

# SHERIFF'S SALE COST SHEET

US Bank NA vs. Faught  
 NO. 172-08 ED NO. 1420-08 JD DATE/TIME OF SALE 5/17/08

DOCKET/RETURN	\$15.00	
SERVICE PER DEF.	\$ <u>165.00</u>	
LEVY (PER PARCEL	\$15.00	
MAILING COSTS	\$ <u>55.50</u>	
ADVERTISING SALE BILLS & COPIES	\$17.50	
ADVERTISING SALE (NEWSPAPER)	\$15.00	
MILEAGE	\$ <u>24.00</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>5.50</u>	
NOTARY	\$ <u>10.00</u>	
TOTAL *****		\$ <u>327.50</u>

WEB POSTING	\$150.00	
PRESS ENTERPRISE INC.	\$ <u>655.40</u>	
SOLICITOR'S SERVICES	\$ <u>75.00</u>	
TOTAL *****		\$ <u>806.40</u>

PROTHONOTARY (NOTARY)	\$10.00	
RECORDER OF DEEDS	\$	
TOTAL *****		\$ <u>-0-</u>

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

MUNICIPAL FEES DUE:		
SEWER 20	\$	
WATER 20	\$	
TOTAL *****		\$ <u>-0-</u>

SURCHARGE FEE (DSTE)	\$ <u>120.00</u>	
MISC. <u>Pdgs.</u>	\$ <u>34.31</u>	
TOTAL *****		\$ <u>34.31</u>

TOTAL COSTS (OPENING BID) \$ 1293.21

Refund \$ 56.79

THE LAW OFFICES OF  
BARBARA A. FEIN, P.C.

425 Commerce Drive, Suite 100  
Fort Washington, PA 19034

Barbara A. Fein, Esquire  
Kristen D. Little, Esquire  
Jacqueline F. McNally, Esquire

Phone: (215) 653-7450  
Fax: (215) 653-7454

*Members of Pennsylvania  
and New Jersey Bars*

Direct E-mail: [theresac@lobaf.com](mailto:theresac@lobaf.com)  
Direct Phone Ext. 118

NEW JERSEY OFFICE

20000 Horizon Way, Suite 900  
Mount Laurel, NJ 08054-4318

Phone: (856) 596-5552  
Fax: (856) 596-5589

File No. 08-14930

March 23, 2009

Columbia County Sheriff's Department  
ATTN: Real Estate Division  
**VIA FAX (570) 389-5625**

Re: U.S. Bank National Association, as Trustee,  
v. Joshua Fought a/k/a Joshua J. Fought  
Columbia County CCP Docket No. 2008-CV-1420-MF  
515 North Arch Street, Borough of Berwick, PA

Dear Sir/Madam:

Kindly STAY the above referenced Sheriff's Sale scheduled for March 25, 2009, and announce same at the sale. The Defendant in this matter has reinstated their mortgage by tendering the amount of \$1,715.73, to our client.

Kindly prepare an updated cost sheet, to include Sheriff's poundage, and forward same to my attention as soon as possible. Thank you for your assistance. If you have any questions, please do not hesitate to call.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Theresa Carr

Theresa Carr, Paralegal to  
Barbara A. Fein, Esquire

# SHERIFF'S SALE COST SHEET

US Bank NA VS. Joshua Fought  
 NO. 192-02 ED NO. 1430-06 JD DATE/TIME OF SALE MAR 25 2000

DOCKET/RETURN	\$15.00
SERVICE PER DEF.	\$ <u>165.00</u>
LEVY (PER PARCEL	\$15.00
MAILING COSTS	\$ <u>55.50</u>
ADVERTISING SALE BILLS & COPIES	\$17.50
ADVERTISING SALE (NEWSPAPER)	\$15.00
MILEAGE	\$ <u>24.00</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>5.50</u>
NOTARY	\$ <u>10.00</u>
TOTAL *****	\$ <u>412.50</u>

WEB POSTING	\$150.00
PRESS ENTERPRISE INC.	\$ <u>686.40</u>
SOLICITOR'S SERVICES	\$75.00
TOTAL *****	\$ <u>831.40</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>342.12</u>
SCHOOL DIST. 20	\$
DELINQUENT 20	\$ <u>5.00</u>
TOTAL *****	\$ <u>347.12</u>

MUNICIPAL FEES DUE:	
SEWER 20	\$ <u>170.58</u>
WATER 20	\$
TOTAL *****	\$ <u>170.58</u>

SURCHARGE FEE (DSTE)	\$ <u>120.00</u>
MISC. _____	\$ _____
_____	\$ _____
TOTAL *****	\$ <u>0.00</u>

TOTAL COSTS (OPENING BID) \$ 1983.10

# COLUMBIA COUNTY SHERIFF'S OFFICE

## SHERIFF'S REAL ESTATE FINAL COST SHEET

45 Bank NA VS Joshua Fought

NO. 192-08 ED NO. 1400-08 JD

DATE/TIME OF SALE: 1/19/08 1000

BID PRICE (INCLUDES COST) \$ \_\_\_\_\_

POUNDAGE - 2% OF BID \$ \_\_\_\_\_

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

MISC. COSTS \$ \_\_\_\_\_

TOTAL AMOUNT NEEDED TO PURCHASE \$ \_\_\_\_\_

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

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

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

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

TOTAL DUE: \$ \_\_\_\_\_

LESS DEPOSIT: \$ \_\_\_\_\_

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

TOTAL DUE IN 8 DAYS \$ \_\_\_\_\_

14 THE LAW OFFICES OF BARBARA A. FEIN, P.C.

Barbara A. Fein, Esquire / I.D. No. 53002

Kristen D. Little, Esquire / I.D. No. 79992

Jacqueline F. McNally, Esq. / I.D. No. 201332

Suite 100, 425 Commerce Drive

Fort Washington, PA 19034

(215) 653-7450

Attorney for Plaintiff

File No. 08-14930

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT  
A/K/A JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

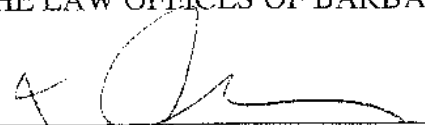
CERTIFICATION OF NOTICES OF SALE TO LIENHOLDERS

I, Scot Peck, Legal Assistant to Barbara A. Fein, Esquire, attorney for Plaintiff, hereby certify that upon information and belief, diligent efforts have been made to identify all persons/entities having mortgages, judgments, liens, or other interest in the subject premises of the foreclosure proceeding, and that such persons/entities have been sent Notices of Sheriff's Sale (attached hereto as Exhibit "A") and that said Notices were duly served upon them in accordance with Pennsylvania Rule of Civil Procedure Rule 3129. (Proof of mailing with a postmark date of December 30, 2009 is appended hereto and incorporated herein by reference as Exhibit "B").

I declare under penalty of perjury that the foregoing is true and correct.

February 3, 2009

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

  
BY: Scot Peck, Legal Assistant  
to Barbara A. Fein, Esquire  
Attorney for Plaintiff

cc. Columbia County Sheriff's Department.

