

pay off the loan, Plaintiff requests that the Court set aside the Sheriff's sale. Equity mandates that the sale be set aside to allow Defendants the opportunity to proceed with the proposed short sale.

## **II. LEGAL AUTHORITY**

### **A. Setting Aside a Sheriff's Sale**

Pennsylvania Rule of Civil Procedure 3132 provides the Court with the authority to set aside a Sheriff's sale upon petition of any party, prior to the delivery of the Deed, upon proper cause shown. Merrill Lynch Mortg. Capital vs. Steele, 2004 Pa.Super. 341, 859 A.2d 788 (2004). Bornman v. Gordon, 363 Pa. Super. 607, 611 (1987). In the instant case, the Sheriff has not yet delivered the Deed. In its attached petition, Plaintiff has demonstrated proper cause to set aside the Sheriff's sale. Accordingly, the Court has the authority to set aside the instant Sheriff's sale. Setting aside the Sheriff's sale will not harm any party. Rather, it will benefit all interested parties.

### **B. Relief in Aid of Execution**

Pa.R.C.P. 3118 is designed to give the court "broad discretion to provide relief in aid of execution". National Recovery Systems v. Pinto, 18 D. & C. 3d 684, 686 (Pa.Comp.Pl 1981). Specifically, the rule provides, inter alia:

(a) On petition of the plaintiff, after notice and hearing, the court in which a judgment has been entered may, before or after the issuance of a writ of execution, enter an order against any party or person...

(3) directing the Defendants or any other party or person to take such action as the court may direct to preserve collateral security for property of the Defendants levied upon or attached, or any security interest levied upon or attached; . . . (6) granting such other relief as may be deemed necessary and appropriate. Pa.R.C.P. 3118(a).

The predicates for a petitioner to obtain supplementary relief in aid of execution of a judgment are (1) the existence of an underlying judgment; and (2) property of the debtor subject to execution. Kaplan v. I. Kaplan Inc., 422 Pa. Super. 215, 619 A.2d 322 (1993). In this case, there is no question that an underlying judgment was entered in favor of the Plaintiff and against the Defendants. Moreover, it is also clear that the mortgaged property was property of the Defendants and subject to attachment and execution. Therefore, the Plaintiff is entitled to invoke Rule 3118 in support of its motion, and the court has jurisdiction over this matter.

**C. Equitable Principles**

This Court has plenary power to administer equity according to well-settled principles of equity jurisprudence in cases under its jurisdiction. Cheval v. City of Philadelphia, 176 A. 779, 116 Pa. Super. 101 (1935). Moreover, it is well settled that Courts will lean to a liberal exercise of the equity power conferred upon them instead of encouraging technical niceties in the modes of procedure and forms of pleading. Gunnet v. Trout, 380 Pa. 504, 112 A.2d 333 (1955). This is certainly a case where the exercise of this Court's equity powers is appropriate and necessary. Plaintiff is requesting the entry of a court order setting aside its April 28, 2010 Sheriff's sale due to Defendants working on a short sale of the property, which will pay off the mortgage loan.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court enter an Order setting aside the April 28, 2010 Sheriff's sale.

Respectfully submitted,  
PHELAN HALLINAN & SCHMIEG, LLP

Date: \_\_\_\_\_

5/6/10

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

Joseph P. Schalk, Esquire  
Attorney for Plaintiff

**VERIFICATION**

Joseph P. Schalk, Esquire, hereby states that he is the attorney for the Plaintiff in this action, that he is authorized to make this verification, and that the statements made in the foregoing Motion to Set Aside Sheriff's Sale 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. §4904 relating to unsworn falsifications to authorities.

PHELAN HALLINAN & SCHMIEG, LLP

Date: \_\_\_\_\_

5/6/10

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

Joseph P. Schalk, Esquire  
Attorney for Plaintiff

PHELAN HALLINAN & SCHMIEG, LLP

By: Joseph P. Schalk, Esquire

Identification No. 91656

126 Locust Street

Harrisburg, PA 17101

(215) 563-7000

Attorney for Plaintiff

---

Citimortgage, Inc,

5280 Corporate Drive

Frederick, MD 21703

Plaintiff

Court of Common Pleas

Civil Division

Columbia County

vs.

Claudio I. Duarte and Adriana Mcavey

8670 Cedar Creek Drive

Petoskey, MI 49770-8871

Defendants

No. 2009-CV-1425

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**CERTIFICATION OF SERVICE**

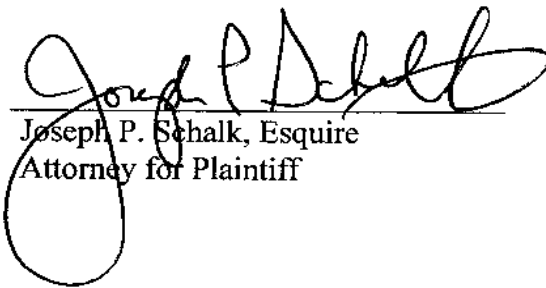
I hereby certify a true and correct copy of Plaintiff's Motion to Set Aside Sheriff's Sale, Brief in Support thereof, proposed Order and Verification was served by regular mail on the following parties on the date indicated below:

Claudio I. Duarte  
8670 Cedar Creek Drive  
Petoskey, MI 49770-8871

Sheriff of Columbia County  
35 West Main Street  
Bloomsburg, PA 17815

Adriana Mcavey  
8670 Cedar Creek Drive  
Petoskey, MI 49770-8871

Date: 5/6/10

By:   
Joseph P. Schalk, Esquire  
Attorney for Plaintiff

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

Citimortgage, Inc.,  
5280 Corporate Drive  
Frederick, MD 21703  
Plaintiff

Court of Common Pleas

Civil Division

Columbia County

vs.

Claudio I. Duarte and Adriana Mcavey  
8670 Cedar Creek Drive  
Petoskey, MI 49770-8871  
Defendants

No. 2009-CV-1425

**ORDER**

**AND NOW**, this 18 day of May, 2010, upon consideration of Plaintiff's Motion to Set Aside Sheriff's Sale and Defendants' Response thereto, if any, it is hereby:

**ORDERED** and **DECREED** that Plaintiff's Motion is granted; and

**ORDERED** and **DECREED** that the April 28, 2010 Sheriff's sale of the property at 515 Scenic Avenue, Bloomsburg, PA 17815-8234 is hereby set aside and the Sheriff is hereby directed to stay the Writ of Execution and return it to the Office of the Prothonotary.

BY THE COURT:

/s/ Scott W. Naus  
J.

# SHERIFF'S SALE COST SHEET

Orbin Jones vs. Claudia J. Mateo & Adeline J. Mateo  
 NO. 197-09 ED NO. 1425-01 JD DATE/TIME OF SALE Apr 28 1000

DOCKET/RETURN	\$15.00
SERVICE PER DEF.	\$ <u>165.00</u>
LEVY (PER PARCEL	\$15.00
MAILING COSTS	\$ <u>44.50</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>5.50</u>
NOTARY	\$ <u>15.00</u>
TOTAL *****	\$ <u>444.50</u>

WEB POSTING	\$150.00
PRESS ENTERPRISE INC.	\$ <u>246.00</u>
SOLICITOR'S SERVICES	\$75.00
TOTAL *****	\$ <u>1321.00</u>

PROTHONOTARY (NOTARY)	\$10.00
RECORDER OF DEEDS	\$ <u>55.00</u>
TOTAL *****	\$ <u>65.00</u>

REAL ESTATE TAXES:	
BORO, TWP & COUNTY 20	\$ <u>308.96</u>
SCHOOL DIST. 20	\$
DELINQUENT 20	\$ <u>0.00</u>
TOTAL *****	\$ <u>313.96</u>

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

SURCHARGE FEE (DSTE)	\$ <u>120.00</u>
MISC.	\$
TOTAL *****	\$ <u>-0-</u>

TOTAL COSTS (OPENING BID) \$ 2826.52

# COLUMBIA COUNTY SHERIFF'S OFFICE

## SHERIFF'S REAL ESTATE FINAL COST SHEET

Citimortgage VS Charles Davis & William Macvey

NO. 177-09 ED NO. 1425-09 JD

DATE/TIME OF SALE: Apr 28 1100

BID PRICE (INCLUDES COST) \$ 2281.25

POUNDAGE - 2% OF BID \$ 44.73

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

MISC. COSTS \$ ---

TOTAL AMOUNT NEEDED TO PURCHASE \$ 2281.25

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

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

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

PURCHASER(S) SIGNATURE(S): Agent for Phelan Hallinan + schuier  
Lenny J Mull

TOTAL DUE: \$ 2281.25

LESS DEPOSIT: \$ 1350.00

DOWN PAYMENT: \$ ---

TOTAL DUE IN 8 DAYS \$ 931.25



# Tax Bill Master Transaction Detail

DUARTE CLAUDIO I --- 2010-22 -RE -022721

uctax1s

Taxpayer Name	Bill #	Post Date	Disc Amt	Face Amt	Pent Amt	Tax Code	Category	Parcel
DUARTE CLAUDIO I	022721	01/15/2010	219.16	223.63	245.99	G	O	22 -01B-130-00,000
DUARTE CLAUDIO I	022721	01/15/2010	35.66	36.39	40.03	R	O	22 -01B-130-00,000
DUARTE CLAUDIO I	022721	01/15/2010	47.96	48.94	53.83	S	O	22 -01B-130-00,000
Sub-Total			302.78	308.96	339.85			

THIS IS ONLY  
COUNTY & TWP. FOR 2010 TAXES  
(SCHOOL TAXES ARE NOT INCLUDED)

dm.

