

DOCKET NO. 173

NUMBER	TERM	YEAR
<u>252</u>	<u>November</u>	<u>1960</u>

Community Consumer Discount Co.

VERSUS

Albert F. Perks

Dorothy J. Perks

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMUNITY CONSUMER DISCOUNT :  
COMPANY :  
VS. : No. 252 November Term, 1960  
ALBERT F. PERKS and DOROTHY : QUIET TITLE  
J. PERKS :  
C O M P L A I N T

(1). The name of the Plaintiff is Community Consumer Discount Company, a Pennsylvania corporation, having its principal office and place of business at 101 N. Third Street, Clearfield, Pennsylvania.

(2). The name of the Defendants are Albert F. Perks and Dorothy J. Perks, who reside at R. D. #1, Box 371, Philipsburg, Decatur Township, Clearfield County, Pennsylvania.

(3). From July 11, 1950 to December 2, 1960, Defendants were the owner of a tract of land situate in Decatur Township, Clearfield County, Pennsylvania, which they acquired by Deed dated July 11, 1950 and which is recorded in Deed Book 408 page 57. The property is bounded and described as follows:

ALL that certain lot or parcel of ground situate in the Village of Gearhartville, Decatur Township, Clearfield County, Pennsylvania bounded and described as follows:

BEGINNING at a post corner of James Clark lot, now Harry Graham's; thence southwest by a street or alley 108 feet to line of lot of the St. Saviors Episcopal Church; thence northwest along the Church lot a distance of 200 feet to a post corner on a line of lands of the grantors herein; thence northeast along the line of lands of the grantors herein a distance of 108 feet to the line of lands of James Clark lot, now Harry Graham's lot; thence southeast along the line of lands of James Clark, now Harry Graham, a distance of 200 feet to the place of beginning.

EXCEPTING AND RESERVING therefrom all minerals, coal, fire clay, etc., as reserved by prior deeds.

BEING the same premises conveyed to Albert F. Perks, Sr., and Dorothy J. Perks, his wife, by Deed of Samuel Sleigh, et ux, dated July 11, 1950, and recorded in Deed Book 408, page 57.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMUNITY CONSUMER DISCOUNT

COMPANY

No. 525 November Term, 1960 AS.

ALBERT E. PERKS and DOROTHY  
J. PERKS

C O M P L A I N T

(1). The name of the Plaintiff is Community Consumer  
Discount Company, a Pennsylvania corporation, having its principal  
office and place of business at 101 N. Third Street, Clearfield,  
Pennsylvania.

(2). The name of the Defendants are Albert E. Perks  
and Dorothy J. Perks, who reside at R. D. #5, Box 341, Pittsburg  
Decatur Township, Clearfield County, Pennsylvania.  
(3). From July 11, 1960 to December 5, 1960, Defendants  
were the owner of a tract of land situated in Decatur Township,  
Clearfield County, Pennsylvania, which was described as being  
July 11, 1960 and which is recorded in Deed Book 408 page 52. The  
property is bounded and described as follows:

AT the corner of a tract of ground situated in the village  
of Decatur Township, Decatur Township, Clearfield County, Pennsylvania  
as follows:

BEGINNING at a post corner of James Clark lot,  
now Harry Grapow's; thence southwardly along  
or fifty 108 feet to line of lot of the S.P.  
Savioles Bischofsi Church; thence northwardly along  
the Church lot a distance of 300 feet to a post  
corner on a line of land of the Bissel's  
property between a distance of 108 feet to the line  
of James Clark lot, now Harry Grapow's  
lot; thence southwardly along the line of land of  
James Clark, now Harry Grapow, a distance of 300  
feet to the place of beginning.

EXCEPTING AND RESERVING the right to mine  
coal, title clay, etc., as reserved by prior deed.

BEING the same premises conveyed to Albert E. Perks,  
Suzanne Jettley, et ux, dated July 11, 1960, and  
recorded in Deed Book 408, page 52.

(4). On the 13<sup>th</sup> day of November, 1959, the Plaintiff did enter a judgment on a warrant of attorney contained in a sealed obligation from the Defendant to Plaintiff in the amount of \$2,340.00, and which was filed to No. 77 November Term, 1959.

(5). On September 2, 1960, the land was sold on execution upon the judgment averred in Paragraph (4) and the land was purchased by Plaintiff.

