

SHERIFF'S SALE COST SHEET

Elliston Court Road 1 vs. Herman
 NO. 79-09 ED NO. 615-08 JD DATE/TIME OF SALE Sept 11

DOCKET/RETURN	\$15.00
SERVICE PER DEF.	\$ <u>205.00</u>
LEVY (PER PARCEL	\$15.00
MAILING COSTS	\$ <u>3.50</u>
ADVERTISING SALE BILLS & COPIES	\$17.50
ADVERTISING SALE (NEWSPAPER)	\$15.00
MILEAGE	\$ <u>15.00</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>1.50</u>
NOTARY	\$ <u>15.00</u>
TOTAL ***** \$ <u>408.50</u>	

WEB POSTING	\$150.00
PRESS ENTERPRISE INC.	\$ <u>352.50</u>
SOLICITOR'S SERVICES	\$75.00
TOTAL ***** \$ <u>577.50</u>	

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

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

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

SURCHARGE FEE (DSTE)	\$ <u>16.00</u>
MISC.	\$
TOTAL ***** \$	

TOTAL COSTS (OPENING BID) \$ 1086.00

Refund \$ 263.92

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

June 3, 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: ELLINGTON CREDIT FUND 1 (USA), INCORPORATED v.
ROBERT R. HERMAN and JOYCE L. HERMAN
151 ORCHARD DRIVE CATAWISSA, PA 17820-8339
Court No. 2008-CV-615-MF

Dear Sir/Madam:

Please STAY the Sheriff's Sale of the above referenced property, which is scheduled for June 24, 2009 due to the following: Per Client.

Please be advised that no funds were reported to be received.

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

IMOTHY 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.

ELLIGTON CREDIT FUND 1

VS.

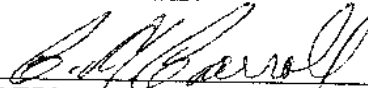
ROBERT & JOYCE HERMAN


WRIT OF EXECUTION #79 OF 2009 ED

POSTING OF PROPERTY

May 22, 2009 POSTED A COPY OF THE SHERIFF'S SALE BILL ON THE
PROPERTY OF ROBERT & JOYCE HERMAN AT 151 ORCHARD DRIVE CATAWISSA
COLUMBIA COUNTY PENNSYLVANIA. SAID POSTING PERFORMED BY
COLUMBIA COUNTY DEPUTY SHERIFF CHARLES CARROLL.

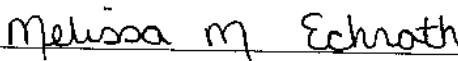
SO ANSWERS:

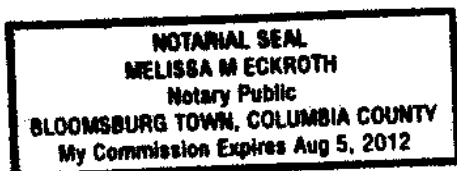

DEPUTY SHERIFF


TIMOTHY T. CHAMBERLAIN
SHERIFF

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 26TH DAY OF MAY 2009





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

ELLIGTON CREDIT FUND 1 (USA),
INCORPORATED

Docket # 79ED2009

VS

MORTGAGE FORECLOSURE

ROBERT R. HERMAN A/K/A ROBERT
HERMAN
JOYCE L. HERMAN

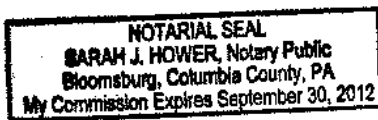
AFFIDAVIT OF SERVICE


NOW, THIS FRIDAY, APRIL 17, 2009, AT 11:27 AM, SERVED THE WITHIN MORTGAGE
FORECLOSURE UPON ROBERT HERMAN AT 151 ORCHARD DRIVE, CATAWISSA BY
HANDING TO JOYCE HERMAN, WIFE, A TRUE AND ATTESTED COPY OF THE ORIGINAL
WRIT AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

