

00-200-CU
CHARLES P. CUSICK & TUX -vs- WHITMER LAND & COAL CO., et al

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

26 CHARLES P. CUSICK and :
26 CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00-1200-CD
15 WHITMER LAND & COAL CO., its heirs, : ACTION TO QUIET TITLE
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

CASE NUMBER: 2000-CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: **COMPLAINT**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. No. 26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

FEB 16 2000

William A. Shaw
Prothonotary

*Atty Gearhart
pd 60.00*

County, Pennsylvania; this belief is based on the time that has passed since the last evidence of his existence and is formulated after search of the telephone records, post office records and records at the Clearfield County Courthouse failed to mention any reference to L.A. Lord a/k/a Lemuel A. Lord, formerly of the Borough of Irvona, Clearfield County, Pennsylvania.

4. That the property in question is more particularly described below and has the Tax Map No. 11-H16-350-00012:

ALL those three certain lots or pieces of ground situate in the Borough of Irvona, Clearfield County, Pennsylvania, being bounded and described as follows:

Lots No. 160, 161 and 162 as shown on the plot or plan of the Borough of Irvona, Clearfield County, Pennsylvania.

5. That said property was purchased by Charles P. Cusick and Connie E. Cusick, husband and wife, from Ellen Marie Tiesi, a widow, by Deed dated December 2, 1999 and entered for record in the Recorder's Office of Clearfield County to Instrument No. 199919769.

6. That said property was purchased by James Tiesi and Ellen Marie Tiesi, his wife from Byrd M. Lord, Widow; William A. Lord and Olga L. Lord, his wife; Charles Dingle, Jr. and Jean K. Dingle, his wife and Mary Ann Lord, single, by Deed dated December 17, 1959 and found for record in the Recorder's Office of Clearfield County in Deed Book Volume 498, Page 455. That said James Tiesi passed away April 22, 1981 with title vesting in his surviving spouse, Ellen Marie Tiesi.

7. The Clearfield County Assessment records reveal that in 1929 L.A. Lord became assessed with 3 lots from Whitmer Land & Coal Co.

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00-200 -CD
: ACTION TO QUIET TITLE
WHITMER LAND & COAL CO., its heirs, :
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
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premises under them, :
Defendants :

AFFIDAVIT

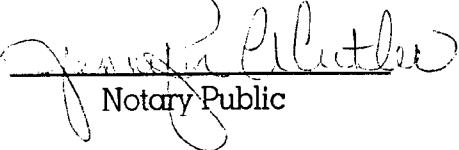
COMMONWEALTH OF PENNSYLVANIA :
: SS.
COUNTY OF CLEARFIELD :

R. DENNING GEARHART, who being duly sworn according to law, deposes and says that in support of his Motion For Publication, the following:

1. A search of the Courthouse records as found in Clearfield County have provided no further information as to the above-named Defendants, their heirs, successors or assigns.
2. All public records in the Clearfield County Courthouse and local telephone books have been checked prior to making this Affidavit.
3. That I have made a good faith effort to find the whereabouts of the Defendants and all their heirs, successors and assigns.

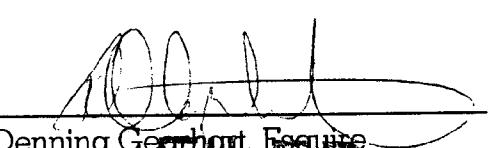
Further, the deponent saith not.

Sworn to and subscribed
before me this 3rd day
of February 2000.



Notary Public

Notarial Seal
Jennifer A. Cutler, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 17, 2003


R. Denning Gearhart, Esquire

FILED

FEB 16 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00- 700 -CD
WHITMER LAND & COAL CO., its heirs, :
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

CASE NUMBER: 00- -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: **MOTION FOR PUBLICATION**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. No. 26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

FEB 16 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00-200 -CD
:
WHITMER LAND & COAL CO., its heirs, : ACTION TO QUIET TITLE
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
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premises under them, :
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CASE NUMBER: 2000-CD

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TYPE OF PLEADING: **COMPLAINT**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
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CHARLES P. CUSICK and	:	
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Plaintiffs	:	
VS.	:	NO. 00- -CD
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WHITMER LAND & COAL CO., its heirs,	:	ACTION TO QUIET TITLE
successors and assigns;	:	
and L.A. LORD a/k/a LEMUEL A. LORD,	:	
his heirs, successors and assigns,	:	
and/or any person or entity claiming	:	
title in and to the herein described	:	
premises under them,	:	
Defendants	:	

NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. 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.