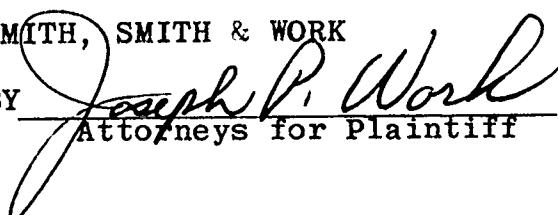
(6). On the 2nd day of September, 1960, the Sheriff of Clearfield County executed and delivered a Deed to the land to Plaintiff, and Plaintiff paid the purchase price of \$3,895.00, and Plaintiff's deed is recorded in Clearfield County Deed Book , page

(7). The Defendant, however, remains in possession of the land and refused to relinquish the same unto Plaintiff, the rightful owner.

WHEREFORE, under Rule 1066 (b) (4) of the Rules of Civil Procedure, the Court is requested to issue an Order directed to the Sheriff to oust the Defendant of possession of said premises and deliver the same to Plaintiff, and assess the costs of such recovery against the Defendant.

SMITH, SMITH & WORK

BY

  
Joseph P. Work  
Attorneys for Plaintiff

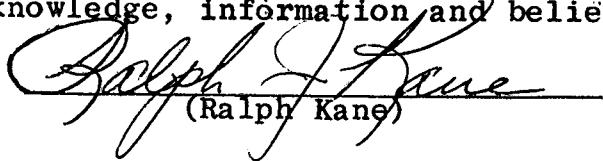
-3-

STATE OF PENNSYLVANIA:

SS:

COUNTY OF CLEARFIELD :

RALPH J KANE, being duly sworn according to law, deposes and says he is Manager of COMMUNITY CONSUMER DISCOUNT COMPANY, a corporation, and as such is duly authorized to make this Affidavit; further, the facts set forth in the foregoing Complaint are true and correct to the best of his knowledge, information and belief.

  
(Ralph J. Kane)

Sworn and subscribed to

before me this 13<sup>th</sup> day

of December, 1960

Mrs. Mildred A. Ginder

NOTARY PUBLIC  
My Commission Expires  
JANUARY 7, 1963

Lap-over Margin

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 252 November Term, 1960

QUIET TITLE

COMMUNITY CONSUMER DISCOUNT  
COMPANY

VS.

ALBERT F. PERKS and DOROTHY  
J. PERKS

C O M P L A I N T

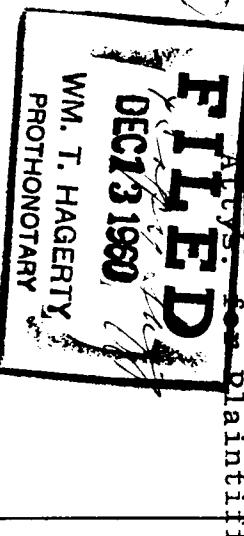
TO THE WITHIN DEFENDANTS:

You are hereby notified  
to plead to the enclosed  
Complaint within twenty (20)  
days from the service hereof.

SMITH, SMITH & WORK

BY *Frank Clark*

plaintiff



I hereby certify this to be a true and  
attested copy of the original statement  
filled in this case.  
Attest: *Frank Clark*  
Prothonotary

45 *Frank Clark*

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMUNITY CONSUMER DISCOUNT :  
COMPANY :

VS. : No. 252 November Term, 1960  
: :  
ALBERT F. PERKS and DOROTHY : Quiet Title  
J. PERKS :

PRAECIPE

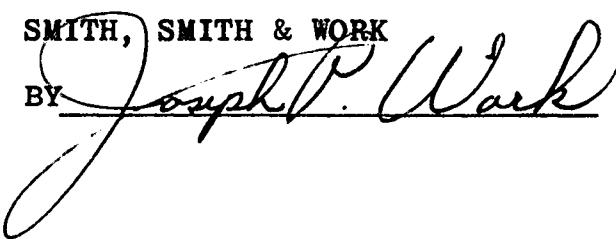
TO: WILLIAM T. HAGERTY, PROTHONOTARY

SIR:

Enter judgment by default on behalf of the Plaintiff and against the Defendant in the above captioned action for failure to file a defensive pleading to the Complaint in the above action.

