

# SHERIFF'S SALE COST SHEET

Wells Fargo Bank vs. Wagner  
 NO. 55-09 ED NO. 1389-08 JD DATE/TIME OF SALE Stayed

DOCKET/RETURN	\$15.00	
SERVICE PER DEF.	\$ <u>180.00</u>	
LEVY (PER PARCEL	\$15.00	
MAILING COSTS	\$ <u>30.00</u>	
ADVERTISING SALE BILLS & COPIES	\$17.50	
ADVERTISING SALE (NEWSPAPER)	\$15.00	
MILEAGE	\$ <u>8.00</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>6.00</u>	
NOTARY	\$ <u>15.00</u>	
TOTAL *****		\$ <u>326.50</u>

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

PROTHONOTARY (NOTARY)	\$10.00	
RECORDER OF DEEDS	\$ <u>—</u>	
TOTAL *****		\$ <u>— 0.00</u>

REAL ESTATE TAXES:

BORO, TWP & COUNTY 20	\$ <u>—</u>	
SCHOOL DIST. 20	\$ <u>—</u>	
DELINQUENT 20	\$ <u>5.00</u>	
TOTAL *****		\$ <u>5.00</u>

MUNICIPAL FEES DUE:

SEWER 20	\$ <u>—</u>	
WATER 20	\$ <u>—</u>	
TOTAL *****		\$ <u>— 0.00</u>

SURCHARGE FEE (DSTE)	\$ <u>130.00</u>	
MISC. <u>                    </u>	\$ <u>—</u>	
<u>                    </u>	\$ <u>—</u>	
TOTAL *****		\$ <u>— 0.00</u>

TOTAL COSTS (OPENING BID) \$ 611.50

*Refund of 738.50*

**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**

Foreclosure Manager

Representing Lenders in  
Pennsylvania and New Jersey

April 8, 2009

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

Attn: Real Estate Department  
Fax Number: 570-389-5625

Re: **WELLS FARGO BANK, N.A. v.**  
**BARRY C. WAGNER and DIANA S. WAGNER**  
**887 RUPERT DRIVE BLOOMSBURG, PA 17815-9637**  
**Court No. 2008-CV-1329**

Dear Sir/Madam:

Please **STAY** the Sheriff's Sale of the above referenced property, which is scheduled for May 27, 2009 due to the following: Loan Modification.

\$86.91 was received in consideration of the stay.

You are hereby directed to immediate discontinue the advertising of the sale and processing or posting of the Notice of Sale.

Please return the original Writ of Execution to the Prothonotary as soon as possible. **In addition, please forward a copy of the cost sheet pertaining to this sale to our office via facsimile to 215-567-0072 or regular mail at your earliest convenience.**

Thank you for your correspondence in this matters.

Very Truly Yours,  
ELIZABETH HALLINAN for  
Phelan Hallinan & Schmieg, LLP

TIMOTHY T. CHAMBERLAIN



SHERIFF OF COLUMBIA COUNTY  
COURT HOUSE - P.O. BOX 300  
BLOOMSBURG, PA 17815  
FAX: (370) 389-5625

PHONE  
(570) 389-5622

24 HOUR PHONE  
(570) 784-6300

WELLS FARGO BANK, N.A.

Docket # 55ED2009

VS

MORTGAGE FORECLOSURE


BARRY C. WAGNER  
DIANA S. WAGNER

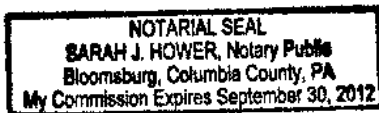
AFFIDAVIT OF SERVICE

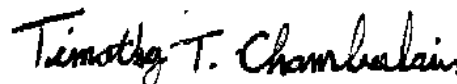
NOW, THIS FRIDAY, MARCH 13, 2009, AT 3:15 PM, SERVED THE WITHIN MORTGAGE FORECLOSURE UPON DIANA WAGNER AT 887 RUPERT DRIVE, BLOOMSBURG BY HANDING TO DIANA WAGNER, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

SO ANSWERS,

SWORN AND SUBSCRIBED BEFORE ME  
THIS FRIDAY, MARCH 13, 2009

  
\_\_\_\_\_  
NOTARY PUBLIC



  
\_\_\_\_\_  
X  
TIMOTHY T. CHAMBERLAIN  
SHERIFF

  
\_\_\_\_\_  
X  
J. CARTER  
DEPUTY SHERIFF

PHELAN HALLINAN AND SCHMIEG  
1617 JOHN F KENNEDY BLVD ONN PENN CENTER  
Suite 140  
PHILADELPHIA, PA 19103

TIMOTHY T. CHAMBERLAIN



SHERIFF OF COLUMBIA COUNTY  
COURT HOUSE - P.O. BOX 380  
BLOOMSBURG, PA 17815  
FAX: (570) 399-5625

PHONE  
(570) 389-5622

24 HOUR PHONE  
(570) 784-6306

WELLS FARGO BANK, N.A.

