

00-87-CD
JOHN W. READ, Executor of the Estate -vs- W. WALLACE SMITH et al
of Clark R. Read

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

(101) JOHN W. READ, Executor of the
Estate of Clark R. Read, *(102)*

Plaintiff

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No. 00- 87 -CD

100 W. WALLACE SMITH, JOHN F.
SHORT, ¹⁰¹ FREDERICK B. KERR,
WALTER WELCH, ¹⁰² MARIA
McCRACKEN, A. H. BURKET,
GEORGE L. FRAZIER, ¹⁰³ G.S.W.
BRUBAKER, ¹⁰⁴ FRANK MARINO,
A.B. SHAW, and their heirs, successors
and assigns.

Defendants

ACTION TO QUIET TITLE

Type of Case: Civil Action

Type of Pleading: Complaint

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Filed on behalf of: Plaintiff

Counsel of record for this party:

Michael S. Marshall, Esquire
AMMERMAN & MARSHALL
310 East Cherry Street
Clearfield, Pennsylvania 16830
(814) 765-1701

Supreme Court No.: 64087

FILED

JAN 24 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

JOHN W. READ, Executor of the
Estate of Clark R. Read,
Plaintiff

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No. 00-

-CD

vs.

W. WALLACE SMITH, JOHN F. SHORT,
FREDERICK B. KERR, WALTER WELCH,
MARIA McCracken, A.H. BURKET,
GEORGE L. FRAZIER, G.S.W. BRUBAKER,
FRANK MARINO, A.B. SHAW, and their
heirs, successors and assigns,
Defendants

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Action To Quiet Title

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COMPLAINT

AND NOW Comes the Plaintiff, John W. Read, Executor of the Estate of Clark R. Read by and through his attorneys, Ammerman & Marshall, who files this Action to Quiet Title of which the following is a statement:

1. The Plaintiff is John W. Read, Executor of the Estate of Clark R. Read, of P.O. Box 1, Hyde, Clearfield County, Pennsylvania 16843.

2. The present whereabouts of Defendants W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burkett, George L. Frazier, G.S.W. Brubaker, Frank Marino, and A.B. Shaw, if still living or in existence, or their personal representatives, heirs, successors and assigns, are unknown to Plaintiff.

3. By deed dated December 28, 1970, and recorded in Deed Book Volume 575 at Page 300, Ralph M. Pearce and Dorothy R. Pearce, his wife, conveyed the following described property

to Clark Read, also known as Clark R. Read, and Helen Read, husband and wife, as tenants by the entireties:

ALL that certain lot or parcel of land situate in the Township of Lawrence, County of Clearfield, State of Pennsylvania, being known and numbered as lot number 19, block 33, in the plan of the Steel and Iron Works Addition to Clearfield and recorded in the Recorders Office of Clearfield County on September 16, 1902, in Miscellaneous Book S, Page 515; more particularly described as fronting 40 feet on Powell Avenue, and extending in depth 120 feet to an alley.

Further being identified as Clearfield Tax Map No. 123-J9-623-100.

Legal title to said premises vested in Clark R. Read, as surviving tenant by the entirety, upon the death of Helen Read on March 15, 1984. Clark R. Read died on December 24, 1999. The Last Will and Testament of Clark R. Read was duly probated and letters testamentary, appointing John W. Read as executor of the estate, were granted by the Register of Wills of Clearfield County on January 4, 2000.

4. Title to the Steel and Iron Works Addition to Clearfield, also known as Hyde City, vested in Charles Hyde and Henry L. W. Hyde in 1902 by virtue of the following conveyances:

- a. Deed from William J. Hoover and Minnie M. Hoover, his wife, dated July 17, 1902 and recorded in Deed Book Volume 126 at Page 86.
- b. Deed from Arnold P. Schnars and Sarah Schnars, his wife, dated July 19, 1902, and recorded in Deed Book Volume 126 at Page 213.
- c. Deed from Arnold P. Schnars and Sarah Schnars, his wife, dated August 22, 1902, and recorded in Deed Book Volume 126 at Page 212.
- d. Deed from Emanuel Schnars and Belle Schnars, his wife, dated August 6, 1902 and recorded in Deed Book Volume 125 at Page 457.

5. From 1904 until 1916 the premises described in paragraph 3 above, being Lot No. 19, Block 33, of the Steel and Iron Works Addition to Clearfield, was assessed for tax purposes to Maria McCracken. There are no deeds or other documents of record by which title to said premises was conveyed to Maria McCracken.

6. Plaintiff believes, and therefore avers, that title to the aforesaid premises vested in Maria McCracken by a deed or deeds from Charles Hyde and Henry L.W. Hyde in 1904, which have become lost and/or never recorded.

