

DOCKET NO. 173

NUMBER	TERM	YEAR
<u>363</u>	<u>November</u>	<u>1960</u>

John H. Ogorchock

VERSUS

Jacob Mackey and

Marguite Mackey Orlando

JOHN H. OGORCHOCK

VERSUS

JACOB MACKEY and

MARGUITE MACKEY ORLANDO

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PA.

No. 363 Term November 19 60

To William T. Hagerty,

Prothonotary.

Sir: Enter Final judgment for the Plaintiff

and against the Defendants for the land described in the above

action, defendants having failed to bring an action of ejectment

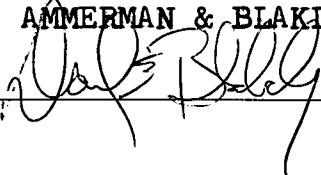
for said premises within 30 days from the date of the Order of Court

made herein.

in above case.

AMMERMAN & BLAKLEY

BY



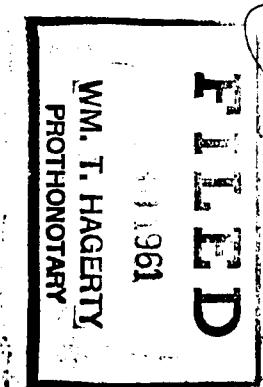
Attorney for Plaintiff

No. _____ Term _____ 19 _____

vs.

PRAECL^EPI

For _____



IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN H. OGORCHOCK :
vs : No. 363 November Term, 1960
JACOB MACKEY and : ACTION TO QUIET TITLE
MARGUITE MACKEY ORLANDO :
*** ***

*

PETITION

TO: THE HONORABLE JOHN J. PENTZ, PRESIDENT JUDGE OF SAID COURT:

NOW COMES David E. Blakley, of Ammerman & Blakley, attorneys for John H. Ogorchock, Plaintiff above, and respectfully represents:

1. That the Plaintiff above named, did at the above term and number file a complaint in Action to Quiet Title for certain lands in the City of DuBois, Clearfield County, Pennsylvania, hereinafter more fully described, against the defendants herein namely: Jacob Mackey and Marguise Mackey Orlando.

2. That personal service of said complaint was made on the above named defendants, said service being made by deputies, said deputies being deputized for said purpose by Charles G. Ammerman, Sheriff of Clearfield County.

3. That more than twenty days has elapsed from the date of personal service of the complaint, on the above named defendants, and the defendants have not entered an appearance in this action or filed an action to said complaint, which said complaint was properly endorsed with notice to the defendants to plead thereto within twenty days.

4. That the plaintiff, John H. Ogorchock residing in DuBois, Clearfield County, Pennsylvania, alleged in his complaint

that he is the owner and is in possession of all that certain piece or parcel of land situate in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe, said iron pipe being the southeast corner of lot of H. M. Phillips; thence South 39°52' East 632.41 feet to iron pipe in the northerly line of land of Mancuso; thence by line of land of Mancuso and Carlson South 51°00' West 227.0 feet to an iron pipe; thence by line of land of Burt Knarr North 40° 43' West 312.02 feet to an iron pipe in the southerly line of an alley; thence by said alley North 49° 18' East 8.0 feet to an iron pipe; thence by the easterly line of another 16 foot alley North 40°54' West 194.21 feet to an iron pipe, the southwest corner of D. R. Vasbinder; thence by the southerly line of Vasbinder North 47° 39' East 76.7 feet to an iron pipe; thence by the easterly line of Vasbinder North 39°51' West 110.0 feet to an iron pipe, the southwest corner of the Harry M. Phillips lot; thence by H. M. Phillips North 47° 43' East 150.0 feet to an iron pipe and the place of beginning. Containing 3.0 acres more or less.

5. In said complaint filed and served, plaintiff John H. Ogorchock requests the following relief:

(a) That title to all that certain piece or parcel of real estate set forth in this complaint shall be quieted, and that said title to said premises is in the plaintiff, John H. Ogorchock, and that he shall be allowed to enjoy said property in peace.

