

FEDERMAN and PHELAN, L.L.P.  
By: FRANK FEDERMAN  
Identification No. 12248  
One Penn Center at Suburban Station  
1617 John F. Kennedy Boulevard  
Suite 1400  
Philadelphia, PA 19103-1814  
(215) 563-7000

ATTORNEY FOR PLAINTIFF

FIFTH THIRD BANK S/B/M TO OLD  
KENT MORTGAGE COMPANY

Plaintiff

vs.

JOSE L. GONZALES, A/K/A JOSE L.  
GONZALEZ  
ANGELA D. ROJAS

Defendant(s)

: COLUMBIA County  
:  
: Court of Common Pleas  
:  
: CIVIL DIVISION  
:  
: NO. 2002-CV-1425

: 2003-ED-41

AFFIDAVIT PURSUANT TO RULE 3129  
(Affidavit No. 1)

FIFTH THIRD BANK S/B/M TO OLD KENT MORTGAGE COMPANY, Plaintiff in the above action, by its attorney, FRANK FEDERMAN, ESQ., sets forth as of the date the Praecipe for the Writ of Execution was filed the following information concerning the real property located at 463 EAST THIRD STREET, BLOOMSBURG, PA 17815.

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

NAME

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

JOSE L. GONZALES,  
A/K/A JOSE L. GONZALEZ

463 EAST THIRD STREET  
BLOOMSBURG, PA 17815

ANGELA D. ROJAS

441 EAST BRUGLER AVENUE  
BLOOMSBURG, PA 17815

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

NAME

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

SAME AS ABOVE

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. Sec. 4904 relating to unsworn falsification to authorities.

  
FRANK FEDERMAN, ESQUIRE

Date: 4/8/03

**FEDERMAN and PHELAN, L.L.P.**

By: **FRANK FEDERMAN**

Identification No. **12248**

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**ATTORNEY FOR PLAINTIFF**

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KENT MORTGAGE COMPANY**

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vs.

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ANGELA D. ROJAS**

**Defendant(s)**

**: COLUMBIA County**  
**:**  
**: Court of Common Pleas**  
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BLOOMSBURG, PA 17815**

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BLOOMSBURG, PA 17815**

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

NAME

LAST KNOWN ADDRESS

**SAME AS ABOVE**

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

NAME

LAST KNOWN ADDRESS

**NONE**

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

NAME

LAST KNOWN ADDRESS

**CONSECO FINANCE CONSUMER  
DISCOUNT COMPANY**

**332 MINNESOTA STREET SUITE 610  
ST. PAUL, MN 55101**

**CITIFINANCIAL, INC.**

**1115 OLD BERWICK ROAD  
BLOOMSBURG, PA 17815**

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

**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:

**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:

**DOMESTIC RELATIONS OF  
COLUMBIA COUNTY**

**COLUMBIA COUNTY COURTHOUSE  
P.O. Box 380  
Bloomsburg, PA 17815**

**TENANT/OCCUPANT**

**463 EAST THIRD STREET  
BLOOMSBURG, PA 17815**

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF WELFARE**

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

**DRYDEN J. LIDDLE  
CFC DEBTORS' COUNSEL  
KIRKLAND & ELLIS**

**CITIGROUP CENTER  
153 EAST 53<sup>RD</sup> STREET  
NEW YORK, NY 10022**

**DOMINIC BAGLIO AND  
SHANNON SCHAEFER  
CONSECO HOME EQUITY AND  
HOME IMPROVEMENT DIVISIONS**

**7360 SOUTH KYRENE ROAD  
TEMPE, AZ 85283**

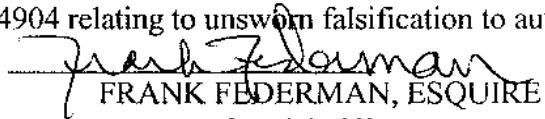
**BRIAN F. COREY, ESQ.  
GENERAL COUNSEL, CONSECO  
FINANCE CORP.**

**1100 LANDMARK TOWERS  
345 ST. PETER STREET  
ST. PAUL, MN 55102**

**BECKER & POLIAKOSS, P.A.  
COUNSEL TO THE OFFICIAL CFC  
UNSECURED CREDITORS' COMMITTEE**

**3111 STERLING ROAD  
FORT LAUDERDALE, FL 33312-6566  
ATTN: IVAN J. REICH**

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. Section 4904 relating to unsworn falsification to authorities.