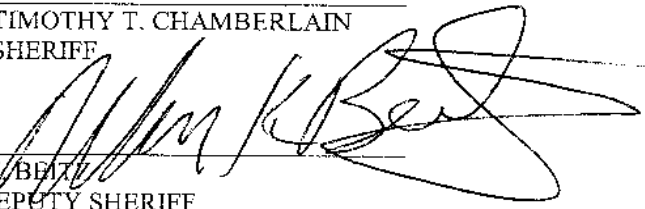
SO ANSWERS,

SWORN AND SUBSCRIBED BEFORE ME
THIS FRIDAY, APRIL 17, 2009


NOTARY PUBLIC




X
TIMOTHY T. CHAMBERLAIN
SHERIFF


X
W/BEITZ
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) 389-5625

PHONE
(570) 389-5622

24 HOUR PHONE
(570) 784-6300

ELLIGTON CREDIT FUND 1 (USA),
INCORPORATED

VS

Docket # 79ED2009

MORTGAGE FORECLOSURE

ROBERT R. HERMAN A/K/A ROBERT
HERMAN
JOYCE L. HERMAN

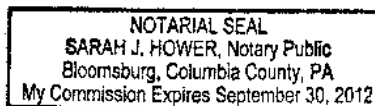
AFFIDAVIT OF SERVICE

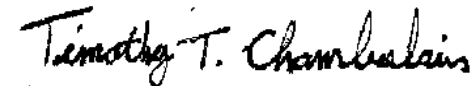
NOW, THIS FRIDAY, APRIL 17, 2009, AT 11:27 AM, SERVED THE WITHIN MORTGAGE
FORECLOSURE UPON JOYCE HERMAN AT 151 ORCHARD DRIVE, CATAWISSA BY
HANDING TO JOYCE HERMAN, , A TRUE AND ATTESTED COPY OF THE ORIGINAL WRIT
AND MADE KNOWN TO THEM THE CONTENTS THEREOF.

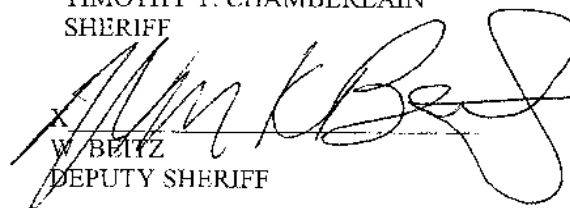
SO ANSWERS,

SWORN AND SUBSCRIBED BEFORE ME
THIS FRIDAY, APRIL 17, 2009


NOTARY PUBLIC




X
TIMOTHY T. CHAMBERLAIN
SHERIFF


X
W. BEITZ
DEPUTY SHERIFF

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

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009

D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

OFF SALE

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
 4. Restricted Delivery? (Extra Fee) ☐ Yes

2007 2560 0002 1259 9265

2007 2560 0002 1259 9197

07 2560 0002 1259 9258

107 2560 0002 1259

Domestic Return Receipt

102595-02-M-1540 Return Receipt

102595-02-M-1540 Return Receipt

102595-02-M-1540 Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery APR 14 2009
 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

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

3. Service Type

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

3. Service Type

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

3. Service Type

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

4. Restricted Delivery? (Extra Fee) ☐ Yes4. Restricted Delivery? (Extra Fee) ☐ Yes4. Restricted Delivery? (Extra Fee) ☐ Yes4. Restricted Delivery? (Extra Fee) ☐ Yes

89 2007 2560 0002 1259 9203

07 2560 0002 1259 9227

007 2560 0002 1259 9

102595-02-M-1540 Return Receipt

102595-02-M-1540 Return Receipt

102595-02-M-1540 Return Receipt

102595-02-M-1540 Return Receipt

ENDER: COMPLETE THIS SECTION

COMPLETE THIS SECTION ON DELIVERY

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.

A. Signature *[Signature]* ☐ Agent ☒ Addressee
 B. Received by (Printed Name) *[Signature]* ☒ Addressee
 C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes

COLUMBIA COUNTY SHERIFF'S OFFICE

PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN
DATE RECEIVED 4/8/2009

SERVICE# 9 - OF - 16 SERVICES
DOCKET # 79ED2009

- 42
- Sou Max
- (L) Main
- (B) Rider Rd

PLAINTIFF ELLIGTON CREDIT FUND 1 (USA), INCORPORATED

DEFENDANT ROBERT R. HERMAN A/K/A ROBERT HERMAN
JOYCE L. HERMAN

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED
ASHLEY ROHRBACH-TAX COLLECTOR
68 RIDER ROAD
CATAWISSA

PAPERS TO SERVED
MORTGAGE FORECLOSURE

SERVED UPON MARK ROHRBACH

RELATIONSHIP Husband IDENTIFICATION _____

DATE 5-7-9 TIME 1230 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

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

DEPUTY

J. Carter

DATE 5-7-9

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

Thursday, April 09, 2009

**BENEFICIAL CONSUMER DISCOUNT CO
1305 GRANDVIEW AVENUE
PITTSBURGH, PA 15211-**

**ELLIGTON CREDIT FUND 1 (USA), INCORPORATED
VS
ROBERT R. HERMAN A/K/A ROBERT HERMAN
JOYCE L. HERMAN**

DOCKET # 79ED2009

JD # 615JD2008

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

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

Attorney for Plaintiff

**ELLIGTON CREDIT FUND 1 (USA),
INCORPORATED
CORPORATE DRIVE
SHELTON, CT 06484**

Plaintiff,

**v.
ROBERT R. HERMAN
A/K/A ROBERT HERMAN
51 ORCHARD DRIVE
CATAWISSA, PA 17820**

**JOYCE L. HERMAN
51 ORCHARD DRIVE
CATAWISSA, PA 17820**

Defendant(s).