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: <u>Patricia Wirt</u>	FROM: <u>Tim Chamberlain</u>
COMPANY:	DATE: <u>2-24-10</u>
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER: <u>2</u>
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
RE: <u>Duarte &amp; MacVey</u>	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.

*Sale will be Apr 28, 2010  
10:00 AM*

**Phelan Hallinan & Schmieg, L.L.P.**  
**One Penn Center at Suburban Station**  
**1617 John F. Kennedy Boulevard**  
**Suite 1400**  
**Philadelphia, PA 19103-1814**  
**(215) 563-7000**  
**Fax: (215) 563-7009**

Representing Lenders in  
Pennsylvania and New Jersey

Foreclosure Manager

February 12, 2010

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

Attn: Real Estate Department

Fax Number: 570-389-5625

Re: CITIMORTGAGE, INC. v.  
CLAUDIO I. DUARTE and ADRIANA MACVEY  
515 SCENIC AVENUE BLOOMSBURG, PA 17815-8234  
Court No. 2009-CV-1425

Dear Sir/Madam:

Please Postpone the Sheriff Sale of the above referenced property, which is scheduled for February 24, 2010 due to the following: Short Sale.

The Property is to be relisted for the April 28, 2010 Sheriff Sale.

Thank you for your cooperation in this matter.

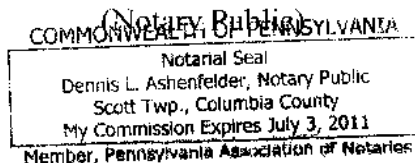
Very Truly Yours,  
PATRICK WIRT for  
Phelan Hallinan & Schmieg, LLP

*Apr 28, 2010  
10:00 AM*

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 February 3, 10, 17, 2010 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 17th day of February, 2010.



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**  
**One Penn Center Plaza**  
**Philadelphia, PA 19103**  
**215-563-7000**  
**Fax 215-568-7616**

**Michael R. Schoeniger**  
**Legal Assistant, 1291**

**Representing Lenders in**  
**Pennsylvania and New Jersey**

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

No. 2009-CV-1425

**Re: CITIMORTGAGE, INC. VS. CLAUDIO I. DUARTE, and ADRIANA MACVEY**  
**No. 2009-CV-1425**

**AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1**

Dear Sir/Madam:

Enclosed please find an Affidavit of Service Pursuant to Rule 3129.1 with the necessary attachments regarding the above matter.

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

**\*\*\*Please be advised that in the event the Plaintiff is not represented at the sale the sale is to be stayed or postponed.\*\*\***

**\*\*Property is listed for the 02/24/2010 Sheriff Sale.\*\***

**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.

Very truly yours,

**Phelan Hallinan & Schmieg, LLP**

By:

Michael R. Schoeniger, Legal Assistant

cc: Sheriff of COLUMBIA County

IN THE COURT OF COMMON PLEAS  
OF COLUMBIA COUNTY, PENNSYLVANIA

CITIMORTGAGE, INC.  
Plaintiff,

v.

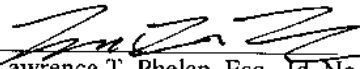
CLAUDIO I. DUARTE  
ADRIANA MACVEY  
Defendant(s)

: COLUMBIA COUNTY  
:  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: No. 2009-CV-1425  
:

AFFIDAVIT OF SERVICE PURSUANT TO RULE 3129.1

COMMONWEALTH OF PENNSYLVANIA )  
COLUMBIA COUNTY ) SS:

As required by Pa. R.C.P. 3129.1(a) Notice of Sale has been given to Lienholders and any known interested party in the manner required by Pa. R.C.P. 3129.2(c) on each of the persons or parties named, at that address, set forth on the Affidavit and as amended if applicable. A copy of the Certificate of Mailing (Form 3817) and/or Certified Mail Return Receipt stamped by the U.S. Postal Service is attached hereto Exhibit "A".

  
☐ Lawrence T. Phelan, Esq., Id. No. 32227  
☐ Francis S. Hallinan, Esq., Id. No. 62695  
☐ Daniel G. Schmieg, Esq., Id. No. 62205  
☐ Michele M. Bradford, Esq., Id. No. 69849  
☐ Judith T. Romano, Esq., Id. No. 58745  
☐ Sheetal R. Shah-Jani, Esq., Id. No. 81760  
☐ Jenine R. Davey, Esq., Id. No. 87077  
☐ Lauren R. Tabas, Esq., Id. No. 93337  
☐ Vivek Srivastava, Esq., Id. No. 202331  
☐ Jay B. Jones, Esq., Id. No. 86657  
☐ Peter J. Mulcahy, Esq., Id. No. 61791  
☐ Andrew L. Spivack, Esq., Id. No. 84439  
☐ Jaime McGuinness, Esq., Id. No. 90134  
☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620  
☐ Joshua I. Goldman, Esq., Id. No. 205047  
☒ Courtenay R. Dunn, Esq., Id. No. 206779  
☐ Andrew C. Bramblett, Esq., Id. No. 208375  
Attorney for Plaintiff

Date: 1/20/10

**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.

# SHERIFF'S SALE COST SHEET

Criminal Justice  
VS. Diode & Allover  
NO. 197-09 ED NO. 1485-01 JD DATE/TIME OF SALE 5:00 PM

DOCKET/RETURN \$15.00  
SERVICE PER DEF. \$155.00  
LEVY (PER PARCEL \$15.00  
MAILING COSTS \$45.00  
ADVERTISING SALE BILLS & COPIES \$17.50  
ADVERTISING SALE (NEWSPAPER) \$15.00  
MILEAGE \$12.00  
POSTING HANDBILL \$15.00  
CRYING/ADJOURN SALE \$10.00  
SHERIFF'S DEED \$35.00  
TRANSFER TAX FORM \$25.00  
DISTRIBUTION FORM \$25.00  
COPIES \$5.50  
NOTARY \$15.00  
TOTAL \$389.50

WEB POSTING \$150.00  
PRESS ENTERPRISE INC. \$748.00  
SOLICITOR'S SERVICES \$75.00  
TOTAL \$1098.00

PROTHONOTARY (NOTARY) \$10.00  
RECORDER OF DEEDS  
TOTAL \$

REAL ESTATE TAXES:  
BORO, TWP & COUNTY 20 \$  
SCHOOL DIST. 20 \$  
DELINQUENT 20 \$  
TOTAL \$5.00

MUNICIPAL FEES DUE:  
SEWER 20 \$  
WATER 20 \$  
TOTAL \$

SURCHARGE FEE (DSTE) \$120.00  
MISC. \$  
TOTAL \$

TOTAL COSTS (OPENING BID) \$1552.56

Due \$202.55  
1380.-

**Fax**

PO Box 380  
Bloomsburg, PA 17815  
Phone 570-389-5622  
Fax 570-389-5625

**COLUMBIA COUNTY  
SHERIFF'S OFFICE**

To:	Joseph Schalk, Esq.	From:	Sheriff Timothy T. Chamberlain
Fax:		Pages:	2
Phone:		Date:	May 19, 2010
Re:	Duarte & MacVey	CC:	
<input type="checkbox"/> Urgent	<input type="checkbox"/> For Review	<input type="checkbox"/> Please Comment	<input type="checkbox"/> Please Reply
<input type="checkbox"/> Please Recycle			
● Comments:			

I received the court order setting aside the sale. A cost sheet showing a balance due of \$202.56 is attached.





126 Locust Street  
Harrisburg, PA 17101  
(215) 563-7000  
Fax: (717) 234-1549  
Email: joseph.schalk@fedphc.com

Joseph P. Schalk, Esquire  
Litigation Department  
Representing Lenders in  
Pennsylvania & New Jersey\*

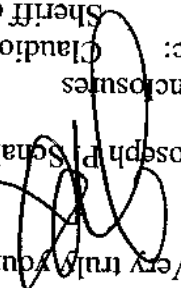
May 5, 2010

Office of the Prothonotary  
Columbia County Courthouse

RE: Citimortgage, Inc v. Claudio I. Duarte  
Columbia County CCP, No. 2009-CV-1425

Dear Sir/Madam:

Enclosed please find Plaintiff's Motion to Set Aside Sheriff's Sale, Brief in Support thereof, proposed Order, Certification of Service and Verification regarding the above-referenced matter. Please file same and return a time-stamped copy of the first page of the Motion, Brief and the Certification in the enclosed self-addressed stamped envelope. Thank you for your anticipated cooperation.

