

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

SUSQUEHANNA BANK PA,  
Plaintiff

vs.

RICHARD A. HAMILTON,  
Defendant

:  
: No. 07-00131  
:  
: CIVIL ACTION – LAW  
:  
:  
: Defendant’s Preliminary Objections  
: to Plaintiff’s Complaint

**ORDER**

AND NOW, this \_\_\_ day of April 2007, the Court DENIES Defendant’s preliminary objections to Plaintiff’s complaint. A copy of the mortgage is attached to the complaint as Exhibit B. The note provides for attorney fees in subsection (d) of the paragraph entitled “**ADDITIONAL COVENANTS.**” The Court finds that the Act 160 notice does not need to be attached to the complaint; it is sufficient that the complaint alleges that the Act 160 notice was sent to Defendant’s last known address and the address of the mortgaged property on November 8, 2006. See Pa.R.Civ.P. 1147; Ministers and Missionaries Benefit Bd. Of Am. Baptist Churches v. Goldsworthy, 253 Pa.Super. 321, 333, 385 A.2d 358, 364-365 (1978)(Superior Court rejects appellants’ argument that failure to aver compliance with Act 6 notice should have resulted in grant of their preliminary objections, finding that note to Rule 1147 “merely precatory.”).<sup>1</sup>

By The Court,

\_\_\_\_\_  
Kenneth D. Brown,  
President Judge

<sup>1</sup> Like Act 6, Act 160 precludes the mortgagee from accelerating the maturity date of the mortgage debt and commencing foreclosure until after the mortgagor is given notice of the default.

cc: Ryan Tira, Esquire  
Matthew Ziegler, Esquire  
Gary Weber, Esquire (Lycoming Reporter)