7. By deed dated August 29, 1922, and recorded in Deed Book Volume 258 at Page 301, the First National Bank of Pittsburgh conveyed the residue of the Steel and Iron Works Addition to Clearfield, formerly owned by Charles and Henry Hyde, to Defendants W. Wallace Smith, John F. Short, Frederick B. Kerr and Walter Welch.

8. In 1917, the property described in paragraph 3 above was sold by the Treasurer of Clearfield County, as the property of Maria McCracken, to the County Commissioners for nonpayment of taxes.

9. On July 18, 1919, the aforesaid premises were sold by the County Commissioners to A. H. Burket.

10. In 1927, the aforesaid premises were sold by the Treasurer of Clearfield County, as the property of A. H. Burket, to the County Commissioners for nonpayment of taxes.

11. On June 1, 1929, the County Commissioners sold the aforementioned premises to George L. Frazier. In 1932, the tax assessment for the aforementioned premises was transferred to G. S. W. Brubaker. In 1936, the aforementioned premises were sold by the Treasurer of Clearfield County, as the property of George Frazier, to the County Commissioners for nonpayment of taxes.

12. On January 28, 1942, the Commissioners of Clearfield County sold the aforementioned premises to Frank Marino.

13. By deed dated February 10, 1945, and recorded in Deed Book Volume 567 at Page 312, Foster W. Kerr, Treasurer of Clearfield County, conveyed the aforementioned premises, as the property of Frank Marino, to the Clearfield County Commissioners, on account of unpaid taxes for the year 1942.

14. By deed dated June 3, 1947, and recorded in Deed Book Volume 567 at Page 314, J. O. Kessler, Archie Hill and Ira Jay, Commissioners of Clearfield County, conveyed the aforementioned premises to A. B. Shaw.

15. The aforementioned premises were thereafter sold by the Treasurer of Clearfield County, as the property of A. B. Shaw, to the County Commissioners on account of unpaid taxes for the year 1948.

16. By deed dated May 1, 1953, and recorded in Deed Book Volume 567 at Page 315, A. B. Shaw and Mildred D. Shaw, his wife, conveyed all of their right, title and interest in the aforementioned premises to Ralph Pearce.

17. On June 3, 1953, the aforementioned premises were redeemed from tax sale as the property of A. B. Shaw.

18. By deed dated May ___, 1953, and recorded in Deed Book Volume 567 at Page 319, W. Wallace Smith and Elizabeth R. Smith, his wife, and Frank W. Short and Anna Short, his wife, conveyed all of their right, title and interest in the aforementioned premises to Ralph Pearce.

19. Thereafter, Ralph M. Pearce and Dorothy R. Pearce, his wife, conveyed the aforesaid premises to Clark Read and Helen Read, husband and wife, as previously set forth in paragraph 3.

20. The purpose of this action is to quiet title as to any interest that the Defendants herein named, or their heirs, successors and assigns, may have or assert in the premises described in paragraph 3 above, and to clear and resolve for all time on the record the same.

21. Clark R. Read and Helen Read, his wife, were the lawful owners in possession of the aforesaid premises, and paid the real estate taxes thereon, from 1970 until their deaths.

22. Plaintiff, through his predecessors in title, has been in actual, continuous, exclusive, notorious, distinct and hostile possession of the aforesaid premises for a period of time in excess of 21 years.

23. Plaintiff avers that Defendants, W. Wallace Smith, John F. Short, Frederick B. Kerr and Walter Welch, obtained no right, title or interest in the premises described in paragraph 3 by virtue of the deed from the First National Bank of Pittsburgh in 1922, due to the fact that title to the same had vested in Maria McCracken in 1904 by virtue of a deed or deeds from Charles and Henry Hyde which have become lost and/or not recorded, and also due to the return of unpaid taxes and sale of the premises by the County Commissioners to A.H. Burkett in 1919.

24. Plaintiff avers that any interest, claim, lien or estate of Defendants W. Wallace Smith and John F. Short, or their heirs, successors and assigns in the aforesaid premises was divested by the deed referred to in paragraph 18 above.

25. Plaintiff avers that any interest, claim, lien or estate of Defendant Maria McCracken, or her heirs, successors and assigns was divested by the sale for delinquent taxes in 1917.

26. Plaintiff avers that any interest, claim, lien or estate of Defendant A. H. Burkett or his heirs, successors and assigns was divested by the sale for delinquent taxes in 1927.

27. Plaintiff avers that any interest, claim, lien or estate of Defendants George Frazier and G. S. W. Brubaker or their heirs, successors and assigns was divested by the sale for delinquent taxes in 1936.

28. Plaintiff avers that any interest, claim, lien or estate of Defendant Frank Marino or his heirs, successors and assigns was divested by the sale for delinquent taxes in 1944.

