

LEGAL DESCRIPTION

ALL THAT CERTAIN piece, parcel or lot of land situate in the Village of Eyersgrove, Township of Greenwood, County of Columbia and State of Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pin, at the western corner of the intersection of Center Street and Greenwood Street, and running thence along Greenwood Street, south 16 degrees 52 minutes west, 136 feet to an iron pin at the northern corner of the intersection of Greenwood Street and Mill Alley; thence along Mill Alley, north 73 degrees 8 minutes west, 68 feet to an iron pin; thence north 16 degrees 52 minutes east, 136 feet to an iron pin on Center Street; thence along Center Street, south 73 degrees 8 minutes east, 68 feet to an iron pin, the place of beginning. Erected upon this lot is a two story frame house and a garage. Said description is taken from a survey by Construction Engineering, Inc., on November 16, 1975.

TITLE TO SAID PREMISES IS VESTED IN James L. Fry and Paula L. Fry, h/w, by Deed from Charles T. Brown, joined by his spouse Frances R. Brown and, also, joined by Paul G. Erlston and Annabel L. Erlston, h/w, dated 03/29/1995, recorded 03/30/1995 in Book 593, Page 37.

Premises being: 7 EYERSGROVE ROAD, MILLVILLE, PA 17846-8834

Tax Parcel # 17-04A-006-00,000

Phelan Hallinan & Schmieg, LLP
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

Attorneys for Plaintiff

CITIFINANCIAL SERVICES, INC.
Plaintiff

v.

JAMES L. FRY
PAULA L. FRY
Defendant(s)

: **COURT OF COMMON PLEAS**
:
: **CIVIL DIVISION**
:
: **NO.: 1650 CV 2010**
:
: **COLUMBIA COUNTY**
:

CERTIFICATION

The undersigned attorney hereby states that he/she is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because:

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

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

By: 

Attorney for Plaintiff

Phelan Hallinan & Schmieg, LLP

- Lawrence T. Phelan, Esq., Id. No. 32227
- Francis S. Hallinan, Esq., Id. No. 62695
- Daniel G. Schmieg, Esq., Id. No. 62205
- Michele M. Bradford, Esq., Id. No. 69849
- Judith T. Romano, Esq., Id. No. 58745
- Sheetal R. Shah-Jani, Esq., Id. No. 81760
- Jenine R. Davey, Esq., Id. No. 87077
- Lauren R. Tabas, Esq., Id. No. 93337
- Vivek Srivastava, Esq., Id. No. 202331
- Jay B. Jones, Esq., Id. No. 86657
- Peter J. Mulcahy, Esq., Id. No. 61791
- Andrew L. Spivack, Esq., Id. No. 84439
- Jaime McGuinness, Esq., Id. No. 90134
- Chrisovalante P. Fliakos, Esq., Id. No. 94620
- Joshua I. Goldman, Esq., Id. No. 205047
- Courtenay R. Dunn, Esq., Id. No. 206779
- Andrew C. Bramblett, Esq., Id. No. 208375
- Allison F. Wells, Esq., Id. No. 309519

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Defendant(s)

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The undersigned attorney hereby states that he/she is the attorney for the Plaintiff in the above captioned matter and that the premises are not subject to the provisions of Act 91 because:

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- () the premises is non-owner occupied
- () the premises is vacant
- (X) Act 91 procedures have been fulfilled

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

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vs.

JAMES L. FRY
PAULA L. FRY

VERIFICATION OF NON-MILITARY SERVICE

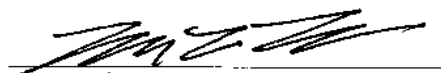
The undersigned attorney hereby verifies that he/she is attorney for the Plaintiff in the above-captioned matter, and that on information and belief, he has knowledge of the following facts, to wit:

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

(b) that defendant JAMES L. FRY is over 18 years of age and resides at 116 STARVIEW DRIVE, BERWICK, PA 18603-5357.

(c) that defendant PAULA L. FRY is over 18 years of age and resides at 116 STARVIEW DRIVE, BERWICK, PA 18603-5357.

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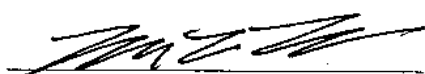
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CITIFINANCIAL SERVICES, INC.
Plaintiff

v.

JAMES L. FRY
PAULA L. FRY
Defendant(s)

: **COURT OF COMMON PLEAS**
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:
:
:
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:
:
:
:
:
COLUMBIA COUNTY
PHS # 247204

170

AFFIDAVIT PURSUANT TO RULE 3129.1

CITIFINANCIAL SERVICES, INC., Plaintiff in the above action, by the undersigned attorney, sets forth as of the date the Praecipe for the Writ of Execution was filed, the following information concerning the real property located at **7 EYERSGROVE ROAD, MILLVILLE, PA 17846-8834**.