Docket # 55ED2009

VS

MORTGAGE FORECLOSURE

BARRY C. WAGNER  
DIANA S. WAGNER

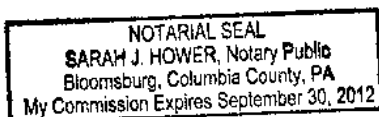
AFFIDAVIT OF SERVICE

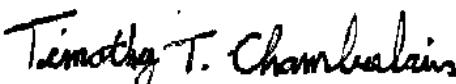
NOW, THIS FRIDAY, MARCH 13, 2009, AT 3:15 PM, SERVED THE WITHIN MORTGAGE FORECLOSURE UPON BARRY WAGNER AT 887 RUPERT DRIVE, BLOOMSBURG BY HANDING TO DIANA WAGNER, WIFE, A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

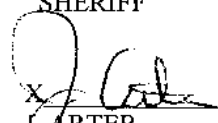
SO ANSWERS,

SWORN AND SUBSCRIBED BEFORE ME  
THIS FRIDAY, MARCH 13, 2009

  
\_\_\_\_\_  
NOTARY PUBLIC



  
X  
\_\_\_\_\_  
TIMOTHY T. CHAMBERLAIN  
SHERIFF

  
X  
\_\_\_\_\_  
J. CARTER  
DEPUTY SHERIFF

PHELAN HALLINAN AND SCHMIEG  
1617 JOHN F KENNEDY BLVD ONN PENN CENTER  
Suite 140  
PHILADELPHIA, PA 19103

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 3/11/2009

SERVICE# 1 - OF - 13 SERVICES  
DOCKET # 55ED2009

PLAINTIFF WELLS FARGO BANK, N.A.

DEFENDANT BARRY C. WAGNER  
DIANA S. WAGNER

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
BARRY WAGNER	MORTGAGE FORECLOSURE
887 RUPERT DRIVE	
BLOOMSBURG	

SERVED UPON DIANA

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

DATE 3-13-9 TIME 1515 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
<u>3-13-9</u>	<u>1000</u>	<u>2</u>	<u>C.C.</u>

DEPUTY

J. H. H.

DATE 3-13-9

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

Article Addressed to:

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

SENDER: COMPLETE THIS SECTION

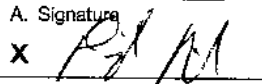
SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Address  
B. Received by (Printed Name) DAVID M. MILLER C. Date of Delivery MAR 13 2009  
D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number  
(Transfer from service label)

7007 3020 0001 4837 7658

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

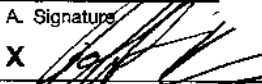
SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

U.S. SMALL BUSINESS ADMINISTRATION  
PHILADELPHIA DISTRICT OFFICE  
ROBERT N.C. NIX FEDERAL BUILDING  
900 MARKET STREET-5TH FLOOR  
PHILADELPHIA, PA 19107

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Address  
B. Received by (Printed Name) ROBERT N.C. NIX C. Date of Delivery MAR 13 2009  
D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
(Transfer from service label)

7007 3020 0001 4837 7665

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

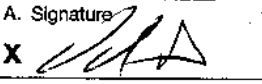
SENDER: COMPLETE THIS SECTION

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

1. Article Addressed to:

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Address  
B. Received by (Printed Name) DAVID M. MILLER C. Date of Delivery MAR 13 2009  
D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number  
(Transfer from service label)


7007 3020 0001 4837 7672

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-15

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Address  
B. Received by (Printed Name) DAVID M. MILLER C. Date of Delivery MAR 13 2009  
D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

Article Addressed to:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes


SENDER: COMPLETE THIS SECTION

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

Article Addressed to:

Commonwealth of PA  
PO Box 2675  
Harrisburg, PA 17105

COMPLETE THIS SECTION ON DELIVERY

A. Signature  ☐ Agent ☒ Address  
B. Received by (Printed Name) DAVID M. MILLER C. Date of Delivery MAR 13 2009  
D. Is delivery address different from item 1? ☐ Yes ☐ No  
If YES, enter delivery address below:

3. Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 3/11/2009

SERVICE# 2 - OF - 13 SERVICES  
DOCKET # 55ED2009

PLAINTIFF WELLS FARGO BANK, N.A.