BARBARA A. FEIN  
ATTORNEY-AT-LAW  
SUITE 100, 425 COMMERCE DRIVE  
FORT WASHINGTON, PA 19034  
(215) 653-7450

FAX (215) 6543-7454

NOTICE OF COLUMBIA COUNTY SHERIFF'S SALE

TO: All Parties in Interest and Claimants

Improvements:

Two Story Residential Dwelling

OWNER(S): Joshua Fought a/k/a Joshua J. Fought

Columbia County

CCP No. 2008-CV-1420-MF

PROPERTY: 515 North Arch Street  
Borough of Berwick  
County of , PA

Please be advised that the above captioned property (and any improvements thereon) is scheduled to be sold by the Columbia County Sheriff's Department on February 4, 2009 at 10:00 A.M., at the Columbia County Courthouse, P. O. Box 380, Bloomsburg, PA 17815. This sale is scheduled pursuant to a judgment entered in the amount of \$79,930.53 in the Court of Common Pleas for Columbia County.

Our records indicate that you may hold a mortgage or judgment on the property which may be extinguished (removed) by the sale. You may wish to attend the sale to protect your interests.

A schedule of distribution will be filed by the Sheriff on a date specified by the Sheriff not later than thirty (30) days after the sale. Distribution will be made in accordance with the schedule unless exceptions are filed thereto within ten (10) days after the filing of the schedule. You may call the Columbia County Sheriff's Department at (570) 389-5624 for the date on which the distribution schedule will be posted.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

Barbara A. Fein

Barbara A. Fein, Esquire  
Attorney for Plaintiff

Dated: December 30, 2008  
File No. 08-14930

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

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

NAME AND ADDRESS OF SENDER

The Law Offices of Barbara A. Fein, P.C.  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034

Indicate type of mail Registered  
☐ Insured  
☐ C.O.D.  
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:  
☐ With Postal Insurance  
☐ Without Postal Insurance

Fought 08-14930 SP / 3129 (1/2)  
Affix stamps here if issued as certificate of mailing or for additional copies of this bill.  
POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Post age	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Duc. Sender If C.O.D.	R.R. Fee	S.D. Fee	S.H. Fee	Res. Del. Fee
1		Columbia County Tax Claim Bureau 35 W. Main Street Bloomsburg, PA 17815	42¢	40¢								
2		Berwick Area Joint Sewer Authority 1108 Freas Avenue Berwick, PA 18603	42¢	40¢								
3		Connie Gingham, Tax Collector 1615 Lincoln Avenue Berwick, PA 18603	42¢	40¢								
4		Tenant/Occupant 515 North Arch Street Berwick, PA 18603	42¢	40¢								
5		Columbia County Domestic Relations Columbia County Courthouse P. O. Box 380 Bloomsburg, PA 17815	42¢	40¢								

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

POSTMASTER, PER (Name of receiving employee)

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply on to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INC OR BALL POINT PEN


\* U.S. Government Printing Office 1983-396-297

EXHIBIT "B"



**COMPLETE THIS SECTION ON DELIVERY**

A. Signature <i>X [Signature]</i>	<input type="checkbox"/> Agent 192
B. Received by (Printed Name) <i>L.A. Mironov</i>	C. Date of Delivery <i>11/17</i>
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature  </p> <p>B. Received by (Printed Name)  <b>Jordan M. Payne</b></p> <p>C. Date of Delivery  <b>NOV 17 2008</b></p>
<p>1. Article Addressed to:</p> <p style="margin-left: 40px;">Internal Revenue Service  1001 Liberty Ave.  Pittsburgh, PA 15222</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number  (Transfer from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p>
<p>PS Form 3811, February 2004</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> <p style="text-align: center; font-size: 1.2em; font-weight: bold;">7007 2560 0002 1259 6417</p> <p style="text-align: right;">102595-02-M-1S</p>

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <span style="float: right;">19</span>  <div style="text-align: center; font-size: 1.5em; font-family: cursive;">Lee Simmons</div> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <span style="float: right;">Date of Delivery</span>  <div style="text-align: center; font-size: 1.5em; font-family: cursive;">Lee Simmons</div> <div style="text-align: right; font-size: 1.5em; font-family: cursive;">NOV 17 2008</div></p> <p>C. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p style="font-size: 1.2em; padding-left: 20px;">Commonwealth of PA PO box 2675 Harrisburg, PA 17105</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number</p> <p style="padding-left: 20px;">(Transfer from service label)</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<div style="font-size: 1.5em; font-family: monospace; letter-spacing: 0.5em;">7007 2560 0002 1259 6400</div>	

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>■ Complete items 1, 2, at <u>1</u>. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <u>[Signature]</u> <input type="checkbox"/> Agent</p> <p><b>X</b> <input checked="" type="checkbox"/> Address</p>
<p>1. Article Addressed to:</p>	<p>B. Received by (Printed Name) <u>[Signature]</u> C. Date of Delivery <u>NOV 17 2001</u></p>
<p>COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF REVENUE-ATTN: SHERIFF SALE BUREAU OF COMPLIANCE CLEARANCE SUPPORT SECTION DEPARTMENT 281230 HARRISBURG, PA 17128-1230</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p><b>7007 2560 0002 1259 6455</b></p>	

NAME AND ADDRESS OF SENDER

**The Law Offices of Barbara A. Fein, P.C.**  
**425 Commerce Drive, Suite 100**  
**Fort Washington, PA 19034**

Indicate type of mail Registered  
☐ Insured  
☐ C.O.D.  
☐ Certified  
☐ Express Mail

Check appropriate block for Registered Mail:  
☐ With Postal Insurance  
☐ Without Postal Insurance

Foright 08-19930 SP / 3129 (2/2)  
 Affix stamps here if issued as certificate of mailing or for additional copies of this bill.  
 POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R.R. Fee	S.D. Fee	S.H. Fee	Rest Del. Fee
1		Commonwealth of Pennsylvania Department of Public Welfare P.O. Box 2675 Harrisburg, PA 17105	42¢	40¢								
2		Commonwealth of Pennsylvania Department of Revenue Inheritance Tax Division Bureau of Compliance ATTN: Sheriff's Sale Section PO Box 218230 Harrisburg, PA 17128-1230	42¢	40¢								
3		The Internal Revenue Service Special Procedures Branch Federated Investors Tower Thirteenth Fl., Suite 1300 1001 Liberty Ave. Pittsburgh, PA 15222	42¢	40¢								
4			42¢	40¢								
5			42¢	40¢								

Total Number of Pieces Listed by Sender

Total Number of Pieces Received at Post Office

POSTMASTER, PER (Name of receiving employee)

5

thelt

OK

The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail domestic reconstruction insurance is \$50,000 per piece subject to limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply on to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.