Very truly yours,  
  
Joseph P. Schalk, Esquire

cc: Claudio I. Duarte and Adriana Mcavey  
Sheriff of Columbia County  
Citimortgage, Inc. (Frederick, MD)

\*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 the property.

IN THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY, PENNSYLVANIA

Climmortgage, Inc,  
5280 Corporate Drive  
Frederick, MD 21703  
Plaintiff

Columbia County

Civil Division

Court of Common Pleas

vs.  
Claudio I. Duarte and Adriana Mcavey  
8670 Cedar Creek Drive  
Petoskey, MI 49770-8871  
Defendants

No. 2009-CV-1425

**ORDER**

**AND NOW**, this                      day of                      , 2010, upon consideration of Plaintiff's Motion to Set Aside Sheriff's Sale and Defendants' Response thereto, if any, it is hereby:

**ORDERED and DECREED** that Plaintiff's Motion is granted; and

**ORDERED and DECREED** that the April 28, 2010 Sheriff's sale of the property at 515 Scenic Avenue, Bloomsburg, PA 17815-8234 is hereby set aside and the Sheriff is hereby

directed to stay the Writ of Execution and return it to the Office of the Prothonotary.

BY THE COURT:

\_\_\_\_\_  
J.

PHELAN HALLINAN & SCHMIEG, LLP  
By: Joseph P. Schalk, Esquire  
Identification No. 91656  
126 Locust Street  
Harrisburg, PA 17101  
(215) 563-7000

Attorney for Plaintiff

Critimortgage, Inc.,  
5280 Corporate Drive  
Frederick, MD 21703  
Plaintiff

Columbia County

vs.  
Claudio I. Duarte and Adriana Mcavey  
8670 Cedar Creek Drive  
Petoskey, MI 49770-8871  
Defendants

No. 2009-CV-1425

Court of Common Pleas

Civil Division

**PLAINTIFF'S MOTION TO SET ASIDE SHERIFF'S SALE**

Plaintiff, Critimortgage, Inc, by and through its attorneys, Phelan Hallinan & Schmieg, LLP, respectfully requests that this Honorable Court enter an Order setting aside the April 28, 2010 Sheriff's sale of the property located at 515 Scenic Avenue, Bloomsburg, PA 17815-8234 and in support thereof avers as follows:

1. An *in rem* judgment was entered in favor of Plaintiff in the above-referenced mortgage foreclosure action on October 26, 2009.

2. Pursuant to a Writ of Execution issued on November 13, 2009 to enforce the

judgment, the mortgaged premises was sold to Plaintiff at the Columbia County Sheriff's sale held on April 28, 2010.

3. However, Plaintiff wishes to have the April 28, 2010 Sheriff's sale set aside, due to the fact the Defendants were approved for a Short Sale.

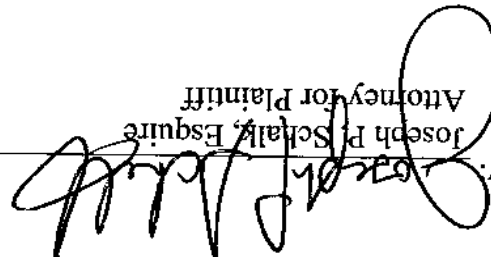
4. The Defendants intend to sell the property privately to a third party, and settle their debt to Plaintiff by tendering a negotiated amount.

5. Since Plaintiff and Defendants wish to amicably settle the debt, Plaintiff requests that the Court set aside the Sheriff's sale.

6. Equity mandates that the sale be set aside to allow Defendants the opportunity to proceed with the proposed short sale.

7. The Sheriff has not yet delivered a deed to Plaintiff.

**WHEREFORE**, Plaintiff respectfully requests that this Honorable Court enter an Order setting aside the April 28, 2010 Sheriff's sale.

Respectfully submitted,  
PHELAN HALLINAN & SCHMIEG, LLP  
By:   
Joseph P. Schall, Esquire  
Attorney for Plaintiff

Date: 5/6/10

PHILAN HALLINAN & SCHMIEG, LLP  
By: Joseph P. Schalk, Esquire  
Identification No. 91656  
126 Locust Street  
Harrisburg, PA 17101  
(215) 563-7000

Attorney for Plaintiff

Citimortgage, Inc.,  
5280 Corporate Drive  
Frederick, MD 21703  
Plaintiff

Columbia County

vs.  
Claudio I. Duarte and Adriana Mcavey  
8670 Cedar Creek Drive  
Petoskey, MI 49770-8871  
Defendants

No. 2009-CV-1425

Court of Common Pleas

Civil Division

**PLAINTIFF'S BRIEF IN SUPPORT OF ITS MOTION TO SET ASIDE SHERIFF'S SALE**

**I. FACTUAL BACKGROUND**

An in rem judgment was entered in favor of Plaintiff in the above-referenced mortgage foreclosure action on October 26, 2009.

Pursuant to a Writ of Execution issued on November 13, 2009 to enforce the aforementioned judgment, the mortgaged premises was sold to Plaintiff at the Columbia County Sheriff's sale held on April 28, 2010.

However, on May 4, 2010 Plaintiff wishes to have the April 28, 2010 Sheriff's sale set aside, due to the fact the Defendants were approved for a Short Sale. Since Defendants wish to

OFF SALE

<b>COMPLETE THIS SECTION ON DELIVERY</b>		<b>COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
A. Signature	X	A. Signature	X	A. Signature	X
B. Received by (Printed Name)	NOV 18 2009	B. Received by (Printed Name)	NOV 18 2009	B. Received by (Printed Name)	NOV 18 2009
C. Date of Delivery	11/24/09	C. Date of Delivery	11/24/09	C. Date of Delivery	11/24/09
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If YES, enter delivery address below:		Article Addressed to:		Article Addressed to:	
		or on the front if space permits.		or on the front if space permits.	
Attach this card to the back of the mailpiece, so that we can return the card to you.		Attach this card to the back of the mailpiece, so that we can return the card to you.		Attach this card to the back of the mailpiece, so that we can return the card to you.	
Print your name and address on the reverse		Print your name and address on the reverse		Print your name and address on the reverse	
Item 4 if Restricted Delivery is desired.		Item 4 if Restricted Delivery is desired.		Item 4 if Restricted Delivery is desired.	
Complete items 1, 2, 3, and 4. Also complete		Complete items 1, 2, 3, and 4. Also complete		Complete items 1, 2, 3, and 4. Also complete	
SENDER: COMPLETE THIS SECTION		SENDER: COMPLETE THIS SECTION		SENDER: COMPLETE THIS SECTION	
3. Service Type		3. Service Type		3. Service Type	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Article Number		2. Article Number		2. Article Number	
7008 1830 0002 2802 1666		7008 1830 0002 2802 1666		7008 1830 0002 2802 1666	
(Transfer from service label)		(Transfer from service label)		(Transfer from service label)	
PS Form 3811, February 2004		PS Form 3811, February 2004		PS Form 3811, February 2004	
102595-02-M-1540		102595-02-M-1540		102595-02-M-1540	
Return Receipt		Return Receipt		Return Receipt	

<b>COMPLETE THIS SECTION ON DELIVERY</b>		<b>COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
A. Signature	X	A. Signature	X	A. Signature	X
B. Received by (Printed Name)	NOV 18 2009	B. Received by (Printed Name)	NOV 18 2009	B. Received by (Printed Name)	NOV 18 2009
C. Date of Delivery	11/24/09	C. Date of Delivery	11/24/09	C. Date of Delivery	11/24/09
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If YES, enter delivery address below:		Article Addressed to:		Article Addressed to:	
		or on the front if space permits.		or on the front if space permits.	
Attach this card to the back of the mailpiece, so that we can return the card to you.		Attach this card to the back of the mailpiece, so that we can return the card to you.		Attach this card to the back of the mailpiece, so that we can return the card to you.	
Print your name and address on the reverse		Print your name and address on the reverse		Print your name and address on the reverse	
Item 4 if Restricted Delivery is desired.		Item 4 if Restricted Delivery is desired.		Item 4 if Restricted Delivery is desired.	
Complete items 1, 2, 3, and 4. Also complete		Complete items 1, 2, 3, and 4. Also complete		Complete items 1, 2, 3, and 4. Also complete	
SENDER: COMPLETE THIS SECTION		SENDER: COMPLETE THIS SECTION		SENDER: COMPLETE THIS SECTION	
3. Service Type		3. Service Type		3. Service Type	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Article Number		2. Article Number		2. Article Number	
7008 1830 0002 2802 1697		7008 1830 0002 2802 1697		7008 1830 0002 2802 1697	
(Transfer from service label)		(Transfer from service label)		(Transfer from service label)	
PS Form 3811, February 2004		PS Form 3811, February 2004		PS Form 3811, February 2004	
102595-02-M-1540		102595-02-M-1540		102595-02-M-1540	
Return Receipt		Return Receipt		Return Receipt	

