

SHERIFF'S OFFICE OF COLUMBIA COUNTY

Timothy T. Chamberlain
Sheriff

Earl D. Mordan, Jr.
Chief Deputy



U.S. BANK NATIONAL ASSOCIATION
vs.
WADE MILLER (et al.)

Case Number
2017CV584

PROPERTY ADDRESS
242 LEONARD STREET, BLOOMSBURG, PA 17815

REAL ESTATE SALE REQUEST LEDGER

<i>DATE</i>	<i>CATEGORY</i>	<i>MEMO</i>	<i>CHK #</i>	<i>DEBIT</i>	<i>CREDIT</i>
06/23/2017	Advance Fee	Advance Fee	14064518	\$0.00	\$1,350.00
06/23/2017	Advertising Sale (Newspaper)			\$15.00	\$0.00
06/23/2017	Advertising Sale Bills & Copies			\$17.50	\$0.00
06/23/2017	Crying Sale			\$10.00	\$0.00
06/23/2017	Docketing			\$15.00	\$0.00
06/23/2017	Levy			\$15.00	\$0.00
06/23/2017	Mailing Costs			\$36.00	\$0.00
06/23/2017	Posting Handbill			\$15.00	\$0.00
06/23/2017	Press Enterprise Inc.			\$1,199.67	\$0.00
06/23/2017	Sheriff Automation Fund			\$50.00	\$0.00
06/23/2017	Web Posting			\$100.00	\$0.00
08/30/2017	Service			\$150.00	\$0.00
08/30/2017	Service Mileage			\$6.00	\$0.00
08/30/2017	Copies			\$5.00	\$0.00
08/30/2017	Notary Fee			\$15.00	\$0.00
08/30/2017	Tax Claim Search			\$5.00	\$0.00
08/30/2017	Surcharge			\$110.00	\$0.00
				\$1,764.17	\$1,350.00

TOTAL BALANCE:	\$(414.17)
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Timothy T. Chamberlain
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U.S. BANK NATIONAL ASSOCIATION
 vs.
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08/30/2017	Surcharge			\$110.00	\$0.00
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TOTAL BALANCE:				\$(414.17)	

COPY

IN THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY, PENNSYLVANIA
CIVIL DIVISION

U.S. Bank National Association, as Trustee
for Specialty Underwriting and Residential
Finance Trust Mortgage Loan Asset-Backed
Certificates, Series 2006-BC5
PLAINTIFF

NO: 2017-CV-0000584-MF

FILED
PROthonARY
SEP 15 A @ 25
CLERK OF COURT'S OFFICE
COLUMBIA COUNTY, PA

VS.

Wade Miller and Linda M. Miller
DEFENDANTS

ORDER

AND NOW, this 14th day of September, 2017, upon consideration of Plaintiff's Motion to Set Aside Sheriff's sale filed in the above matter, and the response thereto, if any, it is hereby:

ORDERED and DECREED that Plaintiff's Motion is GRANTED and the Sheriff's Sale conducted on September 6, 2017 of the property located at 242 Leonard Street, Bloomsburg, PA 17815 is hereby set aside without prejudice; and it is further

ORDERED that a copy of this Order shall be served upon Defendants via first-class mail, postage pre-paid.

BY THE COURT:

/s/ Thomas A. James Jr. J.

SHAPIRO & DeNARDO, LLC
 BY: CHRISTOPHER A. DeNARDO, PA I.D. NO. 78447
 KRISTEN D. LITTLE, PA I.D. NO. 79992
 KEVIN S. FRANKEL, PA I.D. NO. 318323
 SAMANTHA GABLE, PA I.D. NO. 320695
 DANIEL T. LUTZ, PA I.D. NO. 318144
 LESLIE J. RASE, PA I.D. NO. 58365
 ALISON H. TULIO, PA I.D. NO. 87075
 KATHERINE M. WOLF, PA I.D. NO. 314307
 3600 HORIZON DRIVE, SUITE 150
 KING OF PRUSSIA, PA 19406
 TELEPHONE: (610)278-6800
 S&D FILE NO. 17-056249

