEY ABS CAPITAL I INC. TRUST 2005-  
HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1  
MAIL STOP: DC-CASH (BY)  
IRVINE, CA 92618

**Plaintiff,**

v.

BARBARA A. BELLES  
5790 JEFFERSON STREET  
BLOOMSBURG, PA 17815

**Defendant(s).**

: COLUMBIA COUNTY  
:  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 2006-CV-1846

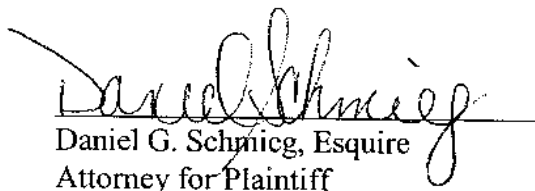
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Attorney for Plaintiff

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By: Daniel G. Schmieg, Esquire  
Identification No. 62205  
One Penn Center at Suburban Station  
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Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

**Attorney for Plaintiff**

<b>DEUTSCHE BANK, NATIONAL TRUST</b>	:	<b>COLUMBIA COUNTY</b>
<b>COMPANY, AS TRUSTEE FOR MORGAN</b>	:	
<b>STANLEY ABS CAPITAL I INC. TRUST 2005-</b>	:	<b>COURT OF COMMON PLEAS</b>
<b>HE1 MORTGAGE PASS-THROUGH</b>	:	
<b>CERTIFICATES, SERIES 2005-HE1</b>	:	<b>CIVIL DIVISION</b>
<b>MAIL STOP: DC-CASH (BY)</b>	:	
<b>IRVINE, CA 92618</b>	:	<b>NO. 2006-CV-1846</b>
	:	<i>2007-ED 154</i>
<b>Plaintiff,</b>	:	
<b>v.</b>	:	
<b>BARBARA A. BELLES</b>	:	
<b>6790 JEFFERSON STREET</b>	:	
<b>BLOOMSBURG, PA 17815</b>	:	

**Defendant(s).**  
**NOTICE OF SHERIFF'S SALE OF REAL PROPERTY**

**TO: BARBARA A. BELLES**  
**6790 JEFFERSON STREET**  
**BLOOMSBURG, PA 17815**

Please be advised that this firm is a debt collector attempting to collect a debt. Any information received will be used for that purpose. If you have previously received a discharge in bankruptcy and this debt was not reaffirmed, this correspondence is not and should not be construed to be an attempt to collect a debt, but only enforcement of a lien against property..

Your house (real estate) at **6790 JEFFERSON STREET, BLOOMSBURG, PA 17815** is scheduled to be sold at Sheriff's Sale on \_\_\_\_\_, at \_\_\_\_\_ a.m., in the Office of the Sheriff at the Columbia County Courthouse, Bloomsburg, PA 17815, to enforce the Court Judgment of **\$58,524.76** obtained by **DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1**, (the Mortgagee) against you. In the event the sale is continued, an announcement will be made at said sale in compliance with Pa.R.C.P., Rule 3129.3.

**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, **DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1**, 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 better chance you will have of stopping the Sale. (See the Notice below 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 a 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 real estate. A Schedule of Distribution of the money bid for real estate will be filed by the Sheriff on \_\_\_\_\_. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reason why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the Schedule of Distribution is filed.
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.

**COLUMBIA COUNTY  
SUSQUEHANNA LEGAL SERVICES  
168 EAST 5<sup>TH</sup> STREET  
BLOOMSBURG, PA 17815  
(570) 784-8760**

DESCRIPTION

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Premises being: 6790 JEFFERSON STREET, BLOOMSBURG, PA 17815

Tax Parcel #12-03D-068-00,000

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.

*David J. Schmitz*  
(Attorney for Plaintiff(s)) (SEAL)

WAIVER OF INSURANCE - Now, \_\_\_\_\_, 20\_\_\_\_, the Sheriff is hereby released from all liability to protect the property described in the within named execution by insurance, which insurance is hereby waived.

*David J. Schmitz*  
(Attorney for Plaintiff(s)) (SEAL)

HARRY A. ROADARMEL

Columbia County, Pa.

Sheriff

Sir: — There will be placed in your hands

for service a Writ of EXECUTION (REAL ESTATE), styled as

follows: DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1 vs BARBARA A. BELLES and

The defendant(s) will be found at 6790 JEFFERSON STREET, BLOOMSBURG, PA 17815

*David J. Schmitz*  
(Attorney for Plaintiff)

If Writ of Execution, state below where defendants will be found, what foods and chattels shall be seized and be levied upon. If real estate, attach five double spaced typed 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.