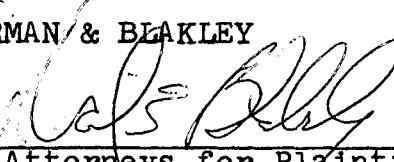
(b) That the said defendants named herein be enjoined from setting up any title suit to said premises, from impeaching, denying, or in any way attacking the plaintiff's title to said property, from issuing or maintaining any judgment for said property, and from encumbering, mortgaging or conveying the same, or any part thereof.

WHEREFORE, plaintiff herein, John H. Ogorchock, by

his attorneys, prays that this Court make an order of judgment by default in favor of the Plaintiff and against the Defendants, as above requested.

AMMERMAN & BLAKLEY

BY

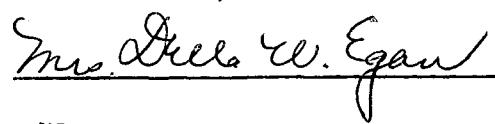

Attorneys for Plaintiff

STATE OF PENNSYLVANIA :
: SS
COUNTY OF CLEARFIELD :

DAVID E. BLAKLEY, being duly sworn according to law,
deposes and says that the facts set forth in the foregoing
petition are true and correct to the best of his knowledge, in-
formation and belief.



Sworn to and subscribed
before me this 15th day of
February, 1961.



MRS. DELLA W. EGAN, Notary Public
DU BOIS, CLEARFIELD CO., PA.
My Commission expires Sept. 30, 1962

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN H. OGORCHOCK :
vs : No. 363 November Term, 1960
JACOB MACKEY and : ACTION TO QUIET TITLE
MARGUITE MACKEY ORLANDO :
*** ***

*

O R D E R

NOW, this 27th day of February, 1961, upon consideration of the foregoing Petition, it is hereby ordered and decreed:

(a) That title to all that certain piece or parcel of land situate, lying and being in the City of DuBois, Clearfield County, Pennsylvania, bounded and described as follows, to wit:

BEGINNING at an iron pipe, said iron pipe being the southeast corner of lot of H. M. Phillips; thence South 39° 52' East 632.41 feet to iron pipe in the northerly line of land of Mancuso; thence by line of land of Mancuso and Carlson South 51°00' West 227.0 feet to an iron pipe; thence by line of land of Burt Knarr North 40° 43' West 312.02 feet to an iron pipe in the southerly line of an alley; thence by said alley North 49° 18' East 8.0 feet to an iron pipe; thence by the easterly line of another 16 foot alley North 40°54' West 194.21 feet to an iron pipe, the southwest corner of D. R. Vasbinder; thence by the southerly line of Vasbinder North 47° 39' East 76.7 feet to an iron pipe; thence by the easterly line of Vasbinder North 39° 51' West 110.0 feet to an iron pipe, the southwest corner of the Harry M. Phillips lot; thence by H. M. Phillips North 47° 43' East 150.0 feet to an iron pipe and the place of beginning. Containing 3.0 acres more or less,

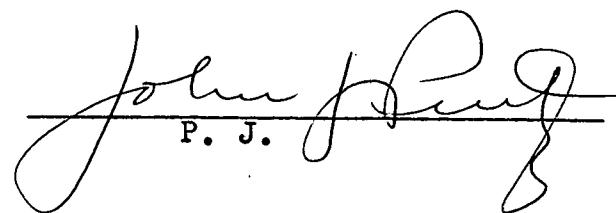
shall be quieted, and that said title to the said described real estate is in the plaintiff John H. Ogorchock, and that he shall be allowed to enjoy said property in peace, and that the said defendants named in this action be enjoined from setting up any title suit to said premises, from impeaching, denying or in any way attacking the plaintiff's title to said property, from issuing or maintaining any judgment for said property, and from

encumbering, mortgaging or conveying the same or any part thereof unless the defendants commence an action in ejectment for said premises within thirty (30) days from the date hereof, no further notice of entry of this judgment necessary, it appearing that both defendants were personally served.

(b) If an action in ejectment is not brought by the defendants, for the premises described in Paragraph A of this Order, within thirty (30) days from the date of this Order, then the Prothonotary of the Court of Common Pleas of Clearfield County is ordered, directed and authorized, on praecipe of the Plaintiff to enter final judgment against the defendants, and in favor of the plaintiff for the land above described in this action.