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

**TO: ROBERT R. HERMAN
A/K/A ROBERT HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820**

**JOYCE L. HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820**

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 **151 ORCHARD DRIVE, CATAWISSA, PA 17820** is scheduled to be sold at Sheriff's Sale on June 24, 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 **\$117,149.56** obtained by **ELLIGTON CREDIT FUND 1 (USA), INCORPORATED**, (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:

The Sale will be cancelled if you pay to the Mortgagee, **ELLIGTON CREDIT FUND 1 (USA), INCORPORATED**, 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.

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.

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

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.**

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.

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.

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.

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.

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.

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.

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 5TH STREET
BLOOMSBURG, PA 17815
(570) 784-8760**

LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Franklin, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the centerline of Legislative Route No. 19012 leading from Township Route No. 395 to Township Route No. 312, said point being at the Southwesterly corner of lands now or formerly of Richard P. and Shirley J. Hill;

THENCE along L.R. 19012, South 75 degrees 49 minutes 00 seconds West 84.22 feet to a point;

THENCE along Township Route No. 320 South 12 degrees 08 minutes 30 seconds West, 120.45 feet to a point in Township Route 320;

THENCE through Township Route No. 320 and along the Northerly line of lands now or formerly of J. Luther, Paul W. and Oren A. Smultz, South 75 degrees 08 minutes 30 seconds West 226.33 feet to a wooden fence post at the Southeasterly corner of Tract No. 1 of lands of Hazel A. Maurer;

THENCE along the Easterly line of lands of said Maurer, North 12 degrees 37 minutes 00 seconds West 92.00 feet to an iron pipe found in Legislative Route 19012;

THENCE along Legislative Route No. 19012 and along the Northerly line of lands of said Maurer, South 78 degrees 33 minutes 40 seconds West 172.44 feet to a point in Legislative Route No. 19012;

THENCE through Legislative Route No. 19012 and through lands now or formerly of J. Earl and Lorraine P. Reeder, North 12 degrees 08 minutes 30 seconds East, 183.86 feet to an iron rebar set;

THENCE through lands now or formerly of J. Earl and Lorraine P. Reeder, North 79 degrees 26 minutes 40 seconds East 461.37 feet to an iron pin found at the Northwesterly corner of lands of said Hill;

THENCE along the Westerly line of lands of said Hill, South 10 degrees 30 minutes 40 seconds East 129.40 feet to the place of BEGINNING.

CONTAINING 2.312 acres of land in all. Including 0.35 acres of land within the right of ways of Legislative Route No. 19012 and Township Route No. 320. All of the above mentioned bearings are based on the true North meridian. This description was prepared from survey draft of Richard E. Fisher, P.L.S., No. 23643-B, dated September 24, 1984.

BEING THE SAME PREMISES which Eric E. Diltz, single, by his Deed dated January 28, 2005, and intending to be forthwith recorded in the Office of the Recorder of Deeds in and for Columbia County, Pennsylvania, granted and conveyed unto Robert Herman and Joyce Herman, his wife, Mortgagors herein.

THIS IS A PURCHASE-MONEY MORTGAGE!

VESTED BY SPECIAL WARRANTY DEED, DATED 1/28/05, GIVEN BY ERIC E. DILTZ, SINGLE TO ROBERT HERMAN AND JOYCE HERMAN, HIS WIFE AS TENANTS BY THE ENTIRETIES AND RECORDED 1/31/05 INSTRUMENT# 200501025.