FILED
 HONORARY
 2017 SEP 13 A 11:49
 COUNTY OF COURTS OFFICE
 CITY OF COLUMBIA, PA

U.S. Bank National Association, as Trustee
 for Specialty Underwriting and Residential
 Finance Trust Mortgage Loan Asset-Backed
 Certificates, Series 2006-BC5
 PLAINTIFF

COURT OF COMMON PLEAS
 CIVIL DIVISION
 COLUMBIA COUNTY

NO: 2017-CV-0000584-MF

VS.

Wade Miller and Linda M. Miller
 DEFENDANTS

**PLAINTIFF'S MOTION TO SET ASIDE SHERIFF'S
 SALE ON REAL PROPERTY**

Plaintiff/Petitioner, U.S. Bank National Association, as Trustee for Specialty Underwriting and Residential Finance Trust Mortgage Loan Asset-Backed Certificates, Series 2006-BC5 ("Plaintiff"), by and through its counsel, Shapiro & DeNardo, LLC, hereby moves this Honorable Court to Set Aside the Sheriff's Sale conducted on September 6, 2017, without prejudice, and in support thereof, avers as follows:

1. Plaintiff filed its Complaint in Mortgage Foreclosure on real property situated at 242 Leonard Street, Bloomsburg, PA 17815 (the "Property") against Wade Miller and Linda M. Miller ("Defendants") on May 18, 2017.

2. Plaintiff entered Judgment against Defendants in the above mortgage foreclosure action on June 22, 2017 for failure to Answer Plaintiff's Complaint and thereafter caused the Writ of Execution to be issued, which enabled the Plaintiff to execute on this judgment.

3. The Sheriff's sale was held on September 6, 2017 and the Plaintiff was the successful bidder at Sheriff's sale.

4. In accordance with the Pennsylvania Rules of Civil Procedure, see Pa. R.C.P. 3183 (d), the Court is empowered to set aside a Writ of Execution for legal or equitable grounds.

5. The setting aside of the Sheriff's Sale held September 6, 2017, will not prejudice Defendants or any other party in interest and it is believed Defendants will not be opposing this Motion.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order setting aside the Sheriff's Sale held on September 6, 2017.

Date: 9/8/17

S&D 17-056249

SHAPIRO & DeNARDI, LLC

BY: 

Attorneys for Plaintiff

ALISON H. TULIO, ESQUIRE

VERIFICATION

I, Alison H. Tulio, Esquire, hereby states that she is the Attorney for the Plaintiff in this action, that she is authorized to make this Verification, and that the statements made in the foregoing Motion to Set Aside Sheriff Sale are true and correct to the best of her knowledge, information and belief.

The undersigned understands that this statement herein is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.

Date: _____

9/8/17

BY: _____

SHAPIRO & DENARDO, LLC

Attorney for Plaintiff
ALISON H. TULIO, ESQUIRE

SHAPIRO & DeNARDO, LLC
 BY: CHRISTOPHER A. DeNARDO, PA I.D. NO. 78447
 KRISTEN D. LITTLE, PA I.D. NO. 79992
 KEVIN S. FRANKEL, PA I.D. NO. 318323
 SAMANTHA GABLE, PA I.D. NO. 320695
 DANIEL T. LUTZ, PA I.D. NO. 318144
 LESLIE J. RASE, PA I.D. NO. 58365
 ALISON H. TULIO, PA I.D. NO. 87075
 KATHERINE M. WOLF, PA I.D. NO. 314307
 3600 HORIZON DRIVE, SUITE 150
 KING OF PRUSSIA, PA 19406
 TELEPHONE: (610)278-6800
 S&D FILE NO. 17-056249

RECEIVED: 9/13/17
 NOT FILED OF RECORD:

U.S. Bank National Association, as Trustee
 for Specialty Underwriting and Residential
 Finance Trust Mortgage Loan Asset-Backed
 Certificates, Series 2006-BC5
 PLAINTIFF

COURT OF COMMON PLEAS
 CIVIL DIVISION
 COLUMBIA COUNTY

NO: 2017-CV-0000584-MF

VS.