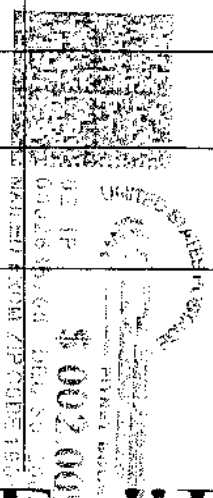


EXHIBIT "B"

COPY

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

Barbara A. Fein, Esquire / I.D. No. 53002

Kristen D. Little, Esquire / I.D. No. 79992

Jacqueline F. McNally, Esq. / I.D. No. 201332

Suite 100, 425 Commerce Drive

Fort Washington, PA 19034

(215) 653-7450

Attorney for Plaintiff

File No. 08-14930

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT  
A/K/A JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

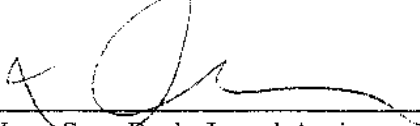
CERTIFICATION OF NOTICES OF SALE TO LIENHOLDERS

I, Scot Peck, Legal Assistant to Barbara A. Fein, Esquire, attorney for Plaintiff, hereby certify that upon information and belief, diligent efforts have been made to identify all persons/entities having mortgages, judgments, liens, or other interest in the subject premises of the foreclosure proceeding, and that such persons/entities have been sent Notices of Sheriff's Sale (attached hereto as Exhibit "A") and that said Notices were duly served upon them in accordance with Pennsylvania Rule of Civil Procedure Rule 3129. (Proof of mailing with a postmark date of December 30, 2009 is appended hereto and incorporated herein by reference as Exhibit "B").

I declare under penalty of perjury that the foregoing is true and correct.

February 3, 2009

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

  
BY: Scot Peck, Legal Assistant  
to Barbara A. Fein, Esquire  
Attorney for Plaintiff

THE LAW OFFICES OF  
BARBARA A. FEIN, P.C.

425 Commerce Drive, Suite 100  
Fort Washington, PA 19034

Barbara A. Fein, Esquire  
Kristen D. Little, Esquire  
Jacqueline F. McNally, Esquire

*Members of Pennsylvania  
and New Jersey Bars*

Phone: (215) 653-7450  
Fax: (215) 653-7454

Direct E-mail: [SPeck@lobaf.com](mailto:SPeck@lobaf.com)  
Direct Phone Ext. 115

NEW JERSEY OFFICE

20000 Horizon Way, Suite 900  
Mount Laurel, NJ 08054-4318

Phone: (856) 596-5552  
Fax: (856) 596-5589

File No. 08-14930

February 3, 2009

Columbia County Sheriff's Department  
ATTN: Real Estate Division  
**VIA FAX (570) 389-5625**

RE:

U.S. Bank National Association, as Trustee v. Joshua Fought a/k/a Joshua J. Fought  
Columbia County Court of Common Pleas No. 2008-CV-1420-MF  
Property Located at 515 North Arch Street, Borough of Berwick

Dear Sir/Madam:

This Law Firm represents the Plaintiff in the above entitled Mortgage Foreclosure with Sheriff's Sale initially scheduled for February 4, 2009.

In accordance with Pa. R.C.P. Rule 3129.2 (as amended for 2007), this letter serves as Plaintiff's *first of two permitted postponements up to 130 days from the initial sale date's scheduling.*

Kindly continue and announce that this Sheriff's Sale is being postponed from February 4, 2009 to March 25, 2009.

If you have any questions, please do not hesitate to call.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:



Theresa Carr, Legal Assistant to  
Barbara A. Fein, Esquire

THE LAW OFFICES OF  
**BARBARA A. FEIN, P.C.**

425 Commerce Drive, Suite 100  
Fort Washington, PA 19034

Barbara A. Fein, Esquire  
Kristen D. Little, Esquire  
Jacqueline F. McNally, Esquire

*Members of Pennsylvania  
and New Jersey Bars*

Phone: (215) 653-7450  
Fax: (215) 653-7454

Direct E-mail: [SPeck@lobaf.com](mailto:SPeck@lobaf.com)  
Direct Phone Ext. 115

NEW JERSEY OFFICE

20000 Horizon Way, Suite 900  
Mount Laurel, NJ 08054-4318

Phone: (856) 596-5552  
Fax: (856) 596-5589

File No. 08-14930

February 3, 2009

Columbia County Sheriff's Department  
ATTN: Real Estate Division  
VIA FAX (570) 389-5625

RE:

U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity  
Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5 v. Joshua Fought  
a/k/a Joshua J. Fought

Columbia County Court of Common Pleas No. 2008-CV-1420-MF  
Property Located at 515 North Arch Street, Borough of Berwick

Dear Sir/Madam:

This Law Firm represents the Plaintiff in the above entitled Mortgage Foreclosure with Sheriff's Sale initially scheduled for February 4, 2009.

In accordance with Pa. R.C.P. Rule 3129.2 (as amended for 2007), this letter serves as Plaintiff's *first of two permitted postponements up to 130 days from the initial sale date's scheduling*.

Kindly continue and announce that this Sheriff's Sale is being postponed from February 4, 2009 to March 25, 2009.

If you have any questions, please do not hesitate to call.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: 

Scot Peck, Legal Assistant to  
Barbara A. Fein, Esquire

STATE OF PENNSYLVANIA  
COUNTY OF COLUMBIA } 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 January 14, 21, 28, 2009 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 30<sup>th</sup> day of Jan, 2009.

(Notary Public)  
COMMONWEALTH OF PENNSYLVANIA  
My commission expires Notarial Seal  
Dennis L. Ashenfelder, 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.

**FEBRUARY 4, 2009**

- 9:00 AM JEFFERY WHITENIGHT—237 SLABTOWN RD CATAWISSA—20-04A-003 NO taxes Due
- 9:00 AM BRENDA HARGRAVES—10 FIRST AVE. BERWICK—07-01A-010 2007 + 2008 Taxes Due
- 9:00 AM ROGER RESSEGUIE—256 THOMAS ROAD BLOOMSBURG—26-04-007 NO taxes Due
- 9:00 AM TOM FENSTERMACHER & HENRY GEORGE BELLUM—4087 SAWMILL RD BLOOMSBURG—31-02-012  
BKRPT? Yes 2006, 2007 + 2008 taxes Due
- 9:00 AM ANDREW & NICOLE HOKE—209 E. FRONT ST. BERWICK—04A-06-055 NO taxes Due
- 9:00 AM AARON & HOLLY PATTERSON—239 E 8<sup>TH</sup> STREET BERWICK—04A-04-097 NO taxes Due
- 9:30 AM MARK & JOSELLE MULLERY—6130 OLD BERWICK RD BLOOMSBURG—12-03C-002 2007 + 2008 Taxes Due
- 9:30 AM MICHAEL & PENNY NEARHOOF—66 BUCKHORN RD BLOOMSBURG—~~18-02A-050~~  
STAYED TIL MAR 25 0930 AM
- 9:30 AM STEPHAN LEVAN, JR.—20 AMRON DRIVE BLOOMSBURG—12-05D-015 NO taxes Due
- 9:30 AM JOHN GOMEZ—75 LOWER HILLTOP ROAD BERWICK—07-03-A-055 & 07-03-A-062 NO taxes Due
- 9:30 AM JASON & CHRISTINA HOCK—355 PEARL ST. BERWICK—04A-01-115 NO taxes Due
- 9:30 AM BYRON & SANDRA YOST—1096 RIDGE ROAD ORANGEVILLE—15-17A-008 NO taxes Due
- 10:00 AM BARBARA & DALE YOUNG—1044 WEST STREET MIFFLINVILLE—23-05F-028-05 NO taxes Due
- 10:00 AM HAROLD HAUCK—734 CATHERINE STREET BLOOMSBURG—05E-02-021 NO taxes Due
- 10:00 AM RONALD & LINDA MILLER—3081 COLUMBIA BLVD BLOOMSBURG—31-04-040 2007 + 2008 Taxes Due
- 10:00 AM CHARLES CREASY—1730 SPRING GARDEN AVE. BERWICK—04D-02-038 2008 Taxes Due
- 10:00 AM KATHLEEN & TIMOTHY THORYK—1429 SPRING GARDEN AVE. BERWICK—04D-08-074 NO taxes Due
- 10:00 AM JOSHUA FOUGHT—515 N. ARCH ST. BERWICK—04D-08-220 NO taxes Due

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) 764-6300

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

US BANK NA

VS.