  
FRANK FEDERMAN, ESQUIRE  
Attorney for Plaintiff

DATE: 4/8/03

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By: FRANK FEDERMAN  
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ATTORNEY FOR PLAINTIFF

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: COLUMBIA County  
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: Court of Common Pleas

: CIVIL DIVISION

: NO. 2002-CV-1425

: 2003. E.D. 41

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

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ANGELA D. ROJAS

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

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SAME AS ABOVE

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**Plaintiff**

vs.

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NAME

LAST KNOWN ADDRESS

**NONE**

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

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**CONSECO FINANCE CONSUMER  
DISCOUNT COMPANY**

**332 MINNESOTA STREET SUITE 610  
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**CITIFINANCIAL, INC.**

**1115 OLD BERWICK ROAD  
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5. Name and address of every other person who has any record lien on the property:

**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:

**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:

**DOMESTIC RELATIONS OF  
COLUMBIA COUNTY**

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P.O. Box 380  
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**TENANT/OCCUPANT**

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**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF WELFARE**

**P.O. BOX 2675  
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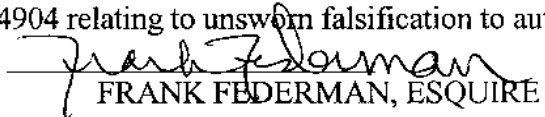
**BRIAN F. COREY, ESQ.  
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ATTN: IVAN J. REICH**

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FRANK FEDERMAN, ESQUIRE  
Attorney for Plaintiff

DATE: 4/8/03



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Date: **4/8/03**

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**Plaintiff**

vs.

**JOSE L. GONZALES, A/K/A JOSE L.  
GONZALEZ  
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**CONSECO FINANCE CONSUMER DISCOUNT COMPANY** **332 MINNESOTA STREET SUITE 610 ST. PAUL, MN 55101**

**CITIFINANCIAL, INC.** **1115 OLD BERWICK ROAD BLOOMSBURG, PA 17815**

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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:

**DOMESTIC RELATIONS OF COLUMBIA COUNTY** **COLUMBIA COUNTY COURTHOUSE P.O. Box 380 Bloomsburg, PA 17815**

**TENANT/OCCUPANT** **463 EAST THIRD STREET BLOOMSBURG, PA 17815**

**COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF WELFARE** **P.O. BOX 2675 HARRISBURG, PA 17105**

**DRYDEN J. LIDDLE CFC DEBTORS' COUNSEL KIRKLAND & ELLIS** **CITIGROUP CENTER 153 EAST 53<sup>RD</sup> STREET NEW YORK, NY 10022**

**DOMINIC BAGLIO AND SHANNON SCHAEFER CONSECO HOME EQUITY AND HOME IMPROVEMENT DIVISIONS** **7360 SOUTH KYRENE ROAD TEMPE, AZ 85283**

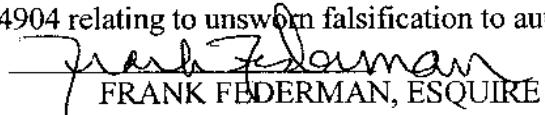
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FRANK FEDERMAN, ESQUIRE  
Attorney for Plaintiff

DATE: 4/8/03

WAIVER OF WATCHMAN - Any deputy sheriff levying upon or attaching any property under 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.

*Paul Federman*  
(Attorney for Plaintiff(s)) (SEAL)

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.

*Paul Federman*  
(Attorney for Plaintiff(s)) (SEAL)

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

HARRY A. ROADARMEL

Sheriff

COLUMBIA County, Pa.

your hands

Sir: — There will be placed in

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

follows: FIFTH THIRD BANK S/B/M TO OLD KENT MORTGAGE COMPANY vs JOSE L. GONZALES, A/K/A JOSE L. GONZALEZ and ANGELA D. ROJAS

The defendant will be found at 441 EAST BRUGLER AVENUE, BLOOMSBURG, PA 17815

*Paul Federman* Attorney for Plaintiff

If Writ of Execution, state below where defendants will be found, what foods and chattels shall/ be seized and be levied upon. If real estate, attach five double spaced typed written copies of description as it shall appear on the new deed together with Street and Number of the premises.

Please do not furnish us with the old deed or mortgage.

See attached legal description  
.....  
.....  
.....  
.....

FEDERMAN and PHELAN, L.L.P.  
By: FRANK FEDERMAN  
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ATTORNEY FOR PLAINTIFF

FIFTH THIRD BANK S/B/M TO OLD  
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Plaintiff

vs.

