

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of New York

United States of America )

Plaintiff(s)

v.

Adam Jagow, Discover Bank, People of the State of New York, "JOHN ROE AND JANE ROE", JOHN DOE, MARY ROE AND XYZ COROPORATION

Defendant(s)

Civil Action No. 12-cv-77D

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) SEE ATTACHED

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Gerald N. Murphy, Esq. Forsyth, Howe, O'Dwyer, Kalb & Murphy PC One Chase Square, Suite 1900 Rochester, NY 14604

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: AUG 15 2012

Michael J. Roemer Signature of Clerk or Deputy Clerk

EXHIBIT A

**NOTICE**

**YOU ARE IN DANGER OF LOSING YOUR HOME**

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action.

**YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT**

ATTACHMENT: (DEFENDANT(S) AND ADDRESSES)

Adam Jagow  
10428 Front Street  
North Collins, NY 14111

Discover Bank  
6500 New Albany Road  
New Albany, OH 43054

People of the State of New York

"JOHN ROE AND JANE ROE", it being the intention  
to name unknown persons to Mary E. Marsh,  
deceased, who are husbands, widows, grantees,  
mortgagees, lienors, heirs, devisees, distributees  
and successors in interest of such of those as  
may be dead, and their husbands and wives,  
heirs, devisees, distributees and successors in interest,

JOHN DOE, MARY ROE AND XYZ  
CORPORATION,  
10428 Front Street  
North Collins, New York 14111