David Schreyer (SEAL)  
Attorney for Plaintiff(s)

WAIVER OF INSURANCE - Now, 20, the Sheriff is hereby released from all liability to protect the property described in the within named execution by insurance, which insurance is hereby waived.

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David Schreyer  
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See attached legal description

**DESCRIPTION**

ALL that certain piece, parcel or tract of land situate in South Center Township, County of Columbia and Commonwealth of Pennsylvania, bounded and described as follows, to wit:-

BEGINNING at a point on the southern side of Jefferson Street and at the northeast corner of Lot No. 29;

THENCE along the southern side of Jefferson Street, North 90 degrees East, 105 feet, more or less, to a point;

THENCE South 24 degrees, 35 minutes East, 165 feet, more or less, to a point;

THENCE South 90 degrees West, 170 feet, more or less, to a post on the eastern side of Lot No. 29;

THENCE by the same, North 0 degrees East, 145.2 feet to the PLACE OF BEGINNING.

BEING known and designated as Lot No. 30 in the Lincoln Manor Addition to South Center Township.

BEING the same property sold and conveyed to David A. Belles and Barbara A. Belles, his wife, by Deed of Randall D. Fedder and Carla J. Fedder, his wife, said deed dated November 10, 1977 and recorded November 18, 1977 at the Columbia County Recorder's Office to Deed Book No. 284, at page 613.

Premises being: 6790 JEFFERSON STREET, BLOOMSBURG, PA 17815

Tax Parcel #12-03D-068-00,000

DESCRIPTION

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Premises being: 6790 JEFFERSON STREET, BLOOMSBURG, PA 17815

Tax Parcel #12-03D-068-00,000

# SHERIFF'S RETURN

DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS  
TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC.  
TRUST 2005-HE1 MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2005-HE1

Plaintiff

vs.

BARBARA A. BELLES

Defendants

IN THE COURT OF COMMON PLEAS  
OF COLUMBIA COUNTY

No. 2006-CV-1846 CD Term, 200\_\_

WRIT

ISSUED

NOW, \_\_\_\_\_ 200\_\_, I, \_\_\_\_\_ High Sheriff of Columbia County, Pennsylvania,  
do hereby deputize the Sheriff of \_\_\_\_\_ County, Pennsylvania, to execute this Writ. This deputation  
being made at the request and risk of the Plaintiff.

Defendants alleged address is \_\_\_\_\_

\_\_\_\_\_  
Sheriff, Columbia County, Pennsylvania

By \_\_\_\_\_  
Deputy Sheriff

## AFFIDAVIT OF SERVICE

Now, \_\_\_\_\_ 200\_\_ at \_\_\_\_\_ O'Clock \_\_\_\_\_ m., served the within

\_\_\_\_\_ upon \_\_\_\_\_

at \_\_\_\_\_

\_\_\_\_\_ by handing to \_\_\_\_\_

\_\_\_\_\_ a true and correct copy of the original Notice of Sale and made known to \_\_\_\_\_  
the contents thereof.

Sworn and Subscribed before me

So Answers,

this \_\_\_\_\_

day of \_\_\_\_\_ 20\_\_

\_\_\_\_\_  
Notary Public

BY: \_\_\_\_\_  
Sheriff

20, \_\_\_\_\_, See return endorsed hereon by Sheriff of  
County, Pennsylvania, and made a part of this

return

So Answers,

\_\_\_\_\_  
Sheriff

\_\_\_\_\_  
Deputy Sheriff

# SHERIFF'S DEPARTMENT

## SHERIFF SERVICE PROCESS RECEIPT and AFFIDAVIT OF RETURN

INSTRUCTIONS: Please type or print legibly, insuring readability of all copies. Do not detach any copies.

Expiration date

<b>Plaintiff</b> DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1	<b>Court Number</b> 2006-CV-1846
<b>Defendant</b> BARBARA A. BELLES &	<b>Type or Writ of Complaint</b> EXECUTION/NOTICE OF SALE
<b>SERVE</b> <b>AT</b>	
NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SALE. <u>BARBARA A. BELLES</u>	
ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code) _____	
SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE. _____	

**SERVE DEFENDANT WITH THE NOTICE OF SALE.**  
 NOW, \_\_\_\_\_, 200\_, I, Sheriff of COLUMBIA County, PA do hereby deputize the Sheriff of \_\_\_\_\_ County, to execute the within and make return thereof according to law.

\_\_\_\_\_  
 Sheriff of COLUMBIA County, Penna.