COURT ADMINISTRATOR'S OFFICE
Clearfield County Courthouse
Clearfield, PA 16830
(814) 765-2641 Ext. 50-51

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CHARLES P. CUSICK and	:
CONNIE E. CUSICK, husband & wife,	:
Plaintiffs	:
VS.	:
	NO. 00- -CD
WHITMER LAND & COAL CO., its heirs,	:
successors and assigns;	:
and L.A. LORD a/k/a LEMUEL A. LORD,	:
his heirs, successors and assigns,	:
and/or any person or entity claiming	:
title in and to the herein described	:
premises under them,	:
Defendants	:

C O M P L A I N T

AND NOW, comes CHARLES P. CUSICK and CONNIE E. CUSICK, by and through their attorney, R. DENNING GEARHART, who avers as follows:

1. That Plaintiffs are CHARLES P. CUSICK and CONNIE E. CUSICK, husband and wife, of White Street Irvona, Clearfield County, Pennsylvania 16656.
2. That Defendant, WHITMER LAND & COAL CO., was a company organized under the laws of the Commonwealth of Pennsylvania. This company is believed to no longer exist. This belief is based on the time that has passed since the last evidence of its existence and is formulated after search of the Corporation Bureau, telephone records, post office records and records at the Clearfield County Courthouse failed to mention any reference to Whitmer Land & Coal Co.
3. That Defendant L.A. LORD a/k/a Lemuel A. Lord is believed to have passed on with a last known residence being in the Borough of Irvona, Clearfield

County, Pennsylvania; this belief is based on the time that has passed since the last evidence of his existence and is formulated after search of the telephone records, post office records and records at the Clearfield County Courthouse failed to mention any reference to L.A. Lord a/k/a Lemuel A. Lord, formerly of the Borough of Irvona, Clearfield County, Pennsylvania.

4. That the property in question is more particularly described below and has the Tax Map No. 11-H16-350-00012:

ALL those three certain lots or pieces of ground situate in the Borough of Irvona, Clearfield County, Pennsylvania, being bounded and described as follows:

Lots No. 160, 161 and 162 as shown on the plot or plan of the Borough of Irvona, Clearfield County, Pennsylvania.

5. That said property was purchased by Charles P. Cusick and Connie E. Cusick, husband and wife, from Ellen Marie Tiesi, a widow, by Deed dated December 2, 1999 and entered for record in the Recorder's Office of Clearfield County to Instrument No. 199919769.

6. That said property was purchased by James Tiesi and Ellen Marie Tiesi, his wife from Byrd M. Lord, Widow; William A. Lord and Olga L. Lord, his wife; Charles Dingle, Jr. and Jean K. Dingle, his wife and Mary Ann Lord, single, by Deed dated December 17, 1959 and found for record in the Recorder's Office of Clearfield County in Deed Book Volume 498, Page 455. That said James Tiesi passed away April 22, 1981 with title vesting in his surviving spouse, Ellen Marie Tiesi.

7. The Clearfield County Assessment records reveal that in 1929 L.A. Lord became assessed with 3 lots from Whitmer Land & Coal Co.

8. That with respect to this property, Plaintiffs and their predecessors in title have exercised open, notorious and continuous dominion possession and control over the premises described in Paragraph 4 for a period in excess of 21 years adverse to any other claims of ownership.

9. That with respect to this property, Plaintiffs and their predecessors in title believed this was conveyed to them and as a result of that belief, they have maintained it by paying taxes thereon.

10. That the purpose of this Quiet Title Action is to extinguish and cure any defects which may exist in the ownership of property more particularly described in Paragraph 4 hereof, and to extinguish any equity which the Defendants, their heirs, successors and assigns may have in the premises described in Paragraph 4 hereof.

11. That the Defendants, their heirs, successors and assigns identified in Paragraph 2 and 3 of this Complaint are the only persons or entity known to Plaintiff who have any interest in said property and the Defendants, their heirs, successors and assigns cannot be determined if he/they continue(s) to exist. All the public records in the Clearfield County Courthouse and local telephone books have been checked prior to reaching this conclusion.