DEFENDANT BARRY C. WAGNER  
DIANA S. WAGNER

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
DIANA WAGNER	MORTGAGE FORECLOSURE
887 RUPERT DRIVE	
BLOOMSBURG	

SERVED UPON DIANA

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

DATE 3-13-9 TIME 1515 MILEAGE \_\_\_\_\_ OTHER \_\_\_\_\_

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

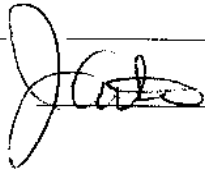
TYPE OF SERVICE: A. PERSONAL SERVICE AT POA X POB \_\_\_\_\_ POE \_\_\_\_\_ CCSO \_\_\_\_\_  
B. HOUSEHOLD MEMBER: 18+ YEARS OF AGE AT POA  
C. CORPORATION MANAGING AGENT  
D. REGISTERED AGENT  
E. NOT FOUND AT PLACE OF ATTEMPTED SERVICE

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

### ATTEMPTS

DATE	TIME	OFFICER	REMARKS
<u>3-13-9</u>	<u>1000</u>	<u>2</u>	<u>L.C.</u>

DEPUTY



DATE 3-13-9

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 3/11/2009

SERVICE# 3 - OF - 13 SERVICES  
DOCKET # 55ED2009

PLAINTIFF WELLS FARGO BANK, N.A.

DEFENDANT BARRY C. WAGNER  
DIANA S. WAGNER

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

**PERSON/CORP TO SERVED**

FIRST COLUMBIA BANK AND TRUST  
COMPANY

~~11 WEST MAIN STREET~~

BLOOMSBURG

**PAPERS TO SERVED**

MORTGAGE FORECLOSURE

*closed*

SERVED UPON Clair Edwards

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

DATE 3-12-9 TIME 1130 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) 233 EAST ST

ATTEMPTS  
DATE

TIME

OFFICER

REMARKS

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

DEPUTY

*[Signature]*

DATE 3-12-9



# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN  
DATE RECEIVED 3/11/2009

SERVICE# 6 - OF - 13 SERVICES  
DOCKET # 55ED2009

PLAINTIFF WELLS FARGO BANK, N.A.

DEFENDANT BARRY C. WAGNER  
DIANA S. WAGNER

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
BURT LEIBY-TAX COLLECTOR	MORTGAGE FORECLOSURE
121 LEGION ROAD	
BLOOMSBURG	

SERVED UPON SUE

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

DATE 3-13-09 TIME 0950 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

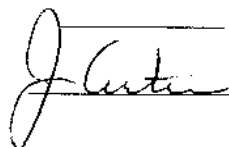
F. OTHER (SPECIFY) \_\_\_\_\_

### ATTEMPTS

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

DEPUTY



DATE \_\_\_\_\_

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 3/11/2009

SERVICE# 7 - OF - 13 SERVICES  
DOCKET # 55ED2009

PLAINTIFF WELLS FARGO BANK, N.A.

DEFENDANT BARRY C. WAGNER  
DIANA S. WAGNER

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED

DOMESTIC RELATIONS

15 PERRY AVE.

BLOOMSBURG

PAPERS TO SERVED

MORTGAGE FORECLOSURE

SERVED UPON MAURICE Cole

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

DATE 3-12-9 TIME 1110 MILEAGE \_\_\_\_\_ OTHER \_\_\_\_\_

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

TYPE OF SERVICE: A. PERSONAL SERVICE AT POA \_\_\_\_\_ POB X 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. Cullen

DATE 3-12-9

JUNTY OF COLUMBIA  
REAL ESTATE TAX CERTIFICATION

Date: 03/12/2009

Fee: \$5.00

Cert. NO: 5874

WAGNER BARRY C & DIANA S  
887 RUPERT DRIVE  
BLOOMSBURG PA 17815

District: MONTOUR TWP  
Deed: 20021 -2323  
Location: 887 RUPERT DR  
Parcel Id:25 -06 -032-00,000

Assessment: 24,063  
Balances as of 03/12/2009

YEAR	TAX TYPE	TAX AMOUNT	PENALTY	DISCOUNT	PAID	BALANCE
------	----------	------------	---------	----------	------	---------

NO TAX CLAIM TAXES DUE

By: Timoth T. Chamberlain, Sheriff Per: dm

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER:  
DATE RECEIVED 3/11/2009

SERVICE# 10 - OF - 13 SERVICES  
DOCKET # 55ED2009

PLAINTIFF WELLS FARGO BANK, N.A.

DEFENDANT BARRY C. WAGNER  
DIANA S. WAGNER

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
COLUMBIA COUNTY TAX CLAIM	MORTGAGE FORECLOSURE
PO BOX 380	
BLOOMSBURG	

SERVED UPON Renee Newhart

RELATIONSHIP Office Manager IDENTIFICATION \_\_\_\_\_

DATE 3-12-09 TIME 6:00 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. Allmon

DATE 3-12-09

# REAL ESTATE OUTLINE

ED # 55-09

DATE RECEIVED 3-11-09  
DOCKET AND INDEX 3-11-09

## 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>784085</u>

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

SALE DATE	<u>May 27, 09</u>	TIME	<u>0930</u>
POSTING DATE	<u>Apr 23</u>		
ADV. DATES FOR NEWSPAPER	1 <sup>ST</sup> WEEK	<u>May 0</u>	
	2 <sup>ND</sup> WEEK	<u>13</u>	
	3 <sup>RD</sup> WEEK	<u>20</u>	<u>09</u>