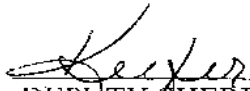
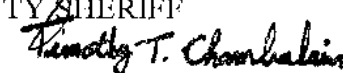
JOSHUA FOUGHT

WRIT OF EXECUTION #192 OF 2008 ED

POSTING OF PROPERTY

January 5, 2009 POSTED A COPY OF THE SHERIFF'S SALE BILL ON THE  
PROPERTY OF JOSHUA FOUGHT AT 515 NORTH ARCH STREET BERWICK  
COLUMBIA COUNTY PENNSYLVANIA. SAID POSTING PERFORMED BY  
COLUMBIA COUNTY DEPUTY SHERIFF KRISTOPHER KEEFER.

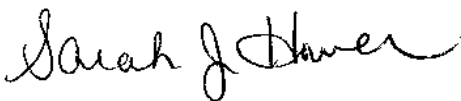
SO ANSWERS:

  
DEPUTY SHERIFF  


TIMOTHY T. CHAMBERLAIN  
SHERIFF

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 7<sup>TH</sup> DAY OF JANUARY 2009



NOTARIAL SEAL  
SARAH J. HOWER, Notary Public  
Bloomsburg, Columbia County, PA  
My Commission Expires September 30, 2012



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

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE, ON BEHALF OF THE HOLDERS  
OF THE HOME EQUITY ASSET TRUST 2005-  
5, HOME EQUITY PASS THROUGH  
CERTIFICATES, SERIES 2005-5

Docket # 192ED2008

VS

MORTGAGE FORECLOSURE


JOSHUA FOUGHT AKA JOSHUA J. FOUGHT

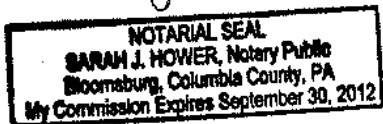
AFFIDAVIT OF SERVICE

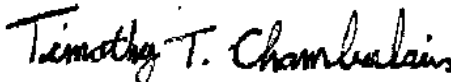
NOW, THIS FRIDAY, NOVEMBER 14, 2008, AT 4:20 PM, SERVED THE WITHIN MORTGAGE  
FORECLOSURE UPON JOSHUA FOUGHT AT 515 NORTH ARCH STREET, BERWICK BY  
HANDING TO JOSHUA FOUGHT, , A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT  
AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

SO ANSWERS,

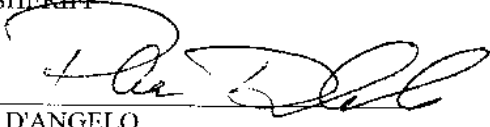
SWORN AND SUBSCRIBED BEFORE ME  
THIS MONDAY, NOVEMBER 17, 2008

  
NOTARY PUBLIC





X  
TIMOTHY T. CHAMBERLAIN  
SHERIFF

X   
P. D'ANGELO  
DEPUTY SHERIFF

THE LAW OFFICE OF BARBARA A. FEIN P.C.  
425 COMMERCE DRIVE  
Suite 100  
FT. WASHINGTON, PA 19034



November 18, 2008

Timothy T. Chamberlain  
Sheriff of Columbia County  
Court House- P.O. Box 380  
Bloomsburg, PA 17815

**U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON BEHALF OF  
THE HOLDERS OF THE HOME EQUITY ASSET TRUST 2005-5, HOME  
EQUITY PASS THROUGH CERTIFICATES, SERIES 2205-5**

**VS.**

**JOSHUA FOUGHT AKA JOSHUA J. FOUGHT**

**DOCKET # 192ED2008**

**JD # 1420JD2008**

Dear Timothy:

The amount due on sewer account #137132 for the property located at 515 Arch Street Berwick, Pa through March 31, 2009 is \$170.58.

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

Sincerely,

Kelly Greer  
Authority Clerk

*Hearing Impaired 711*

*"BAJSA is an Equal Opportunity Provider and Provider"*

1108 Freas Avenue • Berwick, Pennsylvania 18603

Phone: (570) 752-8477 • Fax: (570) 752-8479

**BERWICK AREA SCHOOL DISTRICT**      **2008 SCHOOL REAL ESTATE DATE 07/01/2008**      **BILL# 001369**

**BERWICK BOROUGH**

**MAKE CHECKS PAYABLE TO:**  
**CONNIE C. GINGHER**  
 1615 LINCOLN AVENUE  
 BERWICK, PA 18603

**HOURS**    Mon, Tue, Thur, 9:30am-4:00pm  
 Closed Wednesday and Friday  
 Closed Holidays  
**PHONE 570-752-7442**

DESCRIPTION	ASSESSMENT	RATE	2% DISC	FACE AMOUNT	10% PENALTY
REAL ESTATE	16221	.48.1000	583.62	595.53	655.08
ASSESSED VALUE	16221	780.23	583.62	595.53	655.08
HOMESTEAD REDUCTION					
GAINING REVENUE	-3840	-184.70			
TAXABLE ASSESSMENT	12381	595.53			

**PROPERTY DESCRIPTION**      **ACCT.**      **6408**

**PARCEL 04D08 22000000**      **583.62**

**515 ARCH ST**      **20021-1724**      **13251.00**

**0.17 ACRES**      **13251.00**

**SCHOOL PENALTY**      **DEC 15**

**COURTHOUSE DEC 15**

**8/31/08**

CONTRACT MAKE SEPARATE CHECKS FOR SCHOOL PAYMENT

**Tax Notice**    2008    County & Municipality

**BERWICK BORO**

**MAKE CHECKS PAYABLE TO:**  
**Connie C Gingher**  
 1615 Lincoln Avenue  
 Berwick PA 18603

**HOURS: MON, TUE, THUR : 9:30 AM - 4 PM**  
**CLOSED WEDNESDAY & HOLIDAYS.**  
**CLOSED FRIDAYS**

**PHONE: 570-752-7442**

**TAXES ARE DUE & PAYABLE - PROMPT PAYMENT IS REQUESTED**

**FOUGHT JOSHUA**  
 515 N ARCH STREET  
 BERWICK PA 18603

If you desire a receipt, send a self-addressed stamped envelope with your payment  
 THIS TAX NOTICE MUST BE RETURNED WITH YOUR PAYMENT

