

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

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

(100) JOHN W. READ, Executor of the  
Estate of Clark R. Read, (210)  
Plaintiff

vs.

(100) W. WALLACE SMITH, (54) JOHN F.  
SHORT, (32) FREDERICK B. KERR,  
(10) WALTER WELCH, (164) MARIA  
McCRACKEN, (41) A. H. BURKET,  
(14) GEORGE L. FRAZIER, (112) G.S.W.  
(115) BRUBAKER, (34) FRANK MARINO,  
A.B. SHAW, and their heirs, successors  
and assigns,  
Defendants

No. 00- 87 -CD

ACTION TO QUIET TITLE

Type of Case: Civil Action

Type of Pleading: Complaint

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

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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No. 00- -CD

Action To Quiet Title

**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. Burket, 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 Records 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. Burket 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. Burket 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.



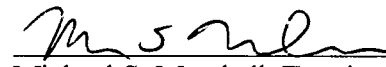
WHEREFORE, Plaintiff brings this Action to Quiet Title and asks the Court to decree as follows:

- (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,

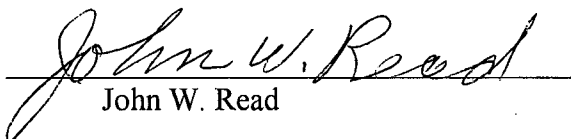
AMMERMAN & MARSHALL

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

JAN 24 2000

01:59 PM

William A. Shaw

Prothonotary

city Marshall  
city Marshall  
pd \$90.00

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.

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: Affidavit 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.

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: Affidavit 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.  
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McCRACKEN, A.H. BURKET,  
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BRUBAKER, FRANK MARINO,  
A.B. SHAW, and their heirs,  
successors and assigns,

Defendants

ACTION TO QUIET TITLE

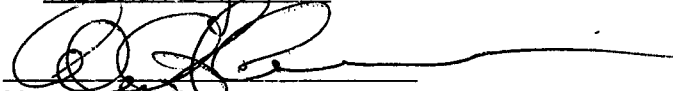
**AFFIDAVIT TO ACCOMPANY MOTION FOR PUBLICATION**  
**AS REQUIRED BY Pa. R.C.P. 430**

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. Burket, 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 12/31/01

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 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

9/3/8/1000

2 cc

William A. Shaw

Prothonotary

City Marshall

3/25



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

**ORDER FOR PUBLICATION**

AND NOW, to wit, this 11<sup>th</sup> 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. Burket,  
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.

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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  
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Plaintiff

vs.

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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

**MOTION FOR ORDER PURSUANT TO PENNSYLVANIA**  
**RULE OF CIVIL PROCEDURE 1066**

NOW THIS 15<sup>th</sup> 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. Burket, 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

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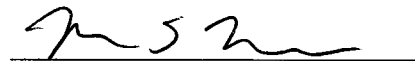
Defendants

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. Burket, 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



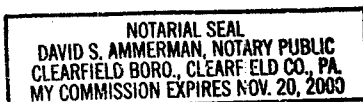
Michael S. Marshall, Esquire  
Attorney for the Plaintiff

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 Defendants, 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.

NOTICE TO DEFEND

If you wish to defend, you must enter a written appearance, personally, or by an attorney, and file your defenses or objections in writing with the Court. You are warned that if you fail to do so, the case may proceed without you and that judgment 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 PAPER 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 Meholick, Court Administrator, Clearfield County Courthouse, Clearfield, Pennsylvania 16830, (814) 765-2641

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

2:17-1d-b

or the story to make  
look like a better man

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :  
: SS:  
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.

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

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

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GEORGE L. FRAZIER, G.S.W.  
BRUBAKER, FRANK MARINO  
A.B. SHAW, and their heirs,  
successors and assigns,

Defendants

FILED

2000 3 7

William A. Shaw  
Prothonotary

ACTION TO QUIET TITLE

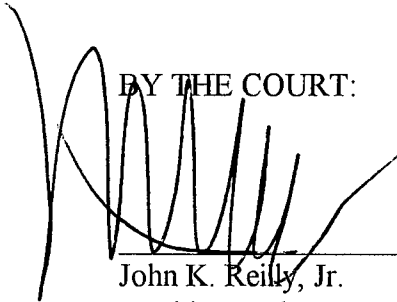
ORDER OF COURT

NOW THIS, 6<sup>th</sup> 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. Burket, 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. Burket, 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 Records 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

EX-107 2000  
01/02/1  
William A. Shaw  
Prothonotary

accatt Marshall  
KES



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

**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

A handwritten signature in black ink, appearing to read "MSM", is written over a horizontal line.