<b>COMPLETE THIS SECTION ON DELIVERY</b>		<b>COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
A. Signature	X	A. Signature	X	A. Signature	X
B. Received by (Printed Name)	NOV 18 2009	B. Received by (Printed Name)	NOV 18 2009	B. Received by (Printed Name)	NOV 18 2009
C. Date of Delivery	11/24/09	C. Date of Delivery	11/24/09	C. Date of Delivery	11/24/09
D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If YES, enter delivery address below:		Article Addressed to:		Article Addressed to:	
		or on the front if space permits.		or on the front if space permits.	
Attach this card to the back of the mailpiece, so that we can return the card to you.		Attach this card to the back of the mailpiece, so that we can return the card to you.		Attach this card to the back of the mailpiece, so that we can return the card to you.	
Print your name and address on the reverse		Print your name and address on the reverse		Print your name and address on the reverse	
Item 4 if Restricted Delivery is desired.		Item 4 if Restricted Delivery is desired.		Item 4 if Restricted Delivery is desired.	
Complete items 1, 2, 3, and 4. Also complete		Complete items 1, 2, 3, and 4. Also complete		Complete items 1, 2, 3, and 4. Also complete	
SENDER: COMPLETE THIS SECTION		SENDER: COMPLETE THIS SECTION		SENDER: COMPLETE THIS SECTION	
3. Service Type		3. Service Type		3. Service Type	
<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		<input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Article Number		2. Article Number		2. Article Number	
7008 1830 0002 2802 1727		7008 1830 0002 2802 1727		7008 1830 0002 2802 1727	
(Transfer from service label)		(Transfer from service label)		(Transfer from service label)	
PS Form 3811, February 2004		PS Form 3811, February 2004		PS Form 3811, February 2004	
102595-02-M-11		102595-02-M-11		102595-02-M-11	
Domestic Return Receipt		Domestic Return Receipt		Domestic Return Receipt	

Name and Address of Sender

PHILAN HALLINAN & SCHMIEG, LLP  
One Penn Center Plaza,  
1617 JFK Blvd., Ste 1400  
Philadelphia, PA 19103

Line	Article Number	Name of Addressee, Street, and Post Office Address	Postage	Fee
1	*****	TENANT/OCCUPANT 515 SCENIC AVENUE BLOOMSBURG, PA 17815-8234		
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				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
Total Number of Pieces Listed by Sender		RE:CLAUDIO I. DUARTE PHS #213641. TEAM 3 // HOS		
Total Number of Pieces Received at Post Office		Postmaster, Per (Name of Receiving Employee)		



COUNTY OF COLUMBIA  
REAL ESTATE TAX CERTIFICATION

Date: 01/21/2010

Fee: \$5.00

Cert. NO: 6947

DUARTE CLAUDIO I  
ADRIANA MACVEY  
8670 CEDAR CREEK DRIVE  
PETOSKEY MI 49770

District: MAIN TWP  
Deed: 20031 -2795  
Location: LOT 103 WONDERVIEW  
Parcel Id:22 -01B-130-00,000

Assessment: 36,386  
Balances as of 01/21/2010

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

By: Timothy T. Chamberlain, Sheriff Per: dm.



# Tax Bill Master Transaction Detail

DUARTE CLAUDIO I --- 2010-22 -RE -022721

tctax1s

Tax

Taxpayer Name	Bill #	Post Date	Disc Amt	Face Amt	Pent Amt	Code	Category	Parcel
DUARTE CLAUDIO I	022721	01/15/2010	219.16	223.63	245.99	G	0	22 -01B-130-00,000
DUARTE CLAUDIO I	022721	01/15/2010	35.66	36.39	40.03	R	0	22 -01B-130-00,000
DUARTE CLAUDIO I	022721	01/15/2010	47.96	48.94	53.83	S	0	22 -01B-130-00,000
Sub-Total			302.78	308.96	339.85			

THIS IS ONLY  
COUNTY & TWP. FOR THE 2010 TAXES  
(SCHOOL TAXES ARE NOT INCLUDED)

*Plm*

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,

CITIMORTGAGE INC.

VS.

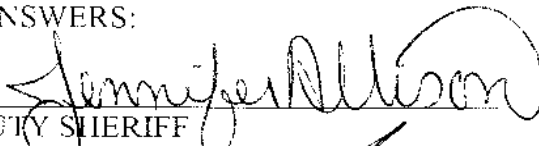
CLAUDIO DUARTE & ADRIANA MACVEY

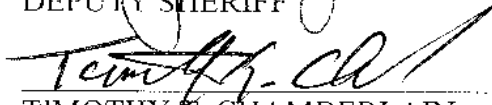
WRIT OF EXECUTION #197 OF 2009 ED

POSTING OF PROPERTY

JANUARY 19, 2010 POSTED A COPY OF THE SHERIFF'S SALE BILL ON THE  
PROPERTY OF CLAUDIO DUARTE & ADRIANA MACVEY AT 515 SCENIC AVE BLOOMSBURG  
COLUMBIA COUNTY PENNSYLVANIA. SAID POSTING PERFORMED BY COLUMBIA COUNTY  
DEPUTY SHERIFF JENNIFER ALLISON.

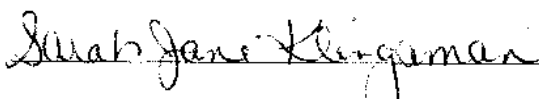
SO ANSWERS:

  
DEPUTY SHERIFF

  
TIMOTHY T. CHAMBERLAIN  
SHERIFF

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 19<sup>TH</sup> DAY OF JANUARY 2010



Notarial Seal  
SARAH JANE KLINGAMAN  
Notary Public  
Town of Bloomsburg, Columbia County PA  
My Commission Expires September 30, 2012

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 11/13/2009

SERVICE# 3 - OF - 12 SERVICES  
DOCKET # 197ED2009

PLAINTIFF CITIMORTGAGE INC.

DEFENDANT CLAUDIO I. DUARTE  
ADRIANA MACVEY

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
TENANT(S)	MORTGAGE FORECLOSURE
515 SCENIC AVE.	
BLOOMSBURG	

SERVED UPON \_\_\_\_\_

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

DATE 1-14-10 TIME 1230 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) posted on front door

ATTEMPTS	DATE	TIME	OFFICER	REMARKS
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
DEPUTY	<u>[Signature]</u>	_____	DATE	<u>1-14-10</u>

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 11/13/2009

SERVICE# 5 - OF - 12 SERVICES  
DOCKET # 197ED2009

PLAINTIFF CITIMORTGAGE INC.

DEFENDANT CLAUDIO I. DUARTE  
ADRIANA MACVEY

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
MARJORIE LAYTAR-TAX COLLECTOR	MORTGAGE FORECLOSURE
332-C MAIN MIFFLIN ROAD	
BLOOMSBURG	

SERVED UPON \_\_\_\_\_

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

DATE 1-14-10 TIME 1220 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) posted

ATTEMPTS	DATE	TIME	OFFICER	REMARKS
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

DEPUTY  DATE 1-14-10

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 11/13/2009

SERVICE# 6 - OF - 12 SERVICES  
DOCKET # 197ED2009

PLAINTIFF CITIMORTGAGE INC.

DEFENDANT CLAUDIO I. DUARTE  
ADRIANA MACVEY

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

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

SERVED UPON MAUREEN Cole

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

DATE 1-15-10 TIME 0900 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. Clute

DATE 1-15-10

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 11/13/2009

SERVICE# 9 - OF - 12 SERVICES  
DOCKET # 197ED2009

PLAINTIFF CITIMORTGAGE INC.

DEFENDANT CLAUDIO I. DUARTE  
ADRIANA MACVEY

ATTORNEY FIRM 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

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

DATE 1-15 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

TC DATE \_\_\_\_\_

AFFIDAVIT OF SERVICE

Plaintiff: CITIMORTGAGE, INC.

COLUMBIA County  
No 2009-CV-1425

Defendant(s): CLAUDIO I. DUARTE  
ADRIANA MACVEY

Our File#213641  
Type of Action  
- Notice of Sheriff's Sale

Serve: CLAUDIO I. DUARTE  
Address: 8670 CEDAR CREEK DRIVE  
PETOSKEY, MI 49770-8871

Sale Date: 2/24/2010

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

SERVED

Served and made known to Claudio DUARTE, Defendant, on the 11<sup>th</sup> day of DEC, 2009 at 12:38 o'clock P.m., at 8670 CEDAR CREEK DR, Commonwealth of PETOSKEY, 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 40's Height 5'8 Weight 180 Race WH Sex M Other \_\_\_\_\_

I, Jessica Dotzlar, 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 11<sup>th</sup> day of Dec, 2009.  
Notary Public, State of Michigan  
County of Charlevoix  
My Comm. Expires 09-02-2011

Notary: Robin D Bashaw

By: Jessica Dotzlar X

NOT SERVED

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, at \_\_\_\_\_ o'clock \_\_\_\_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 \_\_\_\_\_, 200\_\_.