(c) That the Recorder of Deeds for Clearfield County is directed to record a copy of this order in the deed records of Clearfield County.

By the Court,



P. J.

A handwritten signature in black ink, appearing to read "John J. Rung". Below the signature, the initials "P. J." are handwritten in a smaller, simpler font.

NO. 363 November Term, 1960

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

ACTION TO QUIET TITLE

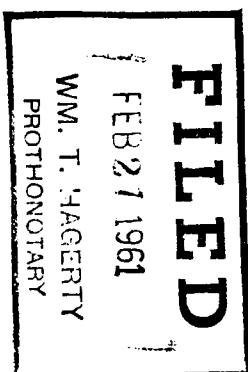
JOHN H. OGORCHOCK

vs

JACOB MACKEY and
MARGUITE MACKEY ORLANDO

PETITION and ORDER

Decree Enr.



LAW OFFICES
AMMERMAN & BLAKLEY
DUBOIS, PENNA.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

JOHN H. OGORCHOCK :
vs : No. 363, 2nd Term, 1960
JACOB MACKEY and : ACTION TO QUIET TITLE
MARGUITE MACKEY ORLANDO :
*** ***

*

COMPLAINT

The plaintiff, JOHN H. OGORCHOCK, brings this action to quiet title to the premises hereinafter described, against the above named defendants for a cause of action stated as follows:

1. The plaintiff, John H. Ogorchock, is an individual residing in the City of DuBois, County of Clearfield, State of Pennsylvania.

2. The defendants are Jacob Mackey, who is of full age and who resides at 415 Jefferson Avenue, Niagara Falls, New York, and Marguite Mackey Orlando, who is of full age and resides at 81 Kalso Drive, Erie, Pennsylvania, and both are heirs at law of W. G. Bell, deceased, also known as W. Greenwood Bell, deceased.

3. During the year 1931, the property hereinafter described, which is the subject of this action to quiet title, was owned by W. G. Bell, also known as W. Greenwood Bell, or his heirs and estate, and was assessed for the year 1931 by Clearfield County, as three (3) acres in the name of Greenwood Bell Estate.

4. That the taxes, penalties, interest and costs for the year 1931, being unpaid on the 6th day of August, 1934, the Treasurer of Clearfield County did expose the said tract of land for public sale, and on the 10th day of January, 1936, an amount sufficient to pay said taxes, interest, penalties and costs

not being bid, the said property was purchased by the County Commissioners of Clearfield County, who obtained a deed therefor from the Treasurer of Clearfield County, dated the 10th day of April, 1936 and recorded in Clearfield County Deed Book 482, page 282.

5. That the County Commissioners of Clearfield County, did expose the same to public sale on the 19th day of January, 1942, and pursuant thereto, did convey the same to J. S. Reitz, by deed dated May 25, 1942, and recorded in Clearfield County Deed Book 482, page 284, and the said J. S. Reitz did by assignment dated the 5th day of January, 1944, and recorded in Clearfield County Deed Book 482, page 285, assign the same to himself and his wife, A. H. Reitz.

6. That, by deed dated the 1st day of August, 1960 and recorded in Clearfield County Deed Book 486, page 158, the said A. H. Reitz, then being the owner, did convey the premises hereinafter described to John Ogorchock, plaintiff herein.

7. That by virtue of the foregoing, the said John H. Ogorchock is the owner in fee simple, absolute, of the land which is the subject of this action to quiet title, being ALL that certain piece or parcel of land, situate, lying and being in the Second Ward of the City of DuBois, bounded and described as follows, to wit:

BEGINNING at an iron pipe, said iron pipe being the southeast corner of lot of H. M. Phillips; thence South $39^{\circ}52'$ East 632.41 feet to iron pipe in the northerly line of land of Mancuso; thence by line of land of Mancuso and Carlson South $51^{\circ}00'$ West 227.0 feet to an iron pipe; thence by line of land of Burt Knarr North $40^{\circ}43'$ West 312.02 feet to an iron pipe in the southerly line of an alley; thence by said alley North $49^{\circ}18'$ East 8.0 feet to an iron pipe; thence by the easterly line of another 16 foot alley North $40^{\circ}54'$ West 194.21 feet to an iron pipe, the southwest corner

of D. R. Vasbinder; thence by the southerly line of Vasbinder North 47° 39' East 76.7 feet to an iron pipe; thence by the easterly line of Vasbinder North 39° 51' West 110.0 feet to an iron pipe, the southwest corner of the Harry M. Phillips lot; thence by H. M. Phillips North 47° 43' East 150.0 feet to an iron pipe and the place of beginning. Containing 3.0 acres more or less.