**FOR: COLUMBIA COUNTY**      **DATE**      **03/01/2008**      **BILL NO.**      **3675**

DESCRIPTION	ASSESSMENT	MILLS	LESS DISCOUNT	AX AMOUNT DUE	INCL. PENALTY
GENERAL SINKING	16,221	6.146	97.70	99.69	109.66
FIRE		1.345	21.38	21.82	24.00
LIGHT		1.25	19.87	20.28	21.29
BORO RE		1.75	27.82	28.39	29.81
		10.6	168.50	171.94	180.54
The discount & penalty have been calculated for your convenience					
<b>PAY THIS AMOUNT</b>					
If paid on or before April 30					335.27
If paid on or before June 30					342.12
If paid after June 30					365.30

**CNTY**      **TWP**

**Discount**    2%      2%      **335.28**

**Penalty**    10%      5%      **302.00**

**PARCEL: 04D-08-22000000**

**515 ARCH ST**      **2.970**

**1705**      **13,251**

**Buildings**      **16,221**

**Total Assessment**

**FILE COPY**

**365.30**

**8-4-08**

These taxes were paid by Pstg. Co

Comme

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 11/13/2008

SERVICE# 1 - OF - 12 SERVICES  
DOCKET # 192ED2008

PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON  
BEHALF OF THE HOLDERS OF THE HOME EQUITY  
ASSET TRUST 2005-5, HOME EQUITY PASS THROUGH  
CERTIFICATES, SERIES 2005-5

DEFENDANT

JOSHUA FOUGHT AKA JOSHUA J. FOUGHT  
THE LAW OFFICE OF BARBARA A. FEIN P.C.

ATTORNEY FIRM

PERSON/CORP TO SERVED
JOSHUA FOUGHT
515 NORTH ARCH STREET
BERWICK

PAPERS TO SERVED  
MORTGAGE FORECLOSURE

SERVED UPON Joshua Fought

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

DATE 11.14.08 TIME 1620 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

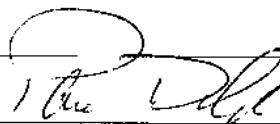
TIME

OFFICER

REMARKS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DEPUTY



DATE 11.14.08

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 11/13/2008

SERVICE# 4 - OF - 12 SERVICES  
DOCKET # 192ED2008

PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON  
BEHALF OF THE HOLDERS OF THE HOME EQUITY  
ASSET TRUST 2005-5, HOME EQUITY PASS THROUGH  
CERTIFICATES, SERIES 2005-5

DEFENDANT

JOSHUA FOUGHT AKA JOSHUA J. FOUGHT  
THE LAW OFFICE OF BARBARA A. FEIN P.C.

ATTORNEY FIRM

PERSON/CORP TO SERVED
CONNIE GINGHER-TAX COLLECTOR
1615 LINCOLN AVE.
BERWICK

PAPERS TO SERVED

MORTGAGE FORECLOSURE

SERVED UPON POSTED

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

DATE 11/14/08 TIME 1520 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

T. Chamberlain

DATE 11.14.08

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 11/13/2008

SERVICE# 5 - OF - 12 SERVICES  
DOCKET # 192ED2008

PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON  
BEHALF OF THE HOLDERS OF THE HOME EQUITY  
ASSET TRUST 2005-5, HOME EQUITY PASS THROUGH  
CERTIFICATES, SERIES 2005-5

DEFENDANT

JOSHUA FOUGHT AKA JOSHUA J. FOUGHT  
THE LAW OFFICE OF BARBARA A. FEIN P.C.

ATTORNEY FIRM

PERSON/CORP TO SERVED

BERWICK SEWER

1108 FREAS AVE.

BERWICK

PAPERS TO SERVED

MORTGAGE FORECLOSURE

SERVED UPON Kelly Green

RELATIONSHIP CLIENT IDENTIFICATION \_\_\_\_\_

DATE 11-14-08 TIME 1510 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

[Signature]

DATE 11-14-08

COUNTY OF COLUMBIA  
REAL ESTATE TAX LIEN CERTIFICATE

DATE:14-NOV-08

FEE:\$5.00

CERT. NO:5358

FOUGHT JOSHUA  
515 N ARCH STREET  
BERWICK PA 18603

DISTRICT: BERWICK BORO  
DEED  
LOCATION: 515 ARCH ST  
PARCEL: 04D-08 -220-00,000

YEAR	BILL ROLL	AMOUNT	INTEREST	PENDING	COSTS	TOTAL AMOUNT DUE
2007	PRIM	0.00	0.00		0.00	0.00
TOTAL DUE :						\$0.00

TAX CLAIM TOTAL AMOUNT DUE DURING THE MONTH OF: November ,2008

THIS IS TO CERTIFY THAT, ACCORDING TO OUR RECORDS, TAX LIENS AS OF  
DECEMBER 31, 2007

REQUESTED BY:

Timothy T. Chamberlain, Sheriff  
clm.

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 11/13/2008

SERVICE# 6 - OF - 12 SERVICES  
DOCKET # 192ED2008

PLAINTIFF U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON  
BEHALF OF THE HOLDERS OF THE HOME EQUITY  
ASSET TRUST 2005-5, HOME EQUITY PASS THROUGH  
CERTIFICATES, SERIES 2005-5

DEFENDANT JOSHUA FOUGHT AKA JOSHUA J. FOUGHT  
ATTORNEY FIRM THE LAW OFFICE OF BARBARA A. FEIN P.C.

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

PAPERS TO SERVED  
MORTGAGE FORECLOSURE

SERVED UPON MAUREEN COLE

RELATIONSHIP CUSTOMER SERVICE IDENTIFICATION \_\_\_\_\_

DATE 11-14-8 TIME 8:45 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) \_\_\_\_\_

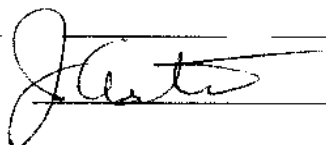
ATTEMPTS  
DATE

TIME

OFFICER

REMARKS

DEPUTY



DATE 11-14-8



# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 11/13/2008

SERVICE# 9 - OF - 12 SERVICES  
DOCKET # 192ED2008

PLAINTIFF

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, ON  
BEHALF OF THE HOLDERS OF THE HOME EQUITY  
ASSET TRUST 2005-5, HOME EQUITY PASS THROUGH  
CERTIFICATES, SERIES 2005-5

DEFENDANT  
ATTORNEY FIRM

JOSHUA FOUGHT AKA JOSHUA J. FOUGHT  
THE LAW OFFICE OF BARBARA A. FEIN P.C.