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment without liability on the part of such deputy or sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Signature of Attorney or other Originator requesting service on behalf of <u>XX</u> Plaintiff _____ Defendant	<b>Telephone Number</b> (215)563-7000	<b>Date</b> _____
ADDRESS: One Penn Center at Suburban Station, 1617 John F. Kennedy Boulevard, Suite 1400 Philadelphia, PA 19103-1814		

**SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE**

<b>PLAINTIFF</b> _____	<b>Court Number</b> _____
---------------------------	------------------------------

**RETURNED:**

AFFIRMED and subscribed to before me this _____ day of _____, 20____	<b>SO ANSWERS</b> Signature of Dep. Sheriff _____	<b>Date</b> _____
	Signature of Sheriff _____	<b>Date</b> _____
	Sheriff of _____ _____	

# SHERIFF'S DEPARTMENT

## SHERIFF SERVICE PROCESS RECEIPT and AFFIDAVIT OF RETURN

INSTRUCTIONS: Please type or print legibly, insuring readability of all copies. Do not detach any copies.

Expiration date

Plaintiff

DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1

Court Number

2006-CV-1846

Defendant

BARBARA A. BELLES &

Type or Writ of Complaint

EXECUTION/NOTICE OF SALE

**SERVE**

**AT**

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVICE OR DESCRIPTION OF PROPERTY TO BE LEVIED, ATTACHED OR SALE.

ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)

6790 JEFFERSON STREET, BLOOMSBURG, PA 17815

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE.

**PLEASE POST THE PREMISES WITH THE SHERIFF'S HANDBILL OF SALE.**

NOW, \_\_\_\_\_, 200\_\_, I, Sheriff of COLUMBIA County, PA do hereby deputize the Sheriff of \_\_\_\_\_ County, to execute the within and make return thereof according to law.

Sheriff of COLUMBIA County, Penna.

NOTE ONLY APPLICABLE ON WRIT OF EXECUTION: N.B. WAIVER OF WATCHMAN — Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whomever is found in possession, after notifying person of levy or attachment without liability on the part of such deputy or sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Signature of Attorney or other Originator requesting service on behalf of XX Plaintiff

— Defendant

Telephone Number

Date

ADDRESS: One Penn Center at Suburban Station, 1617 John F. Kennedy Boulevard, Suite 1400  
Philadelphia, PA 19103-1814

(215)563-7000

**SPACE BELOW FOR USE OF SHERIFF ONLY — DO NOT WRITE BELOW THIS LINE**

PLAINTIFF

Court Number

RETURNED:

AFFIRMED and subscribed to before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 20

SO ANSWERS

Signature of Dep. Sheriff

Date

Signature of Sheriff

Date

Sheriff of

**Phelan Hallinan & Schmieg, LLP**

One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Phone - (215) 563-7000  
Fax - (215) 563-7009

Peter Tremper  
Ext. 1481

Representing Lenders in  
Pennsylvania and New Jersey

August 2, 2007

Office of the Prothonotary  
Columbia County Courthouse  
35 W. Main Street  
Bloomsburg, PA 17815

**DEUTSCHE BANK, NATIONAL TRUST COMPANY, AS TRUSTEE FOR MORGAN STANLEY ABS  
CAPITAL I INC. TRUST 2005-HE1 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-HE1  
vs.**

**BARBARA A. BELLES  
COLUMBIA- No. 2006-CV-1846  
Action in Mortgage Foreclosure  
Premises: 6790 JEFFERSON STREET  
BLOOMSBURG, PA 17815**

Dear Sir/Madam:


Enclosed issue a Writ of Execution on the above property and transmit the appropriate documents to the Sheriff so that this matter can be placed on the Sheriff's list for the next available Sheriff's Sale.

Also, enclosed please find a check to your order in the amount of \$23.00 and a check to the Sheriff in the amount of \$1,350.00 for payment of fees and costs. Kindly send me your receipt and a time-stamped copy of the Praeipce for Writ in the enclosed self-addressed, stamped envelope provided.

Should you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,

By:



Pete Tremper for  
for Phelan Hallinan & Schmieg, LLP

PJT  
Enclosures



ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

PHILAN HALLINAN & SCHMIEG LLP  
ATTORNEY ESCROW ACCOUNT  
ONE PENN CENTER, SUITE 1400  
PHILADELPHIA, PA 19103-1814

COMMERCE BANK  
PHILADELPHIA, PA 19148

3-180/380

CHECK NO  
617189

Pay ONE THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS

To The  
Order  
Of  
Sheriff of Columbia County  
35 W Main Street  
Bloomsburg, PA 17815

DATE	AMOUNT
08/02/2007	*****1,350.00

Void after 180 days

*Travis S. Hallinan*

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK - TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT

⑈ 617189 ⑈ 036001808⑈ 36 150866 6 ⑈