COLUMBIA COUNTY SHERIFF'S OFFICE

PROCESS SERVICE ORDER

OFFICER: T. CHAMBERLAIN
DATE RECEIVED 4/8/2009

SERVICE# 1 - OF - 16 SERVICES
DOCKET # 79ED2009

PLAINTIFF ELLIGTON CREDIT FUND 1 (USA), INCORPORATED

DEFENDANT ROBERT R. HERMAN A/K/A ROBERT HERMAN
JOYCE L. HERMAN

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED
ROBERT HERMAN
151 ORCHARD DRIVE
CATAWISSA

PAPERS TO SERVED
MORTGAGE FORECLOSURE

SERVED UPON Joyce Herman

RELATIONSHIP Wife IDENTIFICATION _____

DATE 4/17/09 TIME 11:27 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

4/17/09

COLUMBIA COUNTY SHERIFF'S OFFICE

PROCESS SERVICE ORDER

~ 42
- Southern Dr.
- (B) orchard Dr.
- (C) orchard Dr.

OFFICER: T. CHAMBERLAIN
DATE RECEIVED 4/8/2009

SERVICE# 2 - OF - 16 SERVICES
DOCKET # 79ED2009

PLAINTIFF ELLIGTON CREDIT FUND 1 (USA), INCORPORATED

DEFENDANT ROBERT R. HERMAN A/K/A ROBERT HERMAN
JOYCE L. HERMAN

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

PERSON/CORP TO SERVED	PAPERS TO SERVED
JOYCE HERMAN	MORTGAGE FORECLOSURE
151 ORCHARD DRIVE	
CATAWISSA	

SERVED UPON Joyce Herman

RELATIONSHIP Defendant IDENTIFICATION _____

DATE 8/17 TIME 1127 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

4/17/09

JUNTY OF COLUMBIA
REAL ESTATE TAX CERTIFICATION

Date: 04/09/2009

Fee: \$5.00

Cert. NO: 5992

HERMAN ROBERT & JOYCE
151 ORCHARD DR
CATAWISSA PA 17820

District: FRANKLIN TWP
Deed: 20050 -1025
Location: 151 ORCHARD DR
Parcel Id: 16 -03 -010-02,000

Assessment: 37,063
Balances as of 04/09/2009

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

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

COLUMBIA COUNTY SHERIFF'S OFFICE

PROCESS SERVICE ORDER

OFFICER:
DATE RECEIVED 4/8/2009

SERVICE# 10 - OF - 16 SERVICES
DOCKET # 79ED2009

PLAINTIFF ELLIGTON CREDIT FUND 1 (USA), INCORPORATED

DEFENDANT ROBERT R. HERMAN A/K/A ROBERT HERMAN
JOYCE L. HERMAN

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

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

PAPERS TO SERVED
MORTGAGE FORECLOSURE

SERVED UPON MAUREEN Cole

RELATIONSHIP Customer Serv. co. IDENTIFICATION _____

DATE 4-9-9 TIME 1600 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. Cole

DATE

4-9-9

COLUMBIA COUNTY SHERIFF'S OFFICE

PROCESS SERVICE ORDER

OFFICER:
DATE RECEIVED 4/8/2009

SERVICE# 13 - OF - 16 SERVICES
DOCKET # 79ED2009

PLAINTIFF ELLIGTON CREDIT FUND 1 (USA), INCORPORATED

DEFENDANT ROBERT R. HERMAN A/K/A ROBERT HERMAN
JOYCE L. HERMAN

ATTORNEY FIRM PHELAN HALLINAN AND SCHMIEG

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

PAPERS TO SERVED
MORTGAGE FORECLOSURE

SERVED UPON Renee Newhart

RELATIONSHIP office manager IDENTIFICATION _____

DATE 4-9-09 TIME 1135 MILEAGE _____ OTHER _____

Race ____ Sex ____ Height ____ Weight ____ Eyes ____ Hair ____ Age ____ Military ____