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

Attorneys for Plaintiff

Phelan Hallinan & Schmieg LLP  
One Penn Center at Suburban Station-Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000

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

CITIMORTGAGE, INC.

vs.

CLAUDIO I. DUARTE

ADRIANA MACVEY

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

: No. 2009-CV-1425

:

: COLUMBIA COUNTY

2009-ED-197

Commonwealth of Pennsylvania:

County of Columbia

TO THE SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA:

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

PREMISES: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234  
(See Legal Description attached)

Amount Due

\$115,981.66

Additional Fees and Costs

\$2,196.00

Interest from 10/23/2009 to Date of Sale  
at \$19.33per diem

\$.....and costs.

Tamara B. Kline,

Barbara A. Shultz

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

Chief Clerk

2

Dated 11-13-09  
(SEAL)

PHS#213641



IN THE COURT OF COMMON PLEAS OF  
COLUMBIA COUNTY, PENNSYLVANIA

CITIMORTGAGE, INC.

vs.

CLAUDIO I. DUARTE  
ADRIANA MACVEY

WRIT OF EXECUTION  
(Mortgage Foreclosure)

Office of Judicial Support

Costs

Judg. Fee

Cr.

Sat.

Attorney for Plaintiff

- ☒ Lawrence T. Phelan, Esq., Id. No. 32227
- ☒ Francis S. Hallinan, Esq., Id. No. 62695
- ☒ Daniel G. Schmitz, Esq., Id. No. 62205
- ☒ Michele M. Bradford, Esq., Id. No. 69849
- ☒ Judith T. Romano, Esq., Id. No. 58745
- ☒ Sheetal R. Shah-Jani, Esq., Id. No. 81760
- ☒ Jenine R. Davey, Esq., Id. No. 93337
- ☒ Lauren R. Tabas, Esq., Id. No. 202331
- ☒ Vivek Srivastava, Esq., Id. No. 86657
- ☒ Jay B. Jones, Esq., Id. No. 61791
- ☒ Peter J. Mulcahy, Esq., Id. No. 84439
- ☒ Andrew L. Spivack, Esq., Id. No. 90134
- ☒ Jaime McGuinness, Esq., Id. No. 94620
- ☒ Christovalante P. Flakos, Esq., Id. No. 205047
- ☒ Joshua I. Goldman, Esq., Id. No. 206779
- ☒ Courtenay R. Dunn, Esq., Id. No. 208375
- ☒ Andrew C. Bramblett, Esq., Id. No. 208375

Address: CLAUDIO I. DUARTE:

8670 CEDAR CREEK DRIVE,  
PETOSKEY, MI 49770-8871

ADRIANA MACVEY

8670 CEDAR CREEK DRIVE  
PETOSKEY, MI 49770-8871

Pd \$90.50 Complaint  
Pd \$14.00 Judgment  
Pd \$23.00 Writ  
\$7.00 Satisfy

**Phelan Hallinan & Schmieg, LLP**  
Attorney for Plaintiff  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

**CITIMORTGAGE, INC.**

**Plaintiff,**

**v.**

**CLAUDIO I. DUARTE**

**ADRIANA MACVEY**

**Defendant(s).**

: **COURT OF COMMON PLEAS**

:

: **CIVIL DIVISION**

:

: **NO. 2009-CV-1425**

:

: **COLUMBIA COUNTY**

:

*2009-EP-197*

**NOTICE OF SHERIFF'S SALE OF REAL PROPERTY**

**TO: CLAUDIO I. DUARTE**  
**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

**ADRIANA MACVEY**  
**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

*\*\*\*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 **515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234** is scheduled to be sold at Sheriff's Sale on February 24, 2010, at 9:00 a.m., in the Office of the Sheriff at the Columbia County Courthouse, Bloomsburg, PA 17815, to enforce the Court Judgment of **\$115,981.66** obtained by CITIMORTGAGE, INC., (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, CITIMORTGAGE, INC., 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 ex-1230.**
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. 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**

## LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140;

THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue;

THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

The above premises are UNDER AND SUBJECT to covenants and conditions as more fully set forth in Record Book 520 page 755 which are deemed to be accepted by the Grantee(s) on delivery of this deed.

TITLE TO SAID PREMISES IS VESTED IN Claudio I. Duarte and Adriana MacVey, h/w, by Deed from Matthew J. Dutka and Linda A. Dutka, h/w, dated 07/17/2003, recorded 10/02/2003 in Instrument Number 200312795.

Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

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

CITIMORTGAGE, INC.

vs.

CLAUDIO I. DUARTE

ADRIANA MACVEY

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

: No. 2009-CV-1425

:

: COLUMBIA COUNTY

2009-ED-197

Commonwealth of Pennsylvania:

County of Columbia

TO THE SHERIFF OF COLUMBIA COUNTY, PENNSYLVANIA:

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

PREMISES: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234  
(See Legal Description attached)

Amount Due

\$115,981.66

Additional Fees and Costs

\$2,196.00

Interest from 10/23/2009 to Date of Sale  
at \$19.33per diem

\$\_\_\_\_\_and costs.

Tamara B. Kline,

Barbara N. Zeliveth

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

Chief Clerk

2

Dated 11-13-09  
(SEAL)

PHS#213641

**Phelan Hallinan & Schmieg, LLP**  
Attorney for Plaintiff  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

**CITIMORTGAGE, INC.**

**Plaintiff,**

**v.**

**CLAUDIO I. DUARTE**

**ADRIANA MACVEY**

**Defendant(s).**

: **COURT OF COMMON PLEAS**

:

: **CIVIL DIVISION**

:

: **NO. 2009-CV-1425**

:

: **COLUMBIA COUNTY**

:

*2009-EP-197*

**NOTICE OF SHERIFF'S SALE OF REAL PROPERTY**

**TO: CLAUDIO I. DUARTE**  
**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

**ADRIANA MACVEY**  
**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

*\*\*\*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 **515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234** is scheduled to be sold at Sheriff's Sale on February 24, 2010, at 9:00 a.m., in the Office of the Sheriff at the Columbia County Courthouse, Bloomsburg, PA 17815, to enforce the Court Judgment of **\$115,981.66** obtained by CITIMORTGAGE, INC., (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, CITIMORTGAGE, INC., 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 ex-1230.**
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.)

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OTHER RIGHTS EVEN IF THE SHERIFF'S SALE DOES TAKE PLACE.**

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SUSQUEHANNA LEGAL SERVICES  
168 EAST 5<sup>TH</sup> STREET  
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Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

197

**AFFIDAVIT OF SERVICE**

Plaintiff: CITIMORTGAGE, INC.

COLUMBIA County

No 2009-CV-1425

Defendant(s): CLAUDIO I. DUARTE  
ADRIANA MACVEY

Our File#213641

Type of Action

- Notice of Sheriff's Sale

Serve: ADRIANA MACVEY

Address: 8670 CEDAR CREEK DRIVE  
PETOSKEY, MI 49770-8871

Sale Date: 2/24/2010

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

**SERVED**

Served and made known to Adriana Macvey, Defendant, on the 11<sup>th</sup> day of DEC, 2009, at 12:38 o'clock P.m., at 8670 Cedar Creek Dr, Commonwealth of Petoskey, 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 40's Height 5'4 Weight 135 Race WH Sex F Other \_\_\_\_\_

I, JESSICA DOTZLAF, 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 11 day of Dec, 2009.  
Notary Public, State of Michigan  
County of Columbia  
My Commission Expires 02-2014  
Notary: Robin D Bashaw By: Jessica Dotzlaf

**NOT SERVED**

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_, at \_\_\_\_\_ o'clock \_\_\_\_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 \_\_\_\_\_, 200\_.  
Notary: \_\_\_\_\_

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

**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg LLP  
One Penn Center at Suburban Station-Suite 1400  
Philadelphia, PA 19103  
(215) 563-7000

IN THE COURT OF COMMON PLEAS  
COLUMBIA COUNTY, PENNSYLVANIA

CITIMORTGAGE, INC.

Plaintiff

vs.