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ANGELA D. ROJAS

Defendant(s)

: COLUMBIA County  
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:  
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*2003 ED 41*

**\*\*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.\*\***

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

4/8/03

**TO: JOSE L. GONZALES, A/K/A JOSE L. GONZALEZ  
ANGELA D. ROJAS  
441 EAST BRUGLER AVENUE  
BLOOMSBURG, PA 17815**

Your house (real estate) at **463 EAST THIRD STREET, BLOOMSBURG, PA 17815**, is scheduled to be sold at the Sheriff's Sale on \_\_\_\_\_, at \_\_\_\_\_ in the **Sheriff's Office, Columbia County Courthouse, P.O. 380, Bloomsburg, PA 17815** to enforce the court judgment of **\$81,709.44** obtained by **FIFTH THIRD BANK S/B/M TO OLD KENT MORTGAGE COMPANY** (the mortgagee) against you. In the event the sale is continued, an announcement will be made at said sale in compliance with Pa.R.C.P., Rule 3129.3.

**NOTICE OF OWNER'S RIGHTS**

**YOU MAY BE ABLE TO PREVENT THIS SHERIFF'S SALE**

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

1. The sale will be cancelled if you pay to the mortgagee the back payments, late charges, costs and reasonable attorney's fees due. To find out how much you must pay, you may call: **(215) 563-7000**.

2. You may be able to stop the sale by filing a petition asking the Court to strike or open the judgment, if the judgment was improperly entered. You may also ask the Court to postpone the sale for good cause.

3. You may also be able to stop the sale through other legal proceedings.

You may need an attorney to assert your rights. The sooner you contact one, the 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 (814) 272-9350.

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.**

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

ALL THAT CERTAIN piece, parcel and lot of ground situate in the Town of Bloomsburg, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at the Northwest corner of East Third Street and Wood Street; thence along said Wood Street in a Northwardly direction 128-1/2 feet to an alley; thence Westwardly along said alley 50 feet (erroneously described as 55 feet in prior deed to chain of title) to a stone; thence Southwardly by a line parallel to Wood Street 128-1/2 feet to East Third Street; thence by the same Eastwardly 50 feet to the place of beginning.

WHEREON is erected a two-story frame dwelling and appurtenances.

Tax Parcel #05E-03-389

**BEING KNOWN AS 463 EAST THIRD STREET, BLOOMSBURG, PA 17815.**

TITLE TO SAID PREMISES IS VESTED IN Angela D. Rojas and Jose L. Gonzalez, as joint tenants with right of survivorship by Deed from Carl J. Risch and Lenore G. Risch, his wife, dated 4/26/1999 and recorded 4/27/1999 in Record Book 722, Page 865.



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 o 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.

*Paul Federman*  
.....  
(Attorney for Plaintiff(s)) (SEAL)

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.

*Paul Federman*  
.....  
(SEAL)

....., 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: FIFTH THIRD BANK S/B/M TO OLD KENT MORTGAGE COMPANY vs JOSE L. GONZALES, A/K/A JOSE L. GONZALEZ and ANGELA D. ROJAS

The defendant will be found at 441 EAST BRUGLER AVENUE, BLOOMSBURG, PA. 17815

*Paul Federman* ..... Attorney for Plaintiff

If Writ of Execution, state below where defendants will be found, what foods and chattels shall/ be seized and be levied upon. If real estate, attach five double spaced typed written copies of description as it shall appear on the new deed together with Street and Number of the premises.

Please do not furnish us with the old deed or mortgage.

See attached legal description.....  
.....  
.....  
.....

SHERIFF'S RETURN OF SERVICE-COLUMBIA COUNTY

PLAINTIFF

FIFTH THIRD BANK S/B/M TO OLD KENT MORTGAGE COMPANY

DEFENDANT

JOSE L. GONZALES, A/K/A JOSE L. GONZALEZ  
ANGELA D. ROJAS

COURT NO.: 2002-CV-1425

SERVE AT:

463 EAST THIRD STREET  
BLOOMSBURG, PA 17815

a)TYPE OF ACTION

**XX** Notice of Sheriff's Sale

SALE DATE: \_\_\_\_\_

**PLEASE POST THE HANDBILL.**

**SERVED**

Served and made known to \_\_\_\_\_, Defendant, on the \_\_\_ day of \_\_\_\_\_, 200\_, at \_\_, o'clock \_\_. M., at \_\_\_\_\_, Commonwealth of Pennsylvania, in the manner described below:

- Defendant personally served.
- Adult family member with whom Defendant(s) reside(s).  
Relationship is \_\_\_\_\_.
- Adult in charge of Defendant's residence who refused to give name or relationship.
- Manager/Clerk of place of lodging in which Defendant(s) reside(s).
- Agent or person in charge of Defendant's office or usual place of business.
- \_\_\_\_\_ an officer of said Defendant's company.
- Other: \_\_\_\_\_

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

**SHERIFF**

By: \_\_\_\_\_ Deputy Sheriff

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_, at \_\_\_\_\_ o'clock \_\_. M., Defendant NOT FOUND because:

- Moved
- Unknown
- No Answer
- Vacant

Other: \_\_\_\_\_

**SHERIFF**

By: \_\_\_\_\_ Deputy Sheriff

**I. DEPUTIZED SERVICE**

Now, this \_\_\_ day of \_\_\_\_\_, 200\_, I, Sheriff of CLINTON County, Pennsylvania, do hereby deputize the Sheriff of \_\_\_ County to serve this Notice of Sheriff's Sale and make return thereof and according to law.