29. Plaintiff avers that all tax assessments, returns and sales were properly made, and Plaintiff obtained all the right, title and interest of said Defendants, their heirs, successors and assigns, in and to said parcel.

30. Plaintiff avers that any interest, claim, lien or estate of Defendant A. B. Shaw or his heirs, successors and assigns was divested by the deed to Ralph Pearce referred in paragraph 16 above and by the redemption of the aforesaid premises from tax sale on June 3, 1953.

31. Plaintiff avers that any right, title and interest that the Defendants herein named, or their heirs, successors or assigns, may have or assert in the aforesaid premises has been divested and extinguished by the possession of the property and payment of the taxes as set forth above.

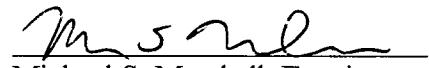
32. It is alleged that the Defendants herein named, their heirs, successors or assigns, or any person or entity that might claim through them, have no further interest, right, title or claim in or to the property set forth in paragraph 3, and that the Plaintiff, John W. Read, as Executor of the Estate of Clark R. Read, holds all interest, right, title or claim in or to the said property by virtue of the facts, matters and legal conclusions set forth above.

WHEREFORE, Plaintiff brings this Action to Quiet Title and asks the Court to decree as follows:

- (a). That the Plaintiff is seized of an indefeasible title to the premises set forth in paragraph 3 and situate in Lawrence Township, Clearfield County, Pennsylvania;
- (b). That a judgment be entered forever barring the Defendants or any person claiming through them from asserting title superior to that of Plaintiff;
- (c). Such other and further relief as the Court may deem proper.

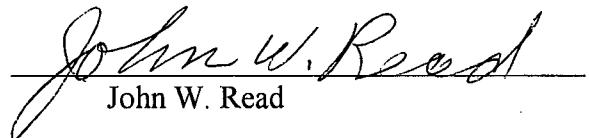
Respectfully submitted,

AMMERMAN & MARSHALL
By


Michael S. Marshall, Esquire

VERIFICATION

I, **JOHN W. READ**, verify that the statements made in the foregoing Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904, relating to unsworn falsifications to authorities.



John W. Read

FILED

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159 JCC City Marshall
01 William A. Shaw
Prothonotary
City Marshall
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IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the
Estate of Clark R. Read,

Plaintiff

VS.

No. 00-87-CD

W. WALLACE SMITH, JOHN F.
SHORT, FREDERICK B. KERR,
WALTER WELCH, MARIA
McCRACKEN, A. H. BURKET,
GEORGE L. FRAZIER, G.S.W.
BRUBAKER, FRANK MARINO,
A.B. SHAW, and their heirs, successors
and assigns,

Defendants

ACTION TO QUIET TITLE

Type of Pleading: Affadavit and Motion as required by Rule 430

Filed on behalf of: Plaintiff

Counsel of record for this party:

Michael S. Marshall, Esquire
AMMERMAN & MARSHALL
310 East Cherry Street
Clearfield, Pennsylvania 16830
(814) 765-1701

Supreme Court No.: 64087

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the
Estate of Clark R. Read,
Plaintiff

VS.

W. WALLACE SMITH, JOHN F.
SHORT, FREDERICK B. KERR,
WALTER WELCH, MARIA
McCRACKEN, A. H. BURKET,
GEORGE L. FRAZIER, G.S.W.
BRUBAKER, FRANK MARINO,
A.B. SHAW, and their heirs, successors
and assigns,

Defendants

No. 00-87-CD

ACTION TO QUIET TITLE

Type of Pleading: Affadavit and Motion as required by Rule 430

Filed on behalf of Plaintiff

Counsel of record for this party:

Michael S. Marshall, Esquire
AMMERMAN & MARSHALL
310 East Cherry Street
Clearfield, Pennsylvania 16830
(814) 765-1701

Supreme Court No.: 64087

FILED

JAN 25 2000

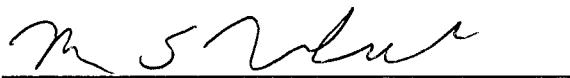
William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the *
Estate of Clark R. Read, *
Plaintiff *
vs. * No. 00-87-CD
*
W. WALLACE SMITH, JOHN F. *
SHORT, FREDERICK B. KERR, *
WALTER WELCH, MARIA *
McCRACKEN, A.H. BURKET, *
GEORGE L. FRAZIER, G.S.W. *
BRUBAKER, FRANK MARINO, *
A.B. SHAW, and their heirs, *
successors and assigns, * ACTION TO QUIET TITLE
Defendants *

AFFIDAVIT TO ACCOMPANY MOTION FOR PUBLICATION
AS REQUIRED BY Pa. R.C.P. 430

NOW, this 25th day of January, 2000, the undersigned being duly sworn according to law, deposes and says that he is the attorney for the within Plaintiff and makes this Affidavit on behalf of said Plaintiff being authorized to do so; that your Deponent made an investigation of the identity and whereabouts of the Defendants, W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burkett, George L. Frazier, G.S.W. Brubaker, Frank Marino, and A.B. Shaw, and their heirs, successors and assigns, by examining the estate and will indices of the Clearfield County Courthouse, examining the telephone directory, checking voter registration and checking with the taxation bureau and after said investigation has been unable to locate the said Defendants, who are presumed deceased, and has been unable to identify or locate their heirs and assigns. Further, the Deponent sayeth not.