WHEREFORE, Plaintiffs request:

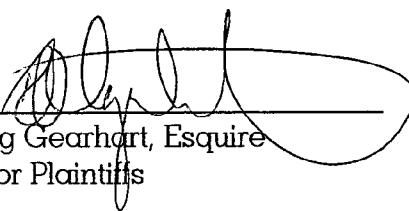
A. that by decree of your Honorable Court it may be declared that title to the premises set forth in Paragraph 4 is in the Plaintiffs and that they be allowed to enjoy said property in peace;

B. that the Defendants, their heirs, successors and assigns, within thirty (30) days from the receipt of this Complaint, institute an action of ejectment

against the Plaintiffs and that otherwise the Defendants, their heirs, successors and assigns be perpetually enjoined from setting up any title to said property from impeaching, denying or in any way attacking the Plaintiffs' title to said property, from issuing or maintaining an ejectment from said premises and from encumbering, mortgaging or conveying the said premises or any part thereof.

C. such other relief as the court determines to be equitable and just.

Respectfully submitted,


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF CLEARFIELD

:
: SS:
:

AFFIDAVIT

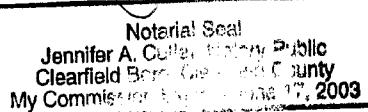
Before me, the undersigned officer, personally appeared, CHARLES P. CUSICK and CONNIE E. CUSICK who being duly sworn according to law deposes and says that the facts set forth in the foregoing Complaint are true and correct to the best of their knowledge, information, and belief.

Charles P. Cusick
CHARLES P. CUSICK

Connie E Cusick
CONNIE E. CUSICK

Sworn to and subscribed
before me this 3rd day
of February, 1999.

Jennifer A. Cutler
Notary Public



IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-
-CD

CHARLES P. CUSICK, et ux,
vs.
WHITMER LAND & COAL CO., et al,
Defendants

COMPLAINT

FILED

FEB 16 2000

William A. Shaw
Prothonotary

Pd \$90.00

Jack A. H. Gearhart

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00-200 -CD
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WHITMER LAND & COAL CO., its heirs, : ACTION TO QUIET TITLE
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
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AFFIDAVIT

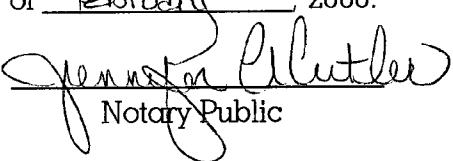
COMMONWEALTH OF PENNSYLVANIA :
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R. DENNING GEARHART, who being duly sworn according to law,
deposes and says that in support of his Motion For Publication, the following:

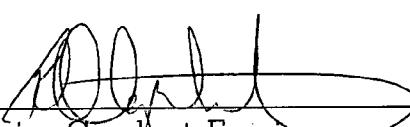
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3. That I have made a good faith effort to find the whereabouts of the Defendants and all their heirs, successors and assigns.

Further, the deponent saith not.

Sworn to and subscribed
before me this 3rd day
of February, 2000.


Notary Public

Notarial Seal
Jennifer A. Cutler, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 17, 2003


R. Denning Gearhart, Esquire

FILED

FEB 16 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
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Plaintiffs
vs.

WHITMER LAND & COAL CO., et al.,
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AFFIDAVIT

FILED

FEB 16 2000
William A. Shaw
Prothonotary

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
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VS. : NO. 00- 200 -CD
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and/or any person or entity claiming :
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Defendants :

CASE NUMBER: 00- -CD

TYPE OF CASE: Quiet Title Action

TYPE OF PLEADING: **MOTION FOR PUBLICATION**

FILED ON BEHALF OF: Plaintiffs

COUNSEL OF RECORD FOR THIS PARTY: R. DENNING GEARHART, ESQUIRE
Supreme Court I.D. No. 26540
215 East Locust Street
Clearfield, PA 16830
(814) 765-1581

FILED

FEB 16 2000

William A. Shaw
Prothonotary

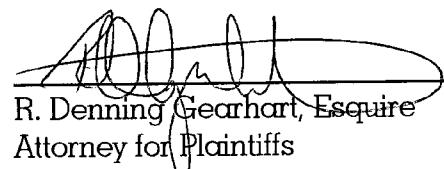
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and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