PERSON/CORP TO SERVED

COLUMBIA COUNTY TAX CLAIM

PO BOX 380

BLOOMSBURG

PAPERS TO SERVED

MORTGAGE FORECLOSURE

SERVED UPON

DEB MILLER

RELATIONSHIP

CLERK

IDENTIFICATION

DATE 11-14-08

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

[Signature]

DATE

11-14-08

# REAL ESTATE OUTLINE

ED # 192-08

DATE RECEIVED 11-13-08  
DOCKET AND INDEX 11-13-08

## 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>	
WAIVER OF WATCHMAN	<u>✓</u>	
AFFIDAVIT OF LIENS LIST	<u>✓</u>	
CHECK FOR \$1,350.00 OR	<u>✓</u>	CK# <u>57529</u>

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

SALE DATE	<u>Feb 4 09</u>	TIME <u>1000</u>
POSTING DATE	<u>Jan 15 09</u>	
ADV. DATES FOR NEWSPAPER	1 <sup>ST</sup> WEEK	<u>Jan 14</u>
	2 <sup>ND</sup> WEEK	<u>21</u>
	3 <sup>RD</sup> WEEK	<u>28, 09</u>

# SHERIFF'S SALE

---

WEDNESDAY FEBRUARY 4, 2009 AT 10:00 AM

---

BY VIRTUE OF A WRIT OF EXECUTION NO. 192 OF 2008 ED AND CIVIL WRIT NO. 1420 OF 2008 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 lot, piece or parcel of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

## 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  
Barbara Fein  
425 Commerce Drive  
Fort Washington, PA 19034

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

# SHERIFF'S SALE

---

WEDNESDAY FEBRUARY 4, 2009 AT 10:00 AM

---

BY VIRTUE OF A WRIT OF EXECUTION NO. 192 OF 2008 ED AND CIVIL WRIT NO. 1420 OF 2008 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 lot, piece or parcel of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

## 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  
Barbara Fein  
425 Commerce Drive  
Fort Washington, PA 19034

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

# SHERIFF'S SALE

---

WEDNESDAY FEBRUARY 4, 2009 AT 10:00 AM

---

BY VIRTUE OF A WRIT OF EXECUTION NO. 192 OF 2008 ED AND CIVIL WRIT NO. 1420 OF 2008 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 lot, piece or parcel of land situate in the Borough of Berwick, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

## 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  
Barbara Fein  
425 Commerce Drive  
Fort Washington, PA 19034

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

WRIT OF EXECUTION -- (MORTGAGE FORECLOSURE)  
Pa. R.C.P. 3180 to 3183 and RULE 3257

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

Commonwealth of Pennsylvania  
County of Columbia

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

*2008-ED-192*

TO THE SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA:

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

Real property situated at: 515 North Arch Street, within the Borough of Berwick  
Columbia County, 18603

Tax Parcel Identification Number: 04D-08-220

Current title holder(s): Joshua Fought

AMOUNT DUE ..... \$79,930.53

INTEREST FROM September 19, 2008 ..... \$ \_\_\_\_\_

TOTAL ..... \$ \_\_\_\_\_

Plus costs as endorsed.

*Tami B Kline*

Prothonotary, Common Pleas Court of  
Columbia County, Pennsylvania

Dated: *11-12-08*

BY: *Kelley F Brewer*

Deputy

(SEAL)

IN THE COURT OF COMMON PLEAS OF  
COLUMBIA COUNTY, PENNSYLVANIA

CCP No. 2008-CV-1420-MF

U.S. BANK NATIONAL ASSOCIATION, as Trustee, on Behalf of the Holders  
of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates,  
Series 2005-5,

Plaintiff,

v.

JOSHUA FOUGHT A/K/A JOSHUA J. FOUGHT,  
Defendant.

WRIT OF EXECUTION  
(MORTGAGE FORECLOSURE)

REAL DEBT	\$ \$79,930.53
INTEREST FROM September 19, 2008	\$ _____
COSTS PAID: PROTHY	\$ _____
SHERIFF	\$ _____
STATUTORY	\$ _____
COSTS DUE PROTHY	\$ _____

PREMISES:

515 North Arch Street  
Borough of Berwick, Columbia County PA

*Barbara A. F.*  
The Law Offices of Barbara A. Fein, P.C.  
Attorneys for Plaintiff  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034  
(215) 653-7450

Complainer \$90.50, +  
Judgment \$1400 pd  
Shir \$2300 pd  
Satisfy \$ 7.00

THE LAW OFFICES OF  
BARBARA A. FEIN, P.C.

425 Commerce Drive, Suite 100  
Fort Washington, PA 19034

NEW JERSEY OFFICE

Barbara A. Fein, Esquire  
Kristen D. Little, Esquire  
Jacqueline F. McNally, Esquire

Phone: (215) 653-7450  
Fax: (215) 653-7454

20000 Horizon Way, Suite 900  
Mount Laurel, NJ 08054-4318

Phone: (856) 596-5552  
Fax: (856) 596-5589

*Members of Pennsylvania  
and New Jersey Bars*

Direct E-mail: JulieP@lobaf.com  
Direct Phone Ext. 122

File No. 08-14930

November 6, 2008

Columbia County Sheriff's Department  
Columbia County Court House  
P. O. Box 380  
Bloomsburg, PA 17815

RE: U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity  
Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5 v.  
Joshua Fought a/k/a Joshua J. Fought  
Columbia County Court of Common Pleas No. 2008-CV-1420-MF *2008-ED-192*  
Property situated at: 515 North Arch Street, Borough of Berwick, PA

Dear Sir:

We would like to schedule the subject real property for Columbia County Sheriff's Sale. We have asked the Columbia County Prothonotary to issue the Writ of Execution and forward to your office together with this package.

We are enclosing a check in the amount of \$1,350.00 to cover the deposit costs along with the following necessary documents:

- Original Writ of Execution plus 2 extra copies;
- Notices of Sheriff's Sale (one for each Defendant and 3 extra);
- Instructions on service and posting;
- An original Affidavit pursuant to Rule 3129.1;
- An Affidavit of Non-Military Service;
- Waiver of Watchman;
- Certification of Addresses;
- Five (5) copies of the legal description.

Thank you for your anticipated assistance in this matter.

Sincerely,

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein  
Barbara A. Fein, Esquire



THE LAW OFFICES OF BARBARA A. FEIN, P.C.

File No. 08-14930

Barbara A. Fein, Esquire / I.D. No. 53002

Kristen D. Little, Esquire / I.D. No. 79992

Jacqueline F. McNally, Esq. / I.D. No. 201332

425 Commerce Drive, Suite 100

Fort Washington, PA 19034

(215) 653-7450

Attorneys for Plaintiff

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

*2008-ED-192*

AFFIDAVIT UNDER PA. RCP RULE 3129

U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5, Plaintiff in the above captioned mortgage foreclosure action, sets forth as of the date the praecipe for the Writ of Execution was filed, the following information concerning the real property located at 515 North Arch Street, within the Borough of Berwick, Columbia County, Pennsylvania, was true and correct to the best of its knowledge, information and belief.

1. Name and address of each Owner and/or Reputed Owner:

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

2. Name and address of each Defendant named in the judgment:

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

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

Columbia County Tax Claim Bureau  
35 W. Main Street  
Bloomsburg, PA 17815

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

U.S. Bank National Association, as Trustee, Plaintiff  
c/o Select Portfolio Servicing, Inc.  
3815 South West Temple  
Salt Lake City, UT 84115

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

None

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

None

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

Berwick Area Joint Sewer Authority  
1108 Freas Avenue  
Berwick, PA 18603

Connie Gingher, Tax Collector  
1615 Lincoln Avenue  
Berwick, PA 18603

Tenant/Occupant  
515 North Arch Street  
Berwick, PA 18603

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

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

Commonwealth of Pennsylvania  
Department of Revenue  
Inheritance Tax Division  
Bureau of Compliance  
ATTN: Sheriff's Sale Section  
PO Box 218230  
Harrisburg, PA 17128-1230

The Internal Revenue Service  
Special Procedures Branch  
Federated Investors Tower  
Thirteenth Fl., Suite 1300  
1001 Liberty Ave.  
Pittsburgh, PA 15222

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

Date: November 6, 2008

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein  
Barbara A. Fein, Esquire  
Attorney for Plaintiff

CONFIDENTIAL

THE LAW OFFICES OF BARBARA A. FEIN, P.C.  
Barbara A. Fein, Esquire / I.D. No. 53002  
Kristen D. Little, Esquire / I.D. No. 79992  
Jacqueline F. McNally, Esq. / I.D. No. 201332  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034  
(215) 653-7450  
Attorneys for Plaintiff

File No. 08-14930

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

2008-ED-192

AFFIDAVIT UNDER PA. RCP RULE 3129

U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5, Plaintiff in the above captioned mortgage foreclosure action, sets forth as of the date the praecipe for the Writ of Execution was filed, the following information concerning the real property located at 515 North Arch Street, within the Borough of Berwick, Columbia County, Pennsylvania, was true and correct to the best of its knowledge, information and belief.