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

F. OTHER (SPECIFY) _____

ATTEMPTS
DATE

TIME

OFFICER

REMARKS

DEPUTY

J Allison

DATE

4-9-09

REAL ESTATE OUTLINE

ED # 79-09

DATE RECEIVED 4-8-09
DOCKET AND INDEX 4-9-09

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>793283</u>

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

SALE DATE June 24, 09 TIME 0930
POSTING DATE June 22, 09
ADV. DATES FOR NEWSPAPER

1 ST WEEK	<u>June 3</u>
2 ND WEEK	<u>10</u>
3 RD WEEK	<u>17, 09</u>

SHERIFF'S SALE

WEDNESDAY JUNE 24, 2009 AT 9:30 AM

BY VIRTUE OF A WRIT OF EXECUTION NO. 79 OF 2008 ED AND CIVIL WRIT NO. 615 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, parcel or tract of land situate in the Township of Franklin, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the centerline of Legislative Route No. 19012 leading from Township Route No. 395 to Township Route No. 312, said point being at the Southwesterly corner of lands now or formerly of Richard P. and Shirley J. Hill; THENCE along L.R. 19012, South 75 degrees 49 minutes 00 seconds West 84.22 feet to a point; THENCE along Township Route No. 320 South 12 degrees 08 minutes 30 seconds West, 120.45 feet to a point in Township Route 320; THENCE through Township Route 320 and along the Northerly line of lands now or formerly of J. Luther, Paul W. and Oren A. Shultz, South 75 degrees 08 minutes 30 seconds West 226.33 feet to a wooden fence post at the Southeasterly corner of Tract No. 1 or lands of Hazel A. Maurer; THENCE along the Easterly line of lands of said Maurer, North 12 degrees 37 minutes 00 seconds West 92.00 feet to an iron pipe found in Legislative Route 19012; THENCE along Legislative Route No. 19012 and along the Northerly line of lands of said Maurer, South 78 degrees 33 minutes 40 seconds West 172.44 feet to a point in Legislative Route No. 19012; THENCE through Legislative Route No. 19012 and through lands now or formerly of J. Earl and Lorraine P. Reeder, North 12 degrees 08 minutes 30 seconds East, 183.86 feet to an iron rebar set; THENCE through lands now or formerly of J. Earl and Lorraine P. Reeder, North 79 degrees 26 minutes 40 seconds East 461.37 feet to an iron pin found at the Northwesterly corner of lands of said Hill; THENCE along the Westerly line of lands of said Hill, South 10 degrees 30 minutes 40 seconds East 129.40 feet to the place of BEGINNING.

CONTAINING 2.312 acres of land in all. Including 0.35 acres of land within the right of ways of Legislative Route No. 19012 and Township Route 320. All of the above mentioned bearings are based on the true North meridian. This description was prepared from survey draft of Richard E. Fisher, P.L.S., No. 23643-E, dated September 24, 1984.

BEING THE SAME PREMISES which Eric E. Diltz, single, by his Deed dated January 28, 2005, and intending to be forthwith recorded in the Office of the Recorder of Deeds in and for Columbia County, Pennsylvania, granted and conveyed unto Robert Herman and Joyce Herman, his wife, Mortgagors herein.

THIS IS A PURCHASE-MONEY MORTGAGE

VESTED BY SPECIAL WARRANTY DEED, DATED 1/28/05, GIVEN BY ERIC E. DILTZ, SINGLE TO ROBERT HERMAN AND JOYCE HERMAN, HIS WIFE AS TENANTS BY THE ENTIRETIES AND RECORDED 1/31/05 INSTRUMENT# 200501025

TERMS OF SALE

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

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

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

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

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

Sheriff of Columbia County
Timothy T. Chamberlain
www.sheriffofcolumbiacounty.com

SHERIFF'S SALE

WEDNESDAY JUNE 24, 2009 AT 9:30 AM

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

Sheriff of Columbia County
Timothy T. Chamberlain
www.sheriffofcolumbiacounty.com

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

ELLIGTON CREDIT FUND I (USA),
INCORPORATED

vs.

ROBERT R. HERMAN A/K/A
ROBERT HERMAN

JOYCE L. HERMAN

IN THE COURT OF COMMON PLEAS OF
COLUMBIA COUNTY, PENNSYLVANIA

No. 2008-CV-615-MF Term 200

2009-ED-79
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: 151 ORCHARD DRIVE, CATAWISSA, PA 17820
(See Legal Description attached)

Amount Due	<u>\$117,149.56</u>
Additional Fees and Costs	<u>\$3,393.17</u>
Interest from 06/06/08 to Sale at \$19.26per diem	\$.....and costs.

Tami B Kline | *KPB*
(Clerk) Office of the Prothy Support, Common Pleas Court
of Columbia County, Penna.

Dated 4-8-09
(SEAL)

PHS#172955

LEGAL DESCRIPTION

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THIS IS A PURCHASE-MONEY MORTGAGE!

VESTED BY SPECIAL WARRANTY DEED, DATED 1/28/05, GIVEN BY ERIC E. DILTZ, SINGLE TO ROBERT HERMAN AND JOYCE HERMAN, HIS WIFE AS TENANTS BY THE ENTIRETIES AND RECORDED 1/31/05 INSTRUMENT# 200501025.

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

ELLIGTON CREDIT FUND 1 (USA), INCORPORATED

: COLUMBIA COUNTY

:

: COURT OF COMMON PLEAS

:

: CIVIL DIVISION

:

: NO. 2008-CV-615-MF

:

:

:

2009-ED-79

vs.