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

Address (if address cannot be reasonably ascertained, please so indicate)

JAMES L. FRY

**116 STARVIEW DRIVE
BERWICK, PA 18603-5357**

PAULA L. FRY

**116 STARVIEW DRIVE
BERWICK, PA 18603-5357**

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

Address (if address cannot be reasonably ascertained, please so indicate)

SAME AS ABOVE

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

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Address (if address cannot be reasonably ascertained, please indicate)

**ASSOCIATES CONSUMER DISCOUNT
COMPANY**

1723 EAST THIRD STREET, WILLIAMSPORT, PA 17701-3847

CITIFINANCIAL, INC.

1115 OLD BERWICK ROAD, BLOOMSBURG, PA 17815

CITIFINANCIAL, INC.

P.O. BOX 17170, BALTIMORE, MD 21203

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

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Address (if address cannot be reasonably ascertained, please indicate)

None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

TENANT/OCCUPANT

**7 EYERSGROVE ROAD
MILLVILLE, PA 17846-8834**

**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**

Internal Revenue Service Advisory

**1000 Liberty Avenue Room 704
Pittsburgh, PA 15222**

**U.S. Department of Justice
U.S. Attorney for the Middle District of PA**

**Federal Building, P.O. Box 11754
228 Walnut Street
Harrisburg, PA 17108**

**Commonwealth of Pennsylvania
Bureau of Individual Tax
Inheritance Tax Division**

**6th Floor, Strawberry Sq., Dept 280601
Harrisburg, PA 17128**

**Department of Public Welfare
TPL Casualty Unit
Estate Recovery Program**

**P.O. Box 8486
Willow Oak Building
Harrisburg, PA 17105**

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

November 16, 2010

By: 

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CITIFINANCIAL SERVICES, INC.

Plaintiff

v.

JAMES L. FRY

PAULA L. FRY

Defendant(s)

: **COURT OF COMMON PLEAS**

:

: **CIVIL DIVISION**

:

: **NO.: 1650 CV 2010**

:

:

COLUMBIA COUNTY

PHS # 247204

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CITIFINANCIAL, INC.

P.O. BOX 17170, BALTIMORE, MD 21203

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

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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

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None.

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

Name

Address (if address cannot be reasonably ascertained, please indicate)

TENANT/OCCUPANT

**7 EYERSGROVE ROAD
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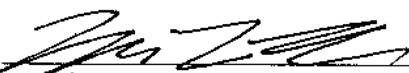
**6th Floor, Strawberry Sq., Dept 280601
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I verify that the statements made in this affidavit are true and correct to the best of my personal knowledge or information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

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CITIFINANCIAL SERVICES, INC.

: COURT OF COMMON PLEAS

Plaintiff : CIVIL DIVISION

vs.

: NO.: 1650 CV 2010

JAMES L. FRY
PAULA L. FRY

: COLUMBIA COUNTY

Defendant(s) :

NOTICE OF SHERIFF'S SALE OF REAL PROPERTY

TO: JAMES L. FRY
PAULA L. FRY
116 STARVIEW DRIVE
BERWICK, PA 18603-5357

****THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE. IF YOU HAVE PREVIOUSLY RECEIVED A DISCHARGE IN BANKRUPTCY, THIS 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 **7 EYERSGROVE ROAD, MILLVILLE, PA 17846-8834** is scheduled to be sold at the Sheriff's Sale on _____ at _____ in the **Office of the Sheriff, Columbia County Courthouse, 35 West Main Street, Bloomsburg, PA 17815** to enforce the court judgment of **\$90,004.10** obtained by **CITIFINANCIAL SERVICES, INC.** (the mortgagee) against you. In the event the sale is continued, an announcement will be made at said sale in compliance with Pa.R.C.P. Rule 3129.3.

NOTICE OF OWNER'S RIGHTS

YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE

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

1. The sale will be canceled if you pay to the mortgagee 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 x1230**.
2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.
3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the more chance you will have of stopping the sale. (See notice on page two 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 the right to remain in the property until the full amount due is paid to the Sheriff and the Sheriff gives a deed to the buyer. At that time, the buyer may bring legal proceedings to evict you.
6. You may be entitled to a share of the money which was paid for your house. A proposed schedule of distribution of the money bid for your house will be prepared by the Sheriff not later than thirty (30) days after the sale. The schedule shall be kept on file with the sheriff and will be made available for inspection in his office. This schedule will state who will be receiving that money. The money will be paid out in accordance with this schedule unless exceptions (reasons why the proposed distribution is wrong) are filed with the Sheriff within ten (10) days after the filing of the proposed schedule.
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.

**North Penn Legal Services
168 East 5th Street
Bloomsburg, PA 17815
(570) 784-8760**

SHORT DESCRIPTION

By virtue of a Writ of Execution NO. 1650 CV 2010

CITIFINANCIAL SERVICES, INC.

vs.