1. Name and address of each Owner and/or Reputed Owner:

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

2. Name and address of each Defendant named in the judgment:

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

THE LAW OFFICES OF BARBARA A. FEIN, P.C.  
Barbara A. Fein, Esquire / I.D. No. 53002  
Kristen D. Little, Esquire / I.D. No. 79992  
Jacqueline F. McNally, Esq. / I.D. No. 201332  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034  
(215) 653-7450  
Attorneys for Plaintiff

File No. 08-14930

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,

Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

*2008-ED-142*

AFFIDAVIT UNDER PA. RCP RULE 3129

U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5, Plaintiff in the above captioned mortgage foreclosure action, sets forth as of the date the praecipe for the Writ of Execution was filed, the following information concerning the real property located at 515 North Arch Street, within the Borough of Berwick, Columbia County, Pennsylvania, was true and correct to the best of its knowledge, information and belief.

1. Name and address of each Owner and/or Reputed Owner:

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

2. Name and address of each Defendant named in the judgment:

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

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

Columbia County Tax Claim Bureau  
35 W. Main Street  
Bloomsburg, PA 17815

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

U.S. Bank National Association, as Trustee, Plaintiff  
c/o Select Portfolio Servicing, Inc.  
3815 South West Temple  
Salt Lake City, UT 84115

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

None

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

None

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

Berwick Area Joint Sewer Authority  
1108 Freas Avenue  
Berwick, PA 18603

Connie Gingher, Tax Collector  
1615 Lincoln Avenue  
Berwick, PA 18603

Tenant/Occupant  
515 North Arch Street  
Berwick, PA 18603

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

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

Commonwealth of Pennsylvania  
Department of Revenue  
Inheritance Tax Division  
Bureau of Compliance  
ATTN: Sheriff's Sale Section  
PO Box 218230  
Harrisburg, PA 17128-1230

The Internal Revenue Service  
Special Procedures Branch  
Federated Investors Tower  
Thirteenth Fl., Suite 1300  
1001 Liberty Ave.  
Pittsburgh, PA 15222

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

Date: November 6, 2008

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: Barbara A. Fein  
Barbara A. Fein, Esquire  
Attorney for Plaintiff

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

File No. 08-14930

Barbara A. Fein, Esquire / I.D. No. 53002

Kristen J. Little, Esquire / I.D. No. 79992

Jacqueline F. McNally, Esq. / I.D. No. 201332

425 Commerce Drive, Suite 100

Fort Washington, PA 19034

(215) 653-7450

Attorney for Plaintiff

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

*2008-ED-192*

#### WAIVER OF WATCHMAN

I, Barbara A. Fein, Esquire, Attorney for Plaintiff U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5, hereby certify on behalf of the Plaintiff that it waives any liability or responsibility as against the Sheriff of Columbia County, his deputies or agents, whomsoever, who levy against the subject property of this action, and further certifies that the Plaintiff acknowledges and understands that the Sheriff or Deputy is not liable in any way for protecting the property before the Sheriff's Sale.

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY: *Barbara A. Fein*  
Barbara A. Fein, Esquire  
Attorney for Plaintiff



IN THE COURT OF COMMON PLEAS  
FOR COLUMBIA COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,

Plaintiff,

v.

JOSHUA FOUGHT A/K/A

JOSHUA J. FOUGHT,

Defendant.

NO. 2008-CV-1420-MF

2008-ED-192

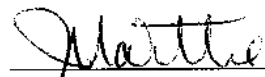
AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA :  
: S.S.:  
COUNTY OF MONTGOMERY :

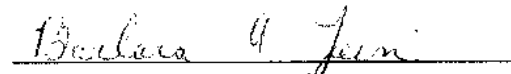
THE UNDERSIGNED being duly sworn, deposes and says that the averments herein are based upon investigations made and records maintained by us either as Plaintiff or as servicing agent of the Plaintiff herein named and that the above named Defendants are not in the Military or Naval Service of the United States of America or its Allies as defined under the Soldiers and Sailors Civil Relief Act of 1940, as amended, and that the age and last known residence and employment of each Defendant are as follows:

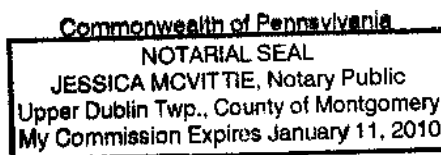
Defendant : Joshua Fought a/k/a Joshua J. Fought  
Age : Over 18  
Residence : 515 North Arch Street, Berwick, PA 18603  
Employment : Unknown

Sworn to and subscribed before  
me the date November 6, 2008.



Notary Public

  
Barbara A. Fein, Esquire  
Attorney for Plaintiff



CERTIFICATE TO SHERIFF

(Please check appropriate square in each section)

SHERIFF'S OFFICE

Columbia County Court House

P. O. Box 380, Bloomsburg, PA 17815

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,

Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT  
Defendant(s).

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

*2005-ED-192*

I HEREBY CERTIFY THAT:

1. The judgment entered in the above matter is based on a mortgage foreclosure action.
2. The Defendant(s) own the property being exposed to sale as:  
  
☒ Individually
3. The Defendant(s) is (are):  
  
☒ Resident in the Commonwealth of Pennsylvania

Dated: November 6, 2008

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:

*Barbara A. Fein*

Barbara A. Fein, Esquire

Attorney for Plaintiff

Attorney I.D. No. 53002

425 Commerce Drive, Suite 100

Fort Washington, PA 19034

(215) 653-7450

IN THE COURT OF COMMON PLEAS  
FOR COLUMBIA COUNTY, PENNSYLVANIA

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

NO. 2008-CV-1420-MF

2008-ED-192

CERTIFICATION AS TO THE SALE OF REAL PROPERTY

I hereby certify that I am the attorney of record for the Plaintiff, U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5, in this action against real property and I further certify that this property is:

- [X] That the Plaintiff has complied in all respects with Section 403 of the HOMEOWNERS' EMERGENCY MORTGAGE ASSISTANCE ACT OF 1983 which may include but is not limited to:
- (a) Service of notice on Defendant
  - (b) Expiration of thirty days since the service of the Notice
  - (c) Defendant's failure to request or to appear at a face-to-face meeting with the Mortgagee or with a Consumer Credit Counseling Agency
  - (d) Defendant's failure to file an application for financial assistance with the Pennsylvania Housing Finance Agency

I further agree to indemnify and hold harmless the Sheriff of Columbia County for any false statements given herein.