**SHERIFF**

By: \_\_\_\_\_ Deputy Sheriff

**ATTORNEY FOR PLAINTIFF**

**FRANK FEDERMAN, ESQUIRE**

I.D.#12248

**One Penn Center at Suburban Station**

**1617 John F. Kennedy Boulevard**

**Suite 1400**

**Philadelphia, PA 19103-1814**

**(215)563-7000**

**SHERIFF'S RETURN OF SERVICE-COLUMBIA COUNTY**

**PLAINTIFF**

**FIFTH THIRD BANK S/B/M TO OLD KENT  
MORTGAGE COMPANY**

**DEFENDANT**

**JOSE L. GONZALES, A/K/A JOSE L.  
GONZALEZ  
ANGELA D. ROJAS**

**COURT NO.: 2002-CV-1425**

**SERVE AT:**

**463 EAST THIRD STREET  
BLOOMSBURG, PA 17815**

**a)TYPE OF ACTION**

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- \_\_\_\_\_ an officer of said Defendant's company.
- Other: \_\_\_\_\_.

Description: Age \_\_\_\_\_ Height \_\_\_\_\_ Weight \_\_\_\_\_ Race \_\_\_\_\_ Sex \_\_\_\_\_ Other \_\_\_\_\_

**SHERIFF**

By: \_\_\_\_\_ Deputy Sheriff

On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_, at \_\_\_\_\_ o'clock \_\_. M., Defendant NOT FOUND because:

- Moved
- Unknown
- No Answer
- Vacant

Other: \_\_\_\_\_

**SHERIFF**

By: \_\_\_\_\_ Deputy Sheriff

**IDEPUTIZED SERVICE**

Now, this \_\_\_ day of \_\_\_\_\_, 200\_, I, Sheriff of CLINTON County, Pennsylvania, do hereby deputize the Sheriff of \_\_\_\_\_ County to serve this Notice of Sheriff's Sale and make return thereof and according to law.

**SHERIFF**

By: \_\_\_\_\_ Deputy Sheriff

**ATTORNEY FOR PLAINTIFF**

**FRANK FEDERMAN, ESQUIRE**

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ALL THAT CERTAIN piece, parcel and lot of ground situate in the Town of Bloomsburg, County of Columbia and State of Pennsylvania, bounded and described as follows, to-wit:

BEGINNING at the Northwest corner of East Third Street and Wood Street; thence along said Wood Street in a Northwardly direction 128-1/2 feet to an alley; thence Westwardly along said alley 50 feet (erroneously described as 55 feet in prior deed to chain of title) to a stone; thence Southwardly by a line parallel to Wood Street 128-1/2 feet to East Third Street; thence by the same Eastwardly 50 feet to the place of beginning.

WHEREON is erected a two-story frame dwelling and appurtenances.

Tax Parcel #05E-03-389

**BEING KNOWN AS 463 EAST THIRD STREET, BLOOMSBURG, PA 17815.**

TITLE TO SAID PREMISES IS VESTED IN Angela D. Rojas and Jose L. Gonzalez, as joint tenants with right of survivorship by Deed from Carl J. Risch and Lenore G. Risch, his wife, dated 4/26/1999 and recorded 4/27/1999 in Record Book 722, Page 865.

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ORIGINAL DOCUMENT PRINTED ON CHEMICAL REACTIVE PAPER WITH MICROPRINTED BORDER - SEE REVERSE SIDE FOR COMPLETE SECURITY FEATURES

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

COMMERCE BANK  
PHILADELPHIA, PA 19148  
3-1800/360

CHECK NO  
267333

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

DATE	AMOUNT
04/07/2003	*****1,350.00

Void after 90 days

*Frank Federman*

THIS DOCUMENT CONTAINS HEAT SENSITIVE INK. TOUCH OR PRESS HERE - RED IMAGE DISAPPEARS WITH HEAT.

⑈ 267333 ⑈ ⑆036001808136 150866 6⑈