Wade Miller and Linda M. Miller
 DEFENDANTS

**MEMORANDUM IN SUPPORT OF MOTION TO SET ASIDE
 SHERIFF'S SALE OF REAL PROPERTY AND STRIKE SHERIFF'S DEED**

Plaintiff filed its Complaint in Mortgage Foreclosure against Defendants ("Defendants") on May 18, 2017. The Complaint sought in rem relief in mortgage foreclosure against a certain parcel of real property owned by Defendants located at 242 Leonard Street, Bloomsburg, PA 17815 (the "Mortgaged Premises"). On or about June 22, 2017, Plaintiff obtained a Default Judgment against Defendants for failure to answer Plaintiff's Complaint and thereafter caused the Writ of Execution to be issued, which enabled the Plaintiff to execute on its judgment. The Sheriff's Sale of the mortgaged premises was held on September 6, 2017 and Plaintiff was the successful bidder.

ARGUMENT

Pa R.C.P. 3183. Stay of Execution. Setting Aside Execution

(d)The court may on application of any party in interest set aside the writ...


(1) for a defect therein.

Upon petition by any party, this Honorable Court may set aside a Sheriff's Sale. Plaintiff seeks to set aside the Writ of Execution, which resulted in the Sheriff's Sale, as Defendants reinstated the loan on prior to the sheriff sale start time of causing the sale to be invalid. The setting aside of the September 6, 2017 Sheriff's Sale will not prejudice Defendants or any other party in interest and it is believed Defendants will not be opposing this Motion.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Order Setting Aside the Sheriff's Sale held on September 6, 2017.

SHAPIRO & DENARDO, LLC

Date: 9/8/17

BY: 
Attorney for Plaintiff

SHAPIRO & DeNARDO, LLC
 BY: CHRISTOPHER A. DeNARDO, PA I.D. NO. 78447
 KRISTEN D. LITTLE, PA I.D. NO. 79992
 KEVIN S. FRANKEL, PA I.D. NO. 318323
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U.S. Bank National Association, as Trustee
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 PLAINTIFF

COURT OF COMMON PLEAS
 CIVIL DIVISION
 COLUMBIA COUNTY

NO: 2017-CV-0000584-MF

VS.

Wade Miller and Linda M. Miller
 DEFENDANTS

CERTIFICATE OF SERVICE

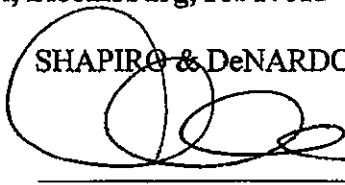
I hereby certify that I have served a true and correct copy of the Plaintiff's Motion To Set
 Aside Sheriff's Sale On Real Property And Strike Sheriff's Deed on 9/8/17 to all
 parties named herein at their last known address or upon their attorney of record as below listed
 by regular mail, postage prepaid:

Wade Miller, 242 Leonard Street, Bloomsburg, PA 17815

Linda M. Miller, 242 Leonard Street, Bloomsburg, PA 17815

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

Date: 9/8/17

SHAPIRO & DeNARDO, LLC

 BY: _____
 Attorneys for Plaintiff
 ALISON H. TULIO, ESQUIRE

SHERIFF'S OFFICE OF COLUMBIA COUNTY

Timothy T. Chamberlain
Sheriff

Earl D. Mordan, Jr.
Chief Deputy



Plaintiff
U.S. BANK NATIONAL ASSOCIATION

vs.