CLAUDIO I. DUARTE

ADRIANA MACVEY

Defendants

Court of Common Pleas

Civil Division

COLUMBIA County

No. 2009-CV-1425

**ORDER**

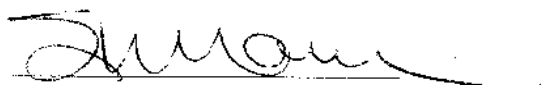
AND NOW, this 11 day of Dec, 2010 the Prothonotary is ORDERED to amend the in rem judgment and the Sheriff is ORDERED to amend the writ nunc pro tunc in this case as follows:

Principal Balance	\$108,911.18
Interest Through February 24, 2010	\$6,982.33
Per Diem \$19.39	
Late Charges	\$461.75
Legal fees	\$1,300.00
Cost of Suit and Title	\$1,567.50
Sheriff's Sale Costs	\$0.00
Property Inspections/ Property Preservation	\$1,987.00
Appraisal/Brokers Price Opinion	\$0.00
Mortgage Insurance Premium/	\$219.25
Private Mortgage Insurance	
Non Sufficient Funds Charge	\$0.00
Suspense/Misc. Credits	(\$0.00)
Escrow Deficit	\$2,628.88
<b>TOTAL</b>	<b>\$124,057.89</b>

Plus interest from February 24, 2010 through the date of sale at six percent per annum.

Note: The above figure is not a payoff quote. Sheriff's commission is not included in the above figure.

BY THE COURT

  
J.

Phelan Hallinan & Schmieg, LLP

By: Lawrence T. Phelan, Esq., Id. No. 32227  
Francis S. Hallinan, Esq., Id. No. 62695  
Daniel G. Schmieg, Esq., Id. No. 62205  
Michele M. Bradford, Esq., Id. No. 69849  
Judith T. Romano, Esq., Id. No. 58745  
Sheetal R. Shah-Jani, Esq., Id. No. 81760  
Jenine R. Davey, Esq., Id. No. 87077  
Lauren R. Tabas, Esq., Id. No. 93337  
Vivek Srivastava, Esq., Id. No. 202331  
Jay B. Jones, Esq., Id. No. 86657  
Peter J. Mulcahy, Esq., Id. No. 61791  
Andrew L. Spivack, Esq., Id. No. 84439  
Jaime McGuinness, Esq., Id. No. 90134  
Chrisovalante P. Fliakos, Esq., Id. No. 94620  
Joshua I. Goldman, Esq., Id. No. 205047  
Courtenay R. Dunn, Esq., Id. No. 206779  
Andrew C. Bramblett, Esq., Id. No. 208375

Attorney for Plaintiff

1617 JFK Boulevard, Suite 1400  
One Penn Center Plaza  
Philadelphia, PA 19103  
215-563-7000

**CITIMORTGAGE, INC.**

**vs.**

**CLAUDIO I. DUARTE**  
**ADRIANA MACVEY**

: **COLUMBIA COUNTY**  
:  
: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **No. 2009-CV-1425**  
:

**VERIFICATION OF NON-MILITARY SERVICE**


The undersigned attorney hereby verifies that he/she is the attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he/she has knowledge of the following facts, to wit:

(a) that the defendant(s) is/are not in the Military or Naval Service of the United States or its Allies, or otherwise within the provisions of the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, as amended.

(b) that defendant CLAUDIO I. DUARTE is over 18 years of age and his last known address is 8670 CEDAR CREEK DRIVE, PETOSKEY, MI 49770-887; the mortgaged premises is 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234.

(c) that defendant ADRIANA MACVEY is over 18 years of age and her last known address is 8670 CEDAR CREEK DRIVE, PETOSKEY, MI 49770-887; the mortgaged premises is 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234.

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



☐ Lawrence T. Phelan, Esq., Id. No. 32227  
☐ Francis S. Hallinan, Esq., Id. No. 62695  
☐ Daniel G. Schmieg, Esq., Id. No. 62205  
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☒ Andrew C. Bramblett, Esq., Id. No. 208375  
Attorney for Plaintiff

# REAL ESTATE OUTLINE

ED # 19109

DATE RECEIVED 11-15-11  
DOCKET AND INDEX 11-15-11

## 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>874930</u>

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

SALE DATE	<u>Feb. 24 2012</u>	TIME <u>0900</u>
POSTING DATE	<u>1-19-10</u>	
ADV. DATES FOR NEWSPAPER	1 <sup>ST</sup> WEEK <u>FEB 3</u>	
	2 <sup>ND</sup> WEEK <u>10</u>	
	3 <sup>RD</sup> WEEK <u>17</u>	

# SHERIFF'S SALE

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WEDNESDAY FEBRUARY 24, 2010 AT 9:00 AM

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BY VIRTUE OF A WRIT OF EXECUTION NO. 197 OF 2009 ED AND CIVIL WRIT NO. 1425 OF 2009 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 lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

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Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000



### 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 in 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.

**If proceeds are payable to the Plaintiff, the proceeds check will be payable to Plaintiff, unless the Columbia County Sheriff's Office receives advance written notice otherwise, signed by an authorized representation of the Plaintiff.**

Plaintiff's Attorney  
Daniel Schmieg  
1617 JFK Blvd  
Philadelphia, PA 19106

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

# SHERIFF'S SALE

---

WEDNESDAY FEBRUARY 24, 2010 AT 9:00 AM

---

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CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

The above premises are UNDER AND SUBJECT to covenants and conditions as more fully set forth in Record Book 520 page 755 which are deemed to be accepted by the Grantee(s) on delivery of this deed.

TITLE TO SAID PREMISES IS VESTED IN Claudio I. Duarte and Adriana MacVey, h/w, by Deed from Matthew J. Dutka and Linda A. Dutka, h/w, dated 01/17/2003, recorded 10/02/2003 in Instrument Number 200312795.

Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

### 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 in 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.

**If proceeds are payable to the Plaintiff, the proceeds check will be payable to Plaintiff, unless the Columbia County Sheriff's Office receives advance written notice otherwise, signed by an authorized representation of the Plaintiff.**

Plaintiff's Attorney  
Daniel Schmieg  
1617 JFK Blvd  
Philadelphia, PA 19106

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

# SHERIFF'S SALE

---

WEDNESDAY FEBRUARY 24, 2010 AT 9:00 AM

---

BY VIRTUE OF A WRIT OF EXECUTION NO. 197 OF 2009 ED AND CIVIL WRIT NO. 1425 OF 2009 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 lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis; THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140; THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141; THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue; THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along :, the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

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Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

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**If proceeds are payable to the Plaintiff, the proceeds check will be payable to Plaintiff, unless the Columbia County Sheriff's Office receives advance written notice otherwise, signed by an authorized representation of the Plaintiff.**

Plaintiff's Attorney  
Daniel Schmieg  
1617 JFK Blvd  
Philadelphia, PA 19106

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

# SHERIFF'S SALE

WEDNESDAY FEBRUARY 24, 2010 AT 9:00 AM

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ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

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Tax Parcel #22-01B-130-00,000

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Plaintiff's Attorney  
Daniel Schmieg  
1617 JFK Blvd  
Philadelphia, PA 19106

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**

CITIMORTGAGE, INC.

vs.

CLAUDIO I. DUARTE

ADRIANA MACVEY

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

: No. 2009-CV-1425

:

: COLUMBIA COUNTY

Commonwealth of Pennsylvania:

County of Columbia

*2009-ED-197*

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: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234  
(See Legal Description attached)

Amount Due

\$115,981.66

Additional Fees and Costs

\$2,196.00

Interest from 10/23/2009 to Date of Sale  
at \$19.33 per diem

\$.....and costs.

*Thomas B. Kline,*  
*Barbara A. Delwalle*  
\_\_\_\_\_  
(Clerk) Office of the Prothy Support, Common Pleas Court  
of Columbia County, Penna. *Chf Deputy*

Dated 11-13-09  
(SEAL)

PHS#213641



**PRAECIPE FOR WRIT OF EXECUTION – (MORTGAGE FORECLOSURE)**  
**P.R.C.P. 3180-3183**

**CITIMORTGAGE, INC.**

**vs.**

**CLAUDIO I. DUARTE**

**ADRIANA MACVEY**

**: COURT OF COMMON PLEAS**

**:**

**: CIVIL DIVISION**

**:**

**: No. 2009-CV-1425**

**:**

**: COLUMBIA COUNTY**

**2009-ED-197**

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due	<u>\$115,981.66</u>
Additional Fees and Costs	<u>\$2,196.00</u>
Interest from 10/23/2009 to Date of Sale	\$.....and costs.
@ \$19.33 per diem	

By: 

Lawrence T. Phelan, Esq., Id. No. 32227

Francis S. Hallinan, Esq., Id. No. 62695

Daniel G. Schmieg, Esq., Id. No. 62205

Michele M. Bradford, Esq., Id. No. 69849

Judith T. Romano, Esq., Id. No. 58745

Sheetal R. Shah-Jani, Esq., Id. No. 81760

Jenine R. Davey, Esq., Id. No. 87077

Lauren R. Tabas, Esq., Id. No. 93337

Vivek Srivastava, Esq., Id. No. 202331

Jay B. Jones, Esq., Id. No. 86657

Peter J. Mulcahy, Esq., Id. No. 61791

Andrew L. Spivack, Esq., Id. No. 84439

Jaime McGuinness, Esq., Id. No. 90134

Chrisovalante P. Fliakos, Esq., Id. No. 94620

Joshua I. Goldman, Esq., Id. No. 205047

Courtenay R. Dunn, Esq., Id. No. 206779

Andrew C. Bramblett, Esq., Id. No. 208375

Attorneys for Plaintiff

Note: Please attach description of Property.  
PHS#213641

**Phelan Hallinan & Schmieg, LLP**  
**Attorney for Plaintiff**  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
**Attorney for Plaintiff**  
(215)563-7000