ROBERT R.
HERMAN A/K/A
ROBERT HERMAN
JOYCE L. HERMAN

VERIFICATION OF NON-MILITARY SERVICE

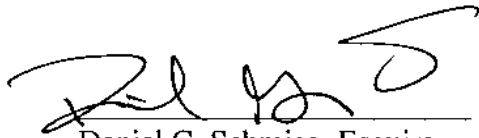
Daniel G. Schmieg, Esquire, hereby verifies that he is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

(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 ROBERT R. HERMAN A/K/A ROBERT HERMAN is over 18 years of age and resides at 151 ORCHARD DRIVE, CATAWISSA, PA 17820.

(c) that defendant JOYCE L. HERMAN is over 18 years of age, and resides at 151 ORCHARD DRIVE, CATAWISSA, PA 17820.

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

ELLIGTON CREDIT FUND 1 (USA), INCORPORATED

: **COLUMBIA COUNTY**

:

: **COURT OF COMMON PLEAS**

vs.

:

: **CIVIL DIVISION**

ROBERT R.

:

HERMAN A/K/A

: **NO. 2008-CV-615-MF**

ROBERT HERMAN

:

JOYCE L. HERMAN

:

2009-ED-79

VERIFICATION OF NON-MILITARY SERVICE

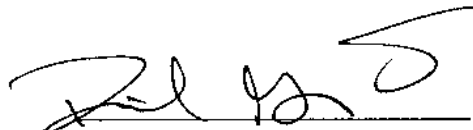
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(c) that defendant JOYCE L. HERMAN is over 18 years of age, and resides at **151 ORCHARD DRIVE, CATAWISSA, PA 17820.**

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 at Suburban Station
1617 John F. Kennedy Boulevard
Suite 1400
Philadelphia, PA 19103-1814
Attorney for Plaintiff
(215)563-7000

Attorney for Plaintiff

ELLIGTON CREDIT FUND 1 (USA),
INCORPORATED
2 CORPORATE DRIVE
SHELTON, CT 06484

Plaintiff,

v.

ROBERT R. HERMAN
A/K/A ROBERT HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820

JOYCE L. HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820

Defendant(s).

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

ELLIGTON CREDIT FUND 1 (USA), INCORPORATED, 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 **151 ORCHARD DRIVE, CATAWISSA, PA 17820**.

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

NAME

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

ROBERT R. HERMAN

151 ORCHARD DRIVE

A/K/A ROBERT HERMAN

CATAWISSA, PA 17820

JOYCE L. HERMAN

151 ORCHARD DRIVE
CATAWISSA, PA 17820

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

NAME

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

NONE.

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.)

PPL Electric Utilities Corporation,
Fka PP & L, Inc.

827 Hausman Road
Allentown, PA 18102

: COLUMBIA COUNTY
:
: COURT OF COMMON PLEAS
:
: CIVIL DIVISION
:
: NO. 2008-CV-615-MF
:
: *2009-ED-79*
:
:
:

**Beneficial Consumer Discount
Company**

**450 Trimont Plaza
1305 Grandview Avenue
Pittsburgh, PA 15211-1205**

**Beneficial Consumer Discount
Company**

**961 Weigel Drive,
P.O. Box 8632
Elmhurst, IL 60123**

**Deutsche Bank National Trust
Company, as Custodian or Trustee
f/k/a Bankers Trust Company of
California, N.A.**

**C/o Terrance J. McCabe Esquire
123 South Broad Street, Suite 2080
Philadelphia, PA 19109**

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.)

Countrywide Home Loans, Inc.

**4500 Park Granada
Calabas, CA 91302-1613**

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

**151 ORCHARD DRIVE
CATAWISSA, PA 17820**

**DOMESTIC RELATIONS OF
COLUMBIA COUNTY**

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

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF WELFARE**

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

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

April 6, 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

**ELLIGTON CREDIT FUND 1 (USA),
INCORPORATED
2 CORPORATE DRIVE
SHELTON, CT 06484**

Plaintiff,

v.

**ROBERT R. HERMAN
A/K/A ROBERT HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820**

**JOYCE L. HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820**

: **COLUMBIA COUNTY**
:
:
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 2008-CV-615-MF**
:
: *2009-ED-79*
:
:
:
:

Defendant(s).