MOTION FOR PUBLICATION

AND NOW, to wit, this 16th day of February, 2000, an Affidavit
having been filed by R. Denning Gearhart, attorney for the Plaintiffs, that the
whereabouts of the above named Defendants, their heirs, successors and assigns, is
unknown, the said R. Denning Gearhart moves the Court for leave to serve the
Complaint upon the said Defendants, their heirs, successors and assigns, generally by
publication once in The Progress, Clearfield, Pennsylvania, the Clearfield County Legal
Journal, Clearfield, Pennsylvania.

Respectfully submitted,


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
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and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

ORDER

AND NOW, to wit, this 16th day of February, 2000, upon
consideration of the foregoing Motion, the Plaintiffs are granted leave to make service
of the Complaint on the Defendants, their heirs, successors and assigns, by publication
once in The Progress, Clearfield, Pennsylvania, the Clearfield County Legal Journal,
Clearfield, Pennsylvania.

BY THE COURT,

JUDGE

FILED

FEB 16 2000

William A. Shaw
Prothonotary

FILED

FEB 16 2000
O/3/24
William A. Shaw
Prothonotary
W. S. Short

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-
-CD

CHARLES P. CUSICK, et ux,
Plaintiffs
vs.

WHITMER LAND & COAL CO., et al.,
Defendants

MOTION FOR PUBLICATION

FILED

FEB 16 2000
O 113311CC
William A. Shaw
Prothonotary
R. Denning Gearhart
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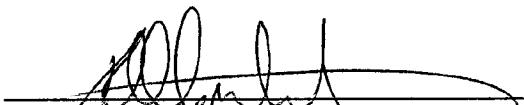
R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

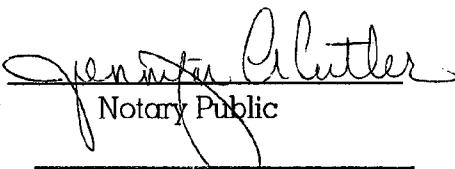
CHARLES P. CUSICK and :
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his heirs, successors and assigns, :
and/or any person or entity claiming :
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premises under them, :
Defendants :

AFFIDAVIT

The undersigned hereby certifies that he did cause to have published in the Clearfield County Legal Journal the Notice for the Complaint with regard to the Quiet Title Action filed to the above on the Defendants, their heirs, successors and assigns, as evidenced by Exhibit 'A' attached hereto.


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

Sworn to and subscribed
before me this 10th day
of March, 2000.


Jennifer A. Cutler
Notary Public

Notarial Seal
Jennifer A. Cutler, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 17, 2003

FILED

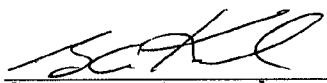
MAR 13 2000

William A. Snav
Prothonotary

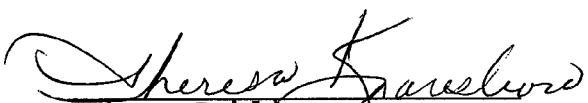
PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
COUNTY OF CLEARFIELD :

On this 6th day of March, AD 2000, before me, the subscriber, a Notary Public in and for said County and State, personally appeared Gary A. Knaresboro, who being duly sworn according to law, proposes and says that he is the editor of the Clearfield County Legal Journal, the official Legal Journal of the Courts of Clearfield County, and that the annexed is a true copy of the notice or advertisement published in said publication in the regular issues of Week of March 3, 2000, Vol 12, No. 9. And that all of the allegations of this statement as to the time place, and character of the publication are true.


Gary A. Knaresboro, Esquire
Editor

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


Theresa C. Knaresboro
Notary Public
My Commission Expires

Notarial Seal
Theresa C. Knaresboro, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 10, 2002
Member, Pennsylvania Association of Notaries

R. Denning Gearhart
215 East Locust Street
Clearfield, PA 16830

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.

Court Administrator, Clearfield County Courthouse, 1 North Second Street, Clearfield, PA 16830 (814) 765-2641.

DAVID J. HOPKINS, Attorney for Plaintiffs, 900 Beaver Drive, Dubois, PA 15801 (814) 375-0300.