JAMES L. FRY

PAULA L. FRY

**owner(s) of property situate in the TOWNSHIP OF GREENWOOD, Columbia
County, Pennsylvania, being**

(Municipality)

7 EYERSGROVE ROAD, MILLVILLE, PA 17846-8834

Parcel No. 17-04A-006-00,000

(Acreage or street address)

Improvements thereon: RESIDENTIAL DWELLING

JUDGMENT AMOUNT: \$90,004.10

Attorneys for Plaintiff

Phelan Hallinan & Schmieg, LLP

LEGAL DESCRIPTION

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Tax Parcel # 17-04A-006-00,000

SHERIFF'S RETURN

CITIFINANCIAL SERVICES, INC.

Plaintiff

IN THE COURT OF COMMON PLEAS
OF COLUMBIA COUNTY

vs.

No.: 1650 CV 2010

JAMES L. FRY

PAULA L. FRY

Defendants

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, _____ 20__ 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
this _____
day of _____ 20__

So Answers,

Notary Public

BY: _____
Sheriff

return

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

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
CITIFINANCIAL SERVICES, INC.

No.: 1650 CV 2010

Defendant
**JAMES L. FRY
PAULA L. FRY**

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)

7 EYERSGROVE ROAD

MILLVILLE, PA 17846-8834

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

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

NOW, _____, 20__ I, Sheriff of COLUMBIA County, PA do hereby deputize the Sheriff of _____ County, to execute the within and make return thereof according to law.

Sheriff of COLUMBIA County, Penna.

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

Signature of Attorney or other Originator requesting service on behalf of Plaintiff
_____ Defendant
ADDRESS: One Penn Center at Suburban Station, 1617 John F. Kennedy Boulevard, Suite 1400
Philadelphia, PA 19103-1814

Telephone Number

(215)563-7000

Date

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

PLAINTIFF:

Court Number

RETURNED:

AFFIRMED and subscribed to before me this _____ day

of _____ 20

SO ANSWERS
Signature of Dep. Sheriff

Date

Signature of Sheriff

Date

Sheriff of

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
CITIFINANCIAL SERVICES, INC. No.: 1650 CV 2010

Defendant
JAMES L. FRY
PAULA L. FRY 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.
JAMES L. FRY
ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)
116 STARVIEW DRIVE
BERWICK, PA 18603-5357

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

SERVE DEFENDANT WITH THE NOTICE OF SALE.

NOW, _____, 20__ I, Sheriff of COLUMBIA County, PA do hereby deputize the Sheriff of _____ County, to execute the within and make return thereof according to law.

Sheriff of COLUMBIA County, Penna.

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

Signature of Attorney or other Originator requesting service on behalf of <u>XX</u> Plaintiff _____ Defendant	Telephone Number (215)563-7000	Date 11/16/10
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	

ENTITY
EAP

VENDOR
Sheriff of Columbia County [SCOLU]

CHECK DATE CHECK NO.
11/16/2010 1029919

DOC NO	APPLY TO	DATE	VENDOR CREDIT NO	VENDOR INVOICE NO	DOC AMOUNT	DISCOUNT	PAYMENT AMOUNT
1029919	000243415	11/16/2010		247024	1,350.00	0.00	1,350.00
<p>JOB 1029919 20101116029919 ERY, JAYES</p> <p><i>DAS</i></p>							
							1,350.00

1,350.00

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

SHERIFF'S DEPARTMENT

**SHERIFF SERVICE
PROCESS RECEIPT and AFFIDAVIT OF RETURN**

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Expiration date

Plaintiff
CITIFINANCIAL SERVICES, INC.

No.: 1650 CV 2010

Defendant
**JAMES L. FRY
PAULA L. FRY**

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.
PAULA L. FRY
 ADDRESS (Street or RFD, Apartment No., City, Boro, Twp., State and Zip Code)
116 STARVIEW DRIVE
BERWICK, PA 18603-5357

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

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Sheriff of COLUMBIA County, Penna.

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Signature of Attorney or other Originator requesting service on behalf of <input checked="" type="checkbox"/> Plaintiff _____ Defendant	Telephone Number	Date
ADDRESS: <u>One Penn Center at Suburban Station, 1617 John F. Kennedy Boulevard, Suite 1400 Philadelphia, PA 19103-1814</u>	(215)563-7000	<u>11/16/10</u>

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____	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">SO ANSWERS Signature of Dep. Sheriff</td> <td style="width: 20%;">Date</td> </tr> <tr> <td>Signature of Sheriff</td> <td>Date</td> </tr> </table>	SO ANSWERS Signature of Dep. Sheriff	Date	Signature of Sheriff	Date
SO ANSWERS Signature of Dep. Sheriff	Date				
Signature of Sheriff	Date				
Sheriff of _____					

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

TD BANK, N.A.
PHILADELPHIA, PA 19148

3-180/350

CHECK NO
1029919

Pay ONE THOUSAND THREE HUNDRED FIFTY AND 00/100 DOLLARS

DATE	AMOUNT
11/16/2010	*****1,350.00

000 11/16/2010

Void after 180 days

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

Thomas S. Hallinan

⑆ 1029919⑆ ⑆036001808136 150888 8⑆