# SHERIFF'S SALE

WEDNESDAY MAY 27, 2009 AT 9:30 AM

BY VIRTUE OF A WRIT OF EXECUTION NO. 55 OF 2009 ED AND CIVIL WRIT NO. 1329 OF 2008 JD ISSUED OUT OF THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY, CIVIL DIVISION, TO ME DIRECTED, THERE WILL BE EXPOSED TO PUBLIC SALE, BY VENUE OR OUTCRY TO THE HIGHEST BIDDER, FOR CASH, IN A COURTROOM OR SHERIFF'S OFFICE, TO BE ANNOUNCED, AT THE COLUMBIA COUNTY COURTHOUSE, BLOOMSBURG, PENNA., 17815, ALL THE RIGHT AND TITLE AND INTEREST TO THE DEFENDANTS IN AND TO:

ALL THAT CERTAIN piece of land situate in the Township of Montour, County of Columbia and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING on the north side of the State Highway at the northwest corner of the cement bridge; and running thence South 48 degrees 10 minutes West, 160.8 feet to an iron pin; THENCE North 40 degrees West, 153 feet to an iron pin on the south side of the run bank; THENCE down said south side of the run bank, North 87 degrees East, 118 feet to an iron pin; THENCE on the south side of said run, South 78 degrees East, 98 feet to the place of BEGINNING. CONTAINING 30/100 acres of land.

EXCEPTING and RESERVING THEREFROM 0.064 acres conveyed to the Pennsylvania Dept. of Highways by deed recorded in Columbia County Deed Book 169, page 103.

BEING THE SAME premises conveyed by Dennis W. Artley and Linda E. Artley, husband and wife, by deed dated September 20, 1991, and recorded in Columbia County Record Book 485, page 515, granted and conveyed to Robert J. Ashford and Judi A. Ashford, husband and wife, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Barry C. Wagner and Diana S. Wagner, h/w, by Deed from Robert J. Ashford and Judi A. Ashford, h/w, dated 10/18/2002, recorded 10/21/2002 in Instrument Number 200212323.

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Premises being: 887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637

Tax Parcel #25-06-032-00,000

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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) 784-8300

Wednesday, March 11, 2009

**MONTOUR SEWER C/O GAREY BITTENBENDER  
82 BUCKHORN ROAD  
BLOOMSBURG, PA 17815-**

**WELLS FARGO BANK, N.A.  
VS  
BARRY C. WAGNER  
DIANA S. WAGNER**

**DOCKET # 55ED2009**

**JD # 1329JD2008**

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office **IMMEDIATELY**.

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

Respectfully,

*Timothy T. Chamberlain*

Timothy T. Chamberlain  
Sheriff of Columbia County

**Hallinan & Schmieg, LLP**

Daniel G. Schmieg, Esquire

Registration No. 62205

The Penn Center at Suburban Station

1617 John F. Kennedy Boulevard

Suite 1400

Philadelphia, PA 19103-1814

Attorney for Plaintiff

(215)563-7000

**Attorney for Plaintiff**

**WELLS FARGO BANK, N.A.**

**3476 STATEVIEW BOULEVARD**

**FORT MILL, SC 29715**

**Plaintiff,**

**v.**

**BARRY C. WAGNER**

**887 RUPERT DRIVE**

**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**

**887 RUPERT DRIVE**

**BLOOMSBURG, PA 17815-9637**

**Defendant(s).**

**COLUMBIA COUNTY**

**COURT OF COMMON PLEAS**

**CIVIL DIVISION**

**NO. 2008-CV-1329**

*2009-ED-55*

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

**TO: BARRY C. WAGNER**

**887 RUPERT DRIVE**

**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**

**887 RUPERT DRIVE**

**BLOOMSBURG, PA 17815-9637**

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 **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637** is scheduled to be sold at Sheriff's Sale on May 27, 2009, at 9:30 a.m., in the Office of the Sheriff at the Columbia County Courthouse, Bloomsburg, PA 17815, to enforce the Court Judgment of **\$101,497.51** obtained by **WELLS FARGO BANK, N.A.**, (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, **WELLS FARGO BANK, N.A.**, the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call (215) 563-7000.
2. You may be able to stop the Sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the Sale for good cause.
3. You may also be able to stop the Sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the better chance you will have of stopping the Sale. (See the Notice below on how to obtain an attorney.)

# COLUMBIA COUNTY SHERIFF'S OFFICE

## PROCESS SERVICE ORDER

OFFICER: FAX  
DATE RECEIVED 3/11/2009

SERVICE# 5 - OF - 13 SERVICES  
DOCKET # 55ED2009

PLAINTIFF WELLS FARGO BANK, N.A.