8. That by virtue of the above referred to conveyances, the defendants herein, the heirs at law of W. G. Bell, have no right, title or interest in and to said property.

WHEREFORE, plaintiff prays that judgment be entered in his favor against the defendants, as follows:

(a) That title to all that certain piece or parcel of real estate set forth in this complaint shall be quieted, and that said title to said premises is in the plaintiff, John H. Ogorchock, and that he shall be allowed to enjoy said property in peace.

(b) That the said defendants named herein be enjoined from setting up any title suit to said premises, from impeaching, denying, or in any way attacking the plaintiff's title to said property, from issuing or maintaining any judgment for said property, and from encumbering, mortgaging or conveying the same, or any part thereof.

AMMERMAN & BLAKLEY

BY

Attorneys for Plaintiff



STATE OF PENNSYLVANIA : : SS
COUNTY OF CLEARFIELD :

Personally appeared before me, a Notary Public, in and for the above county and stated, JOHN H. OGORCHOCK, the above named plaintiff, who being duly sworn according to law, deposes and says that the facts contained in the foregoing complaint are true and correct to the best of his knowledge, information and belief.

John H. Ogorchock
John H. Ogorchock

Sworn to and subscribed before
me this 20 day of December, 1960.

Mrs. Della W. Egan

MRS. DELLA W. EGAN, Notary Public
DU BOIS, CLEARFIELD CO., PA.
My Commission expires Sept. 30, 1962

No. 3, 2nd Term, 1960

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PENNA.

ACTION TO QUIET TITLE

JOHN H. OGORCHOCK

vs

JACOB MACKEY and
MARGUITE MACKEY ORLANDO

COMPLAINT

TO THE WITHIN DEFENDANTS:

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

AMMERMAN & BLAKLEY

BY

FILED
150
JAN. 9 1961

WM. T. HAGERTY
PROTHONOTARY

LAW OFFICES
AMMERMAN & BLAKLEY
DUBOIS, PENNA.

450 AMT

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA

John H. Ogorchock : No. 363 November Term, 1960

vs

2

Jacob Mackey and Marguite Mackey Orlando : Complaint Action To Quiet Title

NOW, January 9, 1961 deputized the Sheriff of Erie County to serve the within Complaint Action to Quiet Title upon Marguite Mackey Orlando.

NOW, January 16, 1961 served the within Complaint Action To Quiet Title upon Marguise Mackey Orlando by deputizing the Sheriff of Erie County. The return of service of John L. Coates, Sheriff of Erie County, is hereto attached and made part of this return of service.

NOW, January 9, 1961 deputized the Sheriff of Niagara County, New York to serve the within Complaint Action To Quiet Title upon Jacob Mackey.

NOW, January 16, 1961 served the within Complaint Action To Quiet Title upon Jacob Mackey by deputizing the Sheriff of Niagara County, New York. The return of service of James K. Murphy, Sheriff of Niagara County, New York, is hereto attached and made part of this return of service.

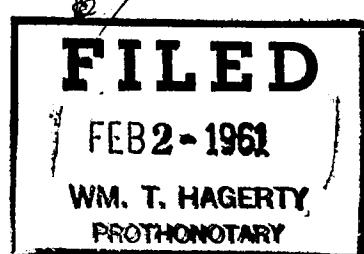
COSTS: Sheriff Ammerman \$9.00
Sheriff of Erie County \$9.20
(Paid by Attys A & B)

So answers,

CHARLES G. AMMERMAN
Sheriff

Sworn to before me this 2nd
day of February A. D. 1961.