**CITIMORTGAGE, INC.**  
**Plaintiff,**

**v.**

**CLAUDIO I. DUARTE**  
**ADRIANA MACVEY**  
**Defendant(s).**

**: COURT OF COMMON PLEAS**  
**:**  
**: CIVIL DIVISION**  
**:**  
**: NO. 2009-CV-1425**  
**:**  
**: COLUMBIA COUNTY**  
**:**  
**2009-EB-197**

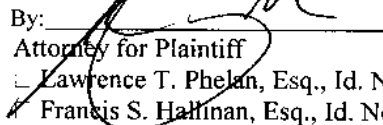
**CERTIFICATION**

The undersigned attorney hereby verifies that they are the attorney for the Plaintiff in the above-captioned matter and that the premises is not subject to the provisions of Act 91 because:

- ☐ the mortgage is an FHA mortgage.
- ☐ the premises is non-owner occupied.
- ☒ the premises is vacant.
- ☐ Act 91 procedures have been fulfilled

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

PHELAN HALLINAN & SCHMIEG, LLP

By:   
Attorney for Plaintiff  
☒ Lawrence T. Phelan, Esq., Id. No. 32227  
☒ Francis S. Hallinan, Esq., Id. No. 62695  
☐ Daniel G. Schmieg, Esq., Id. No. 62205  
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☐ Courtenay R. Dunn, Esq., Id. No. 206779  
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**Phelan Hallinan & Schmieg, LLP**  
**Attorney for Plaintiff**  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

**CITIMORTGAGE, INC.**

**Plaintiff,**

**v.**

**CLAUDIO I. DUARTE**

**ADRIANA MACVEY**

**Defendant(s).**

**: COURT OF COMMON PLEAS**

**:**

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**:**

**: NO. 2009-CV-1425**

**:**

**: COLUMBIA COUNTY**

**:**

*2009-ED-197*


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PHELAN HALLINAN & SCHMIEG, LLP

By:   
Attorney for Plaintiff

- ☒ Lawrence T. Phelan, Esq., Id. No. 32227
- ☒ Francis S. Hallinan, Esq., Id. No. 62695
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- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

## LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

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THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

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Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

**Pnelan Hallinan & Schmieg, LLP**  
Attorney for Plaintiff  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

**CITIMORTGAGE, INC.**  
**Plaintiff,**

**v.**

**CLAUDIO I. DUARTE**  
**ADRIANA MACVEY**  
**Defendant(s).**

**: COURT OF COMMON PLEAS**  
**:**  
**: CIVIL DIVISION**  
**:**  
**: NO. 2009-CV-1425**  
**:**  
**: COLUMBIA COUNTY**  
**:**

2009-ED-197

**AFFIDAVIT PURSUANT TO RULE 3129**

**CITIMORTGAGE, INC.**, Plaintiff in the above action, by the undersigned attorney, 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 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234**.

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

NAME

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

**CLAUDIO I. DUARTE**

**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

**ADRIANA MACVEY**

**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

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

NAME

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

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

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

**NONE**

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

NAME

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

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

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

TENANT/OCCUPANT

515 SCENIC AVENUE  
BLOOMSBURG, PA 17815-8234

DOMESTIC RELATIONS OF  
COLUMBIA COUNTY

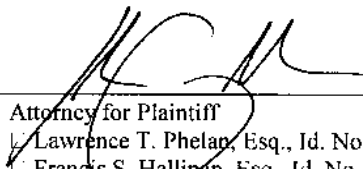
COLUMBIA COUNTY COURTHOUSE  
P.O. BOX 380  
BLOOMSBURG, PA 17815

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.A § 4904 relating to unsworn falsification to authorities.

November 10, 2009

  
\_\_\_\_\_  
Attorney for Plaintiff  
☒ Lawrence T. Phelan, Esq., Id. No. 32227  
☐ Francis S. Hallinan, Esq., Id. No. 62695  
☐ Daniel G. Schmieg, Esq., Id. No. 62205  
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☐ Peter J. Mulcahy, Esq., Id. No. 61791  
☐ Andrew L. Spivack, Esq., Id. No. 84439  
☐ Jaime McGuinness, Esq., Id. No. 90134  
☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620  
☒ Joshua I. Goldman, Esq., Id. No. 205047  
☐ Courtenay R. Dunn, Esq., Id. No. 206779  
☐ Andrew C. Bramblett, Esq., Id. No. 208375

**Phelan Hallinan & Schmieg, LLP**  
Attorney for Plaintiff  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
Attorney for Plaintiff  
(215)563-7000

**CITIMORTGAGE, INC.**  
Plaintiff,

v.

**CLAUDIO I. DUARTE**  
**ADRIANA MACVEY**  
Defendant(s).

: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 2009-CV-1425  
:  
: COLUMBIA COUNTY  
:

2009-ED-197

**AFFIDAVIT PURSUANT TO RULE 3129**

**CITIMORTGAGE, INC.**, Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecept for the Writ of Execution was filed, the following information concerning the real property located at **515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234**.

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

NAME

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

**CLAUDIO I. DUARTE**

**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

**ADRIANA MACVEY**

**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

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

NAME

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

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

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

**NONE**

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

NAME

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

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

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

TENANT/OCCUPANT

515 SCENIC AVENUE  
BLOOMSBURG, PA 17815-8234

DOMESTIC RELATIONS OF  
COLUMBIA COUNTY

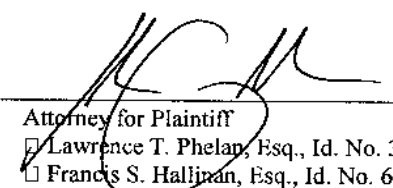
COLUMBIA COUNTY COURTHOUSE  
P.O. BOX 380  
BLOOMSBURG, PA 17815

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.A § 4904 relating to unsworn falsification to authorities.

November 10, 2009

  
\_\_\_\_\_  
Attorney for Plaintiff

- ☒ Lawrence T. Phelan, Esq., Id. No. 32227
- ☐ Francis S. Hallinan, Esq., Id. No. 62695
- ☐ Daniel G. Schmieg, Esq., Id. No. 62205
- ☐ Michele M. Bradford, Esq., Id. No. 69849
- ☐ Judith T. Romano, Esq., Id. No. 58745
- ☐ Shcetal R. Shah-Jani, Esq., Id. No. 81760
- ☐ Jenine R. Davey, Esq., Id. No. 87077
- ☐ Lauren R. Tabas, Esq., Id. No. 93337
- ☐ Vivek Srivastava, Esq., Id. No. 202331
- ☐ Jay B. Jones, Esq., Id. No. 86657
- ☐ Peter J. Mulcahy, Esq., Id. No. 61791
- ☐ Andrew L. Spivack, Esq., Id. No. 84439
- ☐ Jaime McGuinness, Esq., Id. No. 90134
- ☐ Chrisovalante P. Fliakos, Esq., Id. No. 94620
- ☒ Joshua I. Goldman, Esq., Id. No. 205047
- ☐ Courtenay R. Dunn, Esq., Id. No. 206779
- ☐ Andrew C. Bramblett, Esq., Id. No. 208375

# SHERIFF'S RETURN

CITIMORTGAGE, INC.

Plaintiff

vs.

CLAUDIO I. DUARTE

ADRIANA MACVEY

Defendants

IN THE COURT OF COMMON PLEAS  
OF COLUMBIA COUNTY

No. 2009-CV-1425 CD

WRIT

ISSUED

NOW, \_\_\_\_\_ 20\_\_ 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

Plaintiff  
CITIMORTGAGE, INC.

Court Number  
2009-CV-1425

Defendant  
CLAUDIO I. DUARTE & ADRIANA MACVEY

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.

CLAUDIO I. DUARTE

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

8670 CEDAR CREEK DRIVE, PETOSKEY, MI 49770-8871

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

Telephone Number  
(215)563-7000

Date

### 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

# 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  
CITIMORTGAGE, INC.

Court Number  
2009-CV-1425

Defendant  
CLAUDIO I. DUARTE & ADRIANA MACVEY

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.