Michael S. Marshall, Esquire  
Attorney for Plaintiff and Transferees

KAREN L. STARCK  
REGISTER AND RECORDER  
CLEARFIELD COUNTY  
Pennsylvania

INSTRUMENT NUMBER  
200001783

RECORDED ON  
Feb 10, 2000  
12:18:51 PM

RECORDING FEES - \$13.00  
RECORDER  
COUNTY IMPROVEMENT \$1.00  
UND  
RECORDER  
IMPROVEMENT FUND \$1.00  
TATE TRANSFER \$145.00  
TATE WRIT TAX \$0.50  
LAWRENCE TOWNSHIP \$72.50  
CLEARFIELD AREA \$72.50  
SCHOOLS \$305.50  
TOTAL

*M. MacLennan*

**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 "GRANTEES".

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:

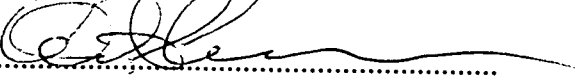
BEING known and numbered in the Plan of the Steel and Iron Works Addition of Clearfield and recorded in the Recorder's Office of Clearfield County on September 16, 1902 in Miscellaneous Book S at Page 515 as Lot No. 19, Block 33; said lot fronting 40 feet on Powell Avenue and extending in depth 120 feet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

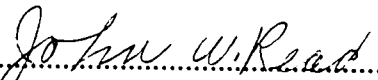
BEING the same premises which Ralph M. Pearce, et al, by their deed dated December 28, 1970 and recorded in Deed Book 575 at Page 300 conveyed to Clark R. Read and Helen Clark Read, husband and wife. The said Helen Clark Read having since departed this life, the premises became solely vested in the surviving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

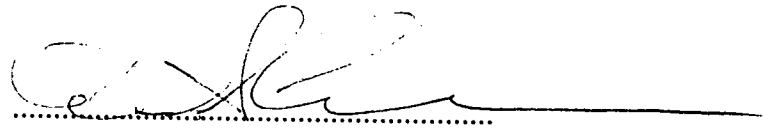
IN THE PRESENCE OF:



  
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

:  
:SS  
:

COUNTY OF CLEARFIELD

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

NOTARIAL SEAL  
DAVID S. AMMERMAN, NOTARY PUBLIC  
CLEARFIELD BORO., CLEARFIELD CO., PA.  
MY COMMISSION EXPIRES NOV. 20, 2003

FIER

MAY 11 1933  
01233  
William A. Shaw  
Prothonotary  
Seccathymashall  
E/2

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

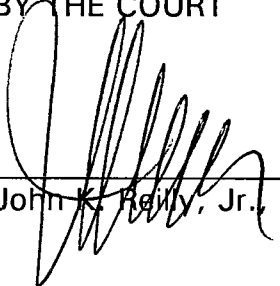
ACTION TO QUIET TITLE

ORDER OF COURT

NOW THIS 15<sup>th</sup> day of May, 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

MAY 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 2003

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

PRAECIPE

TO: WILLIAM A. SHAW, PROTHONOTARY OF CLEARFIELD COUNTY

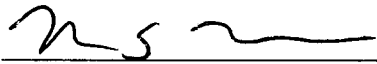
Pursuant to Rule 1066 of the Pennsylvania Rules of Civil Procedure, please enter final judgment in the above matter in favor of the Plaintiffs and against Defendants, thirty (30) days having elapsed since the Court Order was issued and the Defendants having failed to institute an action of ejectment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

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

Respectfully submitted,

AMMERMAN & MARSHALL

By

  
Michael S. Marshall, Esquire  
Attorney for Plaintiff

Dated: 5/22/00

FILED

*Kush*

MAY 22 2010

0193712ccattymaswell  
William A Shaw  
Prothonotary