Michael S. Marshall, Esquire
Attorney for Plaintiff

SWORN to and SUBSCRIBED
before me this 25th day
of January, 2000.



Notary Public

NOTARIAL SEAL
DAVID S. AMMERMAN, NOTARY PUBLIC
CLEARFIELD BORO., CLEARFIELD CO., PA.
MY COMMISSION EXPIRES 01-31-2003

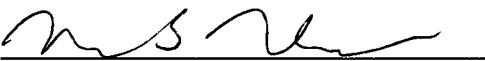
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the Estate of Clark R. Read,	*
	*
	*
Plaintiff	*
vs.	*
	No. 00-87-CD
	*
W. WALLACE SMITH, JOHN F.	*
SHORT, FREDERICK B. KERR	*
WALTER WELCH, MARIA	*
McCRACKEN, A.H. BURKET,	*
GEORGE L. FRAZIER, G.S.W.	*
BRUBAKER, FRANK MARINO,	*
A.B. SHAW, and their heirs, successors and assigns,	*
	ACTION TO QUIET TITLE
Defendants	*
	*

MOTION FOR PUBLICATION

NOW, this 25th day of January, 2000, an affidavit having been filed on behalf of the Plaintiff pursuant to Pa. R.C.P. 430 that an investigation has been made to determine the identity and whereabouts of the Defendants, W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burket, George L. Frazier, G.S.W. Brubaker, Frank Marino, and A.B. Shaw, and their heirs and assigns and that the same are unknown, the Plaintiff by his attorney, Michael S. Marshall, Esquire, moves the Court for leave to serve the Complaint on the Defendants, their heirs and assigns by publication in such manner as the Court shall direct as provided by the aforesaid Pennsylvania Rule of Civil Procedure No. 430.

Respectfully submitted,


Michael S. Marshall, Esquire
Attorney for the Plaintiff

Dated: 1/25/00

FILED

JAN 25 2000

1/3/2000 2 cc
William A. Shaw
Prothonotary

cc Amy Marshall
EKL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the *
Estate of Clark R. Read, *
Plaintiff *
vs. * No. 00-87-CD
*
W. WALLACE SMITH, JOHN F. *
SHORT, FREDERICK B. KERR, *
WALTER WELCH, MARIA *
McCRACKEN, A.H. BURKET, *
GEORGE L. FRAZIER, G.S.W. *
BRUBAKER, FRANK MARINO *
A.B. SHAW, and their heirs, *
successors and assigns, * ACTION TO QUIET TITLE
Defendants *
*

ORDER FOR PUBLICATION

AND NOW, to wit, this 11th day of February, 2000, upon consideration of the foregoing Motion and Affidavit of Michael S. Marshall, Esquire, Attorney for the Plaintiff, that Defendants, W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burkett, George L. Frazier, G.S.W. Brubaker, Frank Marino, A.B. Shaw, their heirs, successors and assigns, if any, are unable to be located, Plaintiff is hereby granted leave to make service of the Complaint on said Defendants, their heirs, successors and assigns, by publication one (1) time in the Clearfield Progress being a newspaper of general circulation in the County of Clearfield.

FILED

FEB 11 2000

William A. Shaw
Prothonotary

BY THE COURT:
P.J.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the
Estate of Clark R. Read,
Plaintiff

VS.

W. WALLACE SMITH, JOHN F.
SHORT, FREDERICK B. KERR,
WALTER WELCH, MARIA
McCRACKEN, A. H. BURKET,
GEORGE L. FRAZIER, G.S.W.
BRUBAKER, FRANK MARINO,
A.B. SHAW, and their heirs, successors
and assigns,

Defendants

No. 00-87-CD

ACTION TO QUIET TITLE

Type of Pleading: Motion for Order
and Affidavit pursuant to Pa. Rule
of Civil Procedure 1066

Filed on behalf of: Plaintiff

Counsel of record for this party:

Michael S. Marshall, Esquire
AMMERMAN & MARSHALL
310 East Cherry Street
Clearfield, Pennsylvania 16830
(814) 765-1701