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

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NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
ROBERT R. HERMAN A/K/A ROBERT HERMAN	151 ORCHARD DRIVE CATAWISSA, PA 17820
JOYCE L. HERMAN	151 ORCHARD DRIVE CATAWISSA, PA 17820

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NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
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NAME	LAST KNOWN ADDRESS (If address cannot be reasonably ascertained, please so indicate.)
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**Beneficial Consumer Discount
Company**

**450 Trimont Plaza
1305 Grandview Avenue
Pittsburgh, PA 15211-1205**

**Beneficial Consumer Discount
Company**

**961 Weigel Drive,
P.O. Box 8632
Elmhurst, IL 60123**

**Deutsche Bank National Trust
Company, as Custodian or Trustee
f/k/a Bankers Trust Company of
California, N.A.**

**C/o Terrance J. McCabe Esquire
123 South Broad Street, Suite 2080
Philadelphia, PA 19109**

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**4500 Park Granada
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NAME

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

NONE

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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
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TENANT/OCCUPANT

**151 ORCHARD DRIVE
CATAWISSA, PA 17820**

**DOMESTIC RELATIONS OF
COLUMBIA COUNTY**

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

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF WELFARE**

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

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

April 6, 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

617 John F. Kennedy Boulevard

Suite 1400

Philadelphia, PA 19103-1814

Attorney for Plaintiff

(215)563-7000

Attorney for Plaintiff

ELLINGTON CREDIT FUND 1 (USA),

INCORPORATED

1 CORPORATE DRIVE

SHELTON, CT 06484

Plaintiff,

v.

ROBERT R. HERMAN

AK/A ROBERT HERMAN

51 ORCHARD DRIVE

CATAWISSA, PA 17820

ROYCE L. HERMAN

51 ORCHARD DRIVE

CATAWISSA, PA 17820

Defendant(s).

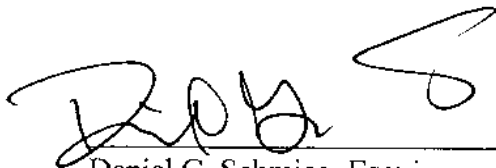
: **COLUMBIA COUNTY**
:
: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO. 2008-CV-615-MF**
:
: *2009-ED 79*
:
:
:
:

CERTIFICATION

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

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

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



Daniel G. Schmieg, Esquire
Attorney for Plaintiff

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

Attorney for Plaintiff

**ELLINGTON CREDIT FUND 1 (USA),
INCORPORATED
2 CORPORATE DRIVE
SHELTON, CT 06484**

Plaintiff,

v.

**ROBERT R. HERMAN
A/K/A ROBERT HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820**

**JOYCE L. HERMAN
151 ORCHARD DRIVE
CATAWISSA, PA 17820**

Defendant(s).

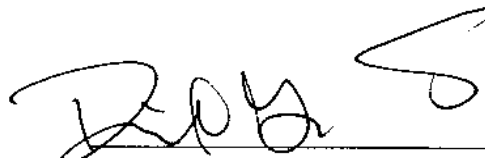
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Phelan Hallinan & Schmieg, LLP

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Identification No. 62205

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Philadelphia, PA 19103-1814

Attorney for Plaintiff

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Attorney for Plaintiff

ELLIGTON CREDIT FUND 1 (USA),

INCORPORATED

CORPORATE DRIVE

WHELTON, CT 06484

Plaintiff,

:

COLUMBIA COUNTY

:

:

COURT OF COMMON PLEAS

:

:

CIVIL DIVISION

:

:

NO. 2008-CV-615-MF

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:

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v.

ROBERT R. HERMAN

A/K/A ROBERT HERMAN

51 ORCHARD DRIVE

CATAWISSA, PA 17820

JOYCE L. HERMAN

51 ORCHARD DRIVE

CATAWISSA, PA 17820

Defendant(s).

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: ROBERT R. HERMAN

A/K/A ROBERT HERMAN

151 ORCHARD DRIVE

CATAWISSA, PA 17820

JOYCE L. HERMAN

151 ORCHARD DRIVE

CATAWISSA, PA 17820

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 **151 ORCHARD DRIVE, CATAWISSA, PA 17820** 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 **\$117,149.56** obtained by **ELLIGTON CREDIT FUND 1 (USA), INCORPORATED**, (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:

The Sale will be cancelled if you pay to the Mortgagee, **ELLIGTON CREDIT FUND 1 (USA), INCORPORATED**, 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.

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.

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.**

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.

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.

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.

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.

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.

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.