Defendant
WADE MILLER
LINDA MILLER

Attorney for the Plaintiff:
SHAPIRO & DENARDO
3600 HORIZON DRIVE
SUITE 150
KING OF PRUSSIA, PA 19406

Sheriff's Sale Date: Wednesday, September 6, 201
Writ of Execution No. : 2017CV584
Advance Sheriff Costs: \$1,350.00

Location of the real estate: 242 LEONARD STREET, BLOOMSBURG, PA 17815

Sheriff Costs

Advertising Sale (Newspaper)	\$15.00
Advertising Sale Bills & Copies	\$17.50
Crying Sale	\$10.00
Docketing	\$15.00
Levy	\$15.00
Mailing Costs	\$36.00
Posting Handbill	\$15.00
Press Enterprise Inc.	\$1,199.67
Prothonotary, Acknowledge Deed	\$10.00
Sheriff Automation Fund	\$50.00
Sheriff's Deed	\$35.00
Solicitor Services	\$100.00
Transfer Tax Form	\$25.00
Web Posting	\$100.00
Service	\$150.00
Service Mileage	\$6.00
Distribution Form	\$25.00
Copies	\$5.00
Notary Fee	\$15.00
Tax Claim Search	\$5.00
Surcharge	\$110.00
Total Sheriff Costs	\$1,959.17

Municipal Costs

Sewer	\$1,901.18
Total Municipal Costs	\$1,901.18

Distribution Costs

Recording Fees	\$67.00
Total Distribution Costs	\$67.00

Grand Total: \$3,927.35

Sheriff's poundage cost will be calculated according to the current law and added to the Sheriffs' costs after the sale.

SHERIFF'S OFFICE OF COLUMBIA COUNTY

Timothy T. Chamberlain
Sheriff

Earl D. Mordan, Jr.
Chief Deputy



U.S. BANK NATIONAL ASSOCIATION
vs.
WADE MILLER (et al.)

Case Number
2017CV584

PROPERTY ADDRESS
242 LEONARD STREET, BLOOMSBURG, PA 17815

REAL ESTATE SALE REQUEST LEDGER

<i>DATE</i>	<i>CATEGORY</i>	<i>MEMO</i>	<i>CHK #</i>	<i>DEBIT</i>	<i>CREDIT</i>
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				\$1,764.17	\$1,350.00
TOTAL BALANCE:				\$(414.17)	

SHAPIRO & DeNARDO, LLC

ATTORNEYS AT LAW
A PENNSYLVANIA LIMITED LIABILITY COMPANY

3600 Horizon Drive, Suite 150
King of Prussia, PA 19406
Tel: (610) 278-6800 Fax: (610) 278-9980

GERALD M. SHAPIRO +++
DAVID S. KREISMAN **
CHRISTOPHER A. DENARDO *

+ Licensed in Pennsylvania and New Jersey
++ Licensed in Pennsylvania and Texas
+++ Licensed in Illinois and Florida

* Licensed in Pennsylvania Only
** Licensed in Illinois Only

PA Attorneys

KRISTEN D. LITTLE +
Managing Attorney - PA
KEVIN S. FRANKEL +
SAMANTHA GABLE +
DANIEL T. LUTZ ++
LESLIE J. RASE *
ALISON H. TULIO +
KATHERINE M. WOLF +

September 7, 2017

Sheriff of Columbia
35 W. Main Street
Bloomsburg, PA 17815

RE: U.S. Bank National Association, as Trustee for Specialty Underwriting and Residential Finance Trust Mortgage Loan Asset-Backed Certificates, Series 2006-BC5 vs. Wade Miller and Linda M. Miller
Loan No. 0618823470
Property Address: 242 Leonard Street, Bloomsburg, PA 17815
S&D File No.: 17-056249

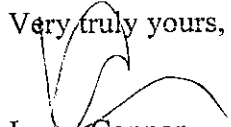
Dear Linda M. Miller:

Enclosed please find a copy of the following documents in the above referenced matter:

- (1) Plaintiff's Motion to Set Aside Sheriff's sale;
- (2) Verification;
- (3) Brief in Support of Motion to Set Aside Sheriff's sale;
- (4) A Proposed form of Order; and
- (6) Certificate of Service.

Please be advised that you have thirty (30) days within which to file a response to Plaintiff's motion papers pursuant to the Pennsylvania Rules of Civil Procedure.