Supreme Court No.: 64087

FILED

MAR 15 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

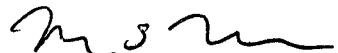
JOHN W. READ, Executor of the	*
Estate of Clark R. Read,	*
	*
Plaintiff	*
vs.	*
	No. 00-87-CD
	*
W. WALLACE SMITH, JOHN F.	*
SHORT, FREDERICK B. KERR	*
WALTER WELCH, MARIA	*
McCRACKEN, A.H. BURKET,	*
GEORGE L. FRAZIER, G.S.W.	*
BRUBAKER, FRANK MARINO,	*
A.B. SHAW, and their heirs,	*
successors and assigns,	*
Defendants	*
	*

ACTION TO QUIET TITLE

MOTION FOR ORDER PURSUANT TO PENNSYLVANIA
RULE OF CIVIL PROCEDURE 1066

NOW THIS 15th day of March, 2000, an Affidavit having been filed on behalf of the Plaintiff pursuant to Pa. R.C.P. 1066 (a) that, pursuant to Order of Court dated February 11, 2000, a Complaint containing a Notice to Defend has been served by publication on W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burkett, George L. Frazier, G.S.W. Brubaker, Frank Marino, and A.B. Shaw, their heirs, successors, and assigns, and said Defendants have not filed an Answer, the Plaintiff by his Attorney, Michael S. Marshall, Esquire moves the Court for an Order that the said Defendants be forever barred from asserting any right, lien, title or interest in the land inconsistent with the interest or claim of Plaintiff set forth in the Complaint, unless Defendants take such action as directed by the Court within thirty (30) day thereafter.

Respectfully submitted,



Michael S. Marshall, Esquire
Attorney for Plaintiffs

Dated: 3/15/00

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the *
Estate of Clark R. Read, *
Plaintiff *
vs. * No. 00-87-CD

W. WALLACE SMITH, JOHN F. *
SHORT, FREDERICK B. KERR, *
WALTER WELCH, MARIA *
McCRACKEN, A.H. BURKET, *
GEORGE L. FRAZIER, G.S.W. *
BRUBAKER, FRANK MARINO, *
A.B. SHAW, and their heirs, *
successors and assigns, * ACTION TO QUIET TITLE

AFFIDAVIT AS REQUIRED BY Pa. R.C.P. 1066(a)

NOW, this 14th day of March, 2000, the undersigned being duly sworn according to law, deposes and says that he is the attorney for the Plaintiff and makes this Affidavit on behalf of said Plaintiff being authorized to do so; that your Deponent pursuant to Order of Court dated February 11, 2000, for service by publication did give notice to Defendants, W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burkett, George L. Frazier, G.S.W. Brubaker, Frank Marino, and A.B. Shaw, their heirs, successors, and assigns, by causing the publication of the notice of the filing of the Complaint in the Clearfield Progress, Clearfield, Pennsylvania on February 17, 2000; that proof of publication of said filing of Complaint and Notice to Defend is attached hereto and made a part hereof; that said Defendants have not filed an Answer to the Complaint or written defense thereto and more than twenty (20) days have elapsed since service was made by publication as prescribed by the aforesaid Order of Court.

BY

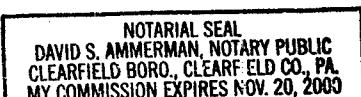
7452

Michael S. Marshall, Esquire
Attorney for the Plaintiff

SWORN to and SUBSCRIBED

before me this 14th
day of March, 2000.

Notary Public



NOTICE
IN THE COURT OF COMMON
PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA

AS THE COURT
may direct, the above named De-
fendants, their heirs, successors
and assigns, and any other party in
interest, except the Plaintiff, will be
forever barred from asserting any
interest, lien, claim, right or title to
the premises, inconsistent with the
Plaintiff, his heirs and assigns.

B. NOTICE TO DEFEND

A. If you wish to defend, you must
enter a written appearance, per-
sonally, or by an attorney, and file
your defenses or objections in writ-
ing with the Court. You are warned
that if you fail to do so, the case may
proceed without you and that judg-
ment will be entered against you
without further notice for the relief
requested by the Plaintiff. You may
lose money or property or other
rights important to you.

YOU SHOULD TAKE THIS PA-
PER TO YOUR LAWYER AT
ONCE. IF YOU DO NOT HAVE A
LAWYER OR CANNOT AFFORD
ONE, GO TO OR TELEPHONE
THE OFFICE SET FORTH BELOW
TO FIND OUT WHERE YOU CAN
GET LEGAL HELP.

David Meholic, Court Adminis-
trator, Clearfield County Court-
house, Clearfield, Pennsylvania
16830, (814) 765-2641.