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:

Barbara A. Fein

Barbara A. Fein, Esquire  
Attorney for Plaintiff  
Attorney I.D. No. 53002

THE LAW OFFICES OF BARBARA A. FEIN, P.C.  
Barbara A. Fein, Esquire / I.D. No. 53002  
Kristen J. Little, Esquire / I.D. No. 79992  
Jacqueline F. McNally, Esq. / I.D. No. 201332  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034  
(215) 653-7450  
Attorney for Plaintiff

File No. 08-14930

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

2008-ED-192

#### CERTIFICATION OF ADDRESS

I, Barbara A. Fein, Esquire, Attorney for Plaintiff, U.S. Bank National Association, as  
Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass  
Through Certificates, Series 2005-5, hereby certify that the Plaintiff's correct address is 3815 South  
West Temple, Salt Lake City, UT 84115, and the last known address of each Defendant is as below.

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

BY:

Barbara A. Fein  
Barbara A. Fein, Esquire  
Attorney for Plaintiff

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

ATTORNEY-AT-LAW

425 Commerce Drive, Suite 100

Fort Washington, PA 19034

(215) 653-7450

FAX (215) 653-7454

TO: Columbia County Sheriff's Department

FROM: Julie A. Peck, Paralegal to Barbara A. Fein, Esquire

DATE: November 6, 2008

RE: U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5 v. Joshua Fought a/k/a Joshua J. Fought  
Columbia County Court of Common Pleas Docket No. 2008-CV-1420-MF  
Mortgaged Premises: 515 North Arch Street, Berwick, PA 18603

---

MEMORANDUM

---

Our Law Firm represents the Plaintiff in the above entitled matter. On our client's behalf, we have scheduled a Sheriff's Sale of the Mortgaged Premises.

In accordance with Pennsylvania statutes, kindly effectuate personal service of the Notice of Sheriff's Sale and Writ of Execution upon the parties specified below (i.e., upon the persons named or adults in charge of residence):

Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

Handbill (Posted)  
515 North Arch Street  
Berwick, PA 18603

Please also advertise the Sheriff's Sale

I am also enclosing a self-addressed, stamped envelope which will facilitate your return of proofs of service. Thank you for your anticipated assistance. Please feel free to contact me if you have any questions regarding this matter.

THE LAW OFFICES OF BARBARA A. FEIN, P.C.  
Barbara A. Fein, Esquire / I.D. No. 53002  
Kristen J. Little, Esquire / I.D. No. 79992  
Jacqueline F. McNally, Esq. / I.D. No. 201332  
425 Commerce Drive, Suite 100  
Fort Washington, PA 19034  
(215) 653-7450  
Attorney for Plaintiff

File No. 08-14930

U.S. BANK NATIONAL ASSOCIATION, as  
Trustee, on Behalf of the Holders of the  
Home Equity Asset Trust 2005-5, Home  
Equity Pass Through Certificates, Series  
2005-5,  
Plaintiff,

v.

JOSHUA FOUGHT A/K/A  
JOSHUA J. FOUGHT,  
Defendant.

COURT OF COMMON PLEAS  
COLUMBIA COUNTY

NO. 2008-CV-1420-MF

2008-ED-192

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: Joshua Fought a/k/a Joshua J. Fought  
515 North Arch Street  
Berwick, PA 18603

Your house at 515 North Arch Street, within the Borough of Berwick, Columbia County, is scheduled to be sold on \_\_\_\_\_ by the Columbia County Sheriff's Department at 9:00 A.M. in the Columbia County Courthouse, P. O. Box 380, Bloomsburg, PA 17815 to enforce the Court judgment of \$79,930.53 obtained by Plaintiff, U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5, against you.

NOTICE OF OWNERS' RIGHTS  
YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

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

1. This sale will be canceled if you pay to Plaintiff Mortgagee the back payments, late charges, costs and reasonable attorneys' fees due. To find out how much you must pay, you may call Julie Peck at (215) 653-7450.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the Judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings. You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice 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 Julie Peck at (215) 653-7450, or by calling the Columbia County Sheriff's Department at (570) 389-5624.

2. You may be able to petition the Court to set aside the sale if the sale 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 bid in the sale. To find out if this has happened, you may call Julie Peck at (215) 653-7450 or by calling the Columbia County Sheriff's Department at (570) 389-5624.

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 had never happened.

5. You have the right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.

6. You may be entitled to a share of the money which was paid for your house. A schedule of distribution of the money bid for your house will be filed by the Columbia County Sheriff on or about thirty (30) days. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the distribution date.

7. You may also have other rights and defenses, or ways of getting your house 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, 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.

Lawyer Referral Service  
Pennsylvania Lawyer Referral Service  
P.O. Box 186, Harrisburg, PA 17108  
(800) 692-7375



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

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

THE LAW OFFICES OF BARBARA A. FEIN, P.C.

ATTORNEY-AT-LAW

425 Commerce Drive, Suite 100

Fort Washington, PA 19034

(215) 653-7450

FAX (215) 653-7454

TO: Julie A. Peck, Paralegal to Barbara A. Fein, Esquire

FROM: Columbia County Sheriff's Department

DATE: November 6, 2008

RE: U.S. Bank National Association, as Trustee, on Behalf of the Holders of the Home Equity Asset Trust 2005-5, Home Equity Pass Through Certificates, Series 2005-5 v. Joshua Fought a/k/a Joshua J. Fought  
LOBAF File No. 08-14930

---

MEMORANDUM

---

PLEASE BE ADVISED THAT THE SHERIFF'S SALE FOR THE ABOVE REFERENCED  
MATTER HAS BEEN SCHEDULED FOR:

Wednesday, \_\_\_\_\_, 20\_\_\_\_

AT \_\_\_\_\_.

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

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

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

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

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

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

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

BEGINNING on the Westerly side of Arch Street at a corner of Lot No. 420; thence in a northerly direction along Arch Street 45 feet to corner of Lot No. 418; thence in a westerly direction 165 feet to a 15 foot alley; thence in a southerly direction along said alley 45 feet to corner of Lot No. 420; thence in an easterly direction 165 feet to Arch Street, the place of beginning. This description is intended to cover Lot No. 419 as above on American Car & Foundry Co. plot or plan, together with the frame building thereon, consisting of a two and one-half story frame building with outbuildings thereon.

PARCEL NUMBER: 04D-08-220

**THE LAW OFFICES OF BARBARA A. FEIN, P.C.**

425 COMMERCE DR., SUITE 100  
FORT WASHINGTON, PA 19034-2407  
(215) 653-7450

57529

3-7615-360

EXPLANATION	AMOUNT

PAY  
AMOUNT  
OF

*One thousand three hundred fifty and 00/100*

DOLLARS

CHECK  
AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
11/6/06	Columbia County Sheriff	Fought-14930 sale	51929

\$ 1,350.00

MP



VOID AFTER 120 DAYS

⑈0057529⑈ ⑆036076150⑆ 610154873E⑈

*Julia G. Fein*

MP