SMITH, SMITH & WORK

BY



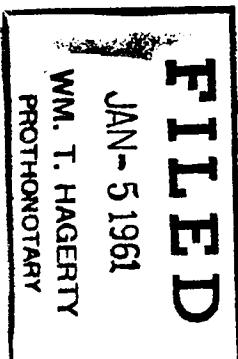
DATE: January 5, 1961

IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 252 November Term, 1960  
Quiet Title

COMMUNITY CONSUMER DISCOUNT  
COMPANY  
vs.

ALBERT F. PERKS and DOROTHY  
J. PERKS

PRAECIPE



SMITH, SMITH & WORK  
ATTORNEYS-AT-LAW  
CLEARFIELD, PA.

Lap-over Margin

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

COMMUNITY CONSUMER DISCOUNT  
COMPANY : :

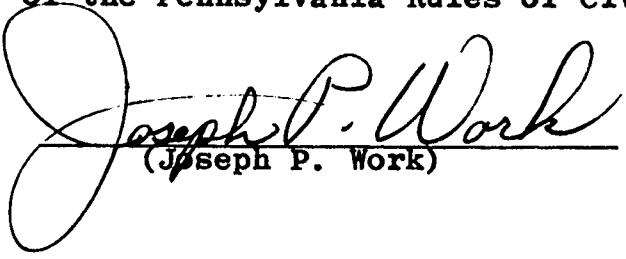
VS. : No. 252 November Term, 1960  
ALBERT F. PERKS and DOROTHY : Quiet Title  
J. PERKS : :

**AFFIDAVIT OF FAILURE TO FILE  
DEFENSIVE PLEADING**

STATE OF PENNSYLVANIA: SS

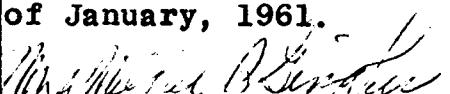
COUNTY OF CLEARFIELD :

JOSEPH P. WORK, being sworn according to law, does depose and saith that a Complaint in the above action was filed on December 13, 1960; that the Sheriff of Clearfield County served the Defendant with a copy thereof on the 15th day of December, 1960; that twenty days have elapsed since the service of said Complaint and Defendant has failed to file any defensive pleading thereto; and, therefore, Plaintiff is entitled to judgment by default and relief under Rule 1066 (b) (4) of the Pennsylvania Rules of Civil Procedure.



Joseph P. Work  
(Joseph P. Work)

Sworn to and subscribed  
before me the 5<sup>th</sup> day  
of January, 1961.



Michael B. Bergman

NOTARY PUBLIC  
My Commission Expires  
JANUARY 7, 1963

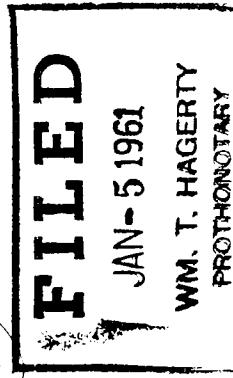
IN THE COURT OF COMMON PLEAS  
OF CLEARFIELD COUNTY, PENNA.  
No. 252 November Term, 1960  
Quiet Title

COMMUNITY CONSUMER DISCOUNT  
COMPANY

VS.

ALBERT F. PERKS and DOROTHY  
J. PERKS

AFFIDAVIT OF FAILURE TO FILE  
DEFENSIVE PLEADING



Smith, Smith & Work  
Attorneys-at-Law  
Clearfield, Pa.

Lap-over Margin

# Affidavit of Service

Community Consumer Discount Co.

vs.

Albert F. Perks and  
Dorothy J. Perks

No. 252 November Term, 19 60

Complaint In Equity

Returnable within \_\_\_\_\_ days  
from date of service hereof.

NOW December 15, 19 60 at 2:15 o'clock P.M.

served the within Complaint In Equity

on Albert F. Perks and Dorothy J. Perks

at place of residence, RD #1, Philipsburg, Decatur Township, Clearfield  
County, Pennsylvania

by handing to Dorothy P. Perks

a true and attested copy of the original Complaint In Equity and made

known to her the contents thereof.

Costs. Sheriff Ammerman \$9.60  
(Paid by Attys S, S & W)

Sworn to before me this 16th

So answers,

day of December A. D. 19 60

Charles G. Ammerman  
CHARLES G. AMMERMAN

Wm. P. Hegerty  
Prothonotary

Sheriff