IN THE COURT OF COMMON PLEAS
OF CLEARFIELD COUNTY, PA
CIVIL DIVISION

CHARLES P. CUSICK and CONNIE E. CUSICK, husband and wife, Plaintiffs vs. WHITMER LAND & COAL CO., its heirs, successors and assigns; and L.A. LORD a/k/a LEMUEL A. LORD, his heirs, successors and assigns, and/or any person or entity claiming title in and to the herein described premises under them, Defendants.

No. 00-200-CD
ACTION TO QUIET TITLE
NOTICE

TO: THE ABOVE-NAMED DEFENDANT, their heirs, successors and assigns: YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth as above, you must take action within twenty (20) days after the Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to all the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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COURT ADMINISTRATOR'S OFFICE,
CLEARFIELD COUNTY COURTHOUSE,
Clearfield, PA 16830 Phone (814) 765-2641 Ext. 50-51.

You are hereby notified that an Action to Quiet Title to all that certain piece or

parcel of land situate in the Commonwealth of Pennsylvania, County of Clearfield, Borough of Iriona and more particularly described as follows:

ALL that certain lots or pieces of ground situate in the borough of Iriona, Clearfield County, Pennsylvania, being bounded and described as follows:

Lot Nos. 160, 161 and 162 as shown on the plot or plan of the Borough of Iriona, Clearfield County Pennsylvania.

Further, the Court of Common Pleas of Clearfield County, Pennsylvania, did by Order executed the 16th day of February, 2000, direct that notice of this action be served upon you by advertisement in the Clearfield County Legal Journal and that if you do not appear or otherwise defend such action within thirty (30) days from the date of advertisement, you shall be, by appropriate order, forever barred from asserting any right, lien, title or interest or claim of the Plaintiff as set forth in his Complaint.

R. Denning Gearhart, Esquire, Attorney for Plaintiffs, 215 East Locust Street, Clearfield, PA 16830 (814) 765-1581.

**SHERIFF'S SALE
OF VALUABLE REAL ESTATE**

BY VIRTUE OF: Execution issued out of the Court of Common Pleas of Clearfield County, Pennsylvania and to me directed, there will be exposed to public sale in the Sheriff's Office in the Court House in the Borough of Clearfield on **FRIDAY, APRIL 7, 2000 at 10:00 A.M.**

THE FOLLOWING DESCRIBED PROPERTY TO WIT: (SEE ATTACHED DESCRIPTION) TERMS OF SALE

The Price or sum at which the property shall be struck off must be paid at the time of sale or such other arrangements made as will be approved, otherwise the property will be immediately put up and sold again at the expense and risk of the person to whom it was struck off and who in case of deficiency of such resale shall make good for the same and in no instance will the deed be presented for confirmation unless the money is actually paid to the Sheriff.

TO all parties in interest and claimants: A schedule of distribution will be filed by the Sheriff in his office the first Monday following the date of the sale and distribution will be made in accordance with the schedule unless exceptions are filed within ten (10) days thereafter.

PARCEL I: ALL that certain piece or parcel of land situate in Graham Township, Clearfield County, Pennsylvania, bounded and described as follows:

On the West by Graham Township

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-200-CD

CHARLES P. CUSICK, et ux,
vs.
PLAINTIFFS

WHITMER LAND & COAL CO., et al.,
Defendants

AFFIDAVIT

FILED

10/13/00
William A. Shaw
Prothonotary
KCB

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

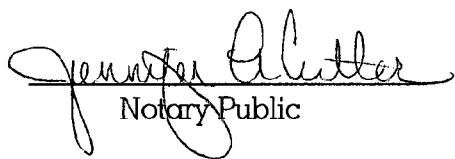
CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00-200-CD
: :
WHITMER LAND & CO., its heirs, : ACTION TO QUIET TITLE
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

AFFIDAVIT

The undersigned hereby certifies that he did cause to have published in The Progress the Notice for the Complaint with regard to the Quiet Title Action filed to the above on the Defendants, their heirs, successors and assigns, as evidenced by Exhibit 'A' attached hereto.


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

Sworn to and subscribed
before me this 10th day
of March, 2000.