Michael S. Marshall, Esquire, AM-
MERMAN & MARSHALL, Attorney
for Plaintiff, 310 East Cherry
Street, Clearfield, Pennsylvania
16830

2:17-1d-b

WS
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look like a better man
or the story to make

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

On this 21st day of February, A.D. 2000,
before me, the subscriber, a Notary Public in and for said County and
State, personally appeared Margaret E. Krebs, who being duly sworn
according to law, deposes and says that she is the President of The
Progressive Publishing Company, Inc., and Associate Publisher of The
Progress, a daily newspaper published at Clearfield, in the County of
Clearfield and State of Pennsylvania, and established April 5, 1913, and
that the annexed is a true copy of a notice or advertisement published in
said publication in

the regular issues of February 17, 2000.
And that the affiant is not interested in the subject matter of the notice or
advertising, and that all of the allegations of this statement as to the time,
place, and character of publication are true.

Margaret E. Krebs

Sworn and subscribed to before me the day and year aforesaid.

Ann K. Law

Notary Public

Clearfield, Pa.

My Commission Expires
September 16, 2000

Notarial Seal
Ann K. Law, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires Sept. 16, 2000

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the Estate of Clark R. Read,	*	
	*	
	Plaintiff	*
vs.	*	
	*	
		No. 00-87-CD
W. WALLACE SMITH, JOHN F.	*	
SHORT, FREDERICK B. KERR,	*	
WALTER WELCH, MARIA	*	
McCRACKEN, A.H. BURKET,	*	
GEORGE L. FRAZIER, G.S.W.	*	
BRUBAKER, FRANK MARINO	*	
A.B. SHAW, and their heirs,	*	
successors and assigns,	*	
		ACTION TO Q
Defendants	*	
	*	

FILED

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Willem A. Shaw
Prothonotary

ORDER OF COURT

NOW THIS, 16 day of March, 2000, upon Motion for Judgment by Plaintiff's attorney pursuant to Pennsylvania Rule of Civil Procedure 1066 accompanied by Affidavit of Service of Complaint and Notice to Defend upon Defendants, W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burkett, George L. Frazier, G.S.W. Brubaker, Frank Marino, A.B. Shaw, their heirs, successors and assigns, it appearing that said Defendants have been properly served by publication to said Defendants of the filing of the Complaint with Notice to Defend on February 17, 2000, and more than twenty (20) days have elapsed and no Answer having been made by any Defendants, the Court, upon said Motion, hereby Orders that unless Defendants, W. Wallace Smith, John F. Short, Frederick B. Kerr, Walter Welch, Maria McCracken, A.H. Burkett, George L. Frazier, G.S.W. Brubaker, Frank Marino, A.B. Shaw, their heirs, successors and assigns, or any of them, shall

within thirty (30) days from the date of this Order, institute an action of ejectment against the Plaintiff, they the said Defendants, their heirs and assigns shall be forever barred and enjoined from impeaching, denying or in any way attacking Plaintiff's title to said premises, from issuing or maintaining an action of ejectment for said premises, from encumbering, mortgaging or conveying this parcel or any part thereof, from asserting in any matter, right, lien, title or interest inconsistent with the interest or claim of the Plaintiff as set forth in said Complaint. The description of the property, subject of the Action to Quiet Title is situate in Lawrence Township, Clearfield County, Pennsylvania, being identified as Clearfield County Tax Map No. 123-J9-623-100, more particularly bounded and described as follows:

ALL that certain lot or parcel of land situate in the Township of Lawrence, County of Clearfield, State of Pennsylvania, being known and numbered as lot number 19, block 33, in the plan of the Steel and Iron Works Addition to Clearfield and recorded in the Recorders Office of Clearfield County on September 16, 1902, in Miscellaneous Book S, Page 515; more particularly described as fronting 40 feet on Powell Avenue, and extending in depth 120 feet to an alley.



BY THE COURT:
John K. Reilly, Jr.
President Judge

FILED

July 7 2000
William A. Shaw
Prothonotary

ESL

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executor of the *
Estate of Clark R. Read, *
Plaintiff *
vs. * No. 00-87-CD
*
W. WALLACE SMITH, JOHN F. *
SHORT, FREDERICK B. KERR, *
WALTER WELCH, MARIA *
McCRACKEN, A.H. BURKET, *
GEORGE L. FRAZIER, G.S.W. *
BRUBAKER, FRANK MARINO, *
A.B. SHAW, and their heirs, *
successors and assigns, * ACTION TO QUIET TITLE
Defendants *

FILED

MAY 11 2000

**William A. Shaw
Prothonotary**

PETITION TO SUBSTITUTE TRANSFEREES AS PLAINTIFFS

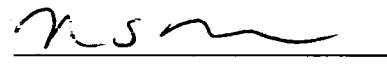
NOW, come the Transferees, William Condon and Mary Ann Condon, husband and wife, by and through their attorney, Michael S. Marshall, Esquire, who file this Petition For Substitution, and aver as follows:

1. This Quiet Title Action was commenced by Plaintiff John W. Read, Executor of the Estate of Clark R. Read, with the filing of a complaint on January 24, 2000.
2. By Deed dated February 9, 2000, and recorded in the Office of the Recorder of Deeds of Clearfield County on February 10, 2000 at Instrument No. 200001783, Plaintiff conveyed the premises which are the subject of the within Quiet Title Action to William Condon and Mary Ann Condon, husband and wife.
3. William Condon and Mary Ann Condon, husband and wife, should be substituted for Plaintiff in this action because Plaintiff has transferred all of his interest in the within Quiet Title Action and the subject

premises to William and Mary Ann Condon by the conveyance referred to above.