DEFENDANT BARRY C. WAGNER  
DIANA S. WAGNER

ATTORNEY FIRM PHILAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED
MONTOUR SEWER C/O GAREY
BITTENBENDER
82 BUCKHORN ROAD
BLOOMSBURG

PAPERS TO SERVED  
MORTGAGE FORECLOSURE

SERVED UPON Fayed

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

DATE 3-11-09 TIME \_\_\_\_\_ MILEAGE \_\_\_\_\_ OTHER \_\_\_\_\_

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

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

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

ATTEMPTS  
DATE

TIME

OFFICER

REMARKS

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

DEPUTY \_\_\_\_\_ DATE \_\_\_\_\_

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

Wednesday, March 11, 2009

**MONTOUR SEWER C/O GAREY BITTENBENDER  
82 BUCKHORN ROAD  
BLOOMSBURG, PA 17815-**

**WELLS FARGO BANK, N.A.  
VS  
BARRY C. WAGNER  
DIANA S. WAGNER**

**DOCKET # 55ED2009**

**JD # 1329JD2008**

Dear Sir:

Enclosed is a notice of an upcoming Sheriff's Sale. If you have any claims against this property, notify this office **IMMEDIATELY**.

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

Respectfully,

Timothy T. Chamberlain  
Sheriff of Columbia County



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

**Attorney for Plaintiff**

**WELLS FARGO BANK, N.A.**  
**3476 STATEVIEW BOULEVARD**  
**FORT MILL, SC 29715**

**Plaintiff,**

**v.**  
**BARRY C. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**Defendant(s).**

**COLUMBIA COUNTY**  
**COURT OF COMMON PLEAS**  
**CIVIL DIVISION**  
**NO. 2008-CV-1329**

*2009-ED-55*

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

**TO: BARRY C. WAGNER                      DIANA S. WAGNER**  
**887 RUPERT DRIVE                      887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637        BLOOMSBURG, PA 17815-9637**

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 collect a debt, but only enforcement of a lien against property..

Your house (real estate) at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637** is scheduled to be sold at Sheriff's Sale on May 27, 2009, at 9:30 a.m., in the Office of the Sheriff at the Columbia County Courthouse, Bloomsburg, PA 17815, to enforce the Court Judgment of **\$101,497.51** obtained by **WELLS FARGO BANK, N.A.**, (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, **WELLS FARGO BANK, N.A.**, the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call (215) 563-7000.
2. You may be able to stop the Sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the Sale for good cause.
3. You may also be able to stop the Sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the better chance you will have of stopping the Sale. (See the Notice below on how to obtain an attorney.)

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

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

## DESCRIPTION

ALL THAT CERTAIN piece of land situate in the Township of Montour, County of Columbia and Commonwealth of Pennsylvania, bounded and described as follows:

BEGINNING on the north side of the State Highway at the northwest corner of the cement bridge; and running thence South 48 degrees 10 minutes West, 160.8 feet to an iron pin; THENCE North 40 degrees West, 153 feet to an iron pin on the south side of the run bank; THENCE down said south side of the run bank, North 87 degrees East, 118 feet to an iron pin; THENCE on the south side of said run, South 78 degrees East, 98 feet to the place of BEGINNING. CONTAINING 30/100 acres of land.

EXCEPTING and RESERVING THEREFROM 0.064 acres conveyed to the Pennsylvania Dept. of Highways by deed recorded in Columbia County Deed Book 169, page 103.

BEING THE SAME premises conveyed by Dennis W. Artley and Linda E. Artley, husband and wife, by deed dated September 20, 1991, and recorded in Columbia County Record Book 485, page 515, granted and conveyed to Robert J. Ashford and Judi A. Ashford, husband and wife, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Barry C. Wagner and Diana S. Wagner, h/w, by Deed from Robert J. Ashford and Judi A. Ashford, h/w, dated 10/18/2002, recorded 10/21/2002 in Instrument Number 200212323.

EXCEPTING and RESERVING THEREFROM 0.064 acres conveyed to the Pennsylvania Dept. of Highways by deed recorded in Columbia County Deed Book 169, page 103.

This Conveyance is made SUBJECT TO the reservations and privileges as contained in Deed of C.E. Kreisher and wife, dated July 20<sup>th</sup> 1921 and recorded in the Recorder's Office of Columbia County on August 17<sup>th</sup> 1925 in DBV 101 Page 365.

Premises being: 887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637  
Tax Parcel #25-06-032-00,000

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

WELLS FARGO BANK, N.A.

vs.

BARRY C. WAGNER

DIANA S. WAGNER

IN THE COURT OF COMMON PLEAS OF  
COLUMBIA COUNTY, PENNSYLVANIA

No. 2008-CV-1329 Term 200\_\_

*2009-ED-55*

WRIT OF EXECUTION  
(Mortgage Foreclosure)

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: 887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637  
(See Legal Description attached)

Amount Due

\$101,497.51

Additional Fees and Costs

\$2,061.00

Interest from 3/5/09 to Sale  
at \$16.92per diem

\$.....and costs.