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 5TH STREET
BLOOMSBURG, PA 17815
(570) 784-8760**

LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or tract of land situate in the Township of Franklin, Columbia County, Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at a point in the centerline of Legislative Route No. 19012 leading from Township Route No. 395 to Township Route No. 312, said point being at the Southwesterly corner of lands now or formerly of Richard P. and Shirley J. Hill;

THENCE along L.R. 19012, South 75 degrees 49 minutes 00 seconds West 84.22 feet to a point;

THENCE along Township Route No. 320 South 12 degrees 08 minutes 30 seconds West, 120.45 feet to a point in Township Route 320;

THENCE through Township Route No. 320 and along the Northerly line of lands now or formerly of J. Luther, Paul W. and Oren A. Shultz, South 75 degrees 08 minutes 30 seconds West 226.33 feet to a wooden fence post at the Southeasterly corner of Tract No. 1 of lands of Hazel A. Maurer;

THENCE along the Easterly line of lands of said Maurer, North 12 degrees 37 minutes 00 seconds West 92.00 feet to an iron pipe found in Legislative Route 19012;

THENCE along Legislative Route No. 19012 and along the Northerly line of lands of said Maurer, South 78 degrees 33 minutes 40 seconds West 172.44 feet to a point in Legislative Route No. 19012;

THENCE through Legislative Route No. 19012 and through lands now or formerly of J. Earl and Lorraine P. Reeder, North 12 degrees 08 minutes 30 seconds East, 183.86 feet to an iron rebar set;

THENCE through lands now or formerly of J. Earl and Lorraine P. Reeder, North 79 degrees 26 minutes 40 seconds East 461.37 feet to an iron pin found at the Northwesterly corner of lands of said Hill;

THENCE along the Westerly line of lands of said Hill, South 10 degrees 30 minutes 40 seconds East 129.40 feet to the place of BEGINNING.

CONTAINING 2.312 acres of land in all. Including 0.35 acres of land within the right of ways of Legislative Route No. 19012 and Township Route No. 320. All of the above mentioned bearings are based on the true North meridian. This description was prepared from survey draft of Richard E. Fisher, P.L.S., No. 23643-B, dated September 24, 1984.

BEING THE SAME PREMISES which Eric E. Diltz, single, by his Deed dated January 28, 2005, and intending to be forthwith recorded in the Office of the Recorder of Deeds in and for Columbia County, Pennsylvania, granted and conveyed unto Robert Herman and Joyce Herman, his wife, Mortgagors herein.

THIS IS A PURCHASE-MONEY MORTGAGE!

VESTED BY SPECIAL WARRANTY DEED, DATED 1/28/05, GIVEN BY ERIC E. DILTZ, SINGLE TO ROBERT HERMAN AND JOYCE HERMAN, HIS WIFE AS TENANTS BY THE ENTIRETIES AND RECORDED 1/31/05 INSTRUMENT# 200501025.

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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.

..... (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.

..... (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: ELLIGTON CREDIT FUND I (USA), INCORPORATED vs ROBERT R. HERMAN A/K/A ROBERT HERMAN and JOYCE L. HERMAN

The defendant(s) will be found at 151 ORCHARD DRIVE, CATAWISSA, PA 17820
151 ORCHARD DRIVE, CATAWISSA, PA 17820

..... 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 type 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

ELLIGTON CREDIT FUND 1 (USA), INCORPORATED
Plaintiff

vs.

ROBERT R. HERMAN A/K/A ROBERT HERMAN
JOYCE L. HERMAN

Defendants

IN THE COURT OF COMMON PLEAS
OF COLUMBIA COUNTY

No. 2008-CV-615-MF 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
ELLIGTON CREDIT FUND I (USA), INCORPORATED

Court Number
2008-CV-615-MF

Defendant
ROBERT R. HERMAN A/K/A ROBERT HERMAN & JOYCE L. HERMAN

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)
151 ORCHARD DRIVE, CATAWISSA, PA 17820

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

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

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

Sheriff of COLUMBIA County, Penna.

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

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

Telephone Number

Date

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

(215)563-7000

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

PLAINTIFF _____ Court Number _____

RETURNED:

AFFIRMED and subscribed to before me this _____ day
of _____ 20__

SO ANSWERS

Signature of Dep. Sheriff

Date

Signature of Sheriff

Date

Sheriff of _____

ORIGINAL DOCUMENT PRINTED ON CHEMICAL RESISTIVE 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

3-180/360

CHECK NO
793283

EXB 04062009	
DATE	AMOUNT
04/06/2009	*****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

Travis S. Hallinan

THIS DOCUMENT CONTAINS NEAR SENSITIVE INFORMATION OR PRESERVE RED IMAGE DISAPPEARS WITH HEAT
⑈793283⑈ ⑈036001808⑈36 150866 6⑈

SECURITY FEATURES
VOID AFTER 180 DAYS

Security Features voided.

Details on web.