WHEREFORE, William and Mary Ann Condon respectfully request that they be substituted for Plaintiff in this action.

Respectfully submitted by



Michael S. Marshall, Esquire
Attorney for Plaintiff and Transferees

KAREN L. STARK
REGISTER AND RECORDER
CLEARFIELD COUNTY
Pennsylvania

INSTRUMENT NUMBER
2000011783
RECORDED ON
Feb 10, 2000
12:18:51 PM

RECORDING FEES - \$13.00
RECORDER
COUNTY IMPROVEMENT \$1.00
UND
RECORDER
IMPROVEMENT FUND \$1.00
STATE TRANSFER \$145.00
AX
STATE WRIT TAX \$0.50
LAWRENCE TOWNSHIP \$72.50
LEAFIELD AREA \$72.50
CHOOLS
TOTAL \$305.50

THIS INDENTURE

MADE the 9th day of February in the year of
our Lord, two thousand (2000).

BETWEEN JOHN W. READ, as Executor of the Estate of CLARK R. READ, late of Clearfield County, Pennsylvania, party of the first part, hereinafter referred to as "GRANTOR";

A N D

WILLIAM CONDON and MARY ANN CONDON, husband and wife, of P.O. Box 463, Hyde, Clearfield County, Pennsylvania, parties of the second part, hereinafter referred to as "GRANTEEES".

WHEREAS, the said Clark R. Read was vested in his lifetime with the title to the premises hereinafter described situate in the Village of Hyde, Clearfield County, Pennsylvania; and WHEREAS the said Clark R. Read died testate on December 24, 1999 and the Register of Wills of Clearfield County, Pennsylvania admitted to probate the Last Will and Testament of said decedent on January 4, 2000 and in accordance with said Last Will and Testament filed qualified John W. Read as Executor of the Estate of Clark R. Read; and WHEREAS by said Last Will and Testament being dated April 15, 1992, the real estate of said decedent formed a part of decedent's residuary estate which by law empowers the personal representative to deliver a deed to the within described premises without leave of court or joinder of heirs.

NOW THIS INDENTURE WITNESSETH; That the said John W. Read, Executor of the Estate of Clark R. Read, for and in consideration of the sum of Fourteen Thousand Five Hundred and 00/100 (\$14,500.00) Dollars, the receipt of which is hereby acknowledged, by virtue of the powers granted by law, has granted, bargained, sold, aliened, released and confirmed, and by these presents does grant, bargain, sell, alien, release and confirm unto the said William Condon and Mary Ann Condon, husband and wife, their heirs and assigns,

ALL that certain piece or lot of ground situate in the Village of Hyde, Township of Lawrence, County of Clearfield and Commonwealth of Pennsylvania, bounded and described as follows:

John W. Read

Mary Ann Condon

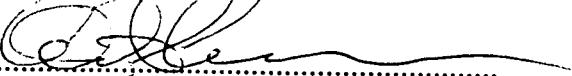
BEING known and numbered in the Plan of the Steel and Iron Works Addition of Clearfield and recorded in the Recorder's Office of Clearfield County on September 16, 1902 in Miscellaneous Book S at Page 515 as Lot No. 19, Block 33; said lot fronting 40 feet on Powell Avenue and extending in depth 120 feet to an alley.

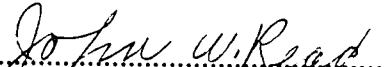
BEING the same premises which Ralph M. Pearce, et al, by their deed dated December 28, 1970 and recorded in Deed Book 575 at Page 300 conveyed to Clark R. Read and Helen Clark Read, husband and wife. The said Helen Clark Read having since departed this life, the premises became solely vested in the surviving spouse, Clark R. Read.

AND the said Grantor for himself , and his heirs, executors and administrators, does covenant, promise and agree, to and with the said Grantees, their heirs and assigns, by these presents, that he the said Grantor has not done, committed, or knowingly, or willingly suffered to be done or committed, any act, matter or thing whatsoever whereby the premises hereby granted, or any part thereof, is, are, shall or may be impeached, charged or incumbered, in title, charge, estate or otherwise howsoever.