Dated

*March 11, 2009*

(SEAL)

*Laura B. Klein*

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

PHS#183359

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

**Attorney for Plaintiff**

**WELLS FARGO BANK, N.A.**  
**3476 STATEVIEW BOULEVARD**  
**FORT MILL, SC 29715**

**Plaintiff,**

**v.**

**BARRY C. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**Defendant(s).**

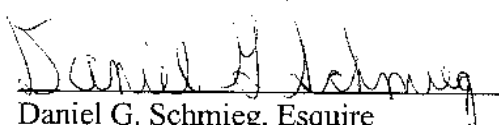
**: COLUMBIA COUNTY**  
**:**  
**: COURT OF COMMON PLEAS**  
**:**  
**: CIVIL DIVISION**  
**:**  
**: NO. 2008-CV-1329**  
**:**  
**: 2009-ED-55**  
**:**  
**:**  
**:**

**CERTIFICATION**

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

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

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

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

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

**Attorney for Plaintiff**

**WELLS FARGO BANK, N.A.**  
**3476 STATEVIEW BOULEVARD**  
**FORT MILL, SC 29715**

**Plaintiff,**

**v.**

**BARRY C. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**Defendant(s).**

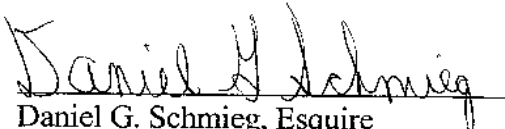
**: COLUMBIA COUNTY**  
**:**  
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**:**  
**: CIVIL DIVISION**  
**:**  
**: NO. 2008-CV-1329**  
**:**  
**: 2009-ED-55**  
**:**  
**:**  
**:**

**CERTIFICATION**

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

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

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Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

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

Attorney for Plaintiff

WELLS FARGO BANK, N.A.

vs.

BARRY C.  
WAGNER  
DIANA S. WAGNER

: **COLUMBIA COUNTY**  
:  
: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **NO. 2008-CV-1329**  
:  
: **2009-ED 55**

## VERIFICATION OF NON-MILITARY SERVICE

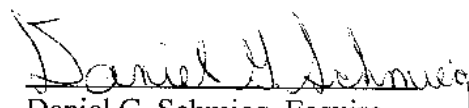
Daniel G. Schmieg, Esquire, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 BARRY C. WAGNER is over 18 years of age and resides at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637.**

(c) that defendant DIANA S. WAGNER is over 18 years of age, and resides at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637.**

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

  
Daniel G. Schmieg, Esquire

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

Attorney for Plaintiff

WELLS FARGO BANK, N.A.

: COLUMBIA COUNTY  
:  
: COURT OF COMMON PLEAS  
:  
: CIVIL DIVISION  
:  
: NO. 2008-CV-1329  
:  
: 2009-ED-55

vs.

BARRY C.  
WAGNER  
DIANA S. WAGNER

### VERIFICATION OF NON-MILITARY SERVICE

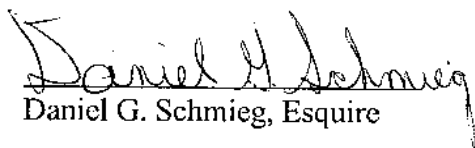
Daniel G. Schmieg, Esquire, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

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(b) that defendant BARRY C. WAGNER is over 18 years of age and resides at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637**.

(c) that defendant DIANA S. WAGNER is over 18 years of age, and resides at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637**.

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

  
Daniel G. Schmieg, Esquire



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

**Attorney for Plaintiff**

**WELLS FARGO BANK, N.A.**  
**3476 STATEVIEW BOULEVARD**  
**FORT MILL, SC 29715**

**Plaintiff,**

**v.**

**BARRY C. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**Defendant(s).**

: **COLUMBIA COUNTY**  
:  
: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **NO. 2008-CV-1329**  
:  
: **2009-ED 55**  
:  
:  
:  
:

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

**WELLS FARGO BANK, N.A.**, Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637**.

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

NAME

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

**BARRY C. WAGNER**

**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**

**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

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

NAME

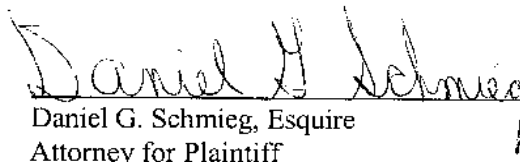
LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)