Notary Public

Notarial Seal
Jennifer A. Cutler, Notary Public
Clearfield Boro, Clearfield County
My Commission Expires June 17, 2003

FILED

MAR 13 2000

William A. Shaw
Prothonotary

NOTICE
IN THE COURT OF COMMON
PLEAS OF CLEARFIELD
COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
CHARLES P. CUSICK and CON-
NIE E. CUSICK, husband & wife,
Plaintiffs

VS.

WHITMER LAND & COAL CO, its
heirs, successors and assigns; and
L.A. LORD a/k/a LEMUEL A.
LORD, his heirs, successors and
assigns, and/or any person or entity
claiming title in and to the herein
described premises under them,
Defendants

No. 00-200-CD
ACTION TO QUIET TITLE
NOTICE

TO THE ABOVE NAMED DEFEN-
DANTS, their heirs, successors
and assigns:

YOU HAVE BEEN SUED IN
COURT. If you wish to defend
against the claims set forth in the
following pages, you must take action
within twenty (20) days after
the Complaint and Notice are
served by entering a written appear-
ance personally or by attorney
and filing in writing with the Court
your defenses or objections to
the claim set forth against you. You
are warned that if you fail to do so,
the case may proceed without fur-
ther notice for any money claimed
in the complaint or for any other
claim or relief requested by the
Plaintiffs. 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.

COURT ADMINISTRATOR'S OFFICE,
Clearfield County Court-
house, Clearfield, Pennsylvania
16830, (814) 765-2641 Ext.
50-51

You are hereby notified that an
Action to Quiet Title to all that cer-
tain piece or parcel of land situate in
the Commonwealth of Pennsylvania,
County of Clearfield, Borough
of Irvona and more particularly de-
scribed as follows:

ALL those three certain lots or
pieces of ground situate in the Bor-
ough of Irvona, Clearfield County,
Pennsylvania, being bounded and
described as follows:

Lots Nos. 160, 161 and 162 as
shown on the plot or plan of the Bor-
ough of Irvona, Clearfield County,
Pennsylvania.

Further, the Court of Common
Pleas of Clearfield County, Penn-
sylvania, did by Order executed the
16th day of February 2000, direct
that notice of this action be served
upon you by advertisement in The
Progress and that if you do not ap-
pear or otherwise defend such ac-
tion within thirty (30) days from the
date of advertisement, you shall be,
by appropriate order, forever
barred from asserting any right,
lien, title or interest or claim of the
Plaintiffs as set forth in their Com-
plaint.

R. Denning Gearhart, Esquire, At-
torney for Plaintiffs, 215 East Lo-
cust Street, Clearfield, PA 16830,
(812) 765-1581

PROOF OF PUBLICATION

STATE OF PENNSYLVANIA :
: SS:
COUNTY OF CLEARFIELD :

On this 6th day of March, 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 March 1, 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

WILSON plus acres in Morris or Graham Township. Call between 5:00 and 8:00 P.M., 345-6579.

Real Estate

BIGLER: Exit #20. 10 acre commercial ground, 2,600' Route 32 road frontage. \$285,000. Global Realty 814-237-5591.

3:1-28d-d-(27)

BUYING A HOME? Re-financing? Reasonable rates and prompt service on deeds, title search, all legal work involving buying or selling homes. FmHA and conventional mortgages. R. Denning Gearhart Attorney-at-Law, Clearfield 765-1581.

5:1-ev-t-w-th-f-d-(27)

CLEARFIELD: Investment property. 60'x130 steel building on .038 acre lot. 12x14 garage door. KOZ approved. Zoned industrial/commercial. Available.

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-200-CD

CHARLES P. CUSICK, et ux,
Plaintiffs
vs.

WHITMER LAND & COAL CO., et al.,
Defendants

AFFIDAVIT

FILED

MAR 13 2001
O/7/07/ NOCC
William A Shaw
Prothonotary
Ques

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00-200-CD

WHITMER LAND & COAL CO., its heirs, : ACTION TO QUIET TITLE
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

FILED

APR 10 2000

O R D E R

William A. Shaw
Prothonotary

AND NOW, this 16th day of APRIL, 2000, it appearing
that service of the Complaint in the above captioned case, with notice to plead, was
served in The Progress, Clearfield, Pennsylvania, the Clearfield County Legal Journal,
Clearfield, Pennsylvania, and an Affidavit having been filed with the Prothonotary as to
attempts made to obtain information and the whereabouts of the Defendants, and it
further appearing that no answer has been filed nor appearance entered by any of the
said Defendants or their duly authorized representatives and more than twenty (20)
days having elapsed since the advertisement thereof, it is hereby ORDERED as follows:

1. That the above named Defendants, their heirs, successors and
assigns, are forever barred from asserting any right, title, lien or interest inconsistent
with the interest or claim of the Plaintiffs as set forth in her Complaint in and for all that
certain piece or parcel of land situate in the Commonwealth of Pennsylvania, County
of Clearfield, Borough of Irvona and more particularly described as follows:

ALL those three certain lots or pieces of ground situate in the Borough of Irvona, Clearfield
County, Pennsylvania, being bounded and described as follows:

Lots No. 160, 161 and 162 as shown on the plot or plan of the Borough of Irvona, Clearfield County, Pennsylvania.

Said Order to be final and absolute unless the aforesaid Defendants, their heirs, successors and assigns, shall file exceptions to this Order within thirty (30) days of the date hereof.

2. That if said above named Defendants, their heirs, successors and assigns, shall not have filed said exceptions within thirty (30) days, the Prothonotary, upon Praecept of Plaintiffs, shall enter final judgment for Plaintiffs and against said named Defendants, their heirs, successors and assigns.

3. That the rights of Plaintiffs in said premises are at all times superior to the rights of said named Defendants, their heirs, successors and assigns and that the Plaintiffs have title in fee simple to said premises described in the Complaint as against said Defendants, their heirs, successors and assigns.

4. That the Defendants, their heirs, successors and assigns or any person claiming under them shall be forever enjoined from setting up any title to the premises of Plaintiffs described in the Complaint and from impeaching, denying or in any way attacking the title of Plaintiffs to said premises.

5. That these proceedings, or any authenticated copy thereof, shall at all times hereafter be taken as evidence of the facts declared and established thereby.

6. That a certified copy of this Order shall be recorded in the Office of the Recorder of Deeds of Clearfield County, Pennsylvania.

BY THE COURT,

JUDGE

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-200-CD

CHARLES P. CUSICK, et ux,
Plaintiffs
vs.

WHITMER LAND & COAL CO., et al.,
Defendants

O R D E R

FILED

1/28/00
OIC:492CC C/H
William A. Shaw
Prothonotary
Clearfield County
Fay

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830

IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)

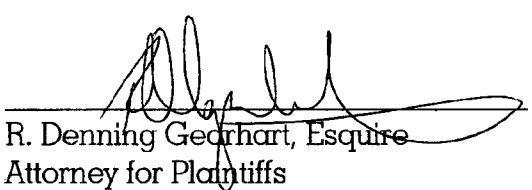
26
24
15
CHARLES P. CUSICK and :
CONNIE E. CUSICK, husband & wife, :
Plaintiffs :
VS. : NO. 00-200-CD
: :
WHITMER LAND & COAL CO., its heirs, : ACTION TO QUIET TITLE
successors and assigns; :
and L.A. LORD a/k/a LEMUEL A. LORD, :
his heirs, successors and assigns, :
and/or any person or entity claiming :
title in and to the herein described :
premises under them, :
Defendants :

PRAECIPE TO ENTER FINAL JUDGMENT

TO THE PROTHONOTARY:

Please enter a final judgment against the above named Defendants, their heirs, successors and assigns and on behalf of the above named Plaintiffs for such relief as requested in an Order dated the 10th day of April, 2000.

Respectfully submitted,


R. Denning Gearhart, Esquire
Attorney for Plaintiffs

FILED

MAY 10 2000

William A. Shaw
Prothonotary

IN THE COURT OF COMMON PLEAS OF
CLEARFIELD COUNTY, PENNSYLVANIA
(CIVIL DIVISION)
NO. 00-200-CD

CHARLES P. CUSICK, et ux,
Grantors
- AND -

WHITMER LAND & COAL CO., et al.,
Grantees

PRAECIPE TO ENTER FINAL JUDGMENT

FILED

MAY 10 2000
O'DELL
William A. Gearhart
Prothonotary

R. DENNING GEARHART
ATTORNEY AT LAW
CLEARFIELD, PA. 16830