IN WITNESS WHEREOF, The said John W. Read, Executor of the Estate of Clark R. Read, Grantor, has hereunto set his hand and seal the day and year first above written.

IN THE PRESENCE OF:

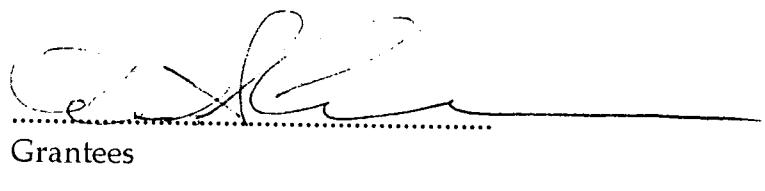




John W. Read,
Executor of the Estate of
Clark R. Read

I hereby certify that the precise residence
of the Grantees herein is:

P.O. Box 463
Hyde, Pennsylvania 16843


Grantees

STATE OF PENNSYLVANIA

:

COUNTY OF CLEARFIELD

:SS

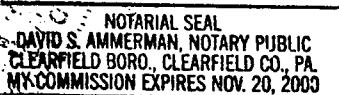
:

On this the 9th day of February, 2000, before me, the undersigned officer, personally appeared JOHN W. READ, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he has executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

My Commission Expires:.....

Notary Public



FILE

May 19 1939
William A. Shad
Prothonotary
Seventh Marshall
etc

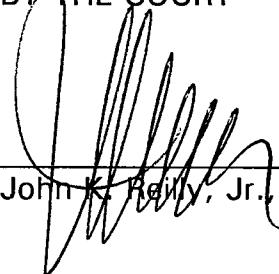
IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

JOHN W. READ, Executcr of the *
Estate of Clark R. Read, *
Plaintiff *
vs. * No. 00-87-CD
*
W. WALLACE SMITH, JOHN F. *
SHORT, FREDERICK B. KERR, *
WALTER WELCH, MARIA *
McCRACKEN, A.H. BURKET, *
GEORGE L. FRAZIER, G.S.W. *
BRUBAKER, FRANK MARINO, *
A.B. SHAW, and their heirs, *
successors and assigns, * ACTION TO QUIET TITLE
Defendants *

ORDER OF COURT

NOW THIS 15th day of May ¹⁰³ ⁶³, 2000, William Condon and Mary
Ann Condon, husband and wife, are hereby substituted as Plaintiffs in the above
captioned Quiet Title Action.

BY THE COURT


John K. Reilly, Jr., P.J.

FILED

APR 15 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

✓ WILLIAM CONDON and MARY ANN
CONDON, husband and wife,
Substituted Plaintiffs

vs.

W. WALLACE SMITH, JOHN F.
SHORT, FREDERICK B. KERR,
WALTER WELCH, MARIA
McCRACKEN, A. H. BURKET,
GEORGE L. FRAZIER, G.S.W.
BRUBAKER, FRANK MARINO,
A.B. SHAW, and their heirs, successors
and assigns,

Defendants

* No. 00-87-CD

* ACTION TO QUIET TITLE

* Type of Pleading: Praecipe for
Final Judgment

* Filed on behalf of: Plaintiffs

* Counsel of record for this
party:

* Michael S. Marshall, Esquire
AMMERMAN & MARSHALL
310 East Cherry Street
Clearfield, Pennsylvania 16830
(814) 765-1701

* Supreme Court No.: 64087

FILED

MAY 22 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
CIVIL-ACTION LAW

WILLIAM CONDON and MARY ANN
CONDON, husband and wife,
Substituted Plaintiffs

VS.

No. 00-87-CD

W. WALLACE SMITH, JOHN F. SHORT, FREDERICK B. KERR, WALTER WELCH, MARIA McCracken, A.H. BURKET, GEORGE L. FRAZIER, G.S.W. BRUBAKER, FRANK MARINO, A.B. SHAW, and their heirs, successors and assigns.

Defendants

ACTION TO QUIET TITLE

PRAECLIPSE

TO: WILLIAM A. SHAW, PROTHONOTARY OF CLEARFIELD COUNTY

Pursuant to Rule 1066 of the Pennsylvania Rules of Civil Procedure, please enter final judgment in the above matter in favor of the Plaintiffs and against Defendants, thirty (30) days having elapsed since the Court Order was issued and the Defendants having failed to institute an action of ejectment against the Plaintiffs.

'In compliance with Rule 237 of the Pennsylvania Rules of Civil Procedure, I certify that a copy of this Praeclipe has been mailed to each party who has appeared in the action or to his attorney of record.

Respectfully submitted,

AMMERMAN & MARSHALL
By

ms
Michael S. Marshall, Esquire
Attorney for Plaintiff

Dated: 5/22/00

FILED



RECEIVED
OCT 23 1966
William A. Shaw
Prothonotary