**SAME AS ABOVE**

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:
- |      |   |
|------|---|
| NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
| NONE |   |
4. Name and address of the last recorded holder of every mortgage of record:
- |                                       |   |
|---------------------------------------|---|
| NAME                                  | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
| FIRST COLUMBIA BANK AND TRUST COMPANY | 11 WEST MAIN STREET<br>BLOOMSBURG, PA 17815   |
5. Name and address of every other person who has any record lien on the property:
- |      |   |
|------|---|
| NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
| NONE |   |
6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the Sale:
- |      |   |
|------|---|
| NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
| NONE |   |
7. Name and address of every other person whom the Plaintiff has knowledge who has any interest in the property which may be affected by the Sale:
- |   |   |
|---|---|
| NAME  | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
| TENANT/OCCUPANT                                       | 887 RUPERT DRIVE<br>BLOOMSBURG, PA 17815-9637   |
| DOMESTIC RELATIONS OF COLUMBIA COUNTY                 | COLUMBIA COUNTY COURTHOUSE<br>P.O. BOX 380<br>BLOOMSBURG, PA 17815                    |
| COMMONWEALTH OF PENNSYLVANIA<br>DEPARTMENT OF WELFARE | P.O. BOX 2675<br>HARRISBURG, PA 17105   |

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

March 10, 2009  
Date

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

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

Attorney for Plaintiff

**WELLS FARGO BANK, N.A.**  
**3476 STATEVIEW BOULEVARD**  
**FORT MILL, SC 29715**

Plaintiff,

v.

**BARRY C. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

Defendant(s).

: **COLUMBIA COUNTY**  
:  
: **COURT OF COMMON PLEAS**  
:  
: **CIVIL DIVISION**  
:  
: **NO. 2008-CV-1329**  
: *2009-ED-55*  
:  
:  
:  
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:

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

**WELLS FARGO BANK, N.A.**, Plaintiff in the above action, by its attorney, Daniel G. Schmieg, Esquire, sets forth as of the date the Praccipe for the Writ of Execution was filed, the following information concerning the real property located at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637**.

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NAME

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

**BARRY C. WAGNER**

**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**

**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

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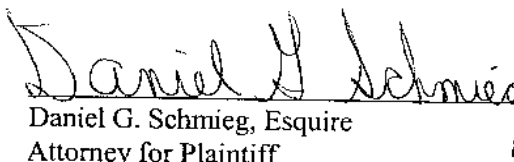
LAST KNOWN ADDRESS (If address cannot be  
reasonably ascertained, please so indicate.)

**SAME AS ABOVE**

3. Name and address of every judgment creditor whose judgment is a record lien on the real property to be sold:
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|---------------------------------------|---|
| FIRST COLUMBIA BANK AND TRUST COMPANY | 11 WEST MAIN STREET<br>BLOOMSBURG, PA 17815   |
5. Name and address of every other person who has any record lien on the property:
- | NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|------|---|
| NONE |   |
6. Name and address of every other person who has any record interest in the property and whose interest may be affected by the Sale:
- | NAME | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|------|---|
| NONE |   |
7. Name and address of every other person whom the Plaintiff has knowledge who has any interest in the property which may be affected by the Sale:
- | NAME  | LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.) |
|---|---|
| TENANT/OCCUPANT                                       | 887 RUPERT DRIVE<br>BLOOMSBURG, PA 17815-9637   |
| DOMESTIC RELATIONS OF COLUMBIA COUNTY                 | COLUMBIA COUNTY COURTHOUSE<br>P.O. BOX 380<br>BLOOMSBURG, PA 17815                    |
| COMMONWEALTH OF PENNSYLVANIA<br>DEPARTMENT OF WELFARE | P.O. BOX 2675<br>HARRISBURG, PA 17105   |

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

March 10, 2009  
Date

  
Daniel G. Schmieg, Esquire  
Attorney for Plaintiff

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

**Attorney for Plaintiff**

**WELLS FARGO BANK, N.A.**  
**3476 STATEVIEW BOULEVARD**  
**FORT MILL, SC 29715**

**Plaintiff,**

**v.**  
**BARRY C. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**DIANA S. WAGNER**  
**887 RUPERT DRIVE**  
**BLOOMSBURG, PA 17815-9637**

**Defendant(s).**

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

<b>TO: BARRY C. WAGNER</b>	<b>DIANA S. WAGNER</b>
<b>887 RUPERT DRIVE</b>	<b>887 RUPERT DRIVE</b>
<b>BLOOMSBURG, PA 17815-9637</b>	<b>BLOOMSBURG, PA 17815-9637</b>

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 collect a debt, but only enforcement of a lien against property..

Your house (real estate) at **887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637** 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 \$101,497.51 obtained by WELLS FARGO BANK, N.A., (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, WELLS FARGO BANK, N.A. , the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call (215) 563-7000.
2. You may be able to stop the Sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the Sale for good cause.
3. You may also be able to stop the Sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the better chance you will have of stopping the Sale. (See the Notice below on how to obtain an attorney.)

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

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE LISTED BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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

## DESCRIPTION

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BEGINNING on the north side of the State Highway at the northwest corner of the cement bridge; and running thence South 48 degrees 10 minutes West, 160.8 feet to an iron pin; THENCE North 40 degrees West, 153 feet to an iron pin on the south side of the run bank; THENCE down said south side of the run bank, North 87 degrees East, 118 feet to an iron pin; THENCE on the south side of said run, South 78 degrees East, 98 feet to the place of BEGINNING. CONTAINING 30/100 acres of land.