Very truly yours,


Laura Connor

enclosures

PURSUANT TO THE FAIR DEBT COLLECTION PRACTICES ACT, YOU ARE ADVISED THAT THIS OFFICE IS DEEMED TO BE A DEBT COLLECTOR. ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

IN THE COURT OF COMMON PLEAS OF COLUMBIA COUNTY, PENNSYLVANIA
CIVIL DIVISION

U.S. Bank National Association, as Trustee
for Specialty Underwriting and Residential
Finance Trust Mortgage Loan Asset-Backed
Certificates, Series 2006-BC5
PLAINTIFF

NO: 2017-CV-0000584-MF

VS.

Wade Miller and Linda M. Miller
DEFENDANTS

ORDER

AND NOW, this _____ day of _____, 2017, upon consideration of
Plaintiff's Motion to Set Aside Sheriff's sale filed in the above matter, and the response thereo, if
any, it is hereby:

ORDERED and DECREED that Plaintiff's Motion is GRANTED and the Sheriff's Sale
conducted on September 6, 2017 of the property located at 242 Leonard Street, Bloomsburg, PA
17815 is hereby set aside without prejudice; and it is further

ORDERED that a copy of this Order shall be served upon Defendants via first-class mail,
postage pre-paid.

BY THE COURT:

J.

Timothy Chamberlain

From: Timothy Chamberlain
Sent: Wednesday, September 6, 2017 3:02 PM
To: 'Laura Connor'
Subject: RE: 2017-CV-0000584-MF / 17-056249 / Miller

I checked with my solicitor and we are thinking you will need to petition the court to set aside the sale since it has already happened.

Timothy T. Chamberlain

Sheriff of Columbia County
PO Box 380
Bloomsburg, PA 17815
570-389-5622



From: Laura Connor [mailto:laconnor@logs.com]
Sent: Wednesday, September 6, 2017 2:39 PM
To: Timothy Chamberlain <tchamberlain@columbiapa.org>
Subject: 2017-CV-0000584-MF / 17-056249 / Miller

Hello,

Today the property at 242 Leonard St was sold at sheriff sale. The defendant reinstated the loan and instructions were not received by our client until after the sale today. Please let me know if we can send a stay letter for the property.

Thank you,

Laura Connor
Post Sale/Conveyances
laconnor@logs.com

Shapiro & DeNardo, L.L.C.

3600 Horizon Dr. Suite 150
King of Prussia, PA 19406
610-278-6800 X-1256 Office
610-278-9980 Fax

Supervisory Contact

Jenna Sharkey
610-930-0230

jsharkey@logs.com

Pursuant to the Fair Debt Collection Practices Act, you are advised that this office is deemed to be a debt collector and any information obtained may be used for that purpose.

This email, and any attachments thereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments thereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify me at 610-278-6800 X-1256 and permanently delete the original and any copy of any e-mail and any printout thereof.

COLUMBIA COUNTY SHERIFF'S OFFICE
SHERIFF'S REAL ESTATE FINAL COST SHEET

US BANK NATIONAL ASSOCIATION VS WADE & LINDA MILLER

NO. 73-2017 ED

NO. 584-2017

JD

DATE/TIME OF SALE: SEPTEMBER 6, 2017 @ 9:00 AM

BID PRICE (INCLUDES COST)

\$ 3987.35

POUNDAGE - 2% OF BID

\$ 78.55

TRANSFER TAX - 2% OF FAIR MKT

\$ -

MISC. COSTS

\$ -

TOTAL AMOUNT NEEDED TO PURCHASE

\$ 4065.90

PURCHASER(S): _____

ADDRESS: _____

NAMES(S) ON DEED: _____

PURCHASER(S) SIGNATURE(S): _____

Paul A. Stupiro for Stupiro

TOTAL DUE:

\$ 4065.90

LESS DEPOSIT:

\$ 1350.00

DOWN PAYMENT:

\$ _____

TOTAL DUE IN 8 DAYS

\$ 2655.90