Wm. J. Nagerty
Prothonotary



AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA ss:
COUNTY OF Erie

Before me, the undersigned authority, personally appeared Rhoda Donofrio, Deputy
who being duly sworn according
to law, deposes and says that on the 16th day of January, 19 61, at 3:40 P. M., e.s.t.
he served Complaint in Action of Quiet Title, filed
at No. 363 November Term, 19 69 Clearfield County,
Pennsylvania, upon defendant Marguise Mackey Orlando
at Erie County Sheriff's Office, Erie County Court House, Erie, Pennsylvania
xxxxxxxx

By making known the contents thereof to her personally
and handing to and leaving with her the certified copy of the Complaint received from
Charles G. Ammerman, Sheriff.

Sworn to and subscribed before me

this 23 day of January 19 61.

Rhoda Donofrio

DEPUTY PROTHONOTARY
My Commission Expires First Monday January 1962

Rhoda Donofrio
Deputy Sheriff

So answers,

John T. Coates
Sheriff
ERIE

County Penna.

No. _____ Term, 19 _____

SHERIFF'S RETURN

VS.

Attorney

KNOW ALL MEN BY THESE PRESENTS:

That I, John L. Coates, High Sheriff of the County of Erie, State of Pennsylvania, at the risk and request of the Plaintiff, do hereby authorize and depute _____ Sheriff of _____ County, to execute this _____ as fully and effectively as I could or would if personally present.

Given under my hand and seal this _____ day of _____, 19 ____.

(Seal)
Sheriff of Erie County Penna.

16817

SG 79

Affidavit of Personal Service

STATE OF NEW YORK

Common Pleas Court, County of Clearfield

John H. Ogorchock

Plaintiff

against

Jacob Mackey and Marguise Mackey Orlando

Defendant

State of New York

COUNTY OF NIAGARA

City of Niagara Falls

Nicholas Meranto

SS.

of the City of Niagara Falls

N. Y., being duly sworn, says he is over twenty-one years of age,

that deponent personally served the annexed Complaint Action to quiet Title

in the above entitled action on the following named defendant therein mentioned, at the several times and places herein specified, as follows:

On Jacob Mackey at 707 Erie Avenue N. Y., on the 16 day of January 1961

On at Niagara Falls N. Y., on the day of 19

On at N. Y., on the day of 19

On at N. Y., on the day of 19

by delivering and leaving with said defendant personally, and with each of them, true copies of said Complaint Action to quiet Title and deponent

of his own knowledge personally knew the persons so served to be the same persons mentioned and described in the said Complaint Action to quiet Title as defendant therein.

That he asked defendant Jacob Mackey whether

defendant was in the military service of the United States Government, in any capacity whatever, and defendant replied he was not. Defendant was clad in ordinary civilian clothes and wore no uniform of any kind.

Sworn to before me, this 18TH

day of JANUARY

1961

DEPUTY SHERIFF - NIAGARA COUNTY

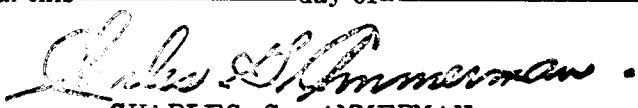
Notary Public, Niagara County, New York

61.

Know all men by these Presents, That I, Charles G. Ammerman

High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of Erie County to execute this writ; this deputation being made at the request and risk of the Plaintiff.

Given under my hand and seal this 9th day of January
A. D. 1961.

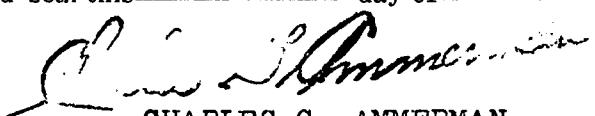

CHARLES G. AMMERMAN

Sheriff.

16817

Know all men by these Presents, That I, Charles G. Ammerman
High Sheriff of Clearfield County, State of Pennsylvania, do hereby deputize Sheriff of _____
Niagara County, New York to execute this writ; this deputation being made at the
request and risk of the Plaintiff.

Given under my hand and seal this 9th day of January
A. D. 1961.



CHARLES G. AMMERMAN

Sheriff.