EXCEPTING and RESERVING THEREFROM 0.064 acres conveyed to the Pennsylvania Dept. of Highways by deed recorded in Columbia County Deed Book 169, page 103.

BEING THE SAME premises conveyed by Dennis W. Artley and Linda E. Artley, husband and wife, by deed dated September 20, 1991, and recorded in Columbia County Record Book 485, page 515, granted and conveyed to Robert J. Ashford and Judi A. Ashford, husband and wife, the Grantors herein.

TITLE TO SAID PREMISES IS VESTED IN Barry C. Wagner and Diana S. Wagner, h/w, by Deed from Robert J. Ashford and Judi A. Ashford, h/w, dated 10/18/2002, recorded 10/21/2002 in Instrument Number 200212323.

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Premises being: 887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637  
Tax Parcel #25-06-032-00,000

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Tax Parcel #25-06-032-00,000



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Premises being: 887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637  
Tax Parcel #25-06-032-00,000

WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under within writ may leave same without a watchman, in custody of whoever is found in possession, after notifying such person of such levy or attachment, without liability on the part of such deputy or the sheriff to any plaintiff herein for any loss, destruction or removal of any such property before sheriff's sale thereof.

Daniel H. Schmitz (SEAL)  
(Attorney for Plaintiff(s))

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

Daniel H. Schmitz (SEAL)  
(Attorney for Plaintiff(s))

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

HARRY A. ROADARMEL

Sheriff

Columbia County, Pa.

Sir: — There will be placed in your hands

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

follows: WELLS FARGO BANK, N.A. vs BARRY C. WAGNER and DIANA S. WAGNER

The defendant(s) will be found at 887 RUPERT DRIVE, BLOOMSBURG, PA 17815-963  
887 RUPERT DRIVE, BLOOMSBURG, PA 17815-963

Daniel H. Schmitz Attorney for Plaintiff

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

See attached legal description

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

# SHERIFF'S RETURN

WELLS FARGO BANK, N.A.

Plaintiff

vs.

BARRY C. WAGNER

DIANA S. WAGNER

Defendants

IN THE COURT OF COMMON PLEAS  
OF COLUMBIA COUNTY

No. 2008-CV-1329 CD Term, 200\_\_

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

WELLS FARGO BANK, N.A.

Court Number

2008-CV-1329

Defendant

BARRY C. WAGNER & DIANA S. WAGNER

Type or Writ of Complaint

EXECUTION/NOTICE OF SALE

**SERVE**



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

**BARRY C. WAGNER**

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

**887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637**

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

Telephone Number

Date

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

(215)563-7000

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

PLAINTIFF

Court Number

### RETURNED:

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

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

SO ANSWERS

Signature of Dep. Sheriff

Date

Signature of Sheriff

Date

Sheriff of



# 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  
WELLS FARGO BANK, N.A.

Court Number  
2008-CV-1329

Defendant  
BARRY C. WAGNER & DIANA S. WAGNER

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)  
887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637

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.

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

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

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 _____	

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

WELLS FARGO BANK, N.A.

vs.

BARRY C. WAGNER

DIANA S. WAGNER

IN THE COURT OF COMMON PLEAS OF  
COLUMBIA COUNTY, PENNSYLVANIA

No. 2008-CV-1329 Term 200     

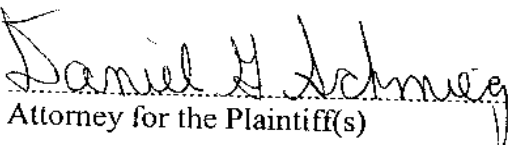
PRAECIPE FOR WRIT OF EXECUTION  
(Mortgage Foreclosure)

To the Director of the Office of Judicial Support

Issue writ of execution in the above matter:

Amount Due  
Additional Fees and Costs  
Interest from 3/5/09 to Sale  
At \$16.92 per diem

\$101,497.51  
\$2,061.00  
\$.....and costs.

  
Attorney for the Plaintiff(s)

Note: Please attach description of Property.  
PHS#183359



## DESCRIPTION

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Premises being: 887 RUPERT DRIVE, BLOOMSBURG, PA 17815-9637  
Tax Parcel #25-06-032-00,000

ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER

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

TD BANK, N.A.  
PHILADELPHIA, PA 19148

3-180360

CHECK NO  
784085

DATE	AMOUNT
03/10/2009	*****1,350.00

Void after 180 days

Pay ONE THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS

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

*Thomas S. Hallinan*

THIS DOCUMENT CONTAINS NEARLY SENSITIVE INK. TOUCH OR PRESS HERE. RED INKAGE WILL REAPPEAR WITH HEAT.

⑈784085⑈ ⑆036001808⑆36 150888 8⑈

Security Features Included. Date is on Back