ADRIANA MACVEY

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

8670 CEDAR CREEK DRIVE, PETOSKEY, MI 49770-8871

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

Telephone Number  
(215)563-7000

Date \_\_\_\_\_

### 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 \_\_\_\_\_

# 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  
CITIMORTGAGE, INC.

Court Number  
2009-CV-1425

Defendant  
CLAUDIO I. DUARTE & ADRIANA MACVEY

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)  
515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

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

Telephone Number  
(215)563-7000

Date \_\_\_\_\_

**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**

Attorney for Plaintiff

One Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Suite 1400

Philadelphia, PA 19103-1814

Attorney for Plaintiff

(215)563-7000

**CITIMORTGAGE, INC.**

**Plaintiff,**

**v.**

**CLAUDIO I. DUARTE**

**ADRIANA MACVEY**

**Defendant(s).**

**: COURT OF COMMON PLEAS**

**:**

**: CIVIL DIVISION**

**:**

**: NO. 2009-CV-1425**

**:**

**: COLUMBIA COUNTY**

**:**

*2009-ED-197*

**NOTICE OF SHERIFF'S SALE OF REAL PROPERTY**

**TO: CLAUDIO I. DUARTE**  
**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

**ADRIANA MACVEY**  
**8670 CEDAR CREEK DRIVE**  
**PETOSKEY, MI 49770-8871**

*\*\*\*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 **515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234** 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 **\$115,981.66** obtained by CITIMORTGAGE, INC., (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, CITIMORTGAGE, INC., 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 ex-1230.**
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. 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**

## **LEGAL DESCRIPTION**

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140;

THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue;

THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.



The above premises are UNDER AND SUBJECT to covenants and conditions as more fully set forth in Record Book 520 page 755 which are deemed to be accepted by the Grantee(s) on delivery of this deed.

TITLE TO SAID PREMISES IS VESTED IN Claudio I. Duarte and Adriana MacVey, h/w, by Deed from Matthew J. Dutka and Linda A. Dutka, h/w, dated 07/17/2003, recorded 10/02/2003 in Instrument Number 200312795.

Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

**SHORT DESCRIPTION**

By virtue of a Writ of Execution **NO. 2008-CV-3826-MF**

**BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOANS  
SERVICING, L.P.**

**v**

**EMERENCE HABİYAREMYE**

owner(s) of property situate in the **9TH WARD OF CITY OF HARRISBURG WARD  
OF THE CITY OF HARRISBURG** Dauphin County, Pennsylvania, being

(Municipality)

**1919 MULBERRY STREET, HARRISBURG, PA 17104-0000**

**Parcel No. 09-086-019**

(Acreage or street address)

Seized and sold as property of **EMERENCE HABİYAREMYE**

Improvements thereon: **RESIDENTIAL DWELLING**

Sale No. \_\_\_\_\_

Judgment Amount: **\$64,429.99**

**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg, LLP

**SHORT DESCRIPTION**

By virtue of a Writ of Execution NO. 2008-CV-3826-MF

**BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOANS  
SERVICING, L.P.**

**v**

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**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg, LLP

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**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg, LLP

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**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg, LLP

**SHORT DESCRIPTION**

By virtue of a Writ of Execution NO. 2008-CV-3826-MF

**BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOANS  
SERVICING, L.P.**

**v**

**EMERENCE HABİYAREMYE**

owner(s) of property situate in the **9TH WARD OF CITY OF HARRISBURG WARD  
OF THE CITY OF HARRISBURG** Dauphin County, Pennsylvania, being

(Municipality)

**1919 MULBERRY STREET, HARRISBURG, PA 17104-0000**

**Parcel No. 09-086-019**

(Acreage or street address)

Seized and sold as property of **EMERENCE HABİYAREMYE**

Improvements thereon: **RESIDENTIAL DWELLING**

Sale No. \_\_\_\_\_

Judgment Amount: **\$64,429.99**

**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg, LLP

**SHORT DESCRIPTION**

By virtue of a Writ of Execution **NO. 2008-CV-3826-MF**

**BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOANS  
SERVICING, L.P.**

**v**

**EMERENCE HABİYAREMYE**

owner(s) of property situate in the **9TH WARD OF CITY OF HARRISBURG WARD  
OF THE CITY OF HARRISBURG** Dauphin County, Pennsylvania, being

(Municipality)

**1919 MULBERRY STREET, HARRISBURG, PA 17104-0000**

**Parcel No. 09-086-019**

(Acreage or street address)

Seized and sold as property of **EMERENCE HABİYAREMYE**

Improvements thereon: **RESIDENTIAL DWELLING**

Sale No. \_\_\_\_\_

Judgment Amount: **\$64,429.99**

**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg, LLP

**SHORT DESCRIPTION**

By virtue of a Writ of Execution **NO. 2008-CV-3826-MF**

**BAC HOME LOANS SERVICING, L.P. F/K/A COUNTRYWIDE HOME LOANS  
SERVICING, L.P.**

**v**

**EMERENCE HABİYAREMYE**

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(Municipality)

**1919 MULBERRY STREET, HARRISBURG, PA 17104-0000**

**Parcel No. 09-086-019**

(Acreage or street address)

Seized and sold as property of **EMERENCE HABİYAREMYE**

Improvements thereon: **RESIDENTIAL DWELLING**

Sale No. \_\_\_\_\_

Judgment Amount: **\$64,429.99**

**Attorneys for Plaintiff**

Phelan Hallinan & Schmieg, LLP



## LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140;

THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue;

THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

The above premises are UNDER AND SUBJECT to covenants and conditions as more fully set forth in Record Book 520 page 755 which are deemed to be accepted by the Grantee(s) on delivery of this deed.

TITLE TO SAID PREMISES IS VESTED IN Claudio I. Duarte and Adriana MacVey, h/w, by Deed from Matthew J. Dutka and Linda A. Dutka, h/w, dated 07/17/2003, recorded 10/02/2003 in Instrument Number 200312795.

Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

## LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140;

THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue;

THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

The above premises are UNDER AND SUBJECT to covenants and conditions as more fully set forth in Record Book 520 page 755 which are deemed to be accepted by the Grantee(s) on delivery of this deed.

TITLE TO SAID PREMISES IS VESTED IN Claudio I. Duarte and Adriana MacVey, h/w, by Deed from Matthew J. Dutka and Linda A. Dutka, h/w, dated 07/17/2003, recorded 10/02/2003 in Instrument Number 200312795.

Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

## LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140;

THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue;

THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

The above premises are UNDER AND SUBJECT to covenants and conditions as more fully set forth in Record Book 520 page 755 which are deemed to be accepted by the Grantee(s) on delivery of this deed.

TITLE TO SAID PREMISES IS VESTED IN Claudio I. Duarte and Adriana MacVey, h/w, by Deed from Matthew J. Dutka and Linda A. Dutka, h/w, dated 07/17/2003, recorded 10/02/2003 in Instrument Number 200312795.

Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

## LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140;

THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue;

THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

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Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000



## LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land designated as Lot No. 103 of the Wonderview Subdivision, situate in Main Township, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point on the northerly line of Scenic Avenue, said point being at the southeast corner of Lot No. 104B, now or formerly of Brian K. and Cynthia J. Willis;

THENCE by line of Lot No. 104B, now or formerly of Willis, North 13 degrees 46 minutes 05 seconds West, a distance of 124.63 feet to a point at the northeast corner of said Lot No. 104B, now or formerly of Willis and on the southerly line of Lot No. 140;

THENCE along the southerly line of Lot No. 140 and Lot No. 141, North 77 degrees 02 minutes East 100.02 feet to a point at the northwest corner of Lot No. 102 and the southerly line of Lot No. 141;

THENCE along Lot No. 102 South 13 degrees 46 minutes 05 seconds East, a distance of 122.70 feet to a point on the northerly line of Scenic Avenue;

THENCE along the northerly line of Scenic Avenue South 76 degrees 13 minutes 55 seconds West, a distance of 100 feet to a point, the place of BEGINNING.

CONTAINING 12,366.5 square feet. Being Lot No. 103 of the Wonderview Subdivision in Main and Catawissa Township, Columbia County, Pennsylvania.

The Grantors do hereby further grant and convey to the Grantee(s), his/her/their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lots 101 and 102, extending the entire width of lots, together with the right of privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

EXCEPTING AND RESERVING from the above described Lot 103 in favor of Clyde E. and Joan B. Yohey, their heirs and assigns, a utility easement and right of way twenty-five (25) feet in width running along the rear or northerly boundary line of Lot 103, extending the entire width of said lot, together with the right and privilege of ingress, egress and regress for the purpose of installing and maintaining utility lines, etc.

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Premises being: 515 SCENIC AVENUE, BLOOMSBURG, PA 17815-8234

Tax Parcel #22-01B-130-00,000

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

TD BANK, N.A.  
PHILADELPHIA, PA 19148

3-180/360

CHECK NO  
874930

Pay ONE THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS

DATE	AMOUNT
11/10/2009	*****1,350.00

Void after 180 days

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

*Phelan Hallinan*

⑈874930⑈ ⑆036